

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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April 3, 2014

Mark Chiarito  
Bureau of Reclamation  
Western Colorado Area Office  
Land and Recreation Team Leader  
185 Suttle Street, Suite 2  
Durango, Colorado 81303

**RE: Comments for Technical Revision to Oldcastle SW Group, Inc. dba Four Corners Materials, Animas Glacier Gravel (AGG), Permit No. M-2011-028**

Dear Mr. Chiarito:

The Division of Reclamation, Mining and safety (Division) is responding to the Bureau of Reclamation (BOR) e-mail requesting to extend the comment period for the above technical revision. The Division has extended the decision date for this Technical Revision far beyond the typical review period in order to give BOR and the other interested parties an opportunity to comment on the original concerns submitted during the original permitting action. As of now, the only direct comments the Division has received relative to the original concerns are, "the proposed revision does not address our previous concerns," which has given the Division little to work with in order to address any perceived issues.

The comments do include some concerns related to the potential risk of runoff from the site resulting from failure of the berm, but the Division believes that the subsequent information Four Corners Materials submitted fully addresses these concerns.

The Division's staff engineer has reviewed the information submitted by Four Corners Materials and believes that all of the pertinent concerns related to the proposed operation have been adequately addressed. The Division allowed time for comments when the technical revision was submitted. Those comments were taken into account during the review. The Division believes that the proposed mining plan with the technical revision is a sound plan, which protects off-site interests. As mentioned in the deadline letter dated April 1, 2014, the Office of the State Engineer (OSE) also reviewed the plan and the structure at the site and indicated that it believes the proposal is adequate, stable and protects off-site interests. La Plata County Planning Department has inspected the site, approved the plans, issued a Special Use Permit, and has indicated it has no further comments for the Division relative to the project.

If BOR still has concerns related to its original comments regarding potential off site impacts, it is encouraged to submit them before April 18, 2014. Otherwise the Division is mandated by state statute to render a decision based on its review by the decision date. As noted the review includes OSE input and County acceptance and approvals. Once the Division issues a decision on the technical revision,

BOR may appeal the decision if it so desires to the Mined Land Reclamation Board (MLRB). A request for appeal must be submitted within 30 days of the approval date of the technical revision to the Board and must follow the guidelines under rule 1.4.11 of the Construction Materials Rules and Regulations. If BOR submits an appeal to the decision, it must submit the specific reasons for the request for appeal. At the next available meeting, the MLRB may decide to hear the appeal or let the Division decision stand. If the Board agrees to hear the appeal, BOR would have the burden to present facts to the Board showing how the decision created harm to BOR interest. These hearings are in Denver and must be attended in person.

Please contact me at the Division Office 691 CR 233, Ste. A-2, Durango, CO 81301, phone (970) 259-5861, if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kate Pickford', with a long, sweeping flourish extending to the right.

Kate Pickford  
Environmental Protection Specialist