

# 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



February 24, 2014

Mr. Albert Nesselhuf Jr.  
31160 County Road 14  
Manzanola, CO 81058

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta E. Pineda  
Director

**RE: Caldwell-Nesselhuf Pit No. 1, DRMS File No. M-2005-062  
Follow-up on Unresolved Problems**

Dear Mr. Nesselhuf:

The above-mentioned site has had two problems cited in a November 26, 2013 inspection report that, according to Division of Reclamation, Mining and Safety (Division) records have not yet been resolved. According to the Division's records, the following problems were to be resolved on or before **February 17, 2014**. Listed below are descriptions and corrective actions for the problems. **Please resolve the problems and provide evidence of such resolution on or before April 25, 2014.**

Please note that if the corrective actions are not properly addressed, and evidence provided to the Division by the date provided above, the listed problems could be escalated to the level of possible violations and may then be referred to the Mined Land Reclamation Board for further action.

### Problems:

1. The Annual Report submitted June 14, 2013 is inadequate because the report is illegible and lacks the required map.
2. Rills and gullies were observed within the affected land. This is a problem for failure to protect the affected land from erosion pursuant to C.R.S. § 34-32.5-116(4)(j).

### Corrective actions:

1. Please submit the written report and the maps as required by the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials C.R.S. § 34-32.5-116(3)(a). Please fill out the annual report form and included the required map.
2. The Operator shall provide photo documentation to the Division verifying erosion damage has been repaired, and that the site has been reconstructed and stabilized to prevent erosion damage.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at [tyler.odonnell@state.co.us](mailto:tyler.odonnell@state.co.us).

Sincerely,

A handwritten signature in cursive script that reads "Tyler O'Donnell".

Tyler O'Donnell  
Environmental Protection Specialist

CERTIFIED Mail No. 7011 3500 0002 9607 6919

Return Receipt Requested

Enclosure: November 2013 Inspection Report

CC: Tom Kaldenbach, DRMS