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January 22, 2016

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✓ JAN 26 2016

Colorado Division of Reclamation Mining & Safety  
1313 Sherman St., Room # 215  
Denver, CO 80203

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

TR03  
Re: ✓ Appeal re Technical Revision #3 Decision  
✓ M2006018

Ladies/Gentlemen:

This letter is written pursuant to the Board's Rule 1.4.11 and other applicable Rules. I represent Colorado Rivers Edge, LLC ("CRE").

DRMS decision at issue: 12/23/2015 Approval of TR3 (please see Ms. Yeldell's letter of that date together with the 12/21/2015 request for approval and submissions made by the Permittee Old Castle SW Group, Inc. dba United Companies of Mesa County ("United").

The bases for this request for reconsideration/appeal include but are not necessarily limited to the following:

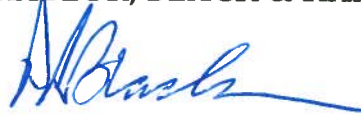
1. There is no indication in Ms. Yeldell's 12/23/2015 approval letter that my client's concerns regarding the significant negative impacts on CRE's property, as expressed in my 12/2/2015 letter to DRMS were evaluated or considered by Ms. Yeldell. For your ease of reference, a copy of my letter together with all of its enclosures - together 44 pages - is contained in the DRMS Permit files as: "2015-12-04 General Documents - M2006018). That letter and its enclosures is incorporated herein and made a part hereof by this reference. My letter was in the DRMS file as of 12/4/2015 so it should have been available for Ms. Yeldell to consider when she wrote her 12/23/2015 letter approving TR3.

2. Additionally, no response from DRMS was received addressing my client's concerns as expressed in my 12/2/2015 letter.

3. When United was granted permission to take over DRMS Permit #2006018, United promised and agreed to operate pursuant to the approved Permit terms which included the approved Mining Plan which requires use of the conveyor across the Colorado River to the Mamm Creek property as the exclusive means of transporting all materials mined and sourced on the North Bank properties. It is not doing so since constructing the new road. The new road connecting the North Bank properties to the Glen's Pit permitted property allows United to avoid using the River conveyor with the resulting additional burdens on CRE property and interests. United's use of the new road between the North Bank properties and the Glen's Pit property is contrary to the DRMS approved Mining Plan which is part of the North Bank Resources Pit Permit and, therefore, United is not in compliance with DRMS Permit #2006018.

I am not familiar with DRMS's processes. Please let me know what, if anything, I need to do on behalf of my client to preserve his right to have the appropriate DRMS personnel consider and address CRE's concerns. I look forward to receiving a response to this letter. Thank you.

**TRAYLOR, BLACK & KANE, P.C.**



Peter R. Black

cc: Client