

January 7, 2015

Ben Frei
Albert Frei & Sons Inc.
P.O. Box 700
Henderson, CO 80640

**Re: Worthing Pit, DRMS File No. M-1977-526,
Technical Revision No. 4, TR-04,
Preliminary Adequacy Review**

Dear Mr. Frei:

The Division of Reclamation, Mining and Safety (DRMS) received Technical Revision No. 4 (TR-04) for the above referenced site on December 19, 2014. The decision date for TR-04 is January 19, 2015. The DRMS has reviewed TR-04 and has the following comments:

- 1) DRMS would prefer to have a reclamation seed mix using native species/non-aggressive species. DRMS would request that the applicant remove Crested Wheatgrass from the proposed reclamation seed mix due to its aggressive nature. DRMS would propose that the Applicant/Operator consider using Western Wheatgrass in the place of Crested Wheatgrass.
- 2) Comment: In review of groundwater monitoring data from the Stagecoach Pit (DRMS File No. M-1983-067) and information from the surrounding area, DRMS believes that pre-mining groundwater elevation ranged from 5,003 to 5,004 feet above mean sea level.
- 3) In review of the design submitted DRMS believes that this design does not provide a long-term solution. DRMS believes that there is high potential for the open channel to: fill in with silt, become clogged with vegetation and the soil walls of the 1H:1V open channel to slump off and restrict flow. Please provide a groundwater mounding mitigation plan that will have a lower likelihood of failure as described above. The design must demonstrate long-term success.
- 4) Please demonstrate that the proposed groundwater mounding mitigation plan has the capacity to convey adequate flow to account for the loss of flow through the Worthing Pit due to the lower hydrologic conductivity of the backfilled material.
- 5) It appears that the proposed groundwater mounding mitigation plan will increase the surface area of the exposed groundwater. As required by Rule 3.1.6, please demonstrate compliance with all applicable Colorado water laws and regulations governing injury to existing water rights.



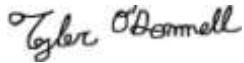
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If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at Tyler.ODonnell@state.co.us.

Sincerely,

A handwritten signature in dark ink that reads "Tyler O'Donnell". The signature is written in a cursive, slightly slanted style.

Tyler O'Donnell
Environmental Protection Specialist

cc: Tom Kaldenbach, DRMS

Steve O'Brian
Environment, Inc.
7985 Vance Dr., #205A
Arvada, CO 80003