



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

1313 Sherman Street, Room 215
Denver, CO 80203

October 24, 2016

Jay Wagner
Wagner Construction, Inc.
1850 E 1st St
Craig, CO 81625

Re: Wagner Rock, Permit No. M-1999-018, Notification of Findings

Dear Mr. Wagner,

Based on the email correspondence on October 11, 2016 you indicated that a formal objection to the Notice of Surety Increase (SI-2) was being submitted. In preparation for receiving this objection letter staff began further research to address your concerns.

One document that was reviewed was the 2016 annual report and map. The annual report noted 3.5 acres have been affected by mining to date. Staff superimposed the submitted map which depicts the permit boundary over Google Earth satellite imagery. Figure (1) depicts the permit boundary as compared to the land affected by mining. It is noted that the satellite imagery is from September 2, 2014. Site conditions appeared to be about the same as conditions observed during the July 19, 2016 inspection. It is evident from this figure that the general shape of the affected lands differs considerably from that of the approved permit boundary. Also the current mining area shown to be 3.48 is in-proportional to the 9.74 ac permit boundary.

Due to the potential for map inaccuracy or potential for out of bounds mining staff measured the affected lands. Figure (2) shows the area determined to be affected by mining. This area is approximately 15.10 acres. Figure (3) shows both the annual report map and affected acreage overlaid on satellite imagery. 15.10 acres of affected lands is 5.2 acres larger than the maximum of 9.9 acres allowed under a 110c permit.

Affecting a substantial acreage beyond the approved permit boundary may constitute as mining without a permit. Mining without a permit requires an enforcement action at the Mined Land Reclamation Board. In the near future you will receive a Reason to Believe letter and information regarding the Board hearing. The outstanding bond resulting from the Notice of Surety Increase (SI-2) will also be addressed at this hearing.

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
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Enclosed:

Figure (1)

Figure (2)

Figure (3)

Ec: Russ Means, Senior Environmental Protection Specialist, GJFO




Wagner Rock Pit

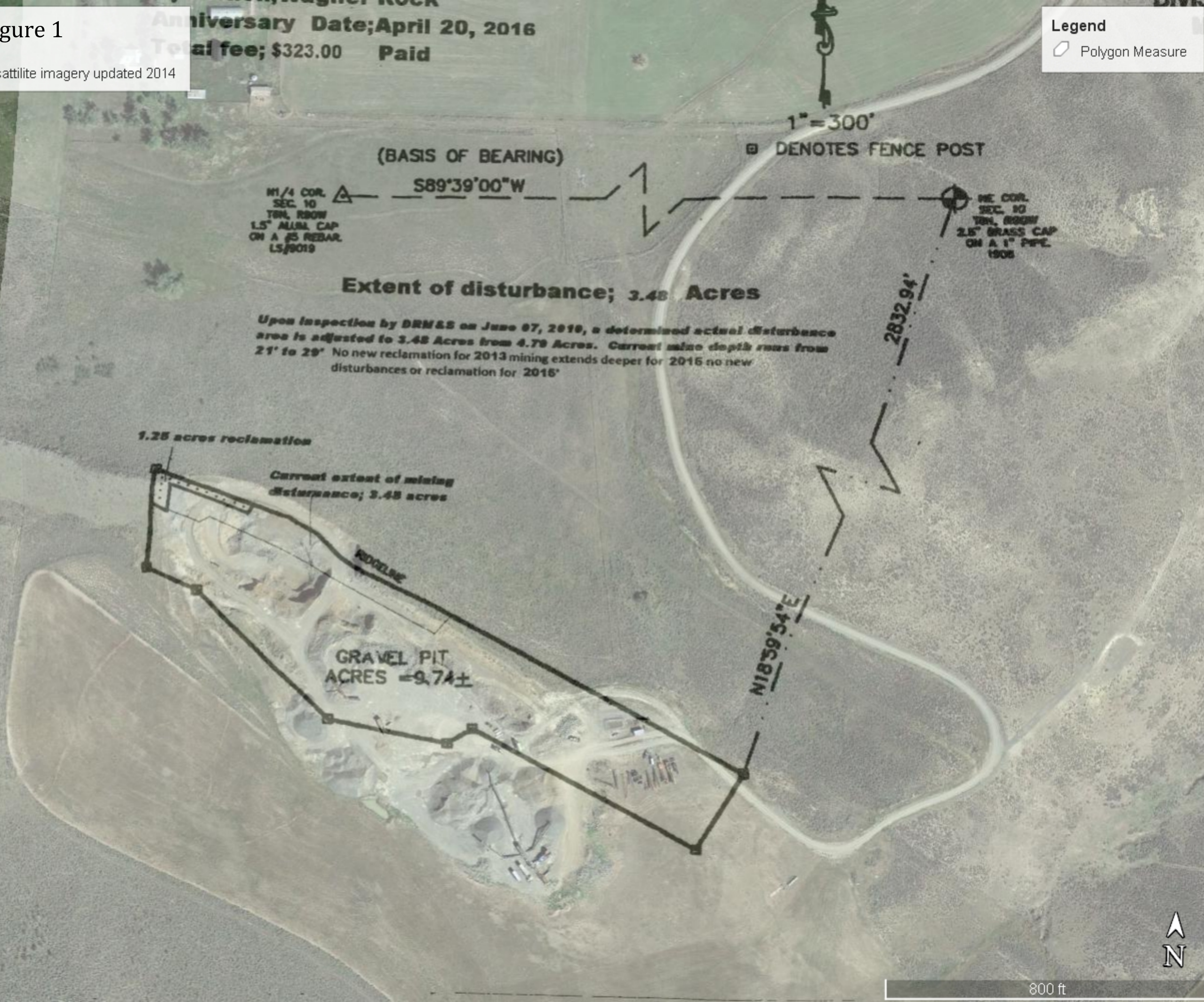
Figure 1

M-1999-018
2016 Annual Report Map overlayed with satellite imagery updated 2014

Anniversary Date; April 20, 2016
Total fee; \$323.00 Paid

Legend

 Polygon Measure

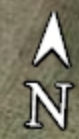




Wagner Rock Pit
M-1999-018
Affected Lands ~15.10

Figure 2

Legend



Wagner Rock Pit

M-1999-018
Affected Lands ~15.10
Overlaid with satellite imagery 9/2/14

Figure 3

Legend

