

September 15, 2016

Russell Larsen
Elam Construction, Inc.
556 Struthers Ave
Grand Junction, CO 81501



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

1313 Sherman Street, Room 215
Denver, CO 80203

***RE: 5 Mile Pit, File No. M-2016-026, Construction Material Regular (112) Operation
Reclamation Permit Application Adequacy Review-3***

Dear Mr. Larsen:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

Exhibit E – Reclamation Plan

1. August 28, 2016 response #5 seed mix table is labels E-2, not E-1. Also the permanent seed mixes were not listed, if you wish to change them from pervious submittals please clarify.
2. Please depict your C-4 flow structures on your mining and reclamation maps.

Exhibit L - Reclamation Costs

3. Based on the revised reclamation plan there are two scenarios map F-1 and F-2. The instances in exhibit L do not match exhibit E. The Division will calculate the bond based on Option 2 until proof that the necessary water rights have been secured.
 - a. Option 1- Mining will expose ground water and necessary permits have been secured. Mining to a depth of 30 ft. Dewatering, grading 30' tall highwalls to a 3:1. Only topsoil and seeding areas above water level (fringe and rangeland mixes).
 - b. Option 2-no groundwater rights and no ponds. Mining approximately 12 feet deep with grading highwalls 12 ft. tall to a 3:1. Topsoil and seeding the entire disturbed area (rangeland mix).

Public Notice

4. Provide the Division with proof that all owners of record were properly noticed. Per Rule 1.6.2(1)(d)
 - a. Green card for notice send to Excel/Public Service Company for the overhead power lines and utility right of way.



Please submit your response(s) to the above listed issue(s) by **Monday, September 26, 2016** in order to allow the Division sufficient time for review. Currently the decision due date has been set for October 7, 2016.

The Division will continue to review your application and will contact you if additional information is needed.

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

Ec:
Russ Means, Senior EPS, Grand Junction DRMS
Jon Muller, Elam Construction, Inc.