



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

August 28, 2017

Kym Schure
12826 CR 37
Sterling, CO 80751

**RE: Dollerschell Pit, Permit No. M-1986-074
Technical Revision No. 1 (TR01). Adequacy Review**

Dear Mr. Schure,

The Colorado Division of Reclamation, Mining, and Safety (Division) received the above referenced Technical Revision on August 17, 2017. The following items must be addressed prior to the Division's approval of the revision.

1. The dimensions of the permit boundary on The Exhibit 1 map submitted with Technical Revision No. 1 do not match the dimensions of the permit boundary shown on the approved Mining Plan Map (Exhibit D – Conversion No. 1 application). Please revise this map to depict the approved permit boundary. The Division recommends simply modifying the currently approved Exhibit D mining plan map to add a notation that Tract 6 will not be mined and will be subject to reclamation only.
2. Given the nature of the revision to exclude mining in the Tract 6 area, this impacts the currently approved Reclamation Plan Map. This map currently depicts a Tract 6 area that has been mined and reclaimed with a pit area daylighting to the east. Please update the reclamation plan map to account for the revised plan to not mine in this area. This map must meet the requirements of Rule 6.4.6 (Exhibit F – Reclamation Plan Map).

Included with the Technical Revision was the letter from Robert and Deborah Hradecky dated September 14, 2012 as Exhibit 2. This letter was included for convenient reference for the narrative of the Technical Revision regarding your legal right to enter the Tract 6 area. As was concluded in the Formal Public Hearing before the Colorado Mined Land Reclamation Board on August 23, 2017, this letter as well as other documentation previously supplied to the Division does not meet the requirements of Rule 6.4.14 as documentation of your legal right to enter and conduct mining and/or reclamation within the entire Tract 6 area. The exception to this is the “25-yard sand and gravel reserve” area discussed at the hearing. Given this, the Division's decision on this technical revision will not ratify your legal right to enter and conduct reclamation operations within Tract 6 for areas north of the “25-yard sand and gravel reserve” area. Documentation of your legal right to enter in accordance with Rule 6.4.14 will need to be submitted prior to reclamation activity within the Tract 6 area with the exception of the “25-yard sand and gravel reserve” area.



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The Division is required to issue a decision on this Technical Revision by September 18, 2017. If you need additional time to address the Division's concerns, please submit a statement that you waive your right to a thirty day decision date. If the decision date arrives and there are outstanding adequacy review items, the Division shall deny the Technical Revision.

If you have any questions feel free to contact me at (303) 866-3567, extension 8120.

Sincerely,



Jared Ebert
Environmental Protection Specialist III

CC: Christopher Hayes, The Hayes Law Firm, LLC.