

**Lincoln County
Land Use Office
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April 1, 2015

Division of Reclamation, Mining and Safety
c/o Amy Eschberger
1313 Sherman Street, Room 215
Denver, Colorado 80203

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APR 20 2015

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Re: TR Adequacy Reviews

Ms. Eschberger:

Here are my responses for the adequacy review concerns that you sent to me. I will address them separately so that you can file them individually. Thank you for your considerations.

Respectfully,

John DeWitt

John DeWitt
Lincoln County
Land Use Administrator

Digitally signed by John DeWitt
DN: cn=John DeWitt, o=Lincoln County, ou=Land Use / OEM,
email=jcanduse@lincolncountyco.us, c=US
Date: 2015.04.01 10:10:19 -06'00'

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**Brent Pit, Permit No. M-1978-072, Technical Revision No. 4 (TR-04)
Adequacy Review-01**

After review of the information submitted, the Division has determined that the following additional

information or modifications are required for approval of the revision:

1) In the revised Mining Plan Map and Reclamation Plan Map submitted with the revision, the revised permit boundary is shown to include 12.3 acres. However, the approved permit area is 14.16 acres. If you wish to release 1.86 acres, this can be done by submitting an Acreage Reduction request (form enclosed). Otherwise, the permit area shown on the revised maps should include 14.16 acres as originally approved. The Division realizes that the original maps submitted with the Conversion Application (approved on November 20, 2008; see enclosed Mining Plan Map) have some measurements that appear to be incorrect, particularly the western and eastern boundary lengths (see enclosed Google Earth image). Going by the original map measurements, the permit area would actually be 15.3 acres instead of the approved 14.16 acres. The Division believes that, at a minimum, the western and eastern boundary lengths were incorrectly measured to be approximately 40-43 feet longer than they should be to create a permit area of 14.16 acres. Unless the Operator wishes to submit an Acreage Reduction request, the Division recommends the revised permit boundary be shown to include the approved 14.16 acres, which the Division believes is closer to the blue-lined polygon on the enclosed map.

2) Please include on the Mining Plan Map submitted the required 30 foot setback from the south bank of Hell Creek from the active mining area. In addition, this setback should be marked on site so that any member of the operation will be aware of its existence. From Google Earth images, the Division measured the southern edge of the stormwater berm to be approximately 30 feet from the creek. If this is correct, then the berm might be used as a setback guide, as long as it is properly maintained so that it continues to mark the required setback distance.

Brent Pit (M-1978-072): The parcel of land that the County owns where the pit is located is 14.16 acres. The fence that encloses the pit has not been moved, and is essentially (for most of it) serving as the pit boundary. I simply shot the corners and turns then re-measured the distances between them. Having determined that, I then was able to recalculate the acreage. The confusion on the acreage is caused by the fact that with any property in Lincoln county that borders a road, the acreage for that property extends to the center of the County Road. To use the 14.16 acres, the markers would have to be in the center of the road on the South side to properly designate the full acreage as it was originally permitted. With this pit, absolutely nothing was changed from the day it was first permitted, and it would be impossible to have done so without acquiring more land. What has happen is that the full acreage of the land parcel was mistakenly used as the acreage for the pit rather than what is within the marked boundaries of the site. Could DRMS simply acknowledge this mistake, and allow us to move forward with the TR? Hopefully, DRMS can see fit to allow this change.

The berm was built to maintain the 30 foot setback from Hell Creek, and will be kept as such. I will denote this on the revised map.

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