

January 5, 2015

Gary Priola
Cap Land Company
12255 Ursula St.,
Henderson, CO 80640, CO

**Re: Priola Pit, DRMS Permit No. M-2007-087,
Filed Citizen Complaint,
Responds**

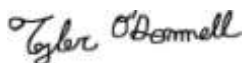
Dear Mr. Priola:

The Division of Reclamation, Mining and Safety (DRMS) received your citizen complaint on December 8, 2014. DRMS has also received your emails providing additional information to support the original complaint. DRMS conducted an inspection on December 19, 2014 to investigate the items in the written complaint. Please see the enclosed inspection report. Based on observations made during the inspection and the review of the approved reclamation permit it appears that Albert Frei and Sons is in compliance with the approved reclamation plan, although reclamation is in progress. DRMS is sympathetic and understanding of Mr. Priola's concerns; however, at the present time DRMS has no ability to act on any of the items detailed in the written complaint.

As stated in one of your emails you would like to file a complaint with The Mined Land Reclamation Board (Board). If you wish to speak to the Board, you may file with the Board a Request for a Declaratory Order in accordance with Rule 2.5 of Mineral Rules and Regulations of The Colorado Mined Reclamation Board for the Extraction of Construction Materials (Rules). The Construction Material Act and Rules may be reviewed at DRMS's website, www.mining.state.co.us.

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

Enclosure: DRMS Inspection Report

cc: Tom Kaldenbach, DRMS
Tony Waldron, DRMS

