



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

November 18, 2014

Jason McGraw
General Shale Brick, Inc.
1845 W. Dartmouth Ave.
Denver, CO 80110-1308

RE: Apache 9; DRMS File No. M-1978-009;
Second Adequacy Review - Technical Revision No. 1 (TR-01)

Dear Mr. McGraw,

The Division of Reclamation, Mining and Safety (Division) received your Response to Preliminary Adequacy Review for TR-01 on November 18, 2014. The decision date for this Technical Revision was extended to November 21, 2014 per your October 16, 2014 request. The Division has reviewed your responses and has the following comments:

1. Provide a map... The response is adequate.
2. Please indicate if the final contours... The response is adequate.
3. The Division is concerned with the potential for sinkholes... The response is adequate.
4. Please clarify if the brick and block will be stockpiled... The response is partially adequate. Per our telephone conversation, the Division requests General Shale commit in writing to providing the Division with an annual report and photographic documentation demonstrating the block and brick imported during the campaign hauling is not stockpiled, but is used for backfill in the pit(s). This inert fill annual report should be submitted along with the Mine's regular Annual Report due on the anniversary date.
 - a. The inert fill annual report should state how much inert fill (block and/or brick) was imported, what timeframe the hauling campaign(s) occurred, whether or not the imported material was blended, and list the date(s) backfilling the imported fill was completed.
 - b. Photo documentation should depict the location where block and/or brick was unloaded, where it was blended (if applicable), and that these area(s) were clear of block and/or brick at the completion of the backfilling operation.

Please provide the Division with a written commitment to provide the Division with an inert fill annual report as described above.

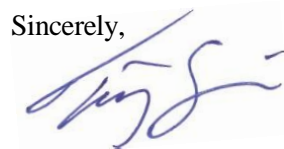


Mr. McGraw
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Please remember that the decision date for this Technical Revision is November 21, 2014. If you are unable to provide satisfactory responses to any inadequacies prior to this date, **it will be your responsibility to request an extension of time to allow for continued review of this Technical Revision.** If there are still unresolved issues when the decision date arrives and no extension has been requested, the Technical Revision will be denied.

If you have any questions, please contact me at (303)866-3567 x8169.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy A. Cazier', is positioned above the printed name.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Tom Kaldenbach, DRMS
DRMS file