



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

January 16, 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,
Second Adequacy Review**

Dear Mr. Frei:

The Division of Reclamation Mining and Safety (DRMS) has reviewed your submittal received on January 14, 2015 in which you provided responses to DRMS's adequacy review letter dated January 7, 2015. Responses are fully adequate for the following comments: 1, 2, and 4, our follow-up comments are shown below 3 and 5.

- 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 and compliance with Rule 3 of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials Rules and Regulations (Rules). Once a design has been submitted to DRMS that accurately depicts the proposed groundwater mounding mitigation plan, DRMS will review the design for compliance with Rule 3.
- 5) It appears that the proposed groundwater mounding mitigation plan will increase the surface area of the exposed groundwater compared to the pre-mining conditions. As required by Rule 3.1.6, please demonstrate compliance with all applicable Colorado water laws and regulations governing injury to existing water rights.

Please remember that the decision date for this Technical Revision is January 19, 2015. 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.



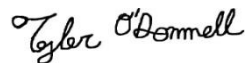
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Page 2 of 2

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 black ink that reads "Tyler O'Donnell". The signature is written in a cursive, flowing style.

Tyler O'Donnell
Environmental Protection Specialist

cc: Tom Kaldenbach, DRMS

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