

Parker, CO ŬSA 80138

E-Mail: info@lewicki.biz

Fax (303)-346-6934

July 18, 2013

Wally Erickson Division of Reclamation, Mining and Safety 691 CR 233 Suite A-2 Durango, CO 81301

Durango Field Office Division of Reclamation, Mining and Safety

JUL 18 2013

RECEIVED

RE: Response to Adequacy letter of July 16, 2013 for Rocky Mountain Aggregate and Construction's Uncompanyre Pit, File No. M-2013-007

Dear Mr. Erickson:

This letter has the answers to all adequacy issues of your July 16, 2013 letter.

- 1. The required proof of publication for the newspaper notice for the amended application has been included.
- 2. The proof of service for Mr. and Mrs. Noble has been included.
- 3. The proposed new bridge crossing of Montrose West Canal has been discussed in Appendix 6. Language per your recommendation was included in the discussion.
- 4. Proof of receipt of structure agreements for Montrose County, Tri-County Water, and Century Link have been provided in Exhibit S.
- 5. A detailed discussion of the visual berm between the new access road and County Road T has been provided in Exhibit U. The discussion addresses MSHA requirements. Also, an engineering evaluation discussion has been provided in Exhibit U addressing Ouray Ditch and Montrose West Canal. The statements have been certified by a professional, registered engineer.
- 6. Rocky Mountain Aggregate and Construction accepts the Division's estimated reclamation cost of \$99,409.04. Upon approval, Rocky Mountain Aggregate and Construction will provide financial warranty not less than \$99,409.04.

Two copies of all revised pages of the application are also enclosed.

The office number is 720-842-5321. Zane Luttrell, the operator, can also be reached at 970-249-8780.

Tesser R Mary

Tessa R Monday, EIT Greg Lewicki and Associates

Cc: Zane Luttrell

Rocky Mountain Aggregate and Construction, LLC.

Uncompangre Pit

112c APPLICATION TO THE COLORADO DIVISION OF RECLAMATION, MINING, AND SAFETY

July 2013

PREPARED BY:



11541 Warrington Court Parker, CO USA 80138 Phone (303) 346-5196 Fax: (303)-346-6934 E-Mail:info@lewicki.biz

UNCOMPAHGRE PIT PERMIT

REGULAR 112 OPERATION

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EXHIBIT N SOURCE OF LEGAL RIGHT TO ENTER

The permittee for this site is Rocky Mountain Aggregate and Construction, LLC, who has a lease with the property owner, Lazy K-Bar Land and Cattle Company, LLLP. This lease is enclosed in Appendix 4.

EXHIBIT O OWNERS OF AFFECTED LAND

OWNERS OF MINED SUBSTANCE

The mined substance is sand and gravel. No other lands will be affected by the operation. The surface and mineral owner of the property is:

Surface Owner

Lazy K-Bar Land and Cattle Company, LLLP

Mineral Owner

Lazy K-Bar Land and Cattle Company, LLLP



EXHIBIT P MUNICIPALITIES WITHIN TWO MILES

The closest municipality is the City of Montrose, which is 9 miles north of the site. See Map B-1.

EXHIBIT Q PROOF OF MAILING NOTICES

Notifications and accompanying permit forms have been sent to the Shavano Soil Conservation District and the Montrose County Commissioners.

Please see attached return receipts.

Soil Conservation District receipt



11541 Warrington Court Parker, CO USA 80138

Phone (303) 346-5196 Fax: (303)-346-6934 E-Mail:info@lewicki.biz

February 10, 2013

Shavano Conservation District 102 Par Place Montrose, CO 81401

Dear District Manager:

Enclosed is a notice for a new application to the Colorado Division of Reclamation, Mining, and Safety for the 112 gravel permit for the pit named as the Uncompany Pit, located approximately 9 miles south of the Montrose and west of T Road. The applicant is Rocky Mountain Aggregate and Construction, LLC. The Colorado Division of Reclamation, Mining, and Safety needs evidence that you received this notice and that the application has been filed with your office. Therefore, please sign and date the box below. Thank you.

Sincerely,

One Lewich

Greg Lewicki, P. E. Greg Lewicki and Associates

The application was received on the following date: arroi by:

Uncompany Pit, February 2013

Q-2

County Commissioners receipt

Greg Lewicki And Associates, PLLC

11541 Warrington Court Parker, CO USA 80138

Phone (303) 346-5196 Fax: (303)-346-6934 E-Mail:info@lewicki.biz

February 10, 2013

Montrose County Commissioners 54161 South Townsend Ave. Montrose, CO 81402

Dear Commissioners:

Enclosed is a notice for a new application to the Colorado Division of Reclamation, Mining, and Safety for the 112 gravel permit for the pit named as the Uncompany Pit, located approximately 9 miles south of the Montrose and west of T Road. The applicant is Rocky Mountain Aggregate and Construction, LLC. The Colorado Division of Reclamation, Mining, and Safety needs evidence that you received this notice and that the application has been filed with your office. Therefore, please sign and date the box below. Thank you.

Sincerely,

Greg Cerrich

Greg Lewicki, P. E. Greg Lewicki and Associates

The application was received on the following date: <u>Jeb 11, 2013</u> by: <u>Hypoth Alcever Blanning</u> + Development

Uncompangre Pit, February 2013

EXHIBIT R PROOF OF FILING WITH COUNTY CLERK

Please see attached return receipt.

Uncompahgre Pit, February 2013

Clerk receipt

Greg Lewicki And Associates, PLLC

11541 Warrington Court Parker, CO USA 80138

Phone (303) 346-5196 Fax: (303)-346-6934 E-Mail:info@lewicki.biz

February 10, 2013

Francine Tipton-Long Montrose County Clerk and Recorder 320 South First Street Room 101 Montrose, CO 81401

Dear Clerk and Recorder:

Enclosed is a notice for a new application to the Colorado Division of Reclamation, Mining, and Safety for the 112 gravel permit for the pit named as the Uncompany Pit, located approximately 9 miles south of the Montrose and west of T Road. The applicant is Rocky Mountain Aggregate and Construction, LLC. The Colorado Division of Reclamation, Mining, and Safety needs evidence that you received this notice and that the application has been filed with your office. Therefore, please sign and date the box below. Thank you.

> Sincerely, Oreq Courich

Greg Lewicki, P. E. Greg Lewicki and Associates

FEB 1 1 2013 The application was received on the following dat by:

Uncompany Pit, February 2013

Adjacent Property Owners

All adjacent property owners and other owners within 1320 feet (1/4 mile) of the permit area are shown in Appendix 3. All landowners are shown on Map B-2 in Appendix 5.

EXHIBIT S PERMANENT MAN-MADE STRUCTURES

The man-made structures within 200 feet of the permit boundary are as listed below:

1) Various old ranch barbed wire fences on wood posts owned by Lazy K Bar and Cattle Company.

2) T Road owned by Montrose County. This structure is covered by a special maintenance agreement between Montrose County and Rocky Mountain Aggregate. This letter is attached to this section.

3) Ouray Ditch owned by Ouray Ditch Company (although the ditch through the subject property is the end of the ditch and the Ditch Company does not care what occurs on the property.

4) Montrose West Canal and T Road crossing of the canal owned by Bureau of Reclamation and operated by the Uncompany Valley Water Users Association.

5) Steel pipe fence with chicken wire grating owned by Dean Alexander on the property north of T Road and east of the Montrose West Canal.

6) Tri-County Water owns a 4" plastic water line that is buried in the south right of way of T Road from Highway 550 to the Alexander residence.

7) Power poles and overhead transformers located on the north side of T Road and west of the office/shop area, owned by DMEA.

8) Century Link phone line on power poles along T Road.

9) Source Gas Company owns a buried gas line along T Road.

10) Irrigation structures owned by Roger Noble.

Uncompany Pit, February 2013 S-1

- 11) Irrigation structures, fences, driveway and culvert owned Lyle Alexander.
- 12) Irrigation structures, fences, driveway and culvert owned Dean Alexander.
- 13) Irrigation structures, fences, driveway, wooden cabin and culvert owned Janice Wheeler.

Damage waiver agreements have been sent to all owners of record of any structures with 200 feet of the permit. These are enclosed in this section. The certified receipts are also enclosed. No damage waivers have yet been signed by the receiving party, therefore, the engineering demonstration is provided in Exhibit U, to show that the structures will not be damaged. In the unlikely case of any damage to an owner's structure, Rocky Mountain Aggregate commits to either replacing or repairing the structure, as long as it is evident that the damage was caused by the operator or a vehicle related to the operation. Montrose County Engineer letter

Damage waiver send outs and agreements

ROCKY MOUNT

Aggregate & Construction LLC

July 16, 2013

Montrose County 161 South Townsend Avenue Montrose, CO 81401

RE: Uncompanyere Gravel Pit - State of Colorado Damage Waiver

Dear Montrose County - Dean Cooper,

Enclosed is a structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety. We need to submit a copy of receipt of this agreement to the State of Colorado Division of Reclamation, Mining and Safety for the permit file.

Sincerely,

Zane Luttrell Manager Rocky Mountain Aggregate & Construction

This structure agreement was received on the following date:____

Ву:_____

JUL 1 7 2013 inon-rose d sent to Coun attoing for review 7-17-13 Kathy R



Aggregate & Construction LLC

Lazy K Bar Land & Cattle Company 70455 Buckhorn Road Montrose, CO 81403

RE: Uncompanyere Gravel Pit Damage Waiver

Jay.

Please find the attached structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety to be sent to any landowner who has man-made structures within 200 feet of the permit boundary. The purpose of the agreement is to ensure that we, the permittee of the mine, will fix or replace any structures on your property that are within 200 feet of the permit area that we could damage. This is an extremely remote possibility, but nevertheless, it is required that we send this agreement to you. We have listed any man-made structures that fall within this area on the agreement in order to insure that damages that are proven to be caused by our operations will fall under the guidelines of the attached agreement. If you have any questions regarding this form, please call me and I can provide further explanation of this requirement by the State of Colorado Division of Mining, Reclamation and Safety.

Thank You,

Zane Luttrell Owner Rocky Mountain Aggregate & Construction

Attachment: Structure agreement for DRMS An example Structure Agreement which meets the requirements of the Statutes is shown below

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado. Division of Reclamation. Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a) Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock Metal Mining Rule 6.3.12(a). Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

ł.	LECIGATION STRUCTURES
` .	FENCES
2	
*	
Y.	
	(Please list additional structures on a separate page)

CERTIFICATION

The Applicant. Rocky Mountain Aggregate and Construction, LLC (print appli	cont/common
by Zane Luttrell (print representative's name), as Manager	town
representative's title), does hereby certify that LA34K Bre Long & CATTLE CO (stu	ructure owner i shall
be compensated for any damage from the proposed mining operation to the above lis	sted structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit .	A. of the Reclamation
Permit Application for Uncompahare Pit	(operation name),
File Number M- 2013007	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY: Applicant Rocky Muntoin Aggregate & Construction Representative Name ZAVE Litter Date 6/25/2013 Title MANAGER STATE OF COLORADO , COUNTY OF MONTROSE The foregoing was acknowledged before me this 25 day of JUNE . 2013. by <u>ZANE LUTTRELL</u> as <u>MANAGER</u> of <u>ROCKY</u> MOUNTAIN AGGREGATE IM <u>ECONSTRUCTION LLC</u> 210 My Commission Expires: 1/4/2016 Sotary Publ ANEAN A.

NOTARY FOR STRUCTURE OWNER

ACKNOWLEGED BY:
Structure Owner & Oattie Name Ally U Julta
Structure Owner & Oatt 2 ve Name Joy W Julta Date 7/17/13 Title President
STATE OF COLORADO,
COUNTY OF MONTROSC SS.
The foregoing was acknowledged before me this 17 day of MULY . 2013. by VAY W. MITTEN as PRESIDENT OF LAZY K BARLANDE CATTLE
Votari Public DANEAN A. LANGE Expires: 1/4/2016
DANEAN A. CHEZEM
WATE OF COLORAD

NOTARY FOR STRUCTURE OWNER

Structure Owner	Name	· · · · · · · · · · · · · · · · · · ·
Date	Title	a a succession monocol backback starts and the second starts and a succession of
TATE OF		
OUNTY OF	: SS)	
he foregoing was ac	knowledged before me this day of	. 20 by

200 NO MOUNTY

ACGREGATE & CONSTRUCTION LLC

Ouray Ditch Company

20965 Highway 550

Montrose, CO 81403

RE: Uncompangre Gravel Pit Damage Waiver

To Whom It May Concern,

Please find the attached structure agreement that is required by the State of Colorado Division of Reclamation. Mining and Safety to be sent to any landowner who has man-made structures within 200 feet of the permit boundary. The purpose of the agreement is to ensure that we, the permittee of the mine, will fix or replace any structures on your property that are within 200 feet of the permit area that we could damage. This is an extremely remote possibility, but nevertheless, it is required that we send this agreement to you. We have listed any man-made structures that fall within this area on the agreement in order to insure that damages that are proven to be caused by our operations will fall under the guidelines of the attached agreement. If you have any questions regarding this form, please call me and I can provide further explanation of this requirement by the State of Colorado Division of Mining, Reclamation and Safety.

Thank You,

Zane Luttrell Owner Rocky Mountain Aggregate & Construction

Attachment: Structure agreement for DRMS An example Structure Agreement which meets the requirements of the Statutes is shown below.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a). Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

١.	OURAY DITCH
2.	IRRICATION STRUCTURES
3.	
4.	
5.	
	(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Rocky M	ountain Aggregate and Construction, LLC (print a	nnlicent/commence
by Zane Luttrell	(print representative's name), as Manager	Invint
representative's title), does	shereby certify that DUIZAY DITCH CO	(structure owner) shall
be compensated for any da	mage from the proposed mining operation to the abov	e listed structure(s)
located on or within 200 fe	et of the proposed affected area described within Exh	bit A. of the Reclamation
Permit Application for U	ncompangre Pit	(operation name),
File Number M- 201300	7.	("Personality,

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:
Applicant Rocky MOUNTAIN Aggregate Representative Name Luthrell
Applicant Rocky MOUNTAIN Aggregate Representative Name <u>LANE LUTTRELL</u> Date 6/25/2013 Title <u>MANAGER</u>
STATE OF COLORADC)
COUNTY OF MONTROSS.
The foregoing was acknowledged before me this 25 day of <u>JUNE</u> , 2013, by <u>FANE</u> <u>LUTTRELL</u> as <u>MANAGER</u> of <u>RCCRU MCLINTAIN AGGREGATE</u> <i>CONSTRUCTION LLC</i> Notary Public DANEAN A. CHEZEM

NOTARY FOR STRUCTURE OWNER

ACKNOWLEGED B	ř:	
Structure Owner	Name	
Date	Title	
STATE OF		
COUNTY OF) SS)	
The foregoing was ack	nowledged before me this day of as of	, 20, by
Notary Public	My Commission Expires:	



Augregate & Construction LLC

Tri-County Water 647 North 7th Street Montrose, CO 81401

RE: Uncompanyere Gravel Pit Damage Waiver

To Whom It May Concern,

Please find the attached structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety to be sent to any landowner who has man-made structures within 200 feet of the permit boundary. The purpose of the agreement is to ensure that we, the permittee of the mine, will fix or replace any structures on your property that are within 200 feet of the permit area that we could damage. This is an extremely remote possibility, but nevertheless, it is required that we send this agreement to you. We have listed any man-made structures that fall within this area on the agreement in order to insure that damages that are proven to be caused by our operations will fall under the guidelines of the attached agreement. If you have any questions regarding this form, please call me and I can provide further explanation of this requirement by the State of Colorado Division of Mining, Reclamation and Safety.

Thank You,

Zane Luttrell Owner Rocky Mountain Aggregate & Construction

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- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

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The following structures are located on or within 200 feet of the proposed affected area:

1.	UNDERGROUND WATER LINE
2.	METER PITS
3.	SERVICES
4.	
5.	
	(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Rocky Mo	ountain Aggregate and Construction, LLC (print	applicant/company name)
by Zane Luttrell	(print representative's name), as Manager	(print
representative's title), does	shereby certify that TRI-COUNTY NATER	(structure owner) shall
be compensated for any da	mage from the proposed mining operation to the abo	ve listed structure(s)
located on or within 200 fe	et of the proposed affected area described within Ex	hibit A, of the Reclamation
Permit Application for Ur	ncompahgre Pit	(operation name).
File Number M- 201300	7	

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NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:
Applicant Lody Mountan Agarcante L Representative Name ZANE Little //
Date 6/25/2013 Corstantion III Title MANALOR
STATE OF <u>COLORADC</u>)
COUNTY OF MONTROS
The foregoing was acknowledged before me this 25 day of <u>JUNES</u> , 2013, by <u>ZANE LUTTRELL</u> as <u>MANAGER</u> of <u>RCCKY MOLINTAINA</u> GGREGATE E CONSTRUCTION LLC
E CONSTRUCTION LLC AULAN My Commission Expires: 1/4/2016
Notary Public
DANEAN A. CHEZEM
With OF COLOR A

NOTARY FOR STRUCTURE OWNER

Structure Owner	Name	
Date	Title	
STATE OF	_)	
COUNTY OF) ss.	
	dged before me this day of as of	, 20, by

Notary Public

ROCKY MOUNTY

Aggregate & Construction LLC

July 16, 2013

Century Link 602 North 1st Street Montrose, CO 81401

RE: Uncompanyere Gravel Pit - State of Colorado Damage Waiver

Dear Century Link,

Enclosed is a structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety. We need to submit a copy of receipt of this agreement to the State of Colorado Division of Reclamation, Mining and Safety for the permit file.

Sincerely, Zane Luttrell

Manager Rocky Mountain Aggregate & Construction

This structure agreement was received on the following date:



AGGREGATE & CONSTRUCTION LLC

Century Link 500 North 2nd Street Montrose, CO 81401

RE: Uncompangre Gravel Pit Damage Waiver

To Whom It May Concern,

Please find the attached structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety to be sent to any landowner who has man-made structures within 200 feet of the permit boundary. The purpose of the agreement is to ensure that we, the permittee of the mine, will fix or replace any structures on your property that are within 200 feet of the permit area that we could damage. This is an extremely remote possibility, but nevertheless, it is required that we send this agreement to you. We have listed any man-made structures that fall within this area on the agreement in order to insure that damages that are proven to be caused by our operations will fall under the guidelines of the attached agreement. If you have any questions regarding this form, please call me and I can provide further explanation of this requirement by the State of Colorado Division of Mining, Reclamation and Safety.

Thank You,

Zane Luttrell Owner Rocky Mountain Aggregate & Construction

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- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1.	BURLED	Phone	LINES			
2.	SERVICES					
3.				·····		
4.					·	
5.						
	(Please list additional structures on a separate page)					

CERTIFICATION

The Applicant, Rocky Mo	ountain Aggregate and Construction, LLC (prin	t applicant/company news)
by Zane Luttrell	(print representative's name), as Manager	(print
representative's title), does	hereby certify that CENTURY LINK	(structure owner) shall
be compensated for any dar	mage from the proposed mining operation to the ab	ove listed structure(s)
located on or within 200 fee	et of the proposed affected area described within Ex	xhibit A. of the Reclamation
Permit Application for Un	compahgre Pit	(operation name),
File Number M-2013007	7	(- p =

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT
NOTARY FOR STRUCTURE OWNER

.

ACKNOWLEGED BY:		
Structure Owner	Name	
Date	Title	
STATE OF)	
COUNTY OF) ss)	
The foregoing was ackn	owledged before me this day of asof	, 20, by
Notary Public	My Commission Expires:	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse 	A. Signature Agent X Address B. Received by (Printed Name) C. Date of Deliv
 so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	D, is delivery address different from item 1?
1. Article Addressed to:	If YES, enter delivery address below: CI No
500 N. Znd St Monthose 20	3. Service Type — Certified Mail — Express Mail — Registered — Return Receipt for Merchan — Insured Mail — C.O.D.
8140/	4. Restricted Delivery? (Extra Fee)
2. Article Number (Transfer from service label) 7012 22	LO 0000 7784 2933
	Return Receipt 102595-02-M

f

•••



Aggregate & Construction LLC

Ouray Ditch Company

20965 Highway 550

Montrose, CO 81403

RE: Uncompanyere Gravel Pit Damage Waiver

To Whom It May Concern,

Please find the attached structure agreement that is required by the State of Colorado Division of Reclamation, Mining and Safety to be sent to any landowner who has man-made structures within 200 feet of the permit boundary. The purpose of the agreement is to ensure that we, the permittee of the mine, will fix or replace any structures on your property that are within 200 feet of the permit area that we could damage. This is an extremely remote possibility, but nevertheless, it is required that we send this agreement to you. We have listed any man-made structures that fall within this area on the agreement in order to insure that damages that are proven to be caused by our operations will fall under the guidelines of the attached agreement. If you have any questions regarding this form, please call me and I can provide further explanation of this requirement by the State of Colorado Division of Mining, Reclamation and Safety.

Thank You,

Zane Luttrell Owner Rocky Mountain Aggregate & Construction

Attachment: Structure agreement for DRMS An example Structure Agreement which meets the requirements of the Statutes is shown below.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1991
eparate page)

CERTIFICATION

The Applicant, Rocky M	puntain Aggregate and Construction, LLC (print a	policant/company name)
by Zane Luttrell	(print representative's name), as Manager	(print
representative's title), doe	shereby certify that DUIZAY DITCH CO	(structure owner) shall
be compensated for any de	amage from the proposed mining operation to the above	e listed structure(s)
located on or within 200 f	eet of the proposed affected area described within Exhi	bit A, of the Reclamation
Permit Application for U		(operation name),
File Number M- 201300	7	

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:
Applicant Rocky Monutain Aggroupte Representative Name TANE LUTTRE// Date 6/25/2013 Title MANAGER
STATE OF <u>COLORADC</u>) COUNTY OF <u>MONTRESS</u>
The foregoing was acknowledged before me this $\frac{25}{25}$ day of $\frac{11NE}{2013}$, by $\frac{74NE}{11779811}$ and $\frac{111779811}{11000000000000000000000000000000000$
The foregoing was acknowledged before me this 25 day of <u>JUNE</u> , 2013, by <u>ZANE LUTTRELL</u> as <u>MANAGER</u> of <u>ROCKY MOULNITAIN ACGREGATE</u> <u>ECONSTRUCTION LLC</u> <u>Notary Public</u> My Commission Expires: <u>1/4/2016</u>
DANEAN A. CHEZEM

:	NOTARY FOR STRUCTURE OWNER	

ACKNOW	LEGED BY:				
Structure O	wner Crussay Ditch	<u>C</u> c	Name	Dag	Flowers
Date	wner <u>Curay</u> Ditcl 17-13			siden 7	4
COUNTY	COLORADO) DF_MONTROSE				
The foregoi	ng was acknowledged to $OUERS$ as P	RISIDIA	<u> </u>	f <u>CUR</u>	AY DITCH CO
Notary Publ	ic ic		and ission Ex	pires:	1/4/2016
		DANEA	T 14		
	ę.	A STATE OF			
		With			

EXHIBIT T RULE 1.6.2(1)(B)

Prior to the submittal of the application, a sign was erected at the entrance to the site which contained all the required information regarding Rule 1.6.2(1)(b).

Please see enclosed sign certification.

Sign certification page

NOTICE

THIS SITE IS THE LOCATION OF A PROPOSED CONSTRUCTION MATERIALS OPERATION. ROCKY MOUNTAIN AGGREGATE AND CONSTRUCTION, LLC, WHOSE ADDRESS IS 23625 UNCOMPAHGRE RD, MONTROSE, CO 81401 AND PHONE NUMBER IS 970-249-8780, HAS APPLIED FOR A RECLAMATION PERMIT WITH THE COLORADO MINED LAND RECLAMTION BOARD FOR AN OPERATION CALLED THE UNCOMPAHGRE PIT. ANYONE WISHING TO COMMENT ON THE APPLICATION MAY VIEW THE APPLICATION AT THE MESA COUNTY CLERK AND RECORDER'S OFFICE AT 320 SOUTH FIRST STREET, ROOM 101, MONTROSE, CO 81401, AND SHOULD SEND COMMENTS PRIOR TO THE END OF THE PUBLIC COMMENT PERIOD TO THE DIVISION OF RECLAMATION, MINING, AND SAFETY, 1313 SHERMAN STREET, ROOM 215, DENVER, CO 80203.

CERTIFICATION

I, ZAVE LI HRELL, hereby certify that I posted the above notice for the proposed permit known as the Uncompany Pit on 2/11/13 (date)

Signature

2/11/2013

EXHIBIT U GEOTECHNICAL STABILITY EXHIBIT

Damage waiver agreements were sent to all owners structures within 200 feet of the permit boundary. Evidence of this is in Exhibit S. These agreements have not yet been returned; therefore the engineering demonstration of the mine not affecting these structures is enclosed in this section. Based on this, no structures should be damaged. Rocky Mountain Aggregates still commits to repairing any structure outside the permit area in the case that a structure is damaged as the result of mine-related activities for this permit.

The possibility of damage for the engineering demonstration is divided into 2 areas, which are discussed below:

1) The mine access road to the pit

The access road will utilize T Road for the eastern portion until immediately west of the office/shop area, when the road will turn south and then west, approximately 100 feet south of T Road, in order to provide nuisance mitigation to the Alexanders' and Janice Wheeler, who live immediately north of T Road. Map C-2 shows the mine access road in relation to the houses. These residences have fences, driveways, culverts and other items which are within 200 feet of the permit boundary. The access road on the subject property will be paved and will be 24 feet in width. From the northern edge of the access road to the southern edge of T Road is a length of 100 feet, which is primarily the irrigated field of the subject property. It is 120 feet from the northern edge of the access road to the southern fence of the residences and much further to the residences themselves. Although it is not impossible, it is extremely unlikely that a truck or other vehicle related to the mine will cross this large distance and damage the structures on the properties. No engineering demonstration can guarantee that this will not happen but the road cannot be used at night for material haulage according to the Montrose County permit, thus limiting the night risk. Also, large signs will be placed on T Road so that all mine traffic will know to turn south onto the mine access road.

A permanent berm of 6 feet height, with slight undulations immediately north of the access road to protect the residences from noise, dust and visual impact from the truck traffic on the road. The berm will be topsoiled with at least 8-12 inches of topsoil and seeded and mulched using the dryland range mix described in this reclamation plan. The berm will be 2,240 feet in length and provide a substantial protective barrier for the structures located to the north of the new access road. The berm will have approximate slopes of 3.0H:1.0V. The berm satisfies MSHA safety berm requirements: 30 CFR 56.9300. For this MSHA requirement, berms shall be at least mid-axle height of the largest self-propelled mobile equipment which usually travels the roadway. The visual berm will not be located on banks of roadways where a drop-off exists. The berm will also not require openings for roadway drainage since the road is relatively flat and drainage will flow to the east on both sides of the berm as it does currently in the irrigated field.

Concerning the Ouray Ditch and Montrose West Canal, the structures shall not be damaged by proposed construction materials excavation operations. The mining operation will not adversely affect the stability of the ditches. First, the subject property is the last property served by the Ouray Ditch and the Ditch Company does not care what happens here since their responsibility ends at the entrance to the subject property. The Ditch has also not been used for years and the owner does not have plans to use it. Regardless, the Ouray Ditch will only be crossed with a culvert from the access road that has been designed for its maximum flow. The disturbances to both ditches will be limited to road crossings. The stability and function of neither ditch will not be impacted.

The crossing of the Montrose West Canal will have a new bridge designed and approved by Montrose County. This design has not yet been approved by the Engineering Department in the County but the designs presented in the Appendix form the basis of the design. The bridge will be wider and stronger than the current T Road crossing of the Montrose West Canal and will be designed to handle the maximum load of any truck used on the property with an additional safety factor. This crossing is subject to the overall agreement with Montrose County.

Uncompany Pit, February 2013

2) <u>The mine area</u>

There are no buildings or any structures outside the permit area which could be affected by the excavation. A minimum twenty foot buffer will be maintained from the permit boundary line to all excavations. There will be no excavation within 30 feet of the property line. All reclaimed areas will be restored to relatively flat (<3.5%) slopes since the terrace will simply be lowered. The initial incision of the pit into the natural berm will be done at an angle of 3H:1V, which is more than stable for any in-situ gravel deposit.



Figure U-1, from Huang, shows typical internal angles of friction for various materials. Assuming that the gravel is classified as GC (clayey gravels, poorly graded gravel-sand-clay), this material has an internal angle of friction of approximately 34 degrees.

Uncompahgre Pit, February 2013

The Factor of Safety (FOS) for gravel with a 3H:1V slope, which is 18.26 degrees in GC classified material with an assumed internal angle of friction of 34 degrees can be approximated by ignoring the cohesion component of the stability, and simply evaluating the internal angle of friction as follows:

FOS =
$$\frac{\text{Tan } 34^{\circ}}{\text{Tan } 18.3^{\circ}} = \frac{.6745}{.333} = 2.04$$

This factor of safety far exceeds the normal long term safety factor of 1.3, therefore the plan of extraction as presented is acceptable.

I, Greg Lewicki, P.E., with over 28 years of experience in mine slope safety analysis in Colorado, certify that the mine plan and reclamation plan presented in this application will lead to stable slopes during and after mining and that there is no realistic threat of failure or to the stability of any structures outside of the permit area.



Greg Lewicki, P.E.

P.E.# 20335

Date: _____ July 17, 2013

Uncompahgre Pit, July 2013

		PROCTOR	COMPACTION			
UNIFIED	SOIL TYPE	MAXIMUM DRY DENSITY DCf	OPTIMUM MOISTURE CONTENT %	AS COMPACTED COHESKON Co	SATURATED COHESION Con	ANGLE ANGLE
MU	the second s				ła	
	weil graueu uicean gravois, gravei-sand mixiure	>119	<13.3	•	•	>38
58	poorly graded clean gravels, gravel sand mixture	011<	<12.4	•	•	>37
50	stity gravels, poorly graded gravel-sand-silt	* I∧	<14.5	•	•	2
5	claycy gravels, poorly graded gravel-sand-clay	>115	<14.7	•	•	
SW	well graded clean sands, gravelly sands	119±5	13.3±2.5	0.41 ± 0.04	•	14-51
5	poorly graded clean sands, sund-gravel mixture	110±2	12.4 ± 1.0	90.0+92.0	•	+ 20
SM	silty sands, poorly graded sand-silt mixture	1+71	14 5+0.4		10 0 1 10 0	i
SM.SC	chad cilt clau wish shatet. I				10.0212.0	ーりま
12.113	amouranteriag with sugary plasme mass	11941	12.8±0.5	0.21±0.07	0.15 ± 0.06	3343
35	ciaycy sands, pootly graded sand-clay mixture	115±5	14.7±0.4	0.78 ± 0.16	0.12±0.06	4
WT	inorgamic silts and clayed silts	103±1	19.2±0.7	0.70±0.10	0.09±*	C + CE
ML-CL	mixtures of inorganic silts and clays	109±2	16.8±0.7	0.66 ± 0.18	0 23+4	1 + C ~
CF.	inorganic clays of iow to medium plasticity	108±1	17.3±3	1 0 + 10 0	0.14+0.00	1440
0L	organic silts and silty clays of low plasticity	•	•	•	•	•
HM	inorganic clayey silts, clastic silts	82:44	36.3±3.2	0.76±0 31	0.21+0.00	1436
£	inorganic clays of high plasticity	94+7	25 5+1 2	30 07 00 1		
Ð	organic clays and silty clays	•			00'0771'0	CTA1

Table 3.1 Average Effective Shear Strength of Compacted Soils.

(After Bureau of Reclamation, 1973; 1 pcf=157.1 Nint, 1 Isf #95.8 kPa;

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U-6

APPENDICES

Appendix 1 - Sage Grouse Investigation Work

Uncompahgre Pit, July 2013

Appendix 2 - Soils Information

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Uncompahgre Pit, July 2013

Appendix 3 - Nearby Landowner List

Uncompahgre Pit, July 2013

Appendix 4 - Lease for Right of Entry

Uncompahgre Pit, July 2013

Appendix 5 - Maps

Uncompany Pit, July 2013 APPENDIX-5

Appendix 6 - Access Road Crossing Design over Montrose Canal

Uncompahgre Pit, July 2013

Uncompangre Pit

Appendix 6

Access Road Crossing Design over Montrose Canal

An engineer-approved road crossing design has not been obtained at this time. The existing bridge was found to be inadequate for the proposed truck traffic. Several alternatives were proposed by a professional structural engineer.

The plans for the proposed bridge at the Montrose West Canal will be prepared and certified by a Colorado licensed professional engineer, experienced in road and bridge design. The certified engineering plans will be submitted for review and approval to Montrose County. The certified engineering plans will also be submitted to the Colorado Division of Reclamation, Mining and Safety (Division) for review and approval through the Technical Revision or Amendment process. Construction of the proposed bridge will not commence until the Division has approved the bridge designs and the Division has received and approved any increase in the financial warranty resulting from the revision process. Within 60 days of completion of the bridge construction the Operator shall submit to the Division as built certifications of the completed construction project.

Appendix 7 Access Road Hydrology

Uncompany Pit, July 2013 APPENDIX-7

The Montrose Daily Press Montrose, Colorado 81401

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO COUNTY OF MONTROSE

)) SS.

I, Terri Trujillo, do solemnly swear that the MONTROSE DAILY PRESS is a daily newspaper printed, in whole or in part, and published in the City of Montrose, County of Montrose, State of Colorado, and which has general circulation therein; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United State mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices within the meaning of the laws of the State of Colorado; that copies of each number of said newspaper, in which said notice was published, were transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

That the annexed legal notice was published in the regular and entire editions of said newspaper for a period of <u>four</u>

insertions: and that the first publication of said notice was in the issue of said newspaper dated <u>May 15,</u> 2013 and that the last publication of said notice was in the issue of said newspaper dated <u>June 5, 2013.</u>

In witness whereof I have hereunto set my hand this

1. h. 2013. day of

Subscribed and sworn to before me this

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day of

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2013.

PUBLIC NOTICE Rocky Mountain Aggregate and Construction, LLC, whose address is 23625 Uncompangre RD, Montrose, CO, 81401 and phone num-ber is 970-249-8780, has filed an application for a Regular (112) Construction Materials Operation Reclamation Permit with the Colorado Mined Land Reclamation Board under pro-visions of the Colorado Land Reclamation Act for the Extraction of Construction Materials, The proposed mine is known as the Uncom-pahgre Pit, and is lo-cated at or near Sec-tions 27 and 34, Town-ship 47 North, Range 9 West of the New Maxico Principal Meridian, Mon-trose County. The proposed date of

commencement is June 2013, and the proposed date of completion is 2123. The proposed fu-ture use of the land is dry rangeland and wild-life habitat. Additional information and tentative decision date may be obtained from the Diviobtained from the Divi-sion of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Montrose or at the Montrose County Clerk and Re-corder's office; 320 South First Street, South First Street, Room 101, Montrose, CO 81401, or the above-named applicant. Comments must be in writing and must be re-ceived by the Division of Reclamation, Mining and Safety by 4:00 pm on June 26, 2013. Please note that under the provisions of C.R.S. 34-32.5-101 et sea. Comments related noise, truck traffic, hours of operation, visual im-pacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These sub-jects, and similar ones, are typically addressed by your local govern-ments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

Published May 15, 22, 29 and June 5, 2013 L-11055