

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

December 26, 2013

Nathan Barton
Wasteline, Inc.
11501 CR 34
Cortez, CO 81328

RE: Arboles Sand & Stone, Lob Lolly Pit (112c), File No. M-2013-066
Permit Application – Adequacy Review

Dear Mr. Barton,

Listed below are adequacy review comments for the Lob Lolly Pit (112c) Permit Application, File No. M-2013-066. The Division of Reclamation, Mining, and Safety (Division) is required to make a decision by January 15, 2014. Therefore, your response to the following adequacy review concern should be submitted to the Division as soon as possible.

1. As required by Rule 1.6.5 (2), please submit the proof of publication of the public notice circulated in the local newspaper and all owners of record of surface lands, and easement holders that are on the affected land and within 200 feet of the boundary of the affected land, if applicable. Proof of notice may be return receipts of a Certified Mailing or proof of personal service.

Rule 6.4.13- Exhibit M – Other Permits and Licenses

2. The submitted mining plan indicates that some drainages may be relocated as a result of this project. For example, the application indicates that Pine Tree Canyon Creek may be realigned. This exhibit does not make mention that an Army Corps. Permit will be obtained. It is not clear as to whether realignment of this creek would require such permit. Please be aware that some of the proposed activities may require an Army Corps of Engineers Permit.

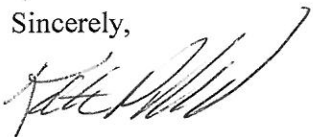
Rule 6.4.19- Exhibit S – Permanent Man-made Structures

3. Please supply damage agreement waivers, or proof that such waivers were sent to the owners of permanent man-made structures.

Please be advised that the Arboles Sand and Stone, Lob Lolly Pit (112c), Permit Application may be deemed inadequate, and the application may be denied January 15, 2014, unless the above mentioned adequacy review item is addressed to the satisfaction of the Division. Response to this adequacy concern must be received by the Division to allow adequate time for review prior to the decision date. If you feel more time is needed to complete your reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of your right to a decision by January 15, 2014 and request for additional time. This request must be received no later than January 15, 2014. Please be aware that depending on the answers that are received regarding the above adequacy issue, the Division may have further adequacy questions.

If you have any questions, please do not hesitate to call me at (970) 259-5861.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Pickford', with a large, sweeping flourish extending from the end of the signature.

Kate Pickford
Environmental Protection Specialist