



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

July 7, 2014

Mr. John P. Ary
Fremont Paving & Redi-Mix, Inc.
839 Mackenzie Avenue
P.O. Box 841
Cañon City, CO 81215

Ms. Angela Bellantoni
Environmental Alternatives, Inc.
1107 Main St.
Cañon City, CO 81212

**Re: Evans #2 Pit, DRMS File No. M-2000-041
Amendment AM-01
Follow-up to Outstanding Adequacy Items**

Dear Mr. Ary and Ms. Bellantoni:

The Division of Reclamation, Mining and Safety (Division), has not received all of the outstanding adequacy items. The Division requested that the Operator/Applicant provide all outstanding adequacy items to the Division by June 16, 2014. The Division has not received the required groundwater monitoring plan or the groundwater mitigation plan. The decision date for AM-01 is July 31, 2014, which is the 365th-day since filing.

If the Division does not receive these adequacy items by then the Division will set the matter for the next Mined Land Reclamation Board hearing in accordance with Rule 1.4.1(9). At the hearing the Division would recommend denial of AM-01. A denial of AM-01 would be shortly followed by a Surety Increase. The Surety Increase would be issued to mitigate the Division's liability. The Division believes that backfilling to 2 ft about the static water level would be the most acceptable method to mitigate the Division's liability, and would result in a 5 to 10 million dollar Surety Increase.

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.

Sincerely,

Tyler O'Donnell
Environmental Protection Specialist
CC: Tom Kaldenbach, DRMS
Tim Cazier, DRMS

