



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

October 19, 2017

Mr. Dave Schuler  
Schuler Construction  
4520 Ramah Highway  
Yoder, CO 80864

**Re: Schuler Construction Pit #1, Permit M-2005-002;  
Corrective Action Due Date Extension Approval**

Dear Mr. Schuler,

On October 19, 2017 the Division received from Tamara Myers an emailed request for a 60-day extension to the due dates for the Division's three corrective actions resulting from our Schuler Construction Pit #1 inspection report mailed on August 16, 2017. The Division hereby approves your request for an extension. The corrective actions and extended due dates are summarized below:

**INSPECTION TOPIC:** Hydrologic Balance

**PROBLEM No. 1/POSSIBLE VIOLATION:** Problem: The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to 34-32.5-116(4)(h) of the Colorado Revised Statutes and 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

**CORRECTIVE ACTIONS:** The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer, show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the pits to at least two feet above the groundwater surface by the corrective action date specified.

**EXTENDED CORRECTIVE ACTION DUE DATE:** 12/18/2017

**INSPECTION TOPIC:** Gen. Compliance With Mine Plan

**PROBLEM No. 2/POSSIBLE VIOLATION:** Problem: Erosion gullies and ruts were observed on-site. This is a problem at this time for failure to protect the affected land from erosion pursuant to C.R.S. 34-32.5-116 (4) (j).

**CORRECTIVE ACTIONS:** The operator shall provide photo documentation to the Division verifying erosion gullies and ruts have been repaired, and that the site has have been reconstructed and stabilized to prevent erosion damage by the corrective action date.

**EXTENDED CORRECTIVE ACTION DUE DATE:** 12/18/2017

**INSPECTION TOPIC:** Revegetation

**PROBLEM No. 3/POSSIBLE VIOLATION:** Problem: Russian olive trees are present within or have volunteered into the permit area and are becoming established. This is a problem for failure to employ weed control methods for a



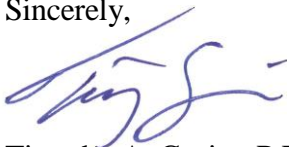
state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

**CORRECTIVE ACTIONS:** The operator shall either implement the existing weed control plan, or develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of \$216.00 by the corrective action date.

**EXTENDED CORRECTIVE ACTION DUE DATE:** 12/18/2017

If you have any questions, please contact me at (303) 866-3567, ext 8169.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy A. Cazier', with a stylized flourish at the end.

Timothy A. Cazier, P.E.  
Environmental Protection Specialist

ec: DRMS file  
Tamara Myers (via email)