



Re-submittal Form

Case Name/ Number: _____

Case Manager: _____

Resubmitted Items:

- ☐ Development Plan/ Site Plan
- ☐ Plat
- ☐ Parking/ Landscape Plan
- ☐ Engineering Documents
- ☐ Subdivision Improvements Agreement
- ☐ Other: _____

*** All re-submittals must have this cover sheet and a cover letter addressing review comments.**

Please note the re-submittal review period is 21 days.

The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- Identify any additional changes made to the original document

For County Use Only:

Date Accepted:

Staff (accepting intake):

Resubmittal Active: Addressing, Building Safety, Neighborhood Services,

Engineering, Environmental, Parks, Planner, ROW, SIA - Finance, SIA - Attorney



June 28, 2019

Mr. Greg Barnes
Planner II, *Community and Economic Development Dept.*
Adams County, Colorado
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601-8216

Re: Response to 6/14/2019 Review Comments
CASE NO: EXG2019-00001Tucson South Conditional Use Review

Dear Greg,

Aggregate Industries is committed to recovering the Tucson South resource in an environmentally sound manner that will be compatible with the neighborhood and provide both short term and long-term benefits to the residents of Adams County. The Tucson South site includes a significant commercially viable mineral deposit. Recovery of this resource will provide needed construction materials to support ongoing economic development and public infrastructure projects in Adams County. In addition to the supply of material resources vital to the growth and infrastructure in Denver Metro area, the Tucson South/Wattenberg mine directly supports many full time high paying jobs and indirectly supports hundreds of others. The use of the site will be temporary estimated at approximately 7-9 years.

Reclamation of the property will enhance this significant gateway to the City of Brighton and the HWY 85 corridor and create needed water storage reservoirs to benefit residents of Adams County. In addition, Aggregate Industries will dedicate and install a crusher fines trail along the north side of HWY 7. This trail is identified on the Adams County Open Space and Trails Master Plan. These improvements will provide significant long-term benefits to the community.

Short term impacts of the mining operation will be mitigated through the use of screening berms and plantings, limitations on the hours of operation, and transport of the material via overland conveyors to significantly reduce truck traffic associated with the mine. Reclamation of this site will provide an open view to the South Platt River corridor across open water and upland meadows. The proposed lined water storage reservoirs, native and adaptive plantings and upland meadows will complement the riparian habitat and support wildlife along this portion of the South Platte River.

We have revised the proposal to respond to referral comments to address the short-term impacts of mining. Please accept this response to the Staff and referral comments provided by your department on June 14, 2019.

The response follows the Staff response letter and comments as received and includes the following information:

- The Resubmittal Form;
- Each comment that requires a response is restated;
- A response below each comment with a description of the revisions;
- Responses to the referral agency comments;
- Responses to Citizen comments; and
- Identification of any additional changes made to the original document.

06/04/2019

Commenting Division:

Name of Reviewer: Katie Keefe

Environmental Analyst Review 2nd Review

Comments attached in separate document.

Resubmittal Required

AI Response: Please see the response to the comments in the separate document below.

06/14/2019

Commenting Division:

Name of Reviewer: Greg Barnes

Planner Review 2nd Review

Complete

AI Response: Based in our conversation on June 27, 2019 we have included a response to all comments below and attached our letter to the City of Brighton (Attachment 1) outlining the current status of our discussion regarding their previous response.

06/14/2019

Commenting Division:

Name of Reviewer: Matthew Emmens

Development Engineering Review 2nd Review

Review comments and responses emailed to Planner (Greg Barnes) on 6-14-2019 and saved under doc #5950126.

Complete

AI Response: Per our discussion with Matt on June 27, 2019 we will forward a traffic control plan for his review. In addition, we submitted a complete and separate response under separate cover to the Engineering Review Comments.

03/18/2019

Commenting Division:

Name of Reviewer: Matthew Emmens

Development Engineering Review

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0327H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, a portion of the project site is located within a special flood hazard delineated area; If construction activity occurs in this area of the project site, A floodplain use permit will be required.

AI Response: UPDATE: A Food Plain Use Permit has been issued for the property. A copy of the permit is attached (Attachment 2) and included in the separate engineering review submittal.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area. The installation of erosion and sediment control BMPs are expected.

AI Response: An erosion control and grading permit outlining the stormwater BMPs was included with the initial application. The erosion control and grading permit application discussed our rationale for including fixed-location BMPs. However, due to the fluid nature of mining activities, temporary BMPs cannot be shown because the location is dependent on the mining activity at the time. Aggregate Industries will obtain a Stormwater Discharge Permit from the Colorado Department of Health and the Environment prior to commencement of mining on the property. It should be noted that all mining activities are not subject to the requirements of Colorado Discharge Permit System (CDPS) General Permit COR400000 (Construction Stormwater Discharges). Mining activities are subject to the provisions of General Permit COG500000 (Discharges from Sand and Gravel Mining and Processing). Aggregate Industries will comply with the provisions of COG500000

ENG3: If the proposed development generates over 20 vehicles per day a Traffic Impact Study (TIS) is required to be submitted to Adams County for review and approval. At this time, the applicant is required to submit a Trip Generation Analysis, showing the number of vehicle trips per day that will be generated by the proposed conditional use. The Trip Generation Analysis will be used by County staff will determine if a TIS is needed and, if so, the level of TIS required. The Trip Generation Analysis must be prepared by an engineer licensed in the state of Colorado. The applicant will be responsible for constructing any roadway improvements required by the TIS.

AI Response: A Transportation Impact Study was submitted with the initial application.

UPDATE: In addition, a traffic control plan will be forwarded to Matt for review.

ENG4: The developer is responsible for the repair or replacement of any broken or damaged section of curb gutter and sidewalk.

AI Response: Acknowledged. We are not aware of any curb, gutter or walk near this site; however, Aggregate Industries will enter into a Road Maintenance Agreement with Adams County prior to commencement of mining on the property.

ENG5: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

Complete

AI Response: **UPDATE:** We spoke with Matt and he indicated he has signed off on the Conditional Use engineering review with the exception of the Traffic Control Plan. We will forward a traffic control to Matt for review. We will complete any remaining engineering review through the engineering review process.

03/18/2019

Commenting Division:

Name of Reviewer: Greg Barnes

Planner Review

PLN01: The application is for a Conditional Use Permit within the A-1 zone district with NRCO overlay to allow for excavation use.

So, noted

PLN02: Prior to the approval of a Conditional Use Permit by the Board of County Commissioners, a reclamation contract shall be signed and approved by the owner or operator and the Colorado Department of Natural Resources. All mining operations shall have a permit to excavate issued by the State of Colorado prior to beginning mineral extraction.

AI Response: There is an existing Colorado Division of Reclamation Mining and Safety Permit (M2004-044) on the property. The applicant has applied to the Division for an amendment to the existing permit. Aggregate Industries will provide a copy of the completed permit and evidence of the required Reclamation and Performance Bonds prior to beginning mineral extraction on the property.

PLN03: Hauling roads within the premises shall be maintained in a reasonably dust free condition. Please elaborate on how frequently these roads will be watered. Provide more detail on the watering plan.

AI Response: Haul roads on the property will be watered and or treated with a dust palliative as necessary to ensure fugitive dust is mitigated to the maximum extent possible. Aggregate Industries will provide an onsite water truck to assure that the roads are watered throughout the day. Further, all staff will be aware of applicable emission limits and monitoring will be completed daily on roads and other surfaces to ensure strict compliance with established limits

PLN04: Were specific fence details included in your plan?

AI Response: The fence detail is on Sheet 8 of the CUSP Map. As a result of our discussion with the County and the City of Brighton, the applicant is proposing a standard 3 wire farm fence around the perimeter of the site.

PLN05: Criterion #4 of the approval criteria for conditional use permits states that the conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation. Based on the surrounding area, presence of floodplain, and proximity to heavily populated areas into Brighton, there are concerns that this use does not comply.

AI Response: This Conditional Use Review is submitted in the context of extraction of a Commercial Mineral Deposit and the Adams County Mineral Extraction Plan. Per the State of Colorado:

• § 34-1-305. Preservation of commercial mineral deposits for extraction.

(1) After July 1, 1973, no board of county commissioners, governing body of any city and county, city, or town, or other governmental authority which has control over zoning shall, by zoning, rezoning, granting a variance, or other official action or inaction, permit the use of any area known to contain a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

• The State of Colorado Defines Commercial Mineral Deposits as follows:

(1) "Commercial mineral deposit" means a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation.

The Adams County Mineral Extraction Plan designates this area as an F4 deposit (unevaluated). Additional site-specific evaluations completed by Aggregate Industries have identified a viable deposit that includes many million tons of quality, salable aggregate on the property. The aggregate on this site is clearly a Commercial Mineral Deposit and has significant economic value to the community. The Adams County Mineral Resource Conservation Overlay District was specifically established to protect valuable, sand and

gravel resources within Adams County. The district contemplates extraction of sand and gravel subject to specific performance standards. The application materials as submitted demonstrate that Aggregate Industries will meet or exceed the baseline standards as established *in ADAMS COUNTY REVIEW CRITERIA, SECTION 3-38-06 OPERATION AND REHABILITATION STANDARDS FOR ALL MINING OPERATIONS*

Aggregate Industries will recover the commercial mineral deposit on this property in a manner that meets the standards as outlined in the Adams County Code, is compatible with the surrounding area and will not be detrimental to future development of the area or the health, safety and welfare of the inhabitants of the surrounding neighborhood and Adams County.

Key elements of the proposed plan to assure compatibility include:

- **TRAFFIC GENERATION** – Aggregate Industries has taken steps to significantly decrease the amount of potential traffic associated with this mining operation by utilizing conveyors to transport most of the material to its Wattenberg Lakes Mine site in Weld County for processing. The only portion of the mine site that will require trucking is phase one of the mining (area south of Highway 7). Phase one of the mine will be opened for mining and reclamation within three years and will require truck transport of the excavated material to the Wattenberg Lakes Mine for processing and distribution. Reclamation of the phase one site will also require truck transport of overburden material from the mining areas on the north side of Highway 7 back to the phase one area to backfill the mining cell and restore the area to an upland meadow. Once mining and reclamation of phase one is complete, truck traffic will be limited to hauling if and when the conveyor system is shut down for repairs. By utilizing a conveyor system, Aggregate Industries will be able to prevent up to 400 trips per day on the County roads to transport the material.
- **NOISE** – There will be no processing of material on the property, which eliminates noise that would otherwise be associated with crushing and screening processes and truck load out. Activity will be limited to excavation within a below grade pit and placement onto an overland conveyor system. Aggregate Industries employs “white noise” back up alarms that ~~which~~ eliminate high frequency noise typically associated with such operations. These alarms meet safety standards and limit off-site impacts. In addition, after initial preparation, equipment will work the face of the mine cell below the adjacent grade. This also limits off-site noise from the mining activities.
- **VIBRATION** – Equipment associated with the operation will be limited to excavators, transport trucks, loaders and the conveyor. There are no off-site vibrations associated with this activity nor are there any blasting activities that would create any sort of ground vibration.
- **DUST** – Dust on the site will be managed consistent with a Colorado Department of Health and the Environment Air Pollution Emission permit (APEN). Above grade stockpiles will be seeded to prevent erosion and limit blowing material. All haul roads and stockpiles will be watered and treated with a dust palliative as necessary to control dust. The site will be mined and reclaimed concurrently to limit material handling and exposed surfaces that could result in additional dust from the site. The nature of the deposit will ensure that a high level of inherent moisture is present, which further reduces potential emissions from material handling.
- **GLARE** – There are no activities associated with this operation that will produce off-site glare. The only lighting associated with the operation will be a full cut off light fixture installed at the site entry.
- **HEAT, SMOKE, FUMES, GAS, ODORS** – There is no on-site processing of material associated with this application. All on-site excavation equipment and haul trucks meet Colorado standards for emissions. We do not anticipate any off-site heat, smoke, fumes, gas or odors associated with the proposed mine.
- **HOURS OF OPERATION** – Activity on this site will be limited to excavation and transport of material. Once phase one is mined and reclaimed, transport of material will be via a conveyor system to an off-site location. Aggregate Industries proposes hours of operation to be limited as referenced in ~~per~~ this discussion in ENV03

- **FLOODPLAIN** – A Floodplain Use permit was submitted for staff review with the initial application materials. The analysis provided in the permit application demonstrated that the mining and reclamation are compatible with and meet FEMA, Adams County and Urban Drainage and Flood Control Standards regarding activity in the floodplain.
UPDATE: The Floodplain Use Permit has been issued for the property.
- **BRIGHTON** - Please see the attached letter outlining our updated response to the City of Brighton.

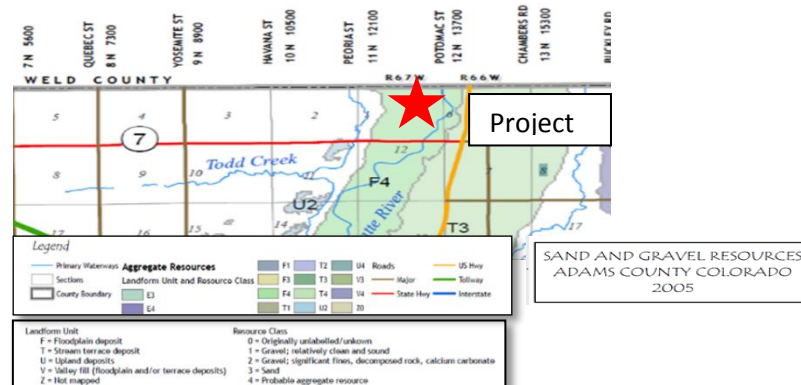
PLN06: The Adams County Comprehensive Plan has a designated future land use of Agriculture in the area. The subject properties are within the City of Brighton's Growth Area. Policy 2.1 of Adams County Comprehensive Plan identifies a County goal to cooperate with municipal growth areas.
Resubmittal Required

Mining and reclamation are a temporary use of the property. Long term, reclamation of the property as proposed is compatible with the future land use designation of Agriculture. The future water storage reservoirs and upland meadows will create an open view corridor along the river and prevent additional development from encroaching on the floodplain and the South Platte River.

UPDATE: Please see the attached letter outlining our updated response to the City of Brighton's review comments.

PLN07: the Adams County Mineral Extraction Plan supports compatibility with the Comprehensive Plan. This plan will be used to evaluate your request

Please see the map insert below and discussion above regarding the commercial mineral deposit on this property.



03/15/2019

Commenting Division:

Name of Reviewer: Jen Rutter

Environmental Analyst Review

ENV1. Due to the disturbance of land within the Natural Resource Conservation Overlay, a Resources Review is required. See section 4-11-02-03-04 for the methodology and content requirements. (See ENV6. of the Conceptual Review Meeting comments)

Resubmittal Required

AI Response: UPDATE: The Natural Resource Conservation Overlay Report was submitted with the previous response.

Aggregate Industries – WCR, Inc
1687 Cole Blvd Suite 300
Golden, CO 80401

03/08/2019

Commenting Division:
Name of Reviewer: Aaron Clark
Parks Review

PRK1: Parks is pleased that the South Parcel, which is adjacent to a property that is preserved by a conservation easement held by Adams County, will be wet-mined. This will help address our concerns regarding the landowner's well on the preserved property.

AI Response: The south parcel will be dewatered and mined with excavators and haul trucks. Dewatering discharge will be returned to the Brighton return flow at the western limits of the mining area to maintain the hydrologic balance between the active mining cell and the adjacent conservation easement. In addition, the DRMS requires monitoring and mitigation of any impacts to the landowner's well.

PRK2: Parks requests a landscape screen between the South Cell property and the neighboring preserved land.

AI Response: This portion of the site will be mined and reclaimed over a 36-month period. The applicant requests that the County reconsider their request for a landscape screen between the active mining cell and the adjacent conservation area. Once the site is stripped for mining, the majority of the activity within this portion of the mine will take place below grade. A landscape screen will not have enough time to establish itself and be effective during mining because the period of time that mining activity will be occurring will be so short. In addition, the addition of plantings adjacent to the Brighton Return Ditch may interfere with future operation of the Ditch. Once the site is mined and reclaimed, the upland meadow will enhance the agricultural character of the area and provide a transition from Highway 7 to the conservation area.

UPDATE: We have contacted the adjacent property owner and are working on a plan to add additional plantings on the adjacent property, south of the Brighton Return. The attached letter outlines our current understanding of this agreement. We will forward the completed agreement upon receipt.

PRK3: What is the timeframe for completion of mining and reclamation of the South Cell? We would like a definite deadline for completion of this phase in order to minimize impacts to the area.

AI Response: Aggregate Industries will commit to mining and reclamation of the South Cell within three years of the commencement of mining on the site.

Commenting Division:
Name of Reviewer: Jen Rutter
Date 03/15/2019
Environmental Analyst Review

ENV02: The original case for this mine (EXG2004-00004) shows that there were issues raised by several referral agencies, including CPW, CDPHE, City of Brighton, and the County Parks Department. The applicant should contact all of the agencies that responded to the original case and resolve any issues that may remain or have come up in the past 14 years.

AI Response: The application has been sent to CPW, CDPHE, the City of Brighton and the County Parks Department and we are responding to their current comments regarding this application. Historical comments regarding the past application are not relevant especially in light of the reduced scope and impact of the current project. Below is a summary of how we are responding to all current comments.

- **CPW:** Per the Referral Letter from Colorado Department of Parks and Wildlife: *“Due to the low availability of undeveloped habitat surrounding the site, impacts of the development, as proposed, may be characterized as minimal.”*
- **CPW:** The Applicant will comply with all Federal and State regulations regarding wildlife and the best management practices, and recommendations regarding raptors, prairie dogs and burrowing owls.
- **CDPHE:** The Applicant has obtained an APEN for this property. A copy if the permit is attached.
- **CITY OF BRIGHTON:** The Applicant met with representatives of the City of Brighton and Adams County Staff on April 4, 2019. Please see the attached itemized response to the updated comments submitted by the City of Brighton dated April 12, 2019.
- **ADAMS COUNTY PARKS DEPARTMENT** – please see the response to the Parks Department Comments below.

UPDATE: See response to environmental review below

ENV03: 3-38-06-06 HOURS OF OPERATION

Mineral excavation, crushing, hauling, loading, sorting or similar operation shall only occur between the hours of 6:00 a.m. to 10:00 p.m. Shorter hours of operation may be imposed in urbanized areas, as part of conditional use approval. Proposed hours of operation are 6:00AM to 10:00PM, seven days per week. These need to be shortened. Resubmittal Required

AI Response: The applicant will further restrict hours as follows:

Monday through Friday - Spring/Summer 6:30am – 7:00pm, Fall/Winter 7:00 a m- 7:00pm

Saturday 8:00am-4:00pm

Closed Sundays and major holidays except for maintenance.

Aggregate Industries believes these hours mitigate impacts while assuring expeditious completion of operations

06/10/2019

Commenting Division:

Name of Reviewer: Aaron Clark

Parks Review 2nd Review

PRK1: Please specify how potential impacts to the groundwater and well on the neighboring property will be monitored. Also, Adams County, through the conservation easement, has a substantial interest in the wildlife habitat of the neighboring property, such as the large cottonwood trees on the north boundary. How will impacts to these be monitored/mitigated?

AI Response: A ground water monitoring and mitigation plan was submitted with the previous review. This specific requirement is included in the existing DRMS Permit and can be attached to the Conditional Use as a requirement. A copy of the information is attached for your convenience as Attachment 3.

PRK2: Understood that a landscape border on the property to be mined is not an ideal step. Perhaps the addition of new trees on the neighboring property, south of the ditch, would be more appropriate. If this is an option you would consider, we can discuss with landowner (Bloom).

AI Response: We met with Kathy Bloom on June 24 to discuss installation of plantings on her property. A draft of our letter is attached as Attachment 4. We will forward our executed letter of understanding and a planting design once we have the agreement with Kathy in place.

PRK3: Thank you for the information on the timeframe.

Complete

05/13/2019

Commenting Division:

Name of Reviewer: Erin McMorries

Application Intake 2nd Review

Commenting Division:

Name of Reviewer: Marissa Hillje

ROW Review 2nd Review

ROW1: Tucson Street is classified as a collector street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 40 feet (80ft for full street). Submit legal description and exhibit of right of way dedication.

Resubmittal Required

AI Response: A diagram illustrating the additional Right of way to be dedicated is attached (attachment 5). We will forward a stamped legal description and exhibit as soon as possible.

06/04/2019

Commenting Division:

Name of Reviewer: Katie Keefe

Environmental Analyst Review 2nd Review

Comments and Conditions submitted to Greg Barnes via email 6/4/19

EXG2019-00001

ENV Review Comments

Reviewer: Katie Keefe, Environmental Program Manager

Date: 06/03/2019

ENV1. Rather than blanket herbicidal treatment of topsoil for backfill, could topsoil overburden from specific locations identified as containing List A and/or B noxious weeds be segregated from general overburden stockpiles for treatment or disposal, to preclude site-wide herbicidal application?

AI Response: Aggregate does not blanket herbicide treat topsoil. Instead, Aggregate implements integrated weed management plans that includes mowing, spot application treatments and seeding with native grass species per the approved reclamation plan. Herbicide application is limited only to those areas that require targeted treatment based on an evaluation from a Colorado commercial licensed applicator. Aggregate will make every effort to segregate the stockpiles as requested.

ENV2. Implement integrated weed management plan to mitigate noxious weeds during reclamation and post-reclamation maintenance activities utilizing BMPs that are protective of wetland and riparian aquatic habitats. No response necessary.

AI Response: Aggregate Industries utilizes an Integrated Weed Management Plan for all of their mining sites. This information is also included in the DRMS permit for the property:

1. Weed Species to be Controlled

Aggregate Industries - WCR, Inc. (AI) will control those plant species identified by current State statute or regulation as noxious. Plant pests are defined as those biological species that significantly predate the desirable vegetation of the project site.

2. Weed Management Actions

- **Monitoring**

The presence of noxious weeds and plant pests will be monitored annually, at which time weed control efforts will be reviewed and specific management measures adjusted as necessary. Management measures will be undertaken where a single or combination of noxious weed species or plant pests comprises or shows a deleterious effect to the live vegetation cover in the mitigation area as determined by observations of a revegetation or weed control specialist.

- **Control Measures**

AI will contract with a licensed herbicide applicator/weed management specialist to implement the weed management plan. Noxious weeds or plant pests may be controlled by any combination of cultural, mechanical, biological, or chemical measures. Weed control measures will be developed specifically for the noxious weed species encountered and in consultation with Adams County, local weed control district and/or the Colorado State Department of Agriculture as necessary.

Topsoil slated for removal from the site will be treated with a long-term residual pre-emergent or post-emergent herbicide to reduce noxious weeds prior to removal. AI will conduct an aggressive mowing program the first year following revegetation, withholding herbicide use until the following year to avoid damaging new seedlings. Herbicides will be applied by a licensed commercial applicator. Stockpiles that remain undisturbed for more than one season will be seeded with a temporary cover crop. Where noxious weed control measures cause disturbance to the remaining vegetation, seeding or planting of desirable replacement vegetation will occur during the first normal planting or seeding season after weed control measures have been implemented and deemed successful.

- **Contact Person(s)**

During mining, the Operations Manager at the site will be the contact person for weed control. When mining is completed, the weed control contact person will be Aggregate Industries' operations staff at the corporate office in Golden, Colorado. Aggregate Industries will be responsible for weed control until the site is released by DRMS. At that time, responsibility for weed control will transfer to the landowner.

The grass seed mix, composed of a long lasting and regenerating native upland seed mixture, will be used in upland areas where no future irrigated agriculture or other development is anticipated. The native open space seed mix recommendation is presented below.

Upland Meadow Grass Seed	Scientific Name	Variety	% of Mix	Application Rate* (#PLS/acre)
Big Bluestem	Andropogon gerardii	Kaw	15%	1.7
Blue Grama	Bouteloua gracilis	Hachita, Lovington	10%	0.3
Green Needlegrass	Nassella viridula	Lodom	15%	1.5
Sideoats Grama	Bouteloua curtipendula	Vaughn, Butte	10%	1.0
Switchgrass	Panicum virgatum	Blackwell	20%	2.0
Western Wheatgrass	Pascopyrum smithii	Arriba, Barton	30%	4.8
Total				11.3

***Application rate is for drill seeding. If seed is to be broadcast, the application rate will be doubled.**

Temporary Stockpile Vegetation:

Luna Pubescent Wheatgrass – 15 lb./ac

Amur Intermediate Wheatgrass – 15 lb./ac

Upland grass seed will be planted with a drill equipped with depth bands and press wheels. The seeded area will then be covered with certified weed-less straw mulch at a rate of 2,000 pounds per acre. The straw will be crimped into the soil to control erosion until the grass becomes established. Drill seeding is the preferred method for revegetation. If broadcast seeding is necessary on moist soils, steep slopes, or in excessively rocky areas, success can be encouraged by broadcasting onto growth medium that is very loose. If the seed is broadcast in those circumstances, then the seeded area will be dragged to help bury the seed.

ENV3. Recommend amending topsoil cover with certified compost to promote revegetation and improve water retention and lower reliance on fertilizer application within reclaimed areas.

No response necessary.

AI Response: Aggregate industries will have a sample tested to determine appropriate amendment at the time it is placed for reclamation.

ENV4. If perimeter fencing is planned for Reservoir B, recommend installing wildlife-appropriate fencing that preserves visual aesthetic of adjacent natural area reserve utilized by the public.

AI Response: Aggregate will install wildlife appropriate fencing during the mining phases. Please see the fencing detail on sheet 8 of the CUSP map.

ENV5. Aggregate Industries has presented conveyor technology slated to commence in late 2020 or after Phase 1 construction, as the primary mitigation measure for noise, air quality, and traffic impacts. Identify the specific BMPs proposed to mitigate dust and noise impacts during Phase 1 prior to conveyor startup.

AI Response: Dust is mitigated through a variety of control measures:

1. Adequate soil moisture must be maintained in topsoil and overburden to control emissions during removal. Watering must be implemented if necessary.
2. Topsoil and overburden stockpiles must be compacted and revegetated within one year.
3. Emissions from material handling (i.e. removal, loading, and hauling) must be controlled by watering at all times unless natural moisture is sufficient to control emissions.
4. Haul roads must be treated with chemical stabilizer per manufacturer's recommendations and watered as often as needed to control fugitive particulate emissions such that the above guidelines are met.
5. Reclamation works and sequential extraction of material must be initiated to keep the total disturbed areas at any one time to a minimum.
6. All disturbed areas must be watered as often as needed to control fugitive particulate emissions such that the above guidelines are met, and revegetated with mulch within one year
7. At the mine entrance, a track pad will be installed which will prevent excessive trackout of material on Highway 7. This vehicle tracking pad will be installed to CDOT BMP specifications.
8. Material removed from this portion of the mine will be wet.

Noise will be mitigated through limits on hours of operations. Aggregate uses “white noise” backup alarms which limit the backup alarm noise to those immediately behind the equipment, significantly reducing noise

to surrounding neighbors. In addition, once a mining phase is stripped and mining commences, all mining activity will take place below grade which will serve to naturally attenuate sound. Once the south cell is mined and reclaimed, conveyors will transport mined material off site eliminating truck transport of material.

Recommended Conditions Precedent

1. AI shall provide copy of the Reclamation Plan as submitted to DRMS.

So noted.

2. AI shall provide a copy of CWA 404 permit issued by USACE.

AI Response: Aggregate is currently working with the USACE to determine if and where a permit is needed. Aggregate Industries will forward a copy of the USACE Jurisdictional Determination for the site upon receipt. If it is determined a CWA 404 permit is required, Aggregate will provide a copy to the County prior to disturbance of any jurisdictional wetlands.

3. AI shall provide copy of 401 Certification from Water Quality Control Division if Individual 404 Permit is required by USACE or WQCD makes such determination based upon public hearing results or other information that 401 Certification is required.

So noted

4. AI shall notify County within 2 weeks of receiving landowner complaint pertaining to ground water conditions.

So noted.

5. AI shall certify that agreements with adjacent landowners regarding groundwater well monitoring are finalized.

AI Response: Groundwater monitoring is required by the Division of Reclamation Mining and Safety. Should any groundwater issues be brought to Aggregate's attention, the DRMS ensures the correct mitigation measures are implemented. Due to the DRMS's active role in groundwater monitoring and mitigation, it is unnecessary to sign separate agreements with each landowner.

6. AI shall provide Wildlife Survey Reports for burrowing owls conducted immediately prior to the start of clearing and grubbing operations and for raptors if construction will occur between October 15th and July 31st.

AI Response: Aggregate Industries will adhere to CPW recommendations and protocol regarding Burrowing Owls and raptors.

7. AI shall provide a copy of initial air quality testing and sampling results at the time of submittal to CDPHE – Air Pollution Control District.

So Noted

8. AI shall notify Adams County- CEDD upon Notice of Startup form submission to APCD.

So noted

Engineering Review Comments

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0327H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the majority of the project site is located within a special flood hazard delineated area; If construction activity occurs in this area of the project site. The applicant is required to obtain a floodplain use permit from Adams County prior to the commencement of working within the floodplain area.

Applicant Response: A Floodplain Use Permit application was submitted with the initial application for the Conditional Use Permit. Please forward any review comments as soon as possible.

County Response: The Floodplain Use Permit application (Case # WET2019-00019) is currently under review by the County's Floodplain Manager, Greg Labrie. This is a separate review case from the land use/Condition use case. Any submittals/resubmittals of the WET permit application should be kept separate from the land use and engineering review cases. If the applicant has any questions or concern regarding the WET permit, they should contact Mr. Labrie directly. Mr. Labrie can be contacted at 720- 523-6824.

This comment is closed.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area. The installation of erosion and sediment control BMPs are expected.

Applicant Response: An erosion control and grading permit outlining the stormwater BMPs was included with the initial application. The erosion control and grading permit application discussed our rationale for including fixed - location BMPs. However, due to the fluid nature of mining activities, temporary BMPs cannot be shown because the location is dependent on the mining activity at the time. Aggregate Industries will obtain a Stormwater Discharge Permit from the Colorado Department of Health and the Environment prior to commencement of mining on the property. It should be noted that all mining activities are not subject to the requirements of Colorado Discharge Permit System (CDPS) General Permit COR400000 (Construction Stormwater Discharges). Mining activities are subject to the provisions of General Permit COG500000 (Discharges from Sand and Gravel Mining and Processing). Aggregate Industries will comply with the provisions of COG500000. County Response: The erosion and sediment control plans have been received and, are a part of the Engineering Review. All review comments for the erosion and sediment control plans will be included in the Engineering review comments.

This comment closed.

ENG3: If the proposed development generates over 20 vehicles per day a Traffic Impact Study (TIS) is required to be submitted to Adams County for review and approval. At this time, the applicant is required to submit a Trip Generation Analysis, showing the number of vehicle trips per day that will be generated by the proposed conditional use. The Trip Generation Analysis will be used by County staff will determine if a TIS is needed and, if so, the level of TIS required. The Trip Generation Analysis must be prepared by an engineer licensed in the state of Colorado. The applicant will be responsible for constructing any roadway improvements required by the TIS.

Applicant Response: A Transportation Impact Study was submitted with the initial application. Please forward any review comments as soon as possible.

County Response: The Transportation Impact Study has been received and, are a part of the Engineering Review. All review comments for the TIS will be included in the Engineering review comments.

This comment closed.

ENG4: The developer is responsible for the repair or replacement of any broken or damaged section of curb gutter and sidewalk.

Applicant Response: Acknowledged. We are not aware of any curb, gutter or walk near this site; however, Aggregate Industries will enter into a Road Maintenance Agreement with Adams County prior to commencement of mining on the property.

County Response: The original comment should have said "any County infrastructure" instead of "section of curb, gutter and walk". However, this issue will be addressed in the roadway maintenance agreement that the applicant will be required to enter into with the County. A draft copy of that document is currently being prepared by the County and will be sent to the applicant when it becomes available. Creation and processing of the roadway maintenance agreement is a part of the Engineering Review case.

This comment is closed.

ENG5: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

Applicant Response: An On-Site Grading and Drainage application was submitted with the initial application materials. Please forward your review comments as soon as possible.

County Response: The Engineering Review case (case # EGR2019-00009) is currently under review. The EGR case is a separate case than the land use case and the floodplain use permit case. When submitting/resubmitted the engineering review documents, the submittal should be kept separate from the land use or floodplain use documents. Submittals/resubmittals of engineering review documents it be made in hard copy only.

This comment is closed.

AI Response: Per our discussion with Matt on June 27, 2019 a copy of a traffic control plan is required as part of the Conditional Use Review. We will forward the completed traffic control plan under separate cover. We have also submitted the remaining Engineering Review Response to Matt under Separate Cover.

Colorado Parks and Wildlife

From: Likes - DNR, Jordan [jordan.likes@state.co.us]

Sent: Monday, May 20, 2019 1:30 PM

To: Greg Barnes

Cc: Chick - DNR, Crystal

Subject: For Review: Aggregate Industries Tucson Site (EXG2019-00001)

Hi Greg,

After reviewing the resubmitted materials that Aggregate Industries submitted to you for their Tucson Site (EXG2019-00001), CPW does not have any additional comments to provide on this proposed mining site. Thank you and let us know if there are further questions or concerns regarding this proposed mining site.

Jordan Likes

District Wildlife Manager

Westminster - Area 5

P 303.291.7135 | F 303.291.7114

6060 Broadway, Denver, CO 80216

jordan.likes@state.co.us | cpw.state.co.us

AI Response: as Submitted 5/10/019 regarding Colorado Parks and Wildlife (CPW) Northeast Regional Office
Crystal Chick, Area Wildlife Manager

CPW would expect to find small passerine birds, wild turkeys, and small mammals, including possibly black-tailed prairie dogs, within the property boundaries or in the vicinity of the property. Due to the low availability of undeveloped habitat surrounding the site, impacts of the development, as proposed, may be characterized as minimal.

- If heavy equipment that was used in another stream, river, lake, reservoir, pond, or wetland is used near any water source, including the South Platte River or Brantner Ditch, one of the following disinfection practices is necessary prior to construction to prevent the spread of New Zealand mud snails, zebra mussels, quagga mussels, whirling disease, and any other aquatic invasive species into this drainage. These practices are also necessary after project completion, prior to this equipment being used in another stream, river, lake, reservoir, pond, or wetland:

- Remove all mud, plants, debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment in a 1:15 solution of Quat 4 or Super HDQ Neutral institutional cleaner and water. Keep equipment moist for at least 10 minutes **OR**
- Remove all mud, plants and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with water greater than 140 degrees F for at least 10 minutes.
- Clean hand tools, boots, and any other equipment that will be used in the water with one of the above options as well.
- Do not move water from one water body to another.
- Be sure equipment is dry before use.

AI Response: Any heavy equipment that was used in another stream, river, lake, reservoir, pond, or wetland to be used near any water source, including the South Platte River or Brantner Ditch will be disinfected, as outlined above.

- If prairie dog towns are present on the sites or if prairie dogs establish themselves on the property prior to development, CPW recommends that a burrowing owl survey be conducted prior to earth moving. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs, badgers, and foxes. These raptors are classified as a state threatened species and are protected by state and federal laws, including the Migratory Bird Treaty Act. These laws prohibit the killing of burrowing owls or disturbance of their nests. Therefore, if any earthmoving will occur between March 15th and October 31st, a burrowing owl survey should be performed. Guidelines for performing a burrowing owl survey may be obtained from District Wildlife manager Jordan Likes, by visiting the CPW website at <http://cpw.state.co.us> or by calling the CPW Northeast Region Office at (303) 291-7227.

AI Response: If prairie dogs are present on the property at the time mining is scheduled to begin on the site, and if any earth-moving will occur between March 15th and October 31st, Aggregate Industries will perform a burrowing owl survey as required to protect the Burrowing Owl, as outlined above.

Tri County Health Department

RE: Aggregate Industries Tucson Site, EXG2019-00001 (RCU2019-00002)

TCHD Case No. 5626

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the resubmittal of the Conditional Use Permit for the extraction and disposal use in the Agricultural-1 (A-1) zone district located at the eastern and western sides of Tucson Street between East 168th Avenue and State Highway 7. Tri-County Health Department (TCHD) staff previously reviewed the application for the Conditional Use Permit and provided comments in a letter dated March 7, 2019. TCHD received a response from the applicant, dated May 10, 2019, and the applicant has responded to our comments satisfactorily.

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions.

Sincerely,
Annemarie Heinrich, MPH/MURP
Land Use and Built Environment Specialist

AI Response: Per the information above, the information submitted on 5/10/2019 resolved the outstanding items with TCHD

Xcel Energy

From: Craig, James E [james.e.craig@xcelenergy.com]

Aggregate Industries – WCR, Inc
1687 Cole Blvd Suite 300
Golden, CO 80401

Sent: Wednesday, May 29, 2019 5:11 PM

To: Greg Barnes

Subject: Aggregate Industries Mining Case No RCU2019-00002

Greg – we have reviewed the conditional use permit for Aggregate Industries Mining Case No RCU2019-00002 and we have no objection to these plans.

Please let me know if you have other questions.

James E Craig

Xcel Energy | Responsible By Nature

Contract Agent - Siting & Land Rights

1800 Larimer Street, Suite 400, Denver, CO 80202

P: 303.571.7291 C: 303.507.3311 F: 303.294.2088

E: james.e.craig@xcelenergy.com

AI Response: Per the information above the outstanding items with XCEL Energy are resolved.

Neighborhood Response:

Sherry Gould

Sent: Tuesday, June 04, 2019 1:59 PM

To: Greg Barnes

Subject: Comments on Aggregate Industries Mining - Use Permit: EXG2019-00001

Regarding Aggregate Industries Mining

Case Number: EXG2019-00001

- Impacts to the City of Brighton Gateway
AI Response: Screening, plantings, hours of operation and planned use of conveyor will significantly lower impacts to the City of Brighton Gateway. We are working with the City of Brighton to address their specific concerns and will forward a copy of our agreement upon completion
- Impact to businesses east of the site on HWY 7
AI Response: No traffic from the mining operation will travel east on HWY 7 beyond Tucson Street. The businesses within the City of Brighton are located at least ¼ mile away from the closest point on the mining site with a significant Riparian Buffer and the South Platte river in between
- Notice and posting.
AI Response: This site was Noticed, Published and posted as part of the DRMS process. The applicant hosted a neighborhood meeting and used the mailing list provided by Adams County for the mailing. It is our understanding that any additional notice is the responsibility of Adams County.
- Screening and Landscaping
AI Response: Proposed screening and landscaping are shown on the CUSP map.
- Trail Connection
AI Response: Aggregate Industries is working with the City of Brighton regarding a trail connection along the north side of HWY 7 adjacent to the mining site.
- Statutory Deposit – definition of Commercial Mineral Deposit
AI Response: State Statue defines a Commercial Mineral Deposit as follows:
(1) "Commercial mineral deposit" means a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation.

- Covered Conveyor
AI Response: The entire conveyor will be located on private property except when it crosses 168th and Tucson Street under the ROW.
- Dust
AI Response: Aggregate Industries will manage air quality at the site pursuant to a Colorado Department of Health and Environment APEN

B. Michl Lloyd

RE: Comments on Aggregate Industries' Response to Comments Dated May 10, 2019 on
Application for Conditional Use Permit
Aggregate Industries Mining
Case Number RCU2019-00002 "Tucson South Resource

- Which plan will govern?
AI Response: Both
- Previous conditions of approval
AI Response: New conditions specific to this application and the current conditions in the neighborhood will be determined by Adams County
- Truck Traffic HWY 7 and 166th Ave
AI Response: Truck access will be limited to mining and reclamation of the South Cell, within a 3-year window. Aggregate Industries will obtain a CDOT Access permit for access to HWY 7 and enter into an Adams County Road maintenance Agreement
- Time frame to mine and reclaim south cell
AI Response: 3 years
- Conveyor system required
AI Response: The commitment for a conveyor for removal of mined material from the parcels north of HWY 7 is included in the Conditional Use Application. It is not economically feasible to convey material under HWY 7.
- Define Concurrent
AI Response: Concurrent reclamation will be specific to each phase of the mining process. For the south mining cell, the entire cell will need to be mined and mining of the east cell will need to commence before reclamation of the south cell can begin because overburden from the east cell is going to be used to backfill the south cell. The south cell will be backfilled with the overburden until the grade is restored to the 1' below the pre-mining condition. Once the south cell has been completely backfilled, the screening berm/topsoil stockpile along the south side of Highway 7 will be placed on the site and the area will be revegetated.
- Time frame for seeding stockpiles and irrigation.
AI Response: Above grade stockpiles will be seeded to an appropriate dryland mix during the next appropriate seeding window to prevent erosion and limit blowing material. Aggregate Industries will not provide irrigation for seeded stockpiles. Water trucks are employed to limit dust and are not intended to provide irrigation for revegetation.
- Trucks timing if conveyors are not operational
AI Response: Trucks will only be employed to maintain production until the conveyor can be repaired.
- Weed Management
AI Response – Aggregate Industries employs an Integrated weed management plan as outlined above.
- Road Maintenance Agreement.

AI Response: Aggregate Industries will enter into a Road Maintenance Agreement with Adams County as required.

- Penalties for non-compliance of Conditional Use Permit requirements.

AI response: It is our understanding that Standard Adams County Enforcement rules will apply to this site.

Please contact us if you have any questions about our responses or need any additional information to complete your review. Thank you for your ongoing assistance.

Sincerely,



Christine Felz, Land and Environment Manager
Aggregate Industries-WCR, Inc.

Attachments:

- Attachment 1 – Letter to the City of Brighton
- Attachment 2- Flood Plain Use Permit
- Attachment 3 – Ground Water monitoring and mitigation plan.
- Attachment 4 – Draft Letter to Kathy Bloom
- Attachment 5 – Tucson Street ROW Dedication Exhibit



June 28, 2019

Jason Bradford
City of Brighton
Community Development
500 South 4th Avenue
Brighton CO 80601

RE: Case Number EXG2004-00004
Tucson South Resource Mine

Dear Jason,

Aggregate Industries has been working with the City of Brighton to address their concerns regarding how the proposed Tucson Resource Mine will impact the Highway 7 gateway to the community. The following is our understanding of the discussion to date:

- Aggregate Industries, WCR Inc. (AI) will install landscaping along the north side of Colorado State Highway 7 (HWY 7) between Tucson Street and the City of Brighton Nature Preserve, as illustrated on the attached conceptual plan and trail cross section.
- The landscaping will be installed during the first spring planting season after all necessary permits for the mining are obtained.
- The landscaping will have a native, irregular character to compliment the riparian corridor and will include native and adaptive species.
- Aggregate Industries will irrigate the plantings until they are established and maintain the plantings during the mining and reclamation process.
- Once mining activity begins, Aggregate Industries will install grass berms as shown on the Conditional Use Site Plan on the north and south sides of HWY 7, west of Tucson Street. The berms will be removed upon completion of reclamation on the site.
- Aggregate Industries will reserve a corridor for a future pedestrian trail along the southern portion of the east and west mining cells adjacent to the CDOT ROW.
- Upon Completion of the mining and reclamation of the property, Aggregate Industries will install a 10' wide crusher fines trail along the north side of HWY 7, in the alignment shown on the attached plan.
- Upon completion of the trail construction Aggregate Industries will dedicate the trail corridor to the City of Brighton or other public entity.
- Once the mining and reclamation are complete or the property is transferred to the City of Brighton or others, maintenance of the trail and associated landscaping will no longer be the responsibility of Aggregate Industries or the City of Aurora.



Once you have reviewed and approved this information, we will submit a formal request to Adams County to include the above as stipulations to the Conditional Use. Please contact me if you need additional information. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Christine Felz".

Christine Felz, Land and Environment Manager
Aggregate Industries – WCR, Inc.

Cc: Marv Falconburg
Gary Wardel

FLOOD PLAIN USE PERMIT
Adams County Public Works, Construction Management
4430 S. Adams County Parkway, 1st Floor, Suite W2000B, Brighton, CO 80601
(720) 523-6821

Site Location: 13115 160		FLOOD PLAIN USE PERMIT #: WET2019-00019
Brighton, CO 80601		ISSUE DATE:
Project Name: Aggregate Industries Sand and Gravel Mining at 13115 E. 160th Avenue		
Legal Description:	Section:	
Owner:	Phone:	
Applicant:	JOEL BOLDUC AGGREGATE INDUSTRIES 1687 COLE BLVD SUITE 300 GOLDEN, CO 80401	Phone: 303-985-1070
Contractor:	Phone:	
Architect:	Phone:	
Technical Rep:	JEFFREY BUTSON TETRA TECH 1900 SOUTH SUNSET STREET SUITE 1-E LONGMONT, CO 80501	Phone: 303-772-5282
Use of Building or Improvement:		
Type of Construction:	Mining	
Description of Work:	Aggregate Industries Sand and Gravel Mining at 13115 E. 160th Avenue	
Area of Flood Plain Delineation:	South Platte River	
100 Year Flood Plain Elevation at this Site:		Building First Floor/Basement Elevation will be:
Fill Material Type: _____		
Finish Fill Elevation: _____		Beginning Elevation: _____

Special Conditions

Permit Fee: 500.00 **Amt Paid:** 0.00 **500.00** **Paid By:** 

I hereby certify that I/We have read and examined this application and the same to be true and correct. All provisions of Laws and Regulations governing this type of work will be complied with whether specified herein or not. The granting of a Permit does not presume to give authority to violate or cancel the provisions of any State or Local Laws regulating construction or the performance of construction.

This Permit becomes NULL and VOID if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after the work is commenced.

Signature of the Contractor or Authorized Agent:

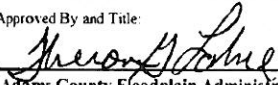
Date:

Signature of the Owner / Operator: 

Date:

05-31-19

Approved By and Title:



Date:

5/30/19

Adams County Floodplain Administrator, Greg Labrie, P.E./C.F.M.

TUCSON SOUTH RESOURCE GRAVEL MINE GROUND WATER MITIGATION PLAN

Groundwater monitoring and evaluation of potential mining or reclamation impacts shall be conducted as part of the Groundwater Monitoring and Mitigation Plan. The monitoring plan was reviewed and approved by the Division with the original permit and will be used during mining and reclamation activities. The plan is outlined below.

To establish a baseline, Aggregate installed 17 monitoring wells at the mining site and is measuring water levels monthly prior to beginning of mining, and quarterly thereafter. (Note: MW-11 was removed during Todd Creek Metropolitan District's construction of a water pipeline and MW-2 on the Bloom property can no longer be found. MW-2 will be replaced with a new well in roughly the same location. The monitoring plan will now consist of 16 monitoring wells. Monitoring data will be used to identify potential changes in alluvial groundwater flow or elevation associated with mining and reclamation activities. Baseline data collected from the monitoring program will provide a range of relative water levels associated with pre-mining groundwater conditions. Experience at other sand and gravel mine sites in similar geologic settings has found that groundwater levels tend to fluctuate between two to four feet each year, being highest in the summer and lowest in the winter and early spring.

- If, during mining, the relative seasonal groundwater elevation at any of the domestic wells or monitoring wells differs from the baseline conditions by more than two feet, and the condition was not observed during baseline monitoring, or if Aggregate Industries receives a complaint from any well owner within 600 feet from the site boundary, then Aggregate Industries will evaluate the cause and take action within 30 days and the DRMS will be notified.
- After the DRMS has been notified. Aggregate Industries will review the available data and information and submit a report to the DRMS within 30 days. The evaluation will include discussions with any well owner who has contacted Aggregate Industries regarding a concern and review of baseline data from the well and vicinity to evaluate whether changes may be due to seasonal variations, climate, mining, or other factors. The report will identify the extent of potential or actual impacts associated with the changes. If the extent of groundwater changes due to mining or reclamation activities is determined to be a significant contributing factor that has or may create adverse impacts. the mining associated impacts will be addressed to the satisfaction of the DRMS. Aggregate Industries will begin to implement one or more mitigation measures if mining and reclamation activity is determined to be a significant contributing factor to groundwater changes requiring mitigation. If, however, a subject well has not been put to beneficial use prior to mining, then Aggregate Industries would have no responsibility to provide mitigation.
- Mitigation measures may include, but are not limited to:
 - Cleaning a well to improve efficiency.
 - Providing an alternative source of water or purchasing additional water to support historic well use in terms of water quantity and quality. If needed, water quality parameters will be checked in affected wells to ensure
 - alternative sources support the historic use.
 - Modifying a well to operate under lower groundwater conditions. This could include deepening existing wells or lowering the pumps. All work would be done at Aggregate Industries' expense except for replacing equipment that was non-functional prior to mining.
 - If existing wells cannot be retrofitted or repaired: replacing the impacted well with a new replacement well.
 - Providing flood irrigation to address concerns over impacts to sub irrigated lands adjacent to the site.
 - Aggregate agrees to provide the water level data collected from monitoring well sampling to the DRMS with the annual report for the site.
- If a groundwater mitigation action is required, Aggregate Industries will notify the DRMS of the condition, action taken and result.



June 28, 2019

Kathleen Bloom
12500 East 160th Avenue
Brighton, CO 80602

RE: Aggregate Industries WCR, Inc., Tucson South Resource Mine

Dear Kathy:

We are writing to clarify our understanding of our agreement regarding activity associated with gravel mining adjacent to your home and the Bloom Conservation Easement. As we discussed:

Shared Access

- Aggregate Industries will provide a diagram illustrating how the mining activity will access the shared access drive, the location of any required tracking and the specific location of access for you to enter and leave your home without using the tracking pad required for the mining (Exhibit A); and
- Aggregate Industries will relocate your mailbox to the west side of the access drive; and
- Aggregate industries will be responsible for maintenance of the shared access drive between the mine access and HWY 7 during mining and reclamation of the South Cell; and
- Specific details of the access to HWY 7 will be determined by the Colorado Department of Transportation (CDOT) via an CDOT Access permit for the mining activity; and
- Subject to review and approval by CDOT and the Adams County Commissioners, Aggregate Industries will limit hauling to and from this portion of the mine to Monday through Friday 9:00 AM to 3:00 PM and 6:00 PM to 7:00 PM.

Landscape Buffer

- Aggregate Industries, WCR Inc. (AI) will provide a planting plan design for a landscape buffer along the south side of the Brighton return ditch (Exhibit B). You will provide Aggregate Industries with a cost estimate to purchase and install the plantings and install a drip irrigation system to help to establish the plantings. Aggregate will pay a contractor of your choice an amount not to exceed \$25,000 to install landscaping and drip irrigation on your property adjacent to the Brighton Ditch return ditch; and
- The landscaping will be installed as soon as practical after all necessary permits for the mining are obtained; and
- The landscaping will have a native, irregular character to compliment the riparian corridor and will include native and adaptive species; and
- You will contract for the work, oversee the project and submit the invoice for the completed work to AI for payment; and
- You will administer the contract, including any warrantee work; and
- You will provide the electricity and water for the irrigation system and maintain the irrigation system and plantings in perpetuity.

Dewatering

- The Colorado Division of Mining Reclamation and Safety (CDRMS) permit for the Tucson South Mine includes a detailed Ground Water Monitoring and Mitigation Plan. A copy of the information included in the CDRMS permit is attached as Exhibit C; and
- Aggregate Industries will continue to monitor water levels in the monitoring well adjacent to you home; and
- If you notice any change in your water supply from both your domestic well and the small well you plan to use for the drip irrigation system for the new plantings once dewatering begins, you will contact Aggregate Industries and they will follow up to address the issue per the approved CDRMS Ground Water Monitoring and Mitigation Plan.

Timing of Mining and Reclamation

- Aggregate Industries anticipates that mining and reclamation of the south cell will be complete within three years of commencement of mining.

End use of the property

- Aggregate Industries will backfill the mined area to create an upland meadow. Aggregate Industries is uncertain of the end user of the property at this time. Aggregate will consider cooperation with Adams County or another entity to preserve this portion of the property as open space.

Fencing

- Aggregate will install fencing around the perimeter of the property as required by Adams County. Subject to Adams County Commissioner approval, the fencing will include standard three wire farm fencing. Aggregate Industries will work with you and the adjacent homeowner to install a fence along the western property line to discourage access to the property from the west.

Please sign below to confirm that this is your understanding of the agreement between you and Aggregate Industries. Thank you for your cooperation.

Sincerely,



Aggregate Industries WCR Inc.

BY:

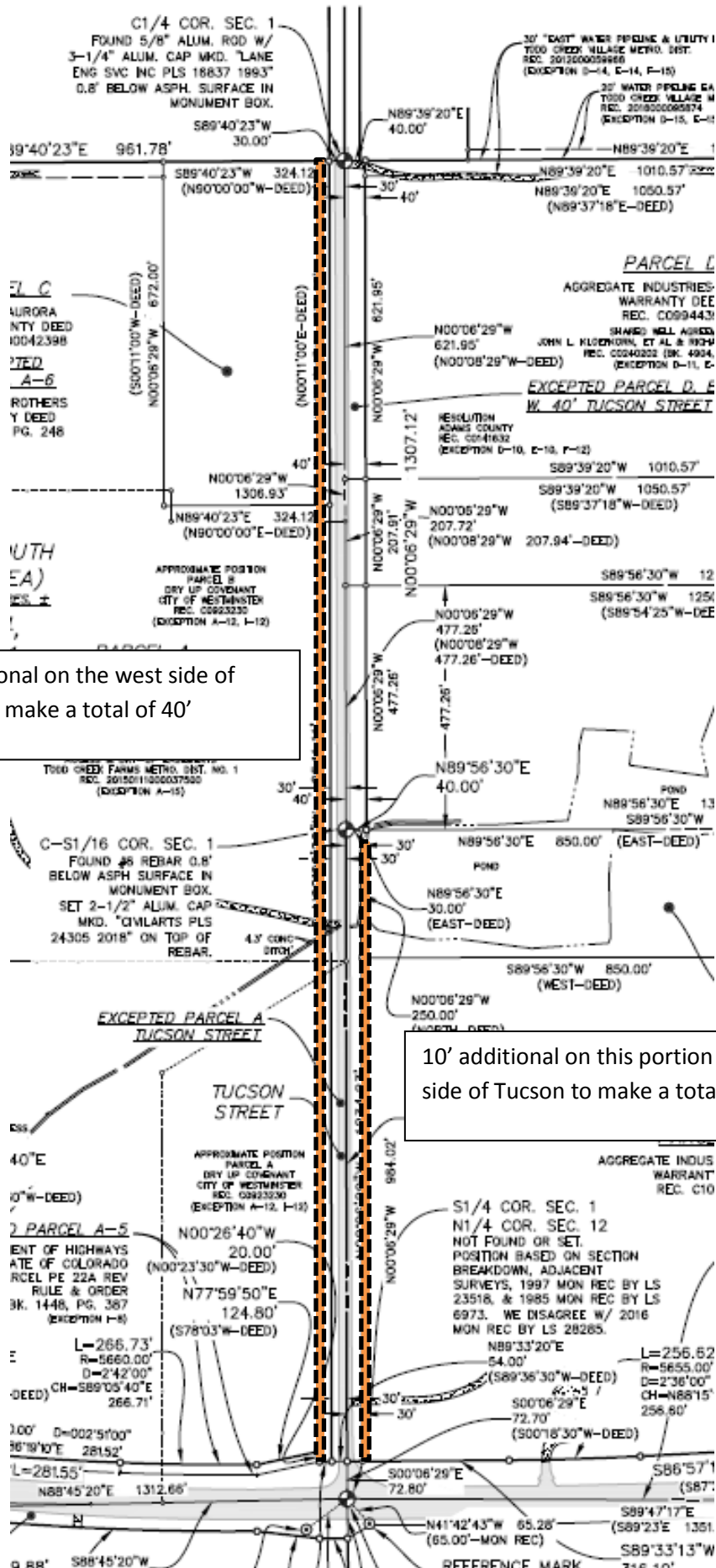
Christine Felz, Land & Environment Manager

6/28/19

Date

Kathleen Bloom

Date



10' additional on the west side of Tucson to make a total of 40'

10' additional on this portion of the east side of Tucson to make a total of 40'