



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

April 22, 2014

Notice to Interested Persons to the Animas Glacier Gravel (AGG) Permit Revision

**RE: Response to Comments for Technical Revision TR-01 to Oldcastle SW Group, Inc.
dba Four Corners Materials, Animas Glacier Gravel (AGG), Permit No. M-2011-
028**

Dear Interested Person:

The Colorado Division of Reclamation, Mining, and Safety (Division) has reviewed the comments received regarding the completed technical revision submittal for the Animas Glacier Gravel site. In the letter received from the Bureau of Reclamation (BOR), dated April 16, 2014, two concerns were cited relative to the submittal.

The first concern relates to the Probable Maximum Precipitation (PMP) reported in the Drainage Report Amendment from Russell Engineering. The BOR expresses concerns related to how well the berm structure will retain this amount of precipitation and whether there is a potential for the structure to breach. Based on the Division's review by the staff engineer, the design capacities are sufficient to handle the design storm event for the area. The design storm event is a two year, 24 hour storm event up to the PMP event plus the ten year, 24 hour event. The Division believes that Four Corners Materials has exceeded the minimum standards in its Technical Revision application. Additional review by the Office of State Engineer (OSE) and La Plata County Planning support approval of the TR as well. The Division recognizes BORs concerns related its responsibility to protect the structures related to the Animas La-Plata Project. The authority of the Division, however, does not allow for it to require an operator to exceed the guidelines required by the Act. If the BOR has additional concerns related to the activities on the Animas Glacier Gravel site, it is encouraged to discuss them with Four Corners Materials to determine whether the operator is willing to address these concerns.



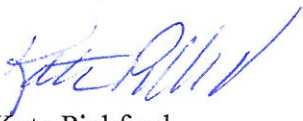
The second concern noted in the most recent comments from BOR relates to activities that Four Corners Materials performed at the site prior to the Division's approval. Although the Division understands BORs concern related to this issue, it falls under the enforcement powers of the Division and enforcement actions are between the operator and the Division. Outside parties are not part of these proceedings. In this case, the corrective action would be obtaining the approval of this TR. Therefore, the Division feels the issue has been addressed and no further action is required at this time.

While the Division wishes to maintain a cordial working relationship with the BOR it is mandated, under the Rules and the Act, to approve the technical revision submitted by Four Corners Materials based on its review. Also, reviews by the Office of the State Engineer, and La Plata County support the Division's analysis of the site. Staff therefore is approving the TR on this date.

If the BOR does not agree with the Division's decision it may appeal 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 clearly state 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,



Kate Pickford
Environmental Protection Specialist
Attachment: Certificate of Service



CERTIFICATE OF SERVICE

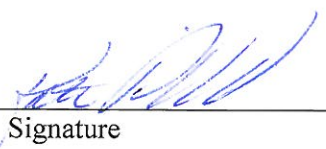
I, Kate Pickford, hereby certify that on this 22st day of April, 2014, I deposited a true copy of the foregoing (description of document)

RE: Comments for Technical Revision to Oldcastle SW Group, Inc. dba Four Corners Materials, Animas Glacier Gravel (AGG), Permit No. M-2011-028
in the United States Mail, postage paid, addressed to the following:

Tyler Artichoker
U.S. Bureau of Reclamation
185 Suttle St., Suite 2
Durango, CO 81303

Matt Carnahan
Oldcastle SW Group, Inc. dba Four Corners Materials
P.O. Box 1969
Bayfield, CO 81122

Cc: Russ Means, DRMS – Grand Junction



Signature

