

## Korwell Response to DRMS Comments

### Application Form:

1. On Page 2 under Item #7, DCP Operating Company LP needs to be added. According to the Weld County Property Portal, DCP Operating Company LP owns Parcel number 105725300019 in the northeast quadrant of the permit area.

*RESPONSE: DCP Operating Company, LP has been added to item #7.*

2. On Page 2 under Item #10, the latitude and longitude of the primary mine entrance location is approximately 165 feet to the south of the mine entrance access road off W County Road 35. Please revise these coordinates.

*RESPONSE: The latitude and longitude of the primary mine entrance location have been corrected on the application.*

### Rule 6.4.1- Exhibit A- Legal Description:

3. As previously stated in Item #2, please revise the latitude and longitude coordinates and update this exhibit.

*RESPONSE: The latitude and longitude of the primary mine entrance location have been corrected on this exhibit.*

### Rule 6.4.3- Exhibit C- Pre-mining & Mining Plan Map(s) of Affected Lands:

4. Please revise Sheet 02 to account for the change in ownership of Parcel number 105725300019 in the northeast quadrant of the permit area.

*RESPONSE: Ownership of parcel number 105725300019 has been added to Exhibit C.*

5. According to Sheet 02, the northeast quadrant will be mined in Phase 2. Discussions between the Division, the Operator, and DCP Operating Company LP have indicated that the northeast quadrant will no longer be mined. Please revise Sheet 02 to clarify the mining phasing going forward. Please revise Sheet 02 to indicate the area that was mined and reclaimed in the northeast quadrant.

*RESPONSE: Phasing has been adjusted, and the northeast quadrant, which is no longer being mined, has been labeled accordingly.*

6. Sheet 02 states that the total mining acreage is 129.2 acres. Please revise the total mining acreage to account for the northeast quadrant no longer being mined.

*RESPONSE: The total mining acreage has been corrected to 96.9 acres.*

### Rule 6.4.4- Exhibit D- Mining Plan:

7. According to the Weld County Property Portal, Korwell Land Holdings LLC owns parcel # 105725300020, which is 122.7 acres. In addition, DCP Operating Company LP owns parcel # 105725300019. Please revise all text in the narrative that contradicts this.

*RESPONSE: Revisions have been made to the text.*

8. Please update the narrative regarding mining phasing to account for changes identified in Item #5.

*RESPONSE: The narrative has been revised to account for changes in ownership of the NE quarter.*

9. Please clarify if the change in the post-mine land use will alter the timetable of four (4) to six (6) years to complete mining.

*RESPONSE: There will be no change in the timetable due to the change in post-mine land use.*

10. Please revise the quantity of topsoil to be mined going forward as a result of change in the post-mine land use.

*RESPONSE: The quantity of topsoil to be mined has been revised.*

#### **Rule 6.4.5- Exhibit E- Reclamation Plan:**

11. Please revise this exhibit to account for changes previously identified in Items #5 and #6.

*RESPONSE: The exhibit has been revised to address items #5 and #6.*

12. Under Reclamation Methods, the mine phasing does not align with the mine phasing indicated on Sheet 02 and Sheet 03. Please clarify and revise appropriately.

*RESPONSE: The mine phasing has been updated.*

13. The amendment application states that the Staging Area is located in the southwest quadrant. However, Sheet 02 does not include the Staging Area and Sheet 02 within the initial application indicated that the Staging Area is located in the northwest quadrant. Please clarify these contrasting statements.

*RESPONSE: The plan has been corrected to state that the Staging Area is located in the northwest quadrant.*

14. Please clarify how final grading will be changed to support industrial land use pursuant to Rule 3.1.5(3). Please clarify that the Operator does not intend to conduct seeding and revegetation. If the Operator does not intend to conduct seeding and revegetation, please demonstrate how the area will be reclaimed for industrial post-mine land use. If the post-mine land use reverts back to general agriculture, please clarify where in the affected area that seeding and revegetation will occur.

*RESPONSE: Final grading will follow existing (pre-mining) grade, which is generally flat and able to support industrial land use. Operator intends to conduct seeding and revegetation in all mined areas.*

15. Under Description of Amendment or Conversion, the Operator indicated that the post-mine land use will be changed to industrial but would like to conditionally have the post-mine land use remain as general agriculture. Please revise the reclamation plan in the amendment application to include how the permit area will be reclaimed for a post-mine land use of both industrial and general agriculture.

*RESPONSE: The post-mine land use of all mined land will be industrial. Reclamation will include seeding and revegetation.*

16. Please revise the amendment application to commit to completing reclamation within five (5) years from the date the Operator has ceased mining pursuant to Rule 3.1.3, as previously stated in the initial application.

*RESPONSE: This information has been included in the plan.*

#### **Rule 6.4.6- Exhibit F- Reclamation Plan Map:**

17. Please revise Sheet 03 to account for changes noted in Items #5 and #6.

*RESPONSE: Revisions have been made to account for the changes noted in items #5 and #6.*

18. Sheet 03 indicates that native seed will be planted as part of reclamation. If the Operator intends to have the post-mine land use conditionally stay as general agriculture, then two reclamation plan maps will be required. One map to account for a post-mine land use of industrial, and one to account for the post-mine land use reverting back to general agriculture.

*RESPONSE: All four quadrants are proposed to have Industrial post-mine land use.*

#### **Rule 6.4.12- Exhibit L- Reclamation Costs:**

19. Please note the Division will develop a cost estimate to complete reclamation after clarifications are made regarding the reclamation plan.

*RESPONSE: Acknowledged*

#### **Rule 6.4.14- Exhibit N- Source of Legal Right to Enter:**

20. Please provide documentation of Legal Right to Enter the northeast quadrant from DCP Operating Company LP.

*RESPONSE: Documentation of Legal Right to Enter the northeast quadrant from DCP Operating Company LP has been provided with submittal materials.*

#### **Rule 6.4.15- Exhibit O: Owners(s) or Record of Affected Land (Surface Area) and**

**Owners of Substance to be Mined:**

21. As previously stated in Item #1, DCP Operating Company LP owns the northeast quadrant of the permit area. Please revise this exhibit to account for the property transaction that transpired on November 7, 2024.

*RESPONSE: Exhibit revised to account for DCP Operating Company LP property transaction.*

**General Comment:**

22. Please see the enclosed comment letter from the Colorado Division of Water Resources (DWR). Please acknowledge their comments regarding the amendment application.

*RESPONSE: Applicant acknowledges the comments incorporated in the letter from the Colorado Division of Water Resources.*

**Rule 6.4.18- Exhibit R- Proof of Filing with County Clerk and Recorder:**

23. In accordance with Rule 1.6.2(1)(c), any changes to the application must be reflected in the public review copy which was placed with the Weld County Clerk and Recorder. In accordance with Rule 6.4.18, please provide our office with an affidavit or receipt indicating the date the revised application pages were placed with the Weld County Clerk and Recorder.

*RESPONSE: The affidavit shall be provided through a separate communication to the Division.*

# EXHIBIT A

## Legal Description

The Southwest Quarter of Section 25, Township 4 North, Range 66 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado

## Mine Site Main Entrance

Latitude (N) 40.28117

Longitude(W) -104.73480

## Mining Plan

The subject property making up the permit area totals 162 acres (the "Site") and is located in unincorporated Weld County, Colorado. Korwell Land Holdings, LLC (Korwell) owns Parcel Nos. 105725300020 and 105725300018, a 122.7-acre property. The Korwell property consists of 96.9 acres of active agricultural land under a center-pivot irrigation system and 22.5 acres of "dry corners" outside of the center-pivot irrigation range. DCP Operating Company LP owns Parcel No. 105725300019. The DCP property has already been mined and reclaimed and is not within the mining boundary. Korwell proposes to mine approximately 279,509.25 tons of topsoil from the 96.9 acres under the existing center irrigation pivot. Korwell is the landowner of the mining area and the operator of the mining activity.

Korwell is proposing to mine the upper 50 to 80 percent of topsoil from the irrigated portion of existing agricultural land in order to provide topsoil for reclamation of third-party development sites. The topsoil on Site has been measured between 14-18 inches in depth. The operator will extract approximately 12-14 inches of topsoil, leaving at least 3-6 inches. Korwell will dig test holes on approximately a 500' x 500' grid to verify depths and ensure adequate top soil remains. The goal to remove a total of approximately 280,000 tons of topsoil will occur in three phases over the course of four to six years under the Construction Material Regular 112 Operation Permit.

### Mining Limits

Korwell Land Holdings, LLC proposes a permit boundary that encompasses the entirety of the 162-acre Site, described as The Southwest Quarter of Section 25, Township 4 North, Range 66 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado. The mining limits are established generally as the portion of the site irrigated by the center pivot. Within that irrigated area, the mining limits are further restricted by setbacks from property lines as well as existing easements and structures. The resulting mining area is approximately 96.9 acres.

### Products

Topsoil will be the only product produced by the Korwell Soils Mine. The topsoil will be taken off-site for use at various oil and gas project locations.

### Mining Methods

The topsoil will be dry-mined and will not result in the need for any dewatering. Mining will be done with a variety of earth-moving equipment, including dozers, loaders, and scrapers. Watering trucks will be employed as needed to mitigate wind erosion of the exposed soil. Mined topsoil will be stockpiled near the single access point along the northwest property line. The topsoil will be loaded onto trucks for transport to the end user.

# EXHIBIT D

## Mine Phasing

Mining will be completed in three main phases, one for each quarter-section of the property. The first phase will be the northwest quarter, and future phases will proceed in a counterclockwise sequence. The overall time anticipated to complete all mining is 4 to 6 years, with each phase estimated to be completed in 12 to 18 months. The maximum area to be mined at any one time will be approximately 32.8 acres. The post-mined land use will be industrial.

# EXHIBIT O

## **Owners of Record of Affected Land (Surface Area) and Owner of Substance to be Mined**

Owner of Parcel Nos. 105725300020 & 105725300018

Korwell Land Holdings, LLC

12535 County Road 2

Brighton, CO 80603

P.O. Box 337282

Greeley, CO 80633

(see attached deed)

Owner of Parcel No. 105725300019

DCP Operating Company, LP

2331 Citywest Blvd

Houston, TX 77042

(see attached deed)