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www.colorado.gov/phillipscounty

January 10, 2014

Mr. Eric Scott
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Preliminary Review dated January 6, 2014
DRMS M-1990-116
Conversion Kennedy Pit to 112

RECEIVED
JAN 14 2014
DIVISION OF RECLAMATION
MINING AND SAFETY

I am responding to your preliminary review of the expansion of the Kennedy Pit (M-1990-116). Each of your comments are provided with my responses in bold.

Application Form:

The pre and post-mining land uses marked on the application form indicate wildlife habitat, however, there is text in the exhibits (primarily Exhibit 1) that state the post mining land use may be primarily cropland. Please verify what the majority of the permit area will be returned to for final reclamation, and revise the appropriate text and figures as necessary.

We do not actually anticipate disturbing that area lying outside of the creek. That area is and will probably continue to be farmed. The requested expansion is primarily to make sure we stay within pit boundaries and to give us room to work. The creek beds have been disturbed. Those areas will be seeded to promote wildlife habitat. See explanation map.

Exhibit N – Source of Legal Right to Enter (Rule 6.4.14:

Exhibit N, as submitted, contains an executed "agreement to mine" between Phillips County and Gregg and Denise Smith. However, Exhibit O indicated that there are 3 other property owners of affected land (High Plains Conservancy, Joyce Strong, and Clayton and Susan Willmon). Can you provide executed agreements with these three other property owners during the permit

review period? You will also need to indicate what portions of the proposed permit area are owned by each party listed on the Map in Exhibit C.

The information submitted for Exhibit N is incorrect. The adjoining landowners were inappropriately included. Exhibit N should read:

EXHIBIT N - Source of Legal Right to Enter

Greg and Denise Smith are the owners of the property in question. A copy of permission to mine granted by Mr. and Mrs. Smith is attached.

EXHIBIT O - Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

Owners of Severed Mineral Interest

Jack & Nancy Kennedy Irrevocable Trust (50%)
C/O Anita Dow, Trustee
807 Logan
Holdrege, NE 68949-2454
Greg & Denise Smith, JT (50%)
1500 Wellington St
Imperial, NE 69033-3127

Owners of Affected Land
Greg & Denise Smith, JT
1500 Wellington St
Imperial, NE 69033-3127

Addendum 1 : Although it was stated that the certification of posted notice was attached, I was unable to locate the certification of the posted notice in the application package. Please provide another copy for the permit record.

The information submitted for Addendum 1 was also incorrect. Posting will occur next week when advertising occurs. We will provide certification of posting.

Additional Information: You will also need to provide the Division with proof of public notice publication, and notice to property owners within 200'. Any letters from other commenting agencies/entities received by the Division to date have been included with the correspondence for you to review.

The application notice is being published next week in the Holyoke Enterprise. A copy of the notice is attached. We will provide proof of publication and proof of notice to adjoining land owners when that is completed.

Please let me know if additional information is needed on any of these concerns. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Schaffer".

Randy Schaffer
Phillips County Planning

Enclosure: Map
Legal Notice

RECLAMATION PLAN

- 1) All final slopes outside creek will be 3:1
- 2) Banks will be sloped 2:1
- 3) Stockpiled topsoil will be re-applied prior to seeding banks and areas outside the creek area

SE 1/4 Sec. 21, T7N, R43W

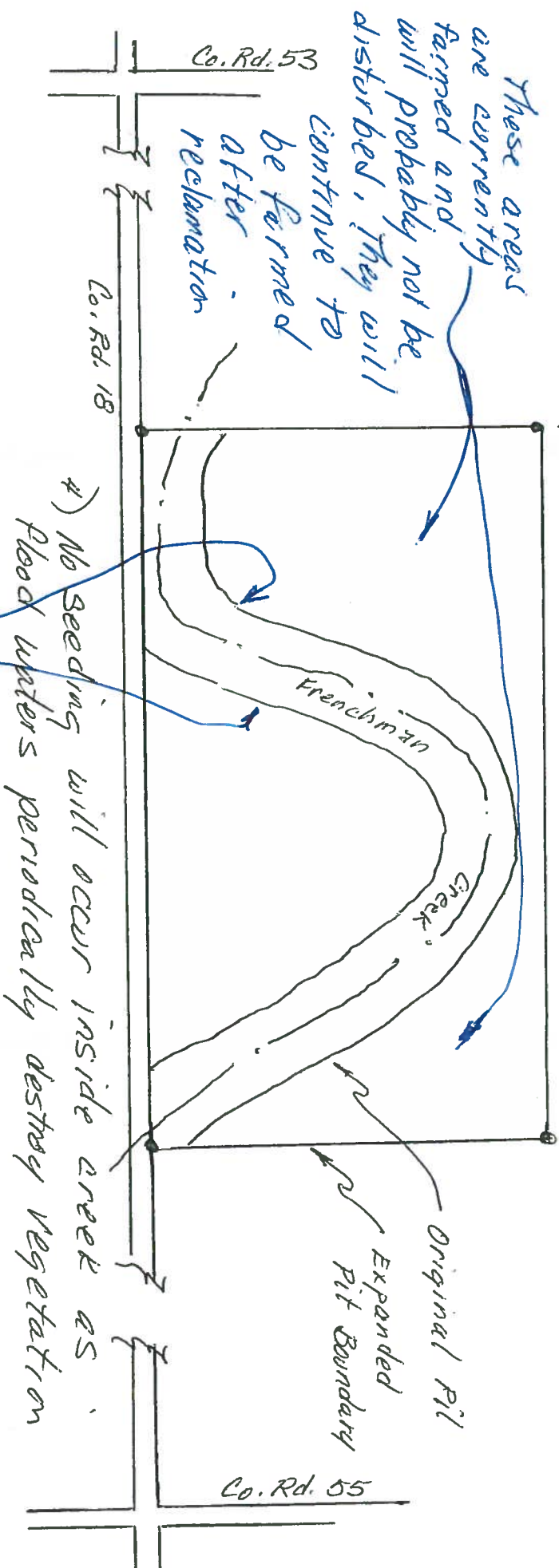


EXHIBIT E - RECLAMATION PLAN

OPERATOR - Phillips County
 SCALE - 1" = 300' Not to scale
 DATE - July 12, 2013
 SECTION - 21, SE 1/4
 TOWNSHIP - 7N
 RANGE - 43W
 COUNTY - Phillips County
 PREPARED BY - Randy Schaefer

Kennedy Pit

Update
 11/10/14
 Randy Schaefer

Banks of Frenchman Creek
 have been disturbed, All
 disturbed areas will be
 sloped and seeded in a
 manner to promote wildlife.

LEGAL NOTICE

The Phillips County Commissioners, 221 S Interoccean Ave, Holyoke, Colorado (970-854-2454) have filed an application to expand an existing Construction Materials Limited Impact (110) and Reclamation permit to a Construction Materials Regular Impact (112) and Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Mined Land Reclamation Act for the extraction of construction materials. The proposed mine is known as the Kennedy Pit, and is located in the SE¼ of Section 21, T7N, R43W of the 6th P.M., Phillips County, Colorado. The proposed date of commencement is as soon as possible and the proposed date of completion is indefinite. The proposed future use of the land is wildlife habitat. Additional information and tentative hearing date may be obtained from the Mined Land Reclamation Board, Room 215, 1313 Sherman Street, Denver, Colorado, 80203 (303-866-3567), or the Phillips County Clerk, Phillips County Courthouse, Holyoke, CO on the above named applicant.

Written comments must be filed with the Mined Land Reclamation Board by February 26, 2014.

First Publication: January 16, 2014

Last Publication: February 6, 2014

Please bill:
Phillips County Commissioners
221 S Interoccean Ave
Holyoke, CO 80734

Please provide proof of publication. Thank you.