

September 1, 2016

Leonard Read
Kirkland Construction, R.L.L.P.
P.O. Box 580
Rye, CO 81069

Re: Corrective Action Deadline Extension; Two Rivers; DRMS File No. M-1998-038;

Dear Mr. Read:

On August 31, 2016, the Division of Reclamation, Mining and Safety (Division) received your request for additional time to complete the corrective action for the Compliance Problem identified in the report for the Two Rivers inspection conducted on January 14, 2016. Your letter was requesting an extension from August 29, 2016 to December 27, 2016. The Division will not approve this 120 day extension, however the Division has allowed a 30 day extension to complete the corrective actions. The new corrective action deadline has been set for **September 28, 2016** for the following compliance problem:

INSPECTION TOPIC: Revegetation

PROBLEM: Tamarisk (salt cedar) trees are present within or have volunteered into the permit area and are becoming established (photos 1 and 5). This is a problem for failure to employ weed control methods for a state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10(6) of the rule.

CORRECTIVE ACTIONS: The Operator shall either implement the existing weed control plan, provide photographic evidence demonstrating that the Tamarisk has been eradicated, OR develop a weed control and management plan in accordance with Section 3.1.10(6) of the Rule. This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of 216.00 by the corrective action date.

(NEW) CORRECTIVE ACTION DUE DATE: September 28, 2016

Upon further review of the permit files, it appears the Operator does not have a weed control and management plan in place. Compliance with the corrective action shall be the submittal of a weed control plan with a Technical Revision.

Please be aware the Division will not approve another extension request of the corrective action deadline. If Kirkland Construction, R.L.L.P. fails to complete the corrective action by the deadline, the



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Division may pursue enforcement actions. A possible violation could carry a civil penalty in the amount of \$100.00 to \$1,000.00 per day for each day during which a violation occurs.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosure: Technical Revision Cover Sheet

Cc: Wally Erickson; Division of Reclamation, Mining & Safety