

**STATE OF  
COLORADO****Ebert - DNR, Jared** <jared.ebert@state.co.us>

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## M2007087 annual report AFS

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**Ebert - DNR, Jared** <jared.ebert@state.co.us>

Wed, May 3, 2017 at 2:24 PM

To: Gary Priola &lt;gpriola@gmail.com&gt;

Cc: Craig Lena Vander Laan &lt;vanderlaanfamily@msn.com&gt;

Hello Mr. Priola,

Attached is the latest annual reclamation report. DRMS can only enforce the requirements of the reclamation plan and the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board. Based on my review of the file for this site, the last inspection was conducted on December 19, 2014. This inspection was conducted to address a previous complaint that you had submitted to our office. This report is attached. Based on this report, the Division found that the operator had backfilled the pit within a few feet of the final elevation approved on the reclamation plan map. Also the report indicates the Operator is in compliance with the approved reclamation plan. The report does cite that reclamation was not complete. The Division subsequently approved the operator's request to extend the deadline to complete reclamation until April 20, 2019. Given these findings and the Division's approved extension of time to complete reclamation there is nothing apparent to me that DRMS can do at this point. DRMS cannot enforce any contractual/court ordered agreement or requirement to bring in a certain volume of material since this amount is not a stipulation in the approved reclamation plan.

It so happens that I met Mr. Ben Frei yesterday at another site and I asked him if he had any plan to finish reclamation at the Priola Pit. He indicated that he does not have access to the site at this point. You may want to work it out with them to make sure they know that you are willing to give them access to the site if you want them to complete reclamation.

I am sorry that I cannot do more and I do sympathize with your issue.

[Quoted text hidden]

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### 2 attachments

**2017-03-28\_REPORT - M2007087.pdf**

1144K



**December19\_2014\_DRMS\_InspectionReport.pdf**

12231K