

# Progressive Planning Services of Colorado

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March 5, 2024

Ms. Hunter C. Ridley  
Environmental Protection Specialist  
Colorado Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

Re: Response to the Preliminary Adequacy Review - Western Equipment & Truck Mine #1, 112c  
Construction Materials Reclamation Permit Application, File No. M-2023-043

Dear Ms. Ridley,

Thank you for your correspondence of January 12<sup>th</sup>, 2024, and the Preliminary Adequacy Review of the above-referenced application. Engineering Analytics and I have responded to your request in formal letters to the adequacy review issues mentioned. I offer the following responses and information:

- Responsibilities as a Permittee
  1. Item No. 10 of the Application Form on page 6 needed to be correctly initialed. A revised page 6 has been provided with this correspondence.
- Certification
  2. Since no company seal exists, "no seal" has been added to page 8 of the Application Form.
- 6.4.10 Exhibit J - Vegetation Information
  17. Exhibit J has been modified to indicate that the post-mining land use will be general agriculture.
- 6.4.19 Permanent Man-Made Structures
  19. & 20. Structure Agreements were sent to the following entities within 200 feet of the proposed permit boundary.

- Atmos Energy Corp - (pipeline)
- DCP Midstream - (pipeline)
- Xcel Energy - (powerlines)
- PDC Energy, Inc. - (2 oil/gas facilities)
- Weld County - (Weld County Road 49)
- CDOT State of Colorado - (US Highway 34)

A copy of the stamped certified mail receipt for each recipient has been included with this response.

We trust this response addresses the deficiencies cited in your January 12, 2024 correspondence. Should you need additional information or have questions regarding our responses, please contact me at (303) 809-2128 or by e-mail at [rmiller@ppsco.com](mailto:rmiller@ppsco.com).

Best regards,



Richard L. Miller, AICP  
Progressive Planning Services of Colorado

Enclosures:    Revised Page 6  
                  Revised Page 8  
                  Revised Exhibit J  
                  Copy of Certified Mail Receipts for Structure Agreements

- 6 -

- CS 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- CS 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- CS 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- CS 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- CS 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
- a. the name of the operator;
  - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
  - c. the permit number.
- CS 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.
- CS 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.
- CS 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.



**Certification:**

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

*This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.*

Signed and dated this 18<sup>th</sup> day of December, 2023.

Applicant/Operator or Company Name

If Corporation Attest (Seal)

- NO SEAL

Signed:

[Signature]

Signed:

[Signature]  
Corporate Secretary or Equivalent  
Town/City/County Clerk

Title: President

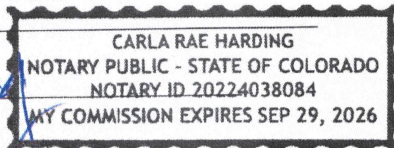
State of COLORADO

County of WELD

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of DECEMBER 2023  
by CRAIG STARRON as \_\_\_\_\_ of \_\_\_\_\_

[Signature]  
Notary Public

My Commission expires: 9-29-26



**SIGNATURES MUST BE IN BLUE INK**

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

## EXHIBIT J – VEGETATION INFORMATION

### Western Equipment & Truck Mine # 1

In the vicinity of the subject parcel and Kersey, Colorado, typical native vegetation that can be found includes:

1. Shortgrass prairie: This is a dominant vegetation type in the area, characterized by a mix of short grasses such as buffalo grass (*Buchloe dactyloides*), blue grama grass (*Bouteloua gracilis*), and western wheatgrass (*Pascopyrum smithii*).
2. Sagebrush: Various species of sagebrush, such as big sagebrush (*Artemisia tridentata*) and silver sagebrush (*Artemisia cana*), can be found in the area. These shrubs are well adapted to the semi-arid conditions.
3. Cottonwood riparian forests: Along rivers and streams, you may find cottonwood trees (*Populus deltoides*), willows (*Salix* spp.), and other riparian vegetation. These areas provide important habitat for wildlife.
4. Shrublands: Different types of shrubs can be found in the area, including rabbitbrush (*Chrysothamnus* spp.), greasewood (*Sarcobatus* spp.), and four-wing saltbush (*Atriplex canescens*).
5. Mixed grass prairie: In some areas, a mix of shortgrass and midgrass species can be found, including little bluestem (*Schizachyrium scoparium*), side oats grama (*Bouteloua curtipendula*), and prairie junegrass (*Koeleria macrantha*).

The subject property has been used for agricultural and crop production for many years, and no native vegetation exists. Approximately six (6) inches of topsoil will be left on the overall site. After the topsoil mining operation is completed, seeding with a native grass mix will be applied to the entire site before the site's proposed redevelopment for general agricultural uses.

Applicant Name: Western Equipment & Truck, Inc.

Prepared By: Richard L. Miler  
Richard L. Miler, AICP

Date Prepared: 3-5-2024



U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
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Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$3.65
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.92
Total Postage and Fees	\$8.97

Sent To **ATMOS ENERGY CORP**  
Street and Apt. No., or PO Box No. **P.O. BOX 650205**  
City, State, ZIP+4® **DALLAS, TX 75265-0205**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.92
Total Postage and Fees	\$8.97

Sent To **DCP Midstream**  
Street and Apt. No., or PO Box No. **4505 West 29TH Street**  
City, State, ZIP+4® **DENVER, CO 80222-3406**

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.92
Total Postage and Fees	\$8.97

Sent To **XCEL ENERGY**  
Street and Apt. No., or PO Box No. **414 NORTH Nicollet Mall**  
City, State, ZIP+4® **MINNEAPOLIS, MN 55401**

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Denver, CO 80202

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.92
Total Postage and Fees	\$8.97

Sent To **PDC ENERGY, INC**  
Street and Apt. No., or PO Box No. **1099 18TH ST, GRANITE TOWER #1500**  
City, State, ZIP+4® **DENVER, CO 80202**

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.92
Total Postage and Fees	\$8.97

Sent To **WELD COUNTY**  
Street and Apt. No., or PO Box No. **1150 O STREET**  
City, State, ZIP+4® **GREELEY, CO 80631-9596**

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.92
Total Postage and Fees	\$8.97

Sent To **CDOT - STATE OF COLORADO**  
Street and Apt. No., or PO Box No. **4201 EAST ARKANSAS AVE**  
City, State, ZIP+4® **DENVER, CO 80222-3406**

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