

STATE OF  
COLORADO

Gagnon - DNR, Nikie &lt;nikie.gagnon@state.co.us&gt;

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## Nissen Farm Resource Inspection Report

1 message

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**Gagnon - DNR, Nikie** <nikie.gagnon@state.co.us>

Tue, Jan 14, 2025 at 2:33 PM

To: Joel Bolduc &lt;joel.bolduc@burnco.com&gt;

Hi Joel.

Please see the attached inspection report for the Nissen Farm Amendment 1. Let me know if you have any questions or comments on the report.

Kind regards,

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Nikie Gagnon  
Environmental Protection Specialist



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

Cell: 720.527.1640

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

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**INSP-REPORT\_M2003001\_Nissen Farm Resource \_AM1.pdf**  
5849K



**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><br>Nissen Farm Resource                        | <b>MINE/PROSPECTING ID#:</b><br>M-2003-001   | <b>MINERAL:</b><br>Sand and gravel                                 | <b>COUNTY:</b><br>Weld      |
| <b>INSPECTION TYPE:</b><br>Preoperation Inspection – Amendment 1 | <b>WEATHER:</b> Clear  | <b>INSP. DATE:</b><br>November 20, 2024                            | <b>INSP. TIME:</b><br>11:30 |
| <b>OPERATOR:</b><br>BURNCO Colorado, LLC                         | <b>OPERATOR REPRESENTATIVE:</b><br>Joel Bolduc   | <b>TYPE OF OPERATION:</b><br>112c - Construction Regular Operation |                             |
| <b>REASON FOR INSPECTION:</b><br>Preoperation Inspection         | <b>BOND CALCULATION TYPE:</b><br>None  | <b>BOND AMOUNT:</b><br>\$906,500.00                                |                             |
| <b>DATE OF COMPLAINT:</b><br>NA                                  | <b>POST INSP. CONTACTS:</b><br>None  | <b>JOINT INSP. AGENCY:</b><br>None                                 |                             |
| <b>INSPECTOR(S):</b><br>Nikie Gagnon                             | <b>INSPECTOR'S SIGNATURE:</b><br> | <b>SIGNATURE DATE:</b><br>January 14, 2025                         |                             |

**GENERAL INSPECTION TOPICS**

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

|  |  |                                 |
|--|--|---------------------------------|
| (AR) RECORDS----- <u>N</u>                 | (FN) FINANCIAL WARRANTY----- <u>Y</u>    | (RD) ROADS----- <u>N</u>        |
| (HB) HYDROLOGIC BALANCE----- <u>N</u>      | (BG) BACKFILL & GRADING----- <u>N</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>Y</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>N</u> |
| (AT) ACID OR TOXIC MATERIALS----- <u>N</u> | (OD) OFF-SITE DAMAGE----- <u>N</u>       |                                 |

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

## **OBSERVATIONS**

This inspection was conducted by Nikie Gagnon of the Division of Reclamation, Mining and Safety (Division). Joel Bolduc representing BURNCO (Operator) accompanied the Division during the inspection. The Nissen Farm Resource mine is permitted to affect 134.21 acres. The post mining land use is developed water resources surrounded by rangeland. The existing site is located 2 miles east of Greeley on the south bank of the Platte River and is accessed directly from the east site of Weld County Parkway.

This inspection was conducted as part of the Amendment 1 (AM1) application process. AM1 proposes to add 28 acres to the permit area for gravel processing and a stockpile area. No new mining will occur in the amendment area. The amendment area will be accessed from County Road 58 (CR 58)

The AM1 application was deemed complete on October 2, 2024, and the original decision date was January 19, 2024. BURNCO requested that the decision date be extended to March 21, 2025, to allow time to address public comments and Division adequacy questions.

The required public notice ran in the Greeley Tribune on October 23, October 30, November 6, and November 13, 2024. The public comment period closed December 3, 2024. The Division received comments from the Colorado Division of Water Resources and the Colorado Parks and Wildlife. The Division received a timely objection to this application and in accordance with Rule 1.4.9(2)(a) will schedule the consideration of the permit application for a hearing before the Colorado Mined Land Reclamation Board.

### **Financial Warranty:**

The Division currently holds a bond for \$906,500.00. The financial warranty was not reviewed as part of this inspection. The financial liability will be reviewed as part of the Amendment 1 process.

### **Amendment Area (AM1)**

The amendment area is located south of the existing mine site on a parcel owned by Trycycle Lane LLC, which is a sister company of BURNCO. According to the application, the site is a fallow agriculture field with native grasses and weeds. The applicant proposes to utilize the parcel for a processing facility and stockpiles. No subsurface mining will occur in the amendment area. Post mining, the operator proposes to reclaim the upland area to a pasture for dryland crops. During the inspection the Division observed an uncultivated dry field with little vegetation.

### **Structures:**

The Plumb Ditch was observed flowing through the north end of the parcel. The processing operation will be constructed in the agriculture field above the ditch. A dirt road along the western side of the amendment area connects the existing mine and the amendment area. The road connecting the two areas is proposed to be utilized by the mining operation. A bridge is constructed across the ditch along this road.

The Division observed a powerline along CR58, a concrete irrigation channel along the south end of the parcel, a gas line marker in the southeast corner, and barbed wire fences installed around the field. Additionally, a two-track dirt road was observed on the north side of the field. It appears the road is utilized for access to an adjacent residence owned by Don and Mary Lee (Hardy) Foster.

Gen. Compliance With Mine Plan:

The existing mine is north of the amendment area. The State Engineer previously approved the slurry wall that has been installed at the site, and the site has been used by the Central Conservancy District as "in-ground water storage". Mining excavation is continuing to move from west to east. During the inspection the Division observed the slopes on the western side of the reservoir. The operator is conducting concurrent reclamation. The western slopes have been graded to a 3:1 slope and topsoil is placed in preparation for seeding. The wash and processing plant is currently near the center of the site and large product stockpiles were observed in the east-center area of the site. Stockpiles of overburden material was observed along the south side of the permit area. The stockpiled material is being removed from the site through sales. All site activity (with the exception of the overburden stockpile) was observed to be taking place within the approved slurry wall which was marked with bright red fiberglass slats.

Signs and Markers:

The site identification sign was noted at the site entrance, and the permit boundary is defined by existing fencing. A notice sign for AM1 was observed facing Weld County Road 58 on the south side of the amendment area consistent with Rule 1.6.2(b).

Based on the observations made during the inspection, the site conditions presented in the amendment application were found to be accurate. All adequacy issues will be addressed during the Division's review process.

This concludes the inspection report. A subset of the photos taken during the inspection are included below. Please contact Nikie Gagnon via phone at 720-527-1640 or email at [nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us) if you have any questions regarding this report.



**PHOTOGRAPHS**



Photo 1: Looking southeast from the northwest corner of the amendment area.



Photo 2: Looking northeast from the southwest corner of the amendment area.





Photo 3: Looking southwest from the northeast corner of the amendment area.



Photo 4: Looking northwest from the southeast corner of the amendment area.





Photo 5: Access road that runs along the west side of the amendment area.



Photo 6: Looking down the southern boundary of the amendment area. County Road 58 is on the right, adjacent to the parcel. Agriculture ditch, barbed wire fence and powerlines running along CR 58 were observed. Residences on the south side of CR58.





Photo 7: Looking north down the eastern boundary. Adjacent residence is noted by red arrow.





Photo 8: Gas line marker observed in the southeast corner of the permit area.



Photo 9: Two-track road observed crossing the Trycycle Lane parcel on the northern end of the amendment area. This road appears to be utilized to access an adjacent residence. Existing mining area is below on the right noted by arrow.



Photo 9: Residence owned by Don and Mary Lee (Hardy) Foster sits adjacent to the northeast corner of the amendment area.





Photo 10: Road and bridge over the Plumb Ditch between the existing mine and the amendment area.



Photo 11: Looking at Plumb Ditch within the amendment area. The ditch is below the proposed processing facility. Arrows point to fenceline marking the northern end of the



agricultural field where the processing facility will be constructed.



Photo 12: Looking west down the southern boundary of the existing mine at the entrance to the proposed amendment area. Overburden stockpiles located outside the slurry wall are noted by the red arrow.



Photo 13: Looking west at stockpiles of material on the eastern side of the existing mine



permit area.



Photo 14: Processing facility in the center of the existing mine site. The amendment proposes to move this equipment to the amended area above pit.

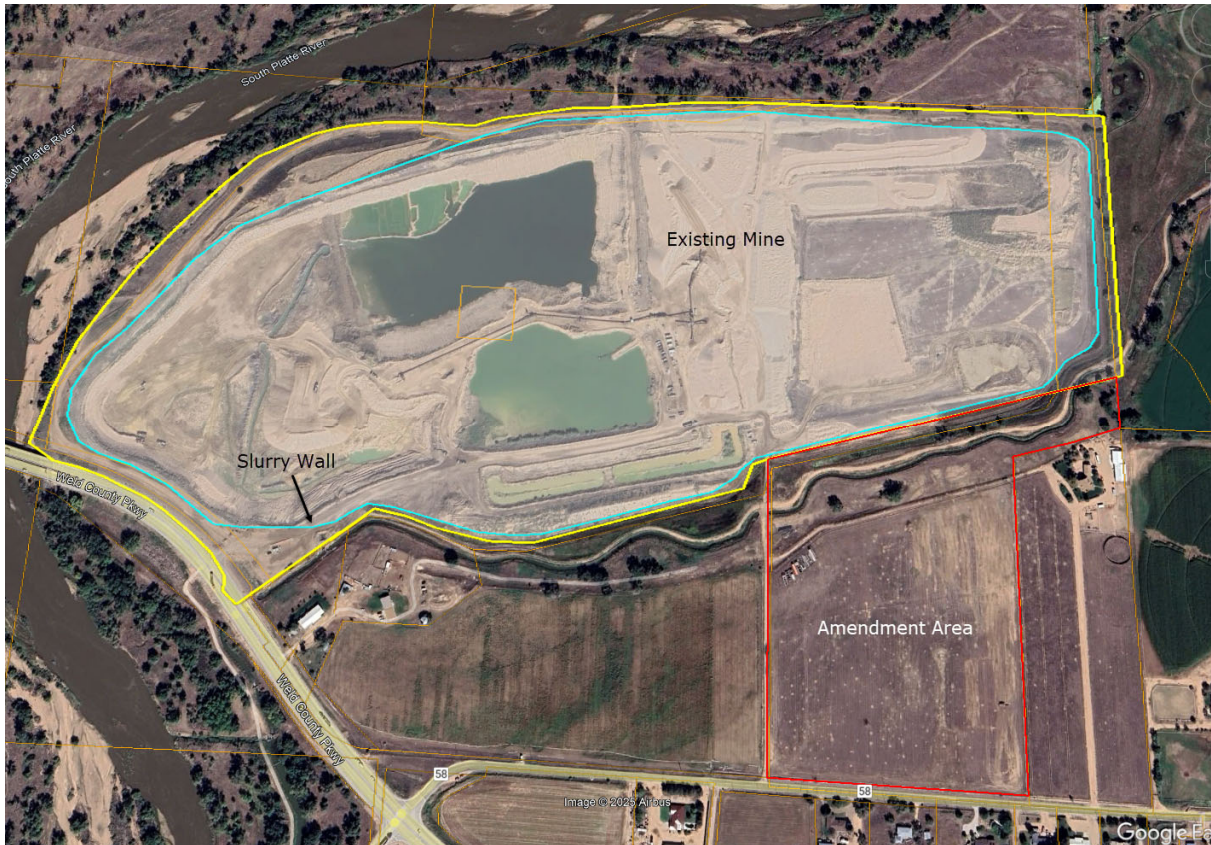


Figure 1: Google Earth image showing the existing mine boundary in yellow and the proposed amendment area in red. Imagery dated 9/22/2024.



**Inspection Contact Address**

Joel Bolduc  
BURNCO Colorado, LLC  
10100 Dallas Street  
Henderson, CO 80640

CC: Jared Ebert, Senior EPS, DRMS