

لأجل ✓



Kilgore Companies
7057 West 2100 South
Salt Lake City, Utah
84128



Elam Construction
556 Struthers Ave,
Grand Junction, Colorado
81501



LeGrand Johnson Construction
4910 Old Airport Road
Moab, Utah
84532

April 27, 2017

RECEIVED

Mr. Lucas J. West
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

✓ MAY 04 2017

DIVISION OF RECLAMATION
MINING AND SAFETY

RE: Response to Inspection Report (ACOE Permits) M-1986-165, M-1987-044

Dear Mr. West:

This letter is in response to your request for explanation noted in your inspection report dated April 12th, 2017. As per your letter an inspection was held on April 5th, 2017 and within your inspection report a request to provide evidence that there are existing Army Corps of Engineer (ACOE) permits for the two mining permits, or provide an explanation for why no permit is required. Therefore, please be advised as to the permit exemption under the ACOE regulations based on the following factors associated with the extraction of sand for the above mentioned mining permit ID's listed in the subject line of this letter:

- No mining commenced within the Waters of the United States. (WOTUS)
- All activities of sand extraction are performed above water level during the winter when there are periods of historically low water levels.
- The activity does not cause a discharge of dredged or fill material below the ordinary high water mark of the Animas River or within any wetland adjacent to the Animas River.

Based on these factors and the activities at these locations which include only the extraction of sand, mobilization of equipment, loading and hauling of trucks therefore does not warrant an ACOE permit. Please feel free to contact Kara Hellige, Senior Regulatory Project Manager located at the Durango Regulatory Office 1970 East 3rd Avenue, #109, Durango, Colorado 81301 to verify these findings. Elam Construction has consulted with the ACOE through its representative (Ms. Hellige) in the past years pertaining to these matters.

Thank you for your efforts to ensuring Elam Construction remains in compliance with all associated agencies involved in the extraction of sand and gravel. At this time we kindly request that the Division consider this noted problem as resolved. Please feel free to call me if you have any questions regarding this request.

Sincerely,

Jon Mueller
Environmental Compliance
Kilgore Companies dba Elam Construction, Legrand Johnson Construction, Peak Materials
Phone: 970-242-5370
Email: jon.mueller@elamconstruction.com

xc: Lucas J. West - lucas.west@state.co.us