

November 25, 2015

Steve Baker
3B Enterprises, LLC
P.O. Box 1665
Craig, CO 81625



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

1313 Sherman Street, Room 215
Denver, CO 80203

Re: Vermillion Creek Barrow Area, File No. M-2015-027, Receipt of Construction Material Limited Impact (110) Reclamation Permit Application Package

Dear Mr. Baker:

On Wednesday, October 28, 2015, the Division of Reclamation, Mining and Safety received the Construction Material Limited Impact (110) Reclamation Permit Application package for the Vermillion Creek Barrow Area, File No. M-2015-027. A preliminary review of the information received determined that the following items are still missing from the permit application.

Per Rule

6.3.7 EXHIBIT G - Source of Legal Right-to-Enter

- ☐ Provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and mine is also acceptable.

Please attach the signed BLM authorization letter from Wendy Reynolds dated November 17, 2015

6.3.1 EXHIBIT L - Permanent Man-Made Structures

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Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- ☐ (a) provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- ☐ (b) where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- ☐ (c) where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the



mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

An agreement is required even if the applicant is the same as the structure owner.

Please note that according to the board order the permit must be approved by December 21, 2015 which is earlier than the statutory requirements.

For that reason on November 25, 2015, the Division of Reclamation, Mining and Safety (Division) filed your **Construction Material Limited Impact (110) Operation Reclamation Permit Application** for the Vermillion Creek Barrow Area, which is located in Moffat County. All comment and review periods began on November 25, 2015.

Within ten (10) days you must publish notice in a newspaper of general circulation in the locality of the proposed mining operation. **It is recommended that you send the Division a copy of the notice prior to publication to review for errors.** The final date for receiving comments is ten (10) days after the date of publication or the next regular business day. Immediately after the publication, mail a copy of the notice to all owners of record of surface rights and mineral rights, holders of any recorded easements, and all owners of record of lands that are within 200 feet of the boundary of the affected land. Proof of notice and mailings, such as Certified Mail - Return Receipt Requested, must be submitted to the Division of Reclamation, Mining and Safety prior to the decision date. Additionally, any changes or additions to the application on file in our office must also be reflected in the public review copy which has been placed with the Moffat County Clerk and Recorder.

The Division is reviewing your application to determine whether it is adequate to meet the requirements of the Mined Land Reclamation Act. We will contact you if additional information is needed.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

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