

January 31, 2025

Patrick Lennberg
Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: M-2024-055
LTS Topsoil Mine
AGPRO Project # 2253-01

Dear Mr. Lennberg,

This letter is to verify the adequacy review no. 2 comments dated January 29, 2025, have been adequately addressed for the LTS Performance Horses LLC mining permit (LTS Topsoil Mine), permit no. M-2024-055. Responses to the review comments are indicated in [BLUE](#) below.

EXHIBIT C – Pre-Mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):

1. Please verify the following is correct:
 - The Property Boundary is equal to the Permit Boundary and the Permit Boundary is 131.9 acres,
 - The Mining Area is equal to the Affected Land Boundary and the Affected Land Boundary is 83.4 acres, (Affected Land is defined by the Division to be the surface which is disturbed because of a mining operation, see full definition in Rule 1.1(3)).

[The above information is correct, and this information has been clarified in the Notes on both Exhibit C – Pre-Mining and Mining Plan Map\(s\) of Affected Lands and on Exhibit F – Reclamation Plan Map.](#)

EXHIBIT D – Mining Plan (Rule 6.4.4):

2. In the Mining Plan it is stated that water trucks will be used, as necessary, for dust control. Please state the source of water to be used for dust control. Note the irrigation pond located in the northwest portion of the Permit Area is outside the Affected Land boundary and cannot be used as a source of water for dust mitigation.

The Mining Plan has been updated to clarify that water trucks will arrive at the site already loaded with water from off-site, and that the irrigation pond on-site will not be used to supply water to the water trucks.

EXHIBIT L – Reclamation Costs (Rule 6.4.12):

3. Attached for your review is the Division's reclamation cost estimate. If agreed upon this is the amount the Applicant will be bonded to for the permit to be issued.
The Division's reclamation cost estimate is agreed upon by the Applicant.

Other:

4. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office and made available for public review.
The updated and additional documents have been placed on file with the County Clerk and Records Office. Updated Exhibit R - Proof of Filing with County Clerk and Recorder is enclosed.

Please contact me at (970) 535-9318 or kbruxvoort@agpros.com if you have any questions.

Sincerely,

Kelsey Bruxvoort

Kelsey Bruxvoort
Planning Manager

Enclosures:

1. Updated Exhibit C – Pre-Mining and Mining Plan Map(s) of Affected Lands
2. Updated Exhibit D – Mining Plan
3. Updated Exhibit F – Reclamation Plan Map
4. Updated Exhibit R – Proof of Filing with County Clerk and Recorder



SOILS TYPE _____ SCALE: NT

Mining Plan

Introduction

LTS Performance Horses LLC (LTS) is requesting this Construction Material Regular (112) Operation Reclamation Permit for the removal of 10-14 inches of topsoil from irrigated farmland. The property is described as Lot B 2AMRECX19-01-2877 located in part of the Southeast Quarter of Section 18, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado.

The approximately 132-acre site contains approximately 105-acres of active agricultural land under a center pivot irrigation system, 5-acres of active agricultural land under a flood irrigation system, and 22-acres of “dry corners” outside of the irrigation range. LTS proposes to mine topsoil from approximately 78-acres. Topsoil will be taken off-site for use on various oil and gas sites throughout Weld County. Reclamation of the site will consist of re-grading to support an appropriate seedbed for revegetation. Following mining activities, the disturbed area will be regraded, tilled, and re-planted and will continue to be leased for growing corn and alfalfa.

LTS is proposing to mine the upper 50-80 percent of topsoil from the irrigated portion of the site. Approximately 10-14 inches of topsoil will be removed, leaving at least 3-6 inches on site for reclamation purposes. The goal is to remove approximately 157,480 tons of topsoil over the course of two years. As the site is underlain with soil (vs. bedrock or gravel), the depth of soil exceeds the 3-6 inches needed for reclamation purposes. Soil sampling will occur to verify whether any soil amendments are needed. Application of manure or compost will provide a suitable rootzone in the remaining topsoil.

Mining Methods and Earthmoving

A variety of earthmoving equipment will be used, including loaders, dozers, scrapers, and haul trucks. Water trucks will be used as necessary for dust control. Water trucks will arrive at the site already loaded with water from off-site. The irrigation pond on-site will not be used to supply water to the water trucks. Mined topsoil will be temporarily stockpiled in the northeast corner along the existing access road and Weld County Road 27. The topsoil will be loaded onto haul trucks for transport to the end user. No explosives will be used for extraction operations.

Water Diversions and Impoundments

The topsoil will be dry mined and will not result in the need for dewatering. The operation will not require any water diversions or impoundments.

Mining Limits

Topsoil excavation will occur within the boundary of Lot B 2AMRECX19-01-2877. The mining limits are shown on Exhibit C - Pre-Mining and Mining Plan Maps of Affected Lands and are generally described as that portion of the site irrigated by the center pivot. Within that irrigated area the mining limits are further restricted by setbacks from property lines and existing structures and easements. The mined area will encompass approximately 78-acres of the 132-acre site. The staging area will not be mined.

Mine Phasing

Topsoil excavation will occur in two phases, as depicted on Exhibit C - Pre-Mining and Mining Plan Maps of Affected Lands. Phase 1 will be the northeastern half of the site and Phase 2 will be the southwestern half of the site. Phase 1 is expected to be mined in year one and reclaimed concurrently. Phase 2 is expected to be mined in years one and two and reclaimed concurrently. Final reclamation is expected to be completed within one to two years from the end of excavation for each phase, but not more than five years from the date each phase has commenced. The direction of mining for both phases will be from the northeast to the southwest.

Commodities and Intended Use

Topsoil will be the only product mined. No secondary commodities or incidental products are anticipated. The topsoil will be taken off-site for use at various oil and gas sites throughout Weld County.

Roadways

There is an existing roadway that runs along the northern portion of the site which will be used for the mining activities. The access point for this roadway is on Weld County Road 27, approximately ½ mile north of Highway 392. As the roadway currently supports heavy agricultural equipment, no on-site roadway improvements are anticipated. No off-site roadway improvements are anticipated as Weld County Road 27 is a paved arterial and Highway 392 is a paved state highway.

This roadway is within a 35-foot access and utility easement for the benefit of Lots A and B 2AMRECX19-01-2877, recorded on December 18, 2019, at reception no. 4551466. There will be no staging on the roadway and Lot A will continue to be able to enjoy full use of the shared roadway.

Fencing

No fencing is proposed at this time. Should fencing be installed during the life of the mining activities, it should follow Colorado Parks and Wildlife's (CPW) recommendations. Fencing should be the type that will allow the free passage of wildlife to ensure the safety of mule deer, white-tailed deer, and pronghorn antelope. The use of woven wire-type fences that trap or prevent the movement of wildlife should be avoided. CPW recommends using three or four-strand smooth-fire fencing with a minimum bottom strand height of 17-inches above ground level and a maximum top strand height of 42-inches above ground level, along with the installation of double stays between posts.

Lighting

Sources of light will be shielded so that light rays will not shine directly onto adjacent properties where such would cause a nuisance or interfere with the use on the adjacent properties. Neither the direct, nor reflected light from any light source will create a traffic hazard to operators of motor vehicles on public or private streets. No colored light will be used which may be confused with, or construed as, traffic control devices.

Nighttime artificial lighting has been documented to affect wildlife species of all sizes. In accordance with CPW's recommendations, all outdoor lighting should have correlated color temperatures (CCTs) ranging from 2,200 Kelvin Degrees to 2,700 Kelvin Degrees.



Proof of Filing with County Clerk and Recorder

A copy of the LTS Performance Horses Construction Material Regular (112) Operation Reclamation Permit for the removal of 10-14 inch of topsoil from irrigated farmland was placed with the local County Clerk and Recorder for public review on the following date:

Carly Koppes

Clerk and Recorder Certificate

JAN 31 2025