



April 8, 2025

Joel Bolduc
BURNCO Colorado LLC
10100 Dallas St.
Henderson, CO 80640

RE: Nissen Farm Resource, Permit No. M-2003-001, Amendment 1 (AM1), Adequacy Review #2

Dear Mr. Bolduc:

The Colorado Division of Reclamation, Mining and Safety (Division) reviewed the content of the applicant's Adequacy Review Responses submitted on March 24, 2025, and submits the following additional comments.

Rule 6.4.4 Exhibit D - Mining Plan

6. The Mining Plan states material mined will be transported by conveyor or haul truck to the processing area in the amendment area. This will require crossing an irrigation ditch owned by the Plumb Irrigation Company. Please update the mine plan to describe any necessary improvements to the existing gravel road along the west side of the amendment area and the bridge crossing the ditch.

BURNCO Response: See Attachment 6 for Exhibit D that has been updated to address these items. BURNCO has been in discussions with the Plumb Irrigation Company to execute a conveyor crossing agreement which we expect to be completed by March 31, 2025.

Additional Comment: Please submit a copy of the executed conveyor crossing agreement to the Division.

Rule 6.4.19 Exhibit S - Permanent Man-Made Structures

10. Where the affected lands are within two hundred (200) feet of any significant, valuable, and permanent man-made structure, the applicant shall provide a notarized agreement between the applicant and the person(s) having an interest in the structure.

BURNCO Response: See Attachment 3 for the Proof of Mailing of Structure Agreements to the structure owners within 200 feet of the affected area. Mr. Borys is the only structure owner to return the executed structure agreement, and his agreement is included in Attachment 3. The concrete irrigation channel (e. above) is a private lateral. The Tricycle Lane parcel has been "dried up" and the lateral filled with dirt in order to prevent its use where the lateral enters the Tricycle Lane parcel from the west. The site will not be mined therefore no negative impacts due to mining will occur to structures surrounding the amendment parcel. A 2023 slope stability report showing no negative impacts to surrounding structures has been performed on the original permit boundary and was included in the original application submittal.



Additional Comment: The Division acknowledges the referenced 2023 Slope Stability report submitted for the Succession of Operator application (SO3) which transferred to permit from Bestway to Burnco. The report addressed the existing permit area, however, it does not address all of the structures within 200 feet of the proposed amendment area. Therefore, per Rule 6.4.19(b), please provide an engineering evaluation that demonstrates that all structures within 200 feet of the affected lands shall not be damaged by activities at the mining operation.

Rule 6.4.12 Exhibit L - Reclamation Costs

The Division reviewed the applicant's Reclamation Cost Estimate in Exhibit L and concurs with the \$1,097,117.00 estimate.

This concludes the Division's 2nd adequacy review of this application. The decision date is set for April 20, 2025. Please provide responses to these items as soon as possible to allow the Division adequate time for review before the issuing a recommendation to the Board. If you require additional information, or have questions or concerns, please feel free to contact me at nikie.gagnon@state.co.us or by phone at 720-527-1640.

Sincerely,



Nikie Gagnon

Environmental Protection Specialist

Cc: Jared Ebert, Senior EPS, DRMS
Chris Oestreich, BURNCO Colorado