

November 4, 2015

Stephanie Bratton
Bratton Enterprises, Inc.
237 Roselawn Ave.
Yampa, CO 80483



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: McCoy Pit, Permit No. M-1981-088, Ongoing Litigation

Dear Ms. Bratton:

On Friday, October 30, 2015 Ms. Bratton called the Division of Reclamation, Mining and Safety (Division), to update the Division of ongoing litigation regarding their McCoy Pit, M-1981-088. Ms. Bratton expressed concern of the permittee's ability to access portions within the permit boundary area for both mining and reclamation activities due to issues with the landowner. As a result of this pending litigation one or more permit violations may occur in regard to legal right of access and reclamation responsibilities.

Monday, October 05, 2015 the Division issued a Surety Increase notice due Friday, December 04, 2015 based on site conditions observed during the Thursday, August 06, 2015 inspection. The Division acknowledges that while portions of this site remains in litigation we are unable to effectively estimate the reclamation liability until resolved. The operator is encouraged to forgo any further activities in the permit areas under litigation in an effort to avoid increasing their potential reclamation liability.

The Division is requesting that Bratton Enterprises, Inc provide the Division with a detailed letter explaining the extent of their litigation with regards to the McCoy Pit. Please include all notices, as well maps and acreage calculations for the areas in question. A portion of the surety increase for these areas in question may be reduced or suspended pending litigation.

To avoid potential future enforcement actions for non-compliance with State Statutes, Rules and Regulations, and/or conditions specified in your permit for this site, please submit this information to the Division prior to **Friday, December 04, 2015**. If adequate information is not received prior to the corrective action date then adequate Financial Warranty must be submitted to the Division pursuant to Section 34-32.5-117(4) of the Colorado Land Reclamation Act.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell



Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
Phone: (970) 254-8511
Fax: (970) 241-1516

Ec:
Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS
Barbra Coria, DRMS