

August 8, 2023

Sent via email to: elliott.russell@state.co.us

Attn: Elliott R. Russell, Environmental Protection Specialist
Minerals Regulatory Program
Division of Reclamation, Mining & Safety (Room 215)
Department of Natural Resources
1001 E 62nd Ave.
Denver, CO 80216

Re: Adequacy Review Response, M-2023-022

Dear Elliott:

Thank you for providing the Adequacy Response dated August 4, 2023. On behalf of CoProp LLC, please see the responses to the requested items, provided below in blue text:

GENERAL APPLICATION PROCEDURES

1. As required by Rule 1.6.2(1)(g), please submit proof of publication of a public notice in a newspaper of general circulation in the locality of the proposed mining operation.

Response: Please see the attached Greeley Tribune Publisher's Affidavit (Attachment 1).

2. As required by Rule 1.6.2(1)(g), please submit proof that the public notice was provided to all owners of record of surface and mineral rights of the affected land and to the owners of record of all land surface within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a certified mailing or by proof of personal service.

Response: Please see the attached proof of notice to owners of record of surface and mineral rights of the affected land and to the owners of record of all land surface within 200 feet of the boundary of the affected land (Attachment 2).

3. The Division received a comment letters from Colorado Parks and Wildlife, Division of Water Resources, and History Colorado regarding the application. The letters are attached for your review. Please acknowledge and address any comments noted in the letters and make changes to the application as necessary.

Responses:

Kent Holsinger, *Manager*
Jack Silver, *Of Counsel*
Counsel

P: (303) 722-2828
F: (303) 496-1025
www.holsingerlaw.com

David L. Kueter, *Of Counsel*
Terry Jo Epstein, *Of*

1800 Glenarm Place
Suite 500
Denver, CO 80202



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Response to Colorado Parks and Wildlife (“CPW”) Comments: In accordance with CPW’s recommendations, the Applicant will, at least two weeks prior to mining, monitor for Burrowing Owls and raptors before any mining occurs to make sure there are no nests or fledglings present. If owl or raptor nests or fledglings are present, the Applicant will consider CPW recommendations about appropriate buffer distances or timing restrictions and follow all applicable laws.

Response to Division of Water Resources Comments: Applicant does not expect to expose or use any groundwater. In accordance with DWR’s conditions/comments, however, if groundwater is to be exposed or used at the site, the Applicant acknowledges that Applicant will first obtain a well permit and a replacement plan approved by the Ground Water Commission to replace depletions caused by groundwater consumption. Applicant acknowledges that prior to approving said well permit, the Applicant would need to conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area. The Applicant would then obtain a waiver of objection from all well owners with wells within 600 feet of the permit area or request a hearing before the State Engineer.

Applicant also acknowledges that unless the stormwater structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., the structure may be subject to administration by DWR. The Applicant will review DWR’s Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado to ensure that the notification, construction and operation of the proposed stormwater structure meets statutory and administrative requirements.

Response to History Colorado (“HC”) Comments: Applicant has reviewed HC’s comments and will follow C.R.S. § 24-80-13 if human remains are discovered during ground disturbing activities.

EXHIBIT A – Legal Description and Location Map (Rule 6.3.1)

4. Within Exhibit A, the Applicant states the site will be accessed from Highway 34 by the Existing Access Road that is located on the subject property and will be used for the private use of Cervi Enterprise Inc. (Landowner) and permitted pit activities. Upon review of the Weld County Assessor Map Viewer, and as identified on the Exhibit A-5: Adjacent Landowner Map, this Existing Access Road crosses State of Colorado land north of the site. Please demonstrate the Applicant has the authority to utilize this Existing Access Road across this parcel. It is noted the remainder of the 8.66 mile-long Existing Access Road is located on parcels owned by the Landowner.

Response: Please see the attached Road Use Agreement dated 7/6/2023 demonstrating Applicant’s authority to utilize the Existing Access Road (Attachment 3).

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EXHIBIT B – Site Description (Rule 6.3.2)

5. Within Exhibit B – Section (b), the Applicant lists three permanent man-made structures that are within 200 feet of the affected lands boundary. The Applicant has identified the Landowner as the owner of the Existing Access Road however, the Applicant has not identified the owner of the dirt two-track powerline trail and fences within Exhibit B. Please note, Exhibit L provides a structure agreement for all three of these structures between the Landowner and the Applicant. Pursuant to Rule 6.3.2(b), within Exhibit B, please identify the owner of the dirt two-track powerline trail and fences. Additionally, pursuant to Rule 6.3.5(2)(e), please update one of the Exhibit E map to note the location of these other two structures.

Response: Please see the attached updated Exhibit B stating that the owner of the dirt two-track powerline trail is the owner of the Subject Property (Attachment 4). Please note that although the Application previously noted that the fences were within 200 feet of the boundary, the distance between the boundary and the fences is actually greater than 200 feet. Therefore, the reference to the fences on Exhibit B has been removed. The owner of the fences is the owner of the Subject Property. Please see the attached updated Exhibit A-3 noting the locations of the dirt two-track powerline trail and fences (Attachment 5).

6. Pursuant to Rule 6.3.2(c), please provide the approximate water table elevation at the site. This information could be approximated by obtaining the details of the six issued well permits for the three nearby well sites identified on the Exhibit B-3: Water Resource Map.

Response: Nearby wells to the north (Permit Nos. 162578- and 162578--A in Section 22) vary from 70 – 100 feet deep. Nearby wells to the east (Permit Nos. 166334-, 166334--A, and 92287-VE in Section 26) vary from 51 to 80 feet deep. A nearby well to the southeast (Permit No. 36915- in Section 35) is 49 feet deep.

EXHIBIT C – Mining Plan (Rule 6.3.3)

7. Within Exhibit C – Section (c), the Applicant states there will be a by-product from screening that will be replaced on the excavated site prior to topsoil replacement. Please provide the maximum estimated quantity (cubic yards) of this by-product that will be stockpiled at any one time.

Response: The screening process will be removing oversized sand and small gravel, to the extent it is present, and other organic materials such as roots and wood stems. It is anticipated that 10% or less of the mined material will be separated in this screening process, approximately 7000 tons or 4600 cubic yards. This material will be temporarily stockpiled to the east of the screen as shown on the mine plan map in a stockpile not to exceed 2800 cubic yards. The plan is to conduct contemporaneous reclamation once the mining area is fully

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opened up to extraction. Once a large enough area is opened up (approximately 1-2 acres), the screened material will be placed on the leveled area behind the advancing mine extraction instead of in the stockpile. In the same way, the initial topsoil that is removed in advance of the mining will be placed in the topsoil stockpile near the screened material stockpile. Once enough area is opened up, the salvaged topsoil will then be replaced over the screened material contemporaneously with the extraction. Any material remaining in the initial stockpiles will then be used to complete reclamation of the processing/parking area as the last step in reclamation.

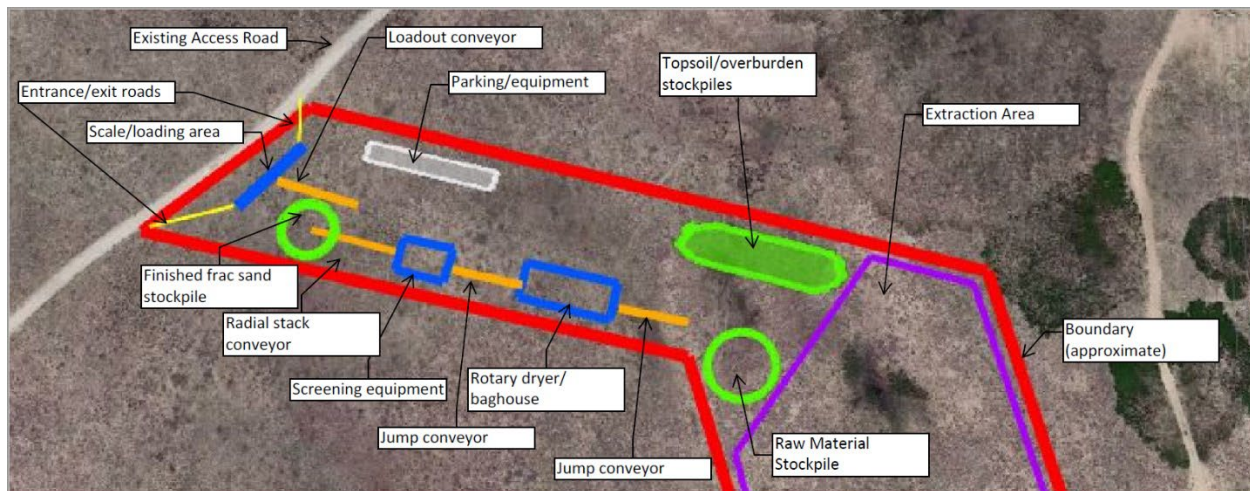
8. Within Exhibit C – Section (e), the Applicant discusses the facilities/equipment that will be involved in the mining and processing operations. Please provide further details (description, diagram, figures, components, waste streams, materials, etc.) on the following facilities/equipment: rotary dryer/baghouse, scale, and covered storage for the finished product.

Response: The Applicant will use the equipment identified below, or equivalent models depending on availability. All of this equipment either has wheels built into the structures (conveyors) or is set up on wheeled frames so as to be totally portable (screens, scales, etc).

Gencor SD-215 Portable Dryer & Baghouse
Chieftain 2200 Portable 3 deck Screen
Astec 1936-3 Portable feed hopper
Superior 110-TSFD Portable radial stacking conveyor
Rice Lake ATV 70X11 Portable truck Scale
Portable electric transfer conveyors.
SWP QP-625 Portable Generator
Liebherr 526 Wheel Loader (2X)

A schematic of the facilities/equipment is provided below. This is solely intended to show the locations of the facilities/equipment identified above and does not replace the Mining Plan Map.

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9. Please provide the size of the total area where topsoil will be salvaged in the extraction area. Please also provide the size of the total area where topsoil will be salvaged in the processing/stockpile area.

Response: All topsoil will be removed wherever extraction activities are conducted (approximately 6 acres in the mining extraction area). In the processing area topsoil will be removed from high traffic areas such as roads or tramways for transporting mined material from the extraction site to the screening area. In addition, topsoil salvage will occur where stockpiling of product or other activities could contaminate or negatively impact the quality of the topsoil. If no site preparation, such as leveling or cut/fill, is necessary for placement of the portable equipment, topsoil will be left in place and simply de-compacted during the reclamation process. As such, it is anticipated that less than 2 acres in the processing area will need to have topsoil removed and replaced.

10. Please discuss if fuel and oil will be stored on-site and the measures taken to ensure impacts to the prevailing hydrologic balance are minimized.

Response: At this time no petroleum products will be stored on-site. All fueling will be conducted via portable re-fueling and lubrication or at an off-site location. If it becomes necessary to have on-site fueling and lubrication, the Applicant commits to providing and receiving approval for a technical revision to the mining plan identifying safe storage and spill response procedures.

EXHIBIT D – Reclamation Plan (Rule 6.3.4)

11. Within Exhibit D – Section (c)(ii), the Applicant states that soil amendments will only be utilized if testing indicates deficiencies. Please commit to providing the soil test results and

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soil amendment recommendations to the Division for review as a Technical Revision to the Reclamation Plan prior to implementing the soil amendment recommendations.

Response: The Applicant hereby commits to providing the soil test results and soil amendment recommendations to the Division for review as a Technical Revision to the Reclamation Plan prior to implementing any soil amendment recommendations.

The Division will calculate the total required financial warranty for the site after the responses to this review letter are received. The Division will either accept the Applicant's reclamation cost estimate in Exhibit D or the Applicant will be provided a copy of the Division's reclamation cost estimate for review prior to the decision on the application. *No response needed.*

EXHIBIT E – Map (Rule 6.3.5)

12. In accordance with Rule 6.2.1(2)(d), the Division requests that at least one map provide the latitude/longitude coordinates of each permit boundary corners. This information will be utilized in the review of the permit application, assist the Division in conducting future inspections of the operation, and provide a more thorough permit file. The Applicant may also provide a simple table with the requested coordinates in lieu of updating one of the maps.

Response: The approximate latitude/longitude coordinates of the permit boundary corners are provided below (beginning at most northwestern corner (at entrance) and moving counterclockwise around boundary):

Point 1: 40°11'56.20"N, 104°25'6.73"W
Point 2: 40°11'55.23"N, 104°25'7.92"W
Point 3: 40°11'49.97"N, 104°25'2.82"W
Point 4: 40°11'43.19"N, 104°25'3.75"W
Point 5: 40°11'42.95"N, 104°24'58.34"W
Point 6: 40°11'48.85"N, 104°24'57.57"W

EXHIBIT F – List of Other Permits and Licenses Required (Rule 6.3.6)

13. The Division has been contacted by the Colorado Department of Transportation regarding the site and has indicated that an access permit may be needed for the Applicant to access Highway 34 from the Existing Access Road. Please address the CDOT access permit issue and make changes to the application as necessary.

Response: Exhibit F has been updated to reflect the need to apply for a temporary access permit from the Colorado Department of Transportation (Attachment 6).

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EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7)

14. The legal right to enter documentation provided in Exhibit G references the operation as being subject to the Division’s Notice of Intent to Conduct Exploration Operations Application. Although the operation is exploratory in nature, the application is for a mining operation and therefore the Applicant should revise or replace this document to reflect the actual permit which is being sought for on the Landowners property.

Response: Please see the attached revised Grant of Right of Ingress and Egress dated July 6, 2023 (Attachment 7)

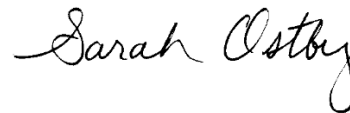
EXHIBIT I – Proof of Filing with County Clerk (Rule 6.3.9)

15. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated with a copy of the response to this adequacy letter.

Response: Applicant has placed a copy of this adequacy review response, with Attachments 1 through 7 identified herein (altogether, “Amendment”), on file with the Weld County Clerk and Recorder. Attachment 8 consists of the proof of the Clerk and Recorder’s receipt of the Amendment and a copy of the Amendment provided to the Clerk and Recorder.

Thank you,

HOLSINGER LAW, LLC



Sarah Ostby, *Paralegal*

Encl.

cc: Kent Holsinger
Alec Cortez, Manager, CoProp LLC
Tony Waldron

PUBLIC NOTICE

ATTACHMENT 1

CoProp LLC (3613 N Lafayette Street, Denver, CO 80205; 361-228-0065), has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the CoProp Pit No. 1, and is located at or near the SE1/4NE1/4 and the NE1/4SE1/4 of Section 27, T3N, R63W 6th P.M., Weld County, CO.

The proposed date of commencement is July 1, 2023, and the proposed date of completion is July 1, 2026. The proposed future use of the land is rangeland/pastureland.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Weld County Clerk and Recorder's office (250 H St, Greeley, CO 80631), or the abovenamed applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on July 22, 2023.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

Published: Greeley Tribune July 12, 2023-1989602

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Weld
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Greeley Tribune*.
2. The *Greeley Tribune* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Weld County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Greeley Tribune* in Weld County on the following date(s):

Jul 12, 2023

Melissa Najera
Signature

Subscribed and sworn to me before me this

12th day of July, 2023

Shayla Najera
Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
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- ☐ Agent
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July 6th, 2023

CERVI ENTERPRISES, INC.
c/o MIKE CERVI, MANAGER
30130 WCR 49
GREELEY, CO 80631

CoProp LLC
 c/o Alec Cortez
 3613 N Lafayette Street
 Denver, CO 80205

RE: Grant of Use of Private Access Road

To CoProp LLC and All Interested Persons:

Please take notice that Cervi Enterprises, Inc., Landowner, hereby grants CoProp LLC, Applicant, the right to use the Private Access Road (as described in CoProp LLC's 110(c) application pertaining to CoProp Pit No. 1 (DRMS Permit No. M-2023-022)) which has a point of beginning at Hwy. 34 and continues southward to and beyond the proposed Extraction Site.

- Cervi Enterprises, Inc. owns and maintains the entirety of the Private Access Road and has the sole authority to allow usage of the Private Access Road;
- Cervi Enterprises, Inc. hereby authorizes CoProp LLC to use the Private Access Road for the activities as described in CoProp LLC's 110(c) application.

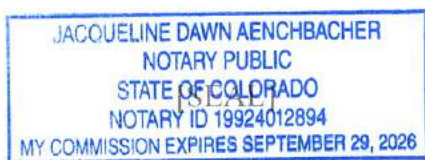
Cervi Enterprises, Inc., Landowner

July 6th, 2023

BY: 
 Mike Cervi, Manager

STATE OF COLORADO)
) ss.
 COUNTY OF Weld)

Subscribed, sworn to, and acknowledged before me by Mike Cervi, as Manager of Cervi Enterprises, Inc., on July 6th, 2023.



Witness my hand and official seal:

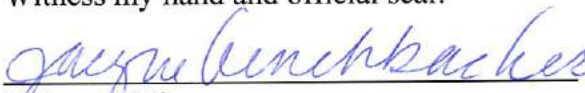

 Notary Public
 My commission expires: 9/29/26

EXHIBIT B

Rule 6.3.2 Site Description

(a) Description of the vegetation and soil characteristics in the area of the proposed operation:

The area surrounding the Extraction Site currently consists of rangeland. Vegetation in the area of the Extraction Site consists of light native grasses and shrubs. No timber is located on the area of the proposed operation. *See* Exhibit B-1¹, Land Cover Map.

According to the National Cooperative Soil Survey/Natural Resources Conservation Service, soil in the general area of the Extraction Site consists of Valent sand, 3 to 9 percent slopes and Valent-Loup complex, 0 to 9 percent slopes. *See* Exhibit B-2, NRCS Soil Resources Report and Map.²

The subject property is located within the Southeast Weld Conservation District.

(b) Permanent man-made structures within two hundred (200) feet of affected area and owner of each structure (structures identified on Exhibit A-2)

There are three permanent man-made structures within two hundred (200) feet of the affected area:

1. Existing Access Road. The Existing Access Road is owned by the Owner of the Subject Property.
2. Dirt two-track trail along eastern side of Section 27 (provides access to powerlines) owned by the Owner of the Subject Property.

(c) Water resources in area of proposed operation

There are no water resources in the immediate vicinity of the Extraction Site. The nearest water resources are:

- Lost Creek – Over 1 mile from the Extraction Site at the nearest point
- Permit No. 56043- (WDID n/a) – Permit expired 5/8/1974 (no well constructed).

The Applicant does not expect to directly affect groundwater systems. If groundwater is encountered, the Division will be notified and mining operations will be adjusted accordingly. This pit will not interfere with any surface water drainage patterns. The pit will be mined to minimize the risk of excess runoff to any surrounding areas beyond the historical flows.

No known aquifers will be intercepted. No dewater is planned—this will be a dry mine. A Stormwater Management Plan will be implemented for this operation. Applicant will determine whether a Stormwater Permit is required and will obtain same from the Colorado Department of Public Health & Environment if necessary.

¹ NRCS/Multi-Resolution Land Characteristics Consortium, 2019 CONUS Land Cover.

² NRCS Web Soil Survey.

No project water is required. This is a dry pit operation and no washing is to take place.

This is a dry pit. No water is required, except for the water used for dust control by truck/tanker.

Information as to flow rates and water quality conditions is not applicable.

(d) Wildlife Assessment

Not required for 110 Limited Impact Operations per Rule 6.3.2(d).

Attachments:

Exhibit B-1: Land Cover Map (MRLC 2019 CONUS)

Exhibit B-2: Soil Resources Report and Map

Exhibit B-3: Water Resources Map (Aerial)

CoProp Pit No. 1
Exhibit A-3: Extraction Site Location Map (2)

ATTACHMENT 5

Access Road
(approx. 18-19 ft
wide)

Approximate
location of
Entrance

2. Dirt two-track
trail along eastern
side of Section 27
(provides access
to powerlines)
owned by the
Owner of the
Subject Property

Approximate
location of Exit

Yellow dashed
line: Fenceline
(owned by Owner
of Subject
Property)

Approximate
Boundary of
Extraction Site



EXHIBIT F
Rule 6.3.6
List of Other Permits and Licenses Required

As the Applicant intends to mine less than 70,000 tons per year of product material, an air quality permit will not be required. The Applicant will file a Mining Operations APEN prior to starting construction. All stormwater will drain into the extraction pit and will be absorbed into the ground within 72 hours. As there will be no discharge of stormwater into surface waters or groundwater, no stormwater permit is required. The Applicant will apply for a temporary access permit from the Colorado Department of Transportation to allow the Applicant to access Highway 34 from the Existing Access Road. No other state permits are required. Weld County will be notified of the operation but does not require a land use or zoning permit for 110(c) mining operations.

July 6th, 2023

CERVI ENTERPRISES, INC.
C/O MIKE CERVI, MANAGER
30130 WCR 49
GREELEY, CO 80631

CoProp LLC
 c/o Alec Cortez
 3613 N Lafayette Street
 Denver, CO 80205

RE: Grant of Right of Ingress and Egress

To CoProp LLC and All Interested Persons:

Please take notice that Cervi Enterprises, Inc., Landowner, hereby grants CoProp LLC, Applicant, the right of ingress and egress to the following real property owned by the Landowner:

Land located within:

Section 27, T3N, R63W, 6th P.M., Weld County, Colorado,
 Section 34, T3N, R63W, 6th P.M., Weld County, Colorado,
 Section 3, T2N, R63W, 6th P.M., Weld County, Colorado,

for any and all lawful purposes, including but not limited to the exploration, excavation, processing and removal of frac sand and reclamation activities related thereto, from the proposed excavation site which will be the subject of the Applicant's Division of Reclamation, Mining & Safety Construction Materials Limited Impact (110(c)) Operation Reclamation Permit Application.

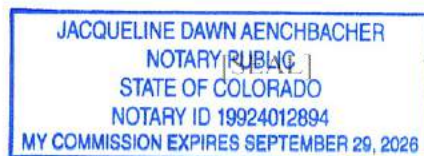
Cervi Enterprises, Inc., Landowner

July 6th, 2023

BY: [Signature]
 Mike Cervi, Manager

STATE OF COLORADO)
) ss.
 COUNTY OF Weld)

Subscribed, sworn to, and acknowledged before me by Mike Cervi, as Manager of Cervi Enterprises, Inc., on July 6th, 2023.



Witness my hand and official seal:

[Signature]
 Notary Public
 My commission expires: 9/29/26

CoProp Pit No. 1
Proof of Filing Amendment with the Clerk and Recorder of Weld County, Colorado

RECEIPT:

I, Rudy Santor (print name), as Chief Deputy (title) for the Office of the Clerk and Recorder of Weld County, Colorado, hereby acknowledge receipt via hand-delivery of the amendment to the Application of CoProp LLC for a Construction Materials Limited Impact (110) Reclamation permit, on August 8, 2023, which will be placed with the original Application.

OFFICE OF THE CLERK AND RECORDER OF WELD COUNTY, COLORADO

By: Rudy Santor

Date: 8-8-23

August 8, 2023

Delivered via: Hand-Delivery

Weld County Clerk and Recorder
1250 H St
Greeley, CO 80631

RE: CoProp LLC 110(c) Application (DRMS File No. M-2023-022)
Weld County, Colorado
Amendment to Application

Dear Clerk and Recorder:

On June 20, 2023, CoProp LLC's application for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board was provided to your office for public inspection (not recording).

Enclosed please an amendment to be placed with said Application (also not to be recorded). The amendment consists of the following:

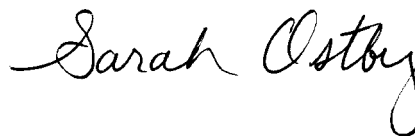
- Adequacy Review Response, M-2023-022 Letter dated 8/8/2023, which also contains:
 - Attachment 1: Publisher's Affidavit
 - Attachment 2: Proof of Notice to Landowners
 - Attachment 3: Grant of Use of Private Access Road dated 7/6/2023
 - Attachment 4: Exhibit B - Site Description (updated)
 - Attachment 5: Exhibit A-3 - Extraction Site Location Map (updated)
 - Attachment 6: Exhibit F - List of Permits Required (updated)
 - Attachment 7: Grant of Right of Ingress and Egress dated 7/6/2023

Please do not replace the Application or exhibits currently on file, but merely include the amendment with the original Application, along with this letter.

Please do not hesitate to contact us with any questions you may have.

Sincerely,

HOLSINGER LAW, LLC

Sarah Ostby, *Paralegal*

Encl.

Kent Holsinger, *Manager*
Jack Silver, *Of Counsel*

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David L. Kueter, *Of Counsel*
Terry Jo Epstein, *Of Counsel*

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