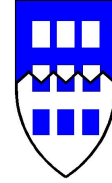




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30 December 2013

Ms. Kate Pickford
Colorado Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

VIA E-mail

SUBJECT: Arboles Sand & Stone, File No. M-20013-066, Response #1 to Adequacy Review

REFERENCE: Lob Lolly Pit 112(c) Permit Application – Adequacy Review

Dear Ms. Pickford,

Thank you for your time and travel to inspect the site on Friday, the 27th. I appreciate very much your comments and suggestions. Below are the responses to the issues addressed in the Adequacy Review.

Item 1: Steve and Joyce did the newspaper publication and mailing/coordination with the two adjacent landowners and the one landowner/easement holder as addressed in the exhibits. As they are on vacation out-of-state and will not return until Monday the 6th January 2014, I will get those from them and sent to you that week.

Item 2: As discussed, Ms. Kara Heilege of the local USACE regulatory office has reviewed the exhibits and inspected the site several times. Although she addressed some areas in the southwestern portion of the proposed permit area that will need to be addressed and may require permits which cannot be issued until we are nearer to impacting that drainage (from the west to the south), she had no concerns and did not state any need for a USACE permit for the proposed changes to the lower portion of Pine Tree Canyon drainage, near the bridge and the present 111 operation. As you and I discussed, this may be because flow will be maintained and no fill in the drainage is proposed. The owner and operator of course commit to obtaining any and all permits necessary, now or in the future, for affected areas.

Item 3: As with the newspaper notice, the proof of mailing and the agreements were done by the Wrights, and I expect to be able to forward them to you the week of the 6th. Exhibit 6 and previous agreements already address these issues, dating back to 2008 and involving the same landowners and easement owners, but we understand the need to provide those for this file.

Steve Wright has asked me to ask you to keep us informed on the various issues regarding the 111 permit.

Again, thank you for your assistance on this project. Please e-mail or call me with any questions.

PN 5091.6

Respectfully,



Nathan A. Barton, CE, PE, DEE
Environmental Engineer, Comptroller,
WASTELINE, INC.
For Arboles Sand and Stone, LLC
(Project Engineer)