




**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Phillips Stone Company	<b>MINE/PROSPECTING ID#:</b> M-1981-075	<b>MINERAL:</b> Sandstone	<b>COUNTY:</b> Boulder
<b>INSPECTION TYPE:</b> Preoperation Inspection	<b>WEATHER:</b> Cloudy	<b>INSP. DATE:</b> March 20, 2023	<b>INSP. TIME:</b> 09:00
<b>OPERATOR:</b> Blue Mountain Stone, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Raul Vasquez	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	
<b>REASON FOR INSPECTION:</b> Preoperation Inspection	<b>BOND CALCULATION TYPE:</b> Partial Bond	<b>BOND AMOUNT:</b> \$17,180.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Patrick Lennberg	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> April 17, 2023	

**The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.**

**INSPECTION TOPIC:** Off-site Damage

**POSSIBLE VIOLATION:** Land has been affected outside of the approved permit boundary. This is a possible violation at this time pursuant to: C.R.S. 34-32.5-109(1) for failure to first obtain from the board or office a reclamation permit prior to engaging in a new operation.

**CORRECTIVE ACTIONS:** This possible violation will require a hearing before the Mined Land Reclamation Board. The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the operator.

**CORRECTIVE ACTION DUE DATE:** 6/21/23

**INSPECTION TOPIC:** Signs & Markers

**PROBLEM:** The affected area boundary markers are incorrectly placed. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.

**CORRECTIVE ACTIONS:** The operator shall conduct a survey and replace the boundary markers in the correct location(s). The operator shall provide proof to the Division that this has been done by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 6/16/23

## **OBSERVATIONS**

This was a pre-operation inspection of the Phillips Stone Company (Permit No. M-1981-075) conducted by Patrick Lennberg of the Division of Reclamation, Mining and Safety (Division/DRMS) in response to a Conversion Application (Revision No. CN-1) that was received by the Division on June 23, 2022 and was considered filed on September 27, 2022. The site was previously inspected by the Division on May 17, 2017 as part of the Division's routine monitoring program. Raul Vasquez, owner of Blue Mountain Stone, Inc. the Operator, accompanied me during the inspection. The weather was overcast.

The Phillips Stone Company permit is located in Boulder County approximately 3 miles north of Lyons, CO along Stone Canyon Drive. The permit is located on land owned by Blue Mountain Stone, Inc. which is also the current Permittee. Currently, the approved permit is a 110c operation for 9.9 acres. The conversion application under review seeks to increase the permit acreage to 43 acres. The approved post mining land use is residential with no changes to the post mining land use being sought through the conversion application. A mine sign was observed at the entrance to the mine as required by Rule 3.1.12. The conversion application notice was clearly posted near the mine entrance.

In August 2017 a Succession of Operators Application (SO-1) was submitted to transfer the permit from Phillips Stone Company to Blue Mountain Stone, Inc. At that time the permit was known as the Nolan Pit. The transfer was initiated by the Financial Warranty increase resulting from the May 2017 inspection (Attachment 1). During that inspection it was determined the currently held bond was going to expire at the end of June 2017 and the reclamation cost was reviewed and an increase in the financial warranty was required. The Division issued a Reason To Believe a Violation Exists Notice for failure to maintain a financial warranty in good standing in July 2017. Approval of SO-1 in January 2018 and acceptance of the increased financial warranty amount abated the violations.

The mine was active at the time of inspection with heavy equipment moving pallets of mined materials to a staging area and other associated mining activities.

The conversion application currently under review has an outstanding preliminary adequacy review letter, dated October 19, 2022, that the Division is awaiting responses to. In the letter the Division is seeking, among other items, updated maps that accurately depict the current and new proposed permit boundary. Mr. Vasquez indicated that there were numerous road easements that crossed the property as well as the current and future permit boundary. The Division stated that these easements should be accurately portrayed on the Pre-Mining Plan Map as part of Exhibit C of the conversion application.

During this inspection the Division was directed to the currently installed permit boundary markers and the Division marked those locations using a handheld GPS unit a Garmin 64st. The Division mapped the permit markers using Google Earth Pro and determined the markers are not correctly placed. Incorrectly placed markers around the affected area is being cited as a problem in this report pursuant to Rule 3.1.12(2). The markers currently installed at the site encompass approximately 8.5 acres, Attachment 2, whereas the approved permit area is 9.9 acres. In the May 2017 inspection report the Division provided an aerial image of the approved permit boundary that corresponded with the Mining Plan Map approved in AM-1 in 2005 along with another map that reflected mining disturbance as of October 9, 2015, the date the aerial image was collected. As the Division continued its review of aerial imagery, permit file documents, and observations made during the inspection it has determined the Operator has affected a total of 12 acres with 2.1 acres

outside of the approved 9.9 acre permit boundary, Attachment 3. The land affected outside the permit boundary, approximately 2.1 acres, is being cited as a Possible Violation pursuant to C.R.S. 34-32.5-109(1) for failure to first obtain a reclamation permit before engaging in a mining operation. The area associated with the ranching operation is not included in the calculation of land affected outside the permit boundary.

As part of the CN-1 process the Division sent notice to the Boulder County Planners office. Boulder County provided the Division with a comment letter dated Nov. 1, 2022 which was subsequently forwarded to the Operator on Nov. 2, 2022, Attachment 4. In the comment letter the County states the required County Special Use permit has not been obtained or effectuated. During the inspection the Division asked for a status update regarding the permit and the Operator indicated no action has been taken at that time. At the time of writing this inspection report Boulder County informed the Division that Boulder County Code Compliance will be issuing a "Notice of Violation" to Blue Mountain Stone, Inc. for exceeding the allowable grading amount set by County Land Use Code.

The Division is working with the Operator on a reclamation cost estimate associated with the CN-1 application and is waiting on responses to the preliminary adequacy review letter and possible addition adequacy reviews to obtain sufficient detail to accurately calculate a financial warranty. However, as part of this inspection report the Division recalculated the reclamation cost estimate for the site based on observations made during the site visit. The current estimated financial warranty for the site is \$22,421 while the currently held financial warranty is \$17,180 for a difference of \$5,241.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us) if you have any questions regarding this report.

**Inspection Contact Address**

Raul Vasquez  
Blue Mountain Stone, Inc.  
4168 Ute Hwy  
Longmont, Co 80503

Attachments: 1. May 2017 Inspection Report  
2. Google Earth Map of Currently Permit Boundary Markers  
3. Google Earth Map of Areas Affected Outside Approved Permit Boundary  
4. Boulder County Letter Regarding Site Requirement for a Special Use Permit

cc: Jared Ebert, DRMS

ec: Raul Vasquez, Blue Mountain Stone, Inc., [bluemtystone@gmail.com](mailto:bluemtystone@gmail.com)



## **PHOTOGRAPHS**



**Photo 1:** Mine sign at primary mine entrance



**Photo 2:** NE permit boundary marker





**Photo 3:** View from the road of the Storage Are, 1.4 acres



**Photo 4:** Typical quarry area mining conditions, looking southwest





**Photo 5:** Typical quarry area mining conditions, looking north from north end of permit area



**Photo 6:** Typical quarry area mining conditions in the southern area of the permit





**Photo 7:** Typical road conditions across the permit



**Photo 8:** Southernmost pit in permit area





**Photo 9:** Looking north from the southern pit area



**Photo 10:** Road that has an easement across the property leaving the permit area





**Photo 11:** SE permit boundary marker



**Photo 12:** Looking NE along the long axis of the permit area





**Photo 13:** Typical overburden and waste rock stockpiles positioned to be pushed down into pits



**Photo 14:** Looking east across the permit area near the midpoint of the permit area





**Photo 15:** Miscellaneous road development outside the approved permit boundary



**Photo 16:** Looking NE across the permit area from road, Storage Area circled in yellow





**Photo 17:** Looking south along the permit area from road



**Photo 18:** NW permit boundary marker, permit area to the left of post, road development to the right of post





**Photo 19:** NE permit boundary marker



**Photo 20:** Storage Area east of NE permit boundary marker





**Photo 21:** Storage Area



**Photo 22:** View of permit area from main access road, Storage Area to the right of photo and main pit areas at the center background

### GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>PB</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>PV</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited


## **Attachment 1**





**MINERALS PROGRAM INSPECTION REPORT**  
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The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Phillips Stone Company	<b>MINE/PROSPECTING ID#:</b> M-1981-075	<b>MINERAL:</b> Sandstone	<b>COUNTY:</b> Boulder
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Amy Eschberger, Wally Erickson	<b>INSP. DATE:</b> May 17, 2017	<b>INSP. TIME:</b> 10:20
<b>OPERATOR:</b> Phillips Stone Company, Inc.	<b>OPERATOR REPRESENTATIVE:</b> None Present	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	
<b>REASON FOR INSPECTION:</b> Priority	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$6,010.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 26, 2017	

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**GENERAL INSPECTION TOPICS**

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>2 PBs</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>Y</u>	(CI) COMPLETE INSP---- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(RS) RECL PLAN/COMP- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	(ST) STIPULATIONS----- <u>NA</u>

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

**INSPECTION TOPIC:** Failure to Maintain the Financial Warranty in Good Standing

**PROBLEM:** The Division has been notified by the Permittee's bank that the bond held for this permit (a corporate surety in the amount of \$6,010.00) will expire on June 30, 2017. The Permittee must ensure the financial warranty is maintained in good standing by either renewing the existing bond prior to expiration, or providing a replacement bond prior to expiration of the existing bond. If, on June 30th, the Permittee fails to maintain the financial warranty, the Division will pursue enforcement action against the Permittee for failure to comply with C.R.S. 34-32.5-117(6)(a).

**CORRECTIVE ACTION:** The Permittee must either renew the existing financial warranty or provide an appropriate replacement financial warranty not less than \$6,010.00. The Permittee is encouraged to contact the Division's Financial Assurance Officer, Barbara Coria, at 303-866-3567, ext. 8148, with any questions regarding the renewal or replacement of the financial warranty.

**CORRECTIVE ACTION DUE DATE:** June 30, 2017

**INSPECTION TOPIC:** Notice to Increase the Financial Warranty

**PROBLEM:** Pursuant to C.R.S. 34-32.5-117(4)(b), the Division has reviewed the current cost of reclamation totaling \$17,180.00. Therefore, the existing \$6,010.00 financial warranty is not adequate to ensure completion of reclamation of the affected lands in accordance with the approved reclamation plan. Please find enclosed, the Division's Cost Summary Work for estimating the current cost of reclamation.

**CORRECTIVE ACTION:** Pursuant to C.R.S. 34-32.5-117(4)(c)(II), the Permittee has 60 days from the signature date of this inspection report to augment the existing \$6,010.00 financial warranty by \$11,170.00, to ensure a total financial warranty not less than \$17,180.00.

**CORRECTIVE ACTION DUE DATE:** July 25, 2017

**OBSERVATIONS**

This inspection was conducted in accordance with the Division's routine monitoring program for all permitted operations. Phillips Stone Company, Inc. was not represented during the inspection. Mr. Raul Vasquez, with Blue Mountain Stone, Inc., accompanied the Division throughout the inspection. The 110c quarry is approved for 9.9 acres of affected lands for the extraction of sandstone products. Affected lands will be reclaimed to support residential post-mining land use. The Division holds a \$6,010.00 financial warranty for the site. This report is accompanied by two Google Earth images, 18 photographs, and an updated reclamation cost estimation totaling \$17,180.00.

Permit records indicate the affected lands are owned by Robert J. and Frances A. Phillips, whom also hold the permit as Phillips Stone Company, Inc. (Permittee). During a May 10, 2017 phone conversation, Frances Phillips indicated ownership of the property and permit had transferred in 2014 to Blue Mountain Stone, Inc. However, the Division has not received an application for transfer of the permit to Blue Mountain Stone, Inc., as successor operator. Therefore, Phillips Stone Company, Inc. remains the Permittee regardless of ownership of the property. Accordingly, the Division will continue to hold Phillips Stone Company, Inc. responsible for not only maintaining the permit and bond, but also for ensuring the operation is conducted in accordance with the requirements of the Act, Rules and permit conditions. Furthermore, if ownership of the affected lands has transferred from the Permittee to Blue Mountain Stone, Inc., the Permittee is now obligated to demonstrate a legal right to enter the affected lands to conduct mining and reclamation activities, pursuant to Rule 6.3.7. Thus, if it is the Permittee's desire to transfer the permit to Blue Mountain Stone, Inc., the Permittee is strongly encouraged to immediately submit a properly executed application for transfer of the permit, also called a Succession of Operators application. The Division has provided copies of the appropriate application to the Permittee and/or to Blue Mountain Stone, Inc. The Succession of Operators application is also available through the Division's website at <http://mining.state.co.us>.



As shown in Photos 1-18, the site was active during the inspection. Disturbed lands were estimated at 7.35 acres, all of which were located within the 9.9 acre permit boundary. Highwalls ranged from 4 to 20 feet in height, which extended for a total of approximately 1,015 lineal feet. Topsoil and overburden materials were stockpiled above the crest of the highwalls and/or within the pit area and thereby available for reclamation purposes with short push distances. Pallets of sandstone product were concentrated in the northern portions of the quarry and along the haul road, awaiting transport.

According to the approved reclamation plan, highwalls will be left at no more than 6 feet in height. All disturbed land will be reduced to a 2H:1V or flatter slope gradient, topsoil will be replaced, and the site revegetated. The reclamation vegetative cover will be established by planting a seed mix composed of native bunch grass species and transplanting seedlings of Skunkbrush sumac, Mountain mahogany, Ponderosa pine, and Rocky Mountain juniper. Haul roads located within the permit area will be reclaimed.

Based on observations made during the inspection and recorded in this report, the Division has determined the current cost of reclamation to be in the amount of \$17,180.00. Therefore, the existing \$6,010.00 financial warranty is insufficient to ensure completion of reclamation. The Division's Cost Summary Work for estimating the current cost of reclamation is enclosed with this report. Pursuant to Rule 4.2.1(2), the Permittee has 60 days to submit the \$11,170.00 additional bond to ensure a total financial warranty of not less than \$17,180.00. Alternately, during the same 60 day period, the Permittee may elect to complete portions of the reclamation plan whereby the existing \$6,010.00 financial warranty may be rendered sufficient. Additionally, the current \$6,010.00 financial warranty will expire on June 30, 2017, unless the Permittee renews and/or replaces the existing bond. Therefore, the Division has cited two problems regarding the financial warranty and has imposed corrective action deadlines (see page 2 for more details).

Enclosures: Division's notice of cancellation of bond, dated October 4, 2016  
Two Google Earth images illustrating site conditions as of October 9, 2015  
18 photographs taken by the Division during the inspection  
Division's updated reclamation cost estimation

### **CERTIFICATE OF SERVICE**

I, Amy Eschberger, hereby certify that on this 26<sup>th</sup> day of May, 2017, mailed a true and complete copy of the foregoing inspection report generated from the May 17, 2017 inspection of the Phillips Stone Company, Permit No. M-1981-075, with enclosures, with the U.S. Post Office, first class postage affixed, addressed to the following:

Frances Phillips  
Phillips Stone Company, Inc.  
7850 Ute Hwy  
Longmont, CO 80503

And by electronic transmission to the following email addresses:

Abraham Vasquez, Blue Mountain Stone, Inc., at [bluemtnstone@gmail.com](mailto:bluemtnstone@gmail.com)  
Wally Erickson, DRMS, at [wally.erickson@state.co.us](mailto:wally.erickson@state.co.us)

## **PHOTOGRAPHS**



**Photo 1.** View of area being worked during the inspection, located in southern portion of permit area.



**Photo 2.** View of area being worked during the inspection, located in central portion of permit area.



**Photo 3.** View of area being worked during the inspection, located in northern portion of permit area.





**Photo 4.** View of area being worked during the inspection, located in northern portion of permit area.



**Photo 5.** View of highwall along western edge of site in southern quarry area.



**Photo 6.** View of highwall along western edge of site in southern quarry area.





**Photo 7.** View of overburden stockpiled along top of western highwall in southern quarry area.



**Photo 8.** View looking north, showing active pit located in eastern half of southern quarry area



**Photo 9.** View looking southeast, showing active pit located in eastern half of southern quarry area





**Photo 10.** View looking south, showing active pit located in eastern half of southern quarry area



**Photo 11.** View of highwall along western edge of site in northern quarry area.



**Photo 12.** View of highwall along western edge of site in northern quarry area.





**Photo 13.** View of highwall along western edge of site in northern quarry area.



**Photo 14.** View of highwall along western edge of site in northern quarry area.



**Photo 15.** View of overburden stockpiled to the east of highwalls in northern quarry area.





**Photo 16.** View of overburden stockpiled to the east of highwalls in northern quarry area.



**Photo 17.** View of overburden stockpiled to the east of highwalls in northern quarry area.



**Photo 18.** View of palletized stone stored in northern quarry area.



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

*Request FW documents*

October 4, 2016

Frances A Phillips  
Phillips Stone Company, Inc.  
7850 Ute Hwy  
Longmont, CO 80503

**Re: Notice of Cancellation of Bond No. 55096981, United Fire & Casualty Company  
Phillips Stone Company, Inc., Phillips Stone Company, Permit No. M-1981-075**

Dear Ms. Phillips,

On September 27, 2016, the Division of Reclamation, Mining and Safety received Notice of Cancellation of Surety No. 55096981, in the amount of \$6,010.00, effective **January 24, 2017**. In compliance with the provisions of this surety bond, cancellation is effective only on an anniversary date when written notification is received at least 90 days prior to such an anniversary date.

According to our records, the anniversary of Bond No. 55096981 is **June 30**. The Division of Reclamation, Mining and Safety thereby accepts Notice of Cancellation effective **June 30, 2017** with the understanding that the obligation of surety shall continue in force until reclamation is complete and accepted by the Board for all areas disturbed while the surety was in effect or until substitute surety is accepted, which includes all those disturbances. Cancellation is in effect only for disturbance subsequent to the effective date of termination.

If substitute surety shall be furnished which includes satisfactory coverage of all reclamation obligations from the beginning of operations under the permit, the existing Reclamation Bond/Financial Warranty may be released in its entirety by action of the Mined Land Reclamation Board.

Prior to this expiration date, you must submit a substitute Financial Warranty for Bond No. 55096981, in the amount of \$6,010.00.

A replacement financial warranty must be received and approved by the Division prior to **May 30, 2017**. If the executed form has not been received by **May 30, 2017**, the Division will schedule this matter before the Mined Land Reclamation Board at their **July 2017** meeting for a Formal Public Hearing to consider a Notice of Violation/Cease and Desist Order and possible Civil Penalties of not less than one hundred dollars (\$100.00) per day nor more than one thousand dollars (\$1,000.00) per day for each day after **June 30, 2017** that the violation occurs, for your failure to submit substitute financial warranty.

If you wish to use a different method for posting the required Financial Warranty, as described under Rule 4.3 of the Rules and Regulations, please contact this office for the applicable forms, or if you have any questions.

Sincerely,

  
Barbara Coria  
Financial Assurance Specialist

Certified Mail Receipt No. 7014 2120 0001 8040 0644, return receipt requested

Cc: Michael Cunningham, Division of Reclamation, Mining and Safety

United Fire & Casualty Company  
Arthur J Gallagher Risk MGM





# M1981-075 / Phillips Stone Company / Phillips Stone Company, Inc.

Red Outline = 9.9 acres = Approved Permit Area  
(Image data from 10/9/2015)



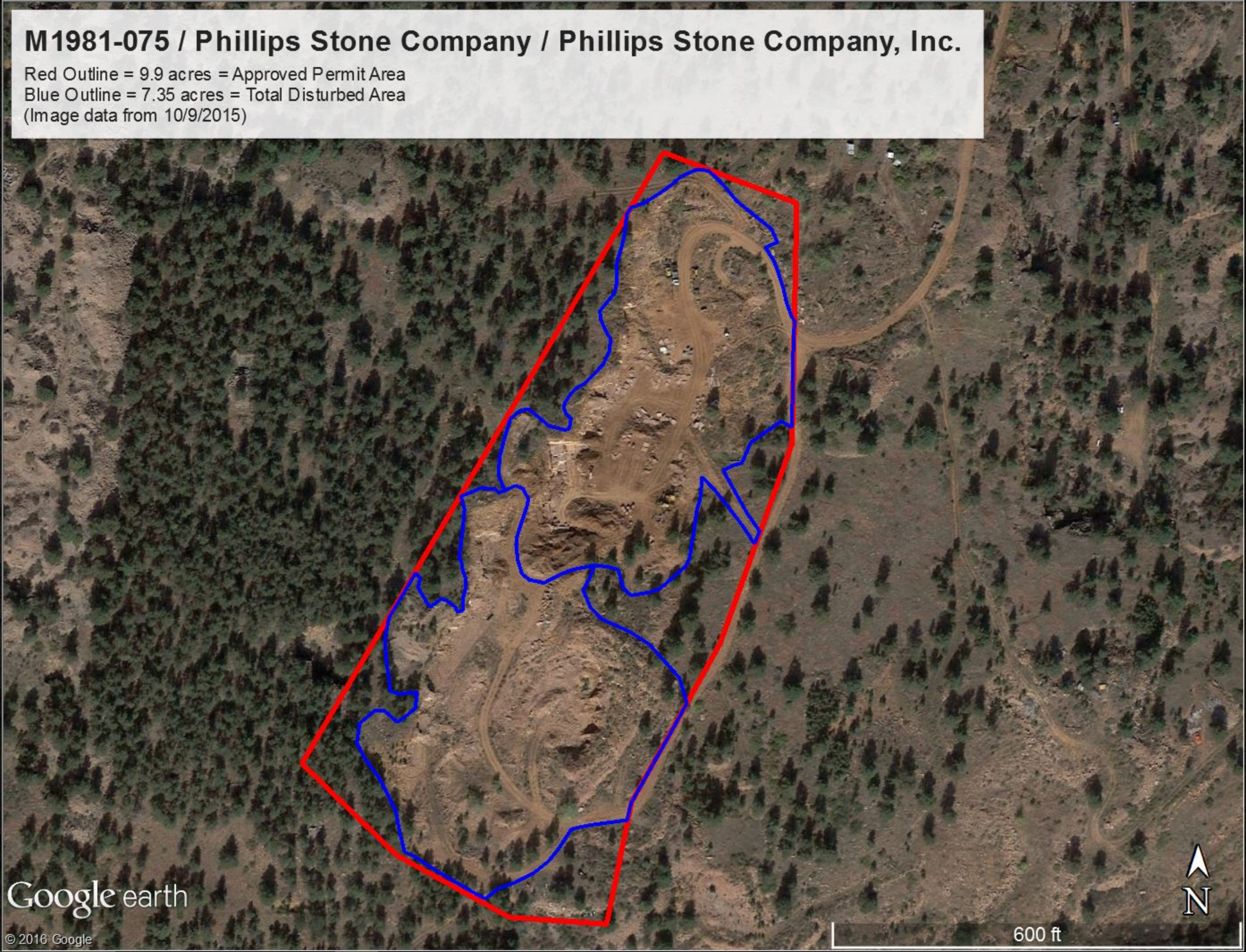


# M1981-075 / Phillips Stone Company / Phillips Stone Company, Inc.

Red Outline = 9.9 acres = Approved Permit Area

Blue Outline = 7.35 acres = Total Disturbed Area

(Image data from 10/9/2015)





## COST SUMMARY WORK

Task description: Cost Summary

Site: Phillips Stone Company

Permit Action: Inspection 5/17/2017

Permit/Job#: M1981075

### PROJECT IDENTIFICATION

Task #: 000

State: Colorado

Abbreviation: None

Date: 5/24/2017

County: Boulder

Filename: M075-000

User: AME

Agency or organization name: DRMS

### TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
001	Backfill highwall in southern quarry area	DOZER	2	0.51	\$196.00
002	Backfill highwall in northern quarry area	DOZER	2	3.64	\$1,387.00
003	Revegetate 7.35 acres	REVEGE	1	22.00	\$8,330.00
004	Mobilization/Demobilization	MOBILIZE	1	3.20	\$3,188.00
<b><u>SUBTOTALS:</u></b>				<b>29.35</b>	<b>\$13,101</b>

### INDIRECT COSTS

#### OVERHEAD AND PROFIT:

Liability insurance: 2.02  
Performance bond: 1.05  
Job superintendent: 14.68  
Profit: 10.00

Total = \$264.64  
Total = \$137.56  
Total = \$1,072.01  
Total = \$1,310.10

TOTAL O & P = \$2,784.31

CONTRACT AMOUNT (direct + O & P) = \$15,885.31

#### LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs): 500.00  
Engineering work and/or contract/bid preparation: 0.00  
Reclamation management and/or administration: 5.00

Total = 500.00  
Total = \$0.00  
\$794.27

CONTINGENCY: 0.00 Total = \$0.00

TOTAL INDIRECT COST = \$4,078.58

**TOTAL BOND AMOUNT (direct + indirect) = \$17,179.58**

**BULLDOZER WORK**Task description: **Backfill highwall in southern quarry area**Site: **Phillips Stone Company**Permit Action: Inspection 5/17/2017Permit/Job#: M1981075**PROJECT IDENTIFICATION**Task #: 001State: ColoradoAbbreviation: NoneDate: 5/24/2017County: BoulderFilename: M075-001User: AMEAgency or organization name: DRMS**HOURLY EQUIPMENT COST**Basic Machine: Cat D8T - 8SUHorsepower: 310Blade Type: Semi-UniversalAttachment: NAShift Basis: 1 per dayData Source: (CRG)**Cost Breakdown:**

		<u>Utilization %</u>
Ownership Cost/Hour:	<u>\$83.81</u>	<u>NA</u>
Operating Cost/Hour:	<u>\$66.17</u>	<u>100</u>
Ripper own. Cost/Hour:	<u>\$0.00</u>	<u>NA</u>
Ripper op. Cost/Hour:	<u>\$0.00</u>	<u>0</u>
Operator Cost/Hour:	<u>\$40.52</u>	<u>NA</u>

Total unit Cost/Hour: \$190.50Total Fleet Cost/Hour: **\$381.00****MATERIAL QUANTITIES**Initial Volume: 890Swell factor: 1.335Loose volume: **1,188 LCY**Source of estimated volume: Avg 8 ft H x 375 ft L; push OB off edge of highwallSource of estimated swell factor: Cat Handbook**HOURLY PRODUCTION**Average push distance: 50 feetUnadjusted hourly production: 1,400.0 LCY/hrMaterials consistency description: Partly consolidated stockpile 1.1Average push gradient: -5 %Average site altitude: 6,200 feetMaterial weight: 2,550 lbs/LCYWeight description: Sandstone**Job Condition Correction Factor**

		<u>Source</u>
Operator Skill:	<u>0.750</u>	<u>(AVG.)</u>
Material consistency:	<u>1.100</u>	<u>(CAT HB)</u>
Dozing method:	<u>1.200</u>	<u>(SLOT)</u>
Visibility:	<u>1.000</u>	<u>(AVG.)</u>
Job efficiency:	<u>0.830</u>	<u>(1 SHIFT/DAY)</u>



Spoil pile:	1.000	(DOZ-OC)
Push gradient:	1.115	(CAT HB)
Altitude:	1.000	(CAT HB)
Material Weight:	0.902	(CAT HB)
Blade type:	1.000	(PAT)

Net correction: 0.8264

Adjusted unit production: 1,156.96 LCY/hr

Adjusted fleet production: **2313.92** LCY/hr

### **JOB TIME AND COST**

Fleet size: 2 Dozer(s)

Unit cost: \$0.165/LCY

Total job time: **0.51** Hours

Total job cost: **\$196**

**BULLDOZER WORK**Task description: **Backfill highwall in northern quarry area**Site: **Phillips Stone Company**Permit Action: **Inspection 5/17/2017**Permit/Job#: **M1981075****PROJECT IDENTIFICATION**Task #: **002**State: **Colorado**Abbreviation: **None**Date: **5/24/2017**County: **Boulder**Filename: **M075-002**User: **AME**Agency or organization name: **DRMS****HOURLY EQUIPMENT COST**Basic Machine: **Cat D8T - 8SU**Horsepower: **310**Blade Type: **Semi-Universal**Attachment: **NA**Shift Basis: **1 per day**Data Source: **(CRG)****Cost Breakdown:**

		<b><u>Utilization %</u></b>
Ownership Cost/Hour:	<b>\$83.81</b>	<b>NA</b>
Operating Cost/Hour:	<b>\$66.17</b>	<b>100</b>
Ripper own. Cost/Hour:	<b>\$0.00</b>	<b>NA</b>
Ripper op. Cost/Hour:	<b>\$0.00</b>	<b>0</b>
Operator Cost/Hour:	<b>\$40.52</b>	<b>NA</b>

Total unit Cost/Hour: **\$190.50**Total Fleet Cost/Hour: **\$381.00****MATERIAL QUANTITIES**Initial Volume: **3,413**Swell factor: **1.335**Loose volume: **4,556 LCY**Source of estimated volume: **Avg 12 ft H x 640 ft L; push OB upslope to highwall**Source of estimated swell factor: **Cat Handbook****HOURLY PRODUCTION**Average push distance: **60 feet**Unadjusted hourly production: **1,246.9 LCY/hr**Materials consistency description: **Partly consolidated stockpile 1.1**Average push gradient: **5 %**Average site altitude: **6,200 feet**Material weight: **2,550 lbs/LCY**Weight description: **Sandstone****Job Condition Correction Factor**

		<b><u>Source</u></b>
Operator Skill:	<b>0.750</b>	<b>(AVG.)</b>
Material consistency:	<b>1.100</b>	<b>(CAT HB)</b>
Dozing method:	<b>1.000</b>	<b>(GEN.)</b>
Visibility:	<b>1.000</b>	<b>(AVG.)</b>
Job efficiency:	<b>0.830</b>	<b>(1 SHIFT/DAY)</b>



Spoil pile:	0.900	(SSD-FC)
Push gradient:	0.903	(CAT HB)
Altitude:	1.000	(CAT HB)
Material Weight:	0.902	(CAT HB)
Blade type:	1.000	(PAT)

Net correction: 0.5020

Adjusted unit production: 625.94 LCY/hr

Adjusted fleet production: **1251.88** LCY/hr

### **JOB TIME AND COST**

Fleet size: 2 Dozer(s)

Unit cost: \$0.304/LCY

Total job time: **3.64** Hours

Total job cost: **\$1,387**

**REVEGETATION WORK**Task description: Revegetate 7.35 acresSite: Phillips Stone CompanyPermit Action: Inspection 5/17/2017Permit/Job#: M1981075**PROJECT IDENTIFICATION**Task #: 003State: ColoradoAbbreviation: NoneDate: 5/24/2017County: BoulderFilename: M075-003User: AMEAgency or organization name: DRMS**FERTILIZING****Materials**

Description	Units / Acre	Unit	Cost / Unit	Cost /Acre
Potassium nitrate, 13-46-0	2.00	pound	\$1.23	\$2.46
			<b>Total Fertilizer Materials Cost/Acre</b>	<b>\$2.46</b>

**Application**

Description	Cost /Acre
Push rotary spreader (MEANS 32 01 90.13 0110)	\$181.65
<b>Total Fertilizer Application Cost/Acre</b>	<b>\$181.65</b>

**TILLING**

Description	Cost /Acre
Weed control spraying (MEANS 31 31 16.13 3100)	\$242.00
<b>Total Tilling Cost/Acre</b>	<b>\$242.00</b>

**SEEDING**

Seed Mix	Rate – PLS LBS / Acre	Seeds per SQ. FT	Cost /Acre
Blue Grama - Native	8.00	130.58	\$116.00
Sheep Fescue - Bighorn	8.00	124.89	\$37.84
Western Wheatgrass - Native	8.00	20.20	\$56.00
Spike Muhly	2.00	73.46	\$19.26
<b>Totals Seed Mix</b>	<b>26.00</b>	<b>349.13</b>	<b>\$229.10</b>

**Application**

Description	Cost /Acre
Broadcast seeding [DMG]	\$267.22



<b>Total Seed Application Cost/Acre</b>	<b>\$267.22</b>
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**MULCHING and MISCELLANEOUS****Materials**

Description	Units / Acre	Unit	Cost / Unit	Cost /Acre
			\$	\$
<b>Total Mulch Materials Cost/Acre</b>				<b>\$0.00</b>

**Application**

Description	Cost /Acre
	\$
<b>Total Mulch Application Cost/Acre</b>	<b>\$0.00</b>

**NURSERY STOCK PLANTING**

Common Name	No / Acre	Type and Size	Planting Cost	Fertilizer Pellet Cost	Cost /Acre
Juniper, Rocky Mountain	10	Bare root seedling, 11-16 inch ht. (MEANS)	\$2.22	\$0.00	\$22.20
Pine, Ponderosa	10	Bare root seedling, 11-16 inch ht. (MEANS)	\$2.22	\$0.00	\$22.20
Mahogany, Mountain	10	Bare root seedling, 11-16 inch ht. (MEANS)	\$2.12	\$0.00	\$21.20
Sumac, Skunkbrush	10	Bare root seedling, 11-16 inch ht. (MEANS)	\$2.12	\$0.00	\$21.20
<b>Totals Nursery Stock Cost / Acre</b>					<b>\$86.80</b>

**JOB TIME AND COST**

No. of Acres:	<u>7.35</u>	Cost /Acre:	<u>\$1,009.23</u>
Estimated Failure Rate:	<u>25%</u>	Cost /Acre*:	<u>\$496.32</u>
*Selected Replanting Work Items:	<u>SEEDING</u>		

Initial Job Cost:	<u><b>\$7,417.84</b></u>
Reseeding Job Cost:	<u><b>\$911.99</b></u>
Total Job Cost:	<u><b>\$8,330</b></u>
Job Hours:	<u><b>22.00</b></u>

**EQUIPMENT MOBILIZATION/DEMOBILIZATION**Task description: Mobilization/DemobilizationSite: Phillips Stone CompanyPermit Action: Inspection 5/17/2017Permit/Job#: M1981075**PROJECT IDENTIFICATION**Task #: 004State: ColoradoAbbreviation: NoneDate: 5/24/2017County: BoulderFilename: M81-075-004User: AMEAgency or organization name: DRMS**EQUIPMENT TRANSPORT RIG COST**Shift basis: 1 per dayCost Data Source: CRG DataTruck Tractor Description: GENERIC ON-HIGHWAY TRUCK TRACTOR, 6X4, DIESEL POWERED,  
400 HP (2ND HALF, 2006)Truck Trailer Description: GENERIC FOLDING GOOSENECK, DROP DECK EQUIPMENT  
TRAILER (25T, 50T, AND 100T)**Cost Breakdown:**

<b>Available Rig Capacities</b>	<b>0-25 Tons</b>	<b>26-50 Tons</b>	<b>51+ Tons</b>
Ownership Cost/Hour:	\$16.63	\$18.37	\$22.33
Operating Cost/Hour:	\$44.38	\$46.13	\$50.07
Operator Cost/Hour:	\$27.66	\$27.66	\$27.66
Helper Cost/Hour:	\$0.00	\$25.39	\$25.39
Total Unit Cost/Hour:	\$88.67	\$117.55	\$125.45

**NON ROADABLE EQUIPMENT:**

Machine Description	Weight/ Unit (TONS)	Owner ship Cost/hr/ unit	Haul Rig Cost/hr/unit	Fleet Size	Haul Trip Cost/hr/ fleet	Return Trip Cost/hr/ fleet	DOT Permit Cost/ fleet
Cat D8T - 8SU	47.71	\$83.81	\$117.55	2	\$402.72	\$235.10	\$1,000.00
Subtotals:					<b>\$402.72</b>	<b>\$235.10</b>	<b>\$1,000.00</b>

**ROADABLE EQUIPMENT:**

Machine Description	Total Cost/hr/ unit	Fleet Size	Haul Trip Cost/hr/ fleet	Return Trip Cost/hr/ fleet
Subtotals:			<b>\$0.00</b>	<b>\$0.00</b>



**EQUIPMENT HAUL DISTANCE and Time**

Nearest Major City or Town within project area region:	<u>LONGMONT</u>	
Total one-way travel distance:	<u>15.00</u>	miles
Average Travel Speed:	<u>50.00</u>	mph

Total Non-Roadable Mob/Demob Cost *	<u>\$3,188.13</u>
** two round trips with haul rig:	
Total Roadable Mob/Demob Cost **	<u>\$0.00</u>
** one round trip, no haul rig:	

**Transportation Cycle Time:**

	Non-Roadable Equipment	Roadable Equipment
Haul Time (Hours):	<u>0.30</u>	<u>0.30</u>
Return Time (Hours):	<u>0.30</u>	<u>0.30</u>
Loading Time (Hours):	<u>0.50</u>	<u>NA</u>
Unloading Time (Hours):	<u>0.50</u>	<u>NA</u>
Subtotals:	<u>1.60</u>	<u>0.60</u>

**JOB TIME AND COST**

Total job time:	<u>3.20</u>	Hours
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Total job cost:	<u>\$3,188</u>
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## **Attachment 2**





# Phillips Stone Co.

M1981-075

Aerial Image Date April 2022

## Legend

-  M1981-075\_Permit-Area= 9.9ac
-  Marked 110 Boundary During Inspection



Google Earth

Image © 2023 Maxar Technologies



600 ft

### **Attachment 3**







# Phillips Stone Co.

M1981-075

Aerial Image Date April 2022

## Legend

-  Area Associated with Ranching Operation 0.21 acres
-  M1981-075\_Permit-Area= 9.9ac
-  Misc Disturbance Outside Permit Boundary 0.75 acres
-  Storage Area 1.4 acres

Google Earth

Image © 2023 Maxar Technologies



600 ft

## **Attachment 4**





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## Boulder County Community Planning & Permitting Referral Response for M-1981-075

2 messages

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**Vaughn, Andrea** <avaughn@bouldercounty.org>  
To: Patrick Lennberg - DNR <patrick.lennberg@state.co.us>

Tue, Nov 1, 2022 at 3:35 PM

Patrick,

Thank you for providing Boulder County the opportunity to comment on this project. Please see the attached for our response.

Best,

**Andrea Vaughn | Long Range Planner I**

**Boulder County Community Planning & Permitting**

Mailing address: PO Box 471 Boulder, CO 80306

Main: 303-441-3930 471 | Direct: 303-441-1356

[avaughn@bouldercounty.org](mailto:avaughn@bouldercounty.org)

[www.bouldercounty.org](http://www.bouldercounty.org)



**Blue Mountain Stone\_Referral Response.pdf**  
72K

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**Lennberg - DNR, Patrick** <patrick.lennberg@state.co.us>  
To: Blue Mountain stone <bluemtnstone@gmail.com>

Wed, Nov 2, 2022 at 5:20 AM

Good Morning,

Please find attached to this email a copy of the comment letter received by the Division yesterday from Boulder County.

Thank you,  
Patrick

[Quoted text hidden]

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**Patrick Lennberg**  
**Environmental Protection Specialist**



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

P 303.866.3567 x8114 | F 303.832.8106

Physical Address: [1313 Sherman Street, Room 215, Denver, CO 80203](https://www.bouldercounty.org/locations/215-Sherman-Street-Denver-CO-80203)

**Address for FedEx, UPS, or hand delivery:**

1001 E 62nd Ave, Denver, CO 80216

[Patrick.Lennberg@state.co.us](mailto:Patrick.Lennberg@state.co.us) | <https://drms.colorado.gov>



**Blue Mountain Stone\_Referral Response.pdf**

72K





# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

**TO:** Patrick Lennberg, Division of Reclamation, Mining and Safety  
**FROM:** Andrea Vaughn, Boulder County Community Planning & Permitting  
**RE:** Phillips Stone Company - File No. M-1981-075, Blue Mountain Stone, Inc. Permit Conversion Application (CN-1 )  
**DATE:** November 1, 2022

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Boulder County Community Planning & Permitting appreciates the opportunity to provide comments for the request to M-1981-075, Blue Mountain Stone, Inc. which is located approximately 2 miles north of Lyons, Section 5, Township 3N, Range 70W, 06th Principle Meridian, in Boulder County; the property is located at 2875 Stone Canyon Road

Our records show that though there is an existing mining permit, granted from the Division of Reclamation, Mining and Safety in 1981, the required County Special Use permit has not been obtained or effectuated. Please note that the applicant will be subject to Article 4-508 (Mining Uses) of the Boulder County Land Use Code for future development and operations. Additionally, the applicant must maintain conformance with all conditions of approval, to be determined through a Site-Specific Development Plan approved by the Board of County Commissioners. If the applicant has additional questions regarding the County Land Use Code requirements, please put them in contact with Boulder County Community Planning & Permitting at [planner@bouldercounty.org](mailto:planner@bouldercounty.org) for assistance or call at 303-441-3930.

This concludes the Department of Community Planning & Permitting comments at this time. We look forward to continuing to provide feedback and input throughout this process.