



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Sandi Cunningham
Preliminary to Final, Inc.
177 CR 103
Hesperus, CO 81326

July 28, 2014

RE: Luke the Duke, LLC, File No. M-2013-036
Luke the Duke Gravel Pit, 110(c) Permit Application - Adequacy Review

Dear Ms. Cunningham,

Listed below are adequacy review comments for the Luke the Duke, LLC, Permit Application, File No. M-2013-036. The decision date for this permit application is August 21, 2014. The Division of Reclamation, Mining, and Safety (Division) is required to make a decision by August 21, 2014, unless a request for an extension to the decision date is submitted by the applicant. Therefore, your response to the following adequacy review concerns should be submitted to the Division as soon as possible.

1. As required by Rule 1.6.5 (2), please submit the proof of publication of the public notice circulated in the local newspaper and all owners of record of surface lands, and easement holders that are on the affected land and within 200 feet of the boundary of the affected land, if applicable. Proof of notice may be return receipts of a Certified Mailing or proof of personal service.

Rule 6.3.4 Exhibit D - Reclamation Plan

2. The submitted plan indicates that material stockpiles and a proposed stock pond are part of the reclamation plan. Stockpiles may not remain on the site at the completion of reclamation. In some cases, if the material will only be used on the landowner's property, some piles may remain. But if the piles will be hauled off site, they must be removed before reclamation is considered complete. If the material from the proposed stock pond will be hauled off site,



then the completed pond is considered part of the final reclamation and must be completed before reclamation is considered complete.

3. The map depicting the alternate reclamation plan to address issues related to water rights shows that the current excavations will be reclaimed, but there is no narrative explaining how they will be reclaimed. What will be the maximum slope if these features are filled in? It is assumed that material from across the property will be excavated to slope these excavations, but this is not explained in the alternate plan. Please submit more specifics with regard to the alternate reclamation plan and a calculation for the costs associated with this plan.

Please be advised that the Luke the Duke, LLC, Luke the Duke Gravel Pit 110(c) Permit Application may be deemed inadequate, and the application may be denied August 21, 2014 unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. Responses to these adequacy concerns must be received by the Division to allow adequate time for review prior to the decision date. If you feel more time is needed to complete your reply and allow the Division adequate time to review, the Division can grant an extension to the decision date as long as it does not exceed any deadlines set by the Board. This will be done upon receipt of a written waiver of your right to a decision by August 21, 2014 and request for additional time. This request must be received no later than August 21, 2014. Please be aware that depending on the answers that are received regarding the above adequacy issues, the Division may have further adequacy questions.

If you have any questions, please do not hesitate to call me at (970) 259-5861.

Sincerely,



Kate Pickford
Environmental Protection Specialist

