



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

January 4, 2017

Kym A. Schure
12826 County Road 37
Sterling, CO 80751

Re: Follow-up on Citizen Complaint; Dollerschell Pit; Permit File No. M-1986-074; CT-02

Dear Mr. Schure,

On November 30, 2016, the Division of Reclamation, Mining and Safety (Division) received the enclosed *Response to Citizen Complaint (CT-02); Permit File No M-1986-074* regarding the citizen complaint on the Dollerschell Pit, Permit file No. M-1986-074.

The Division has reviewed your response and has determined that it does not demonstrate the site is in compliance with Rule 6.4.14. The Correction Deed, attached with the response, shows that you reserved the mineral rights and the access thereto. However, the sand and gravel rights are limited only on the 25 yards north of the entire southern boundary line. This deed demonstrates you are in compliance with Rule 6.4.14 for the affected lands within the 25 yards north of the property boundary, but not in compliance on the approximately 70 yards of affected lands north. Additionally, the letter provided in the response from Robert and Deborah Hradecky, dated September 14, 2012, does not comply with the requirements of Rule 6.4.14 because it is not current with respect to ownership and it is not in regard to Permit No. M-1986-074.

Please note, the Division does not treat the landowner's letter as an objection/appeal to the 2015 conversion application, as discussed in your response letter at paragraph 4, but rather a compliant on the operation.

Please submit further or new documentation to demonstrate that the site is in compliance with Rule 6.4.14 on or before **February 3, 2017**.

If Mr. Hayes will continue to represent you in this matter, please have him contact the Division's attorney Jeff Fugate at **720-508-6286** or by email at jeff.fugate@coag.gov. If you need additional information or have any questions, please contact me at **303-866-3567 x8132** or by email at elliott.russell@state.co.us.

Sincerely,

Elliott R. Russell
Environmental Protection Specialist

Enclosure: Response to Citizen Complaint (CT-02); Permit File No M-1986-074

Cc: Wally Erickson and Jared Ebert; DRMS
Jeff Fugate; AGO for DRMS
The Hayes Law Firm LLC; Christopher G. Hayes; 1580 Lincoln Street, Suite 1280, Denver, CO 80203
Hulbert & Associates, LLC; Michael Holditch; 1828 N. Clarkson Street, Denver, CO 80218

