



COLORADO

Division of Reclamation,
Mining and Safety

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

March 17, 2017

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

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

Dear Mr. Schure,

On February 3, 2017, the Division of Reclamation, Mining and Safety (Division) received your response regarding the citizen complaint (CT-02) on the Dollerschell Pit, Permit file No. M-1986-074.

Within your letter you committed to not mine the disputed area. Although the Division appreciates this commitment, it is in conflict with the conditions of the existing mining plan and fails to address the reclamation obligations of your permit. Therefore, the permit must be revised to alter the permit conditions accordingly. Please formalize the commitment into your permit through the Technical Revision (TR) process. Updated Mine Plan and Reclamation Plan Maps will need to be included within this TR.

Although your commitment and associated TR may alleviate some of the concerns raised by the Complainant, it still does not sufficiently address the underlying issue of right to enter. It remains the Division's position your most recent letter still fails to demonstrate compliance with Rule 6.4.14 regarding legal right to enter for the affected lands located north of the 25-yard reserved area (approximately 2.89 acres in size). Compliance with the Rule will likely require further communications with the Complainant. You need to obtain and/or submit documentation to the Division on or before **April 17, 2017**, demonstrating compliance with Rule 6.4.14. Failure to comply may result in enforcement actions. If you determine to submit a TR, as discussed above, a legal right to enter agreement could be for "reclamation-only" purposes.

Both Division staff and counsel are available to further discuss this matter. If Mr. Hayes will continue to represent you in this matter and needs additional information or has any questions, 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: Operator response, dated February 3, 2017

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

