



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

October 20, 2017

Mr. John Kuijvenhoven
Uncommpahgre Holdings, LLC
johnk5k@yahoo.com

RE: United Companies; M-1994-005; Colona Pit; Response to Inquiries from Mr. Kuijvenhoven
Concerning Reclamation of Colona Pit

Dear Mr. Kuijvenhoven:

This letter is in response to your inquiries on operational deficiencies at the Colona Pit, M-1994-005 located in Montrose County and operated by United Companies (United). Having reviewed the record, I believe staff is taking appropriate measures to properly ensure that this site is reclaimed to a beneficial use. That said, I would like to address a couple of specific points that you raised in our phone conversation and subsequent emails.

First, in a letter from you (dated April 10, 2017) to Dustin Czapla, Environmental Protection Specialist in our Grand Junction Office, you indicated that you represent Uncompahgre Holdings (UH), who is the owner of the southern portion of the Colona pit. In that letter, you stated that you were in agreement with United Companies' plan to reclaim the portion of the pit owned by UH to "dry land reclamation" and also noted that United was preparing an application to our office for that purpose. You further stated that, subject to our (DRMS) approval, UH had agreed to a lease to allow United access to perform the work specified. Presently, United has performed the work as outlined in the technical revision which was approved on April 27, 2017 and seemingly agreed to by UH via your letter.

Second, upon completion of the plan as agreed, water ponded on the surface and created a situation which is not acceptable to either UH, United or DRMS. You notified DRMS of this situation in a letter dated July 29, 2017. Mr. Czapla conducted an inspection on August 3, 2017 at which time it was noted that water had been encountered seeping into the pit via reclaimed slopes on the south and west of the pit. This was likely the result of irrigation seep water from both irrigated fields along the south and west sides of the pit and an adjacent irrigation ditch along the west side. This is not an uncommon situation in areas where irrigation and/or irrigation conveyance structures are located in close proximity to lower lying gravel pits. To address the immediate situation, United installed a perimeter drainage ditch on the floor of the pit to convey the ponded water north into an existing pond on their property. This appears to have addressed the major immediate concern outlined in your letter. I believe we all agree this is not a permanent solution, but is addressing the problem short term.

In addition to installation of this temporary measure, it was determined that additional assessment work on the source and amount of the water should be performed prior to submitting a proposal for a more



permanent solution to address the ponding. This is necessary so as to ensure any proposed remedial actions will be effective. It is my understanding that United, upon conclusion of their investigation, will be submitting a technical revision to their permit to permanently address this ponding situation.

From review of the submitted materials I also gather that you are not pleased with the speed in which final reclamation will be achieved, however, in accordance with statute, operators do have five (5) years to complete reclamation once it is initiated. This is a sensible amount of time since it often takes 5 (or more) years to establish permanent vegetative cover on disturbed areas. Further, we will not release an area until we are confident that a sustainable vegetative cover has been established. It usually occurs sooner than 5 years and I would simply request that you exercise patience while this process moves forward.

Lastly, references to financial arrangements between UH, the landowner, and United Companies, the operator, are not the purview of this office. Our statutory obligation is to ensure that mined lands are returned to a beneficial use. We achieve that goal through our normal process which is issuance and administration of our mining and reclamation permit to the responsible operator, which in this case is United Companies.

As stated at the beginning of this letter, I believe we are taking appropriate measures to ensure this site is properly reclaimed. However, it is my understanding that you have contacted one of our Mined Land Reclamation Board members and wish to appear before our Board to express your concerns. If you wish to proceed down this path, there is a public comment period during each monthly meeting. The next meeting is October 25th followed by one on November 15th and finally one on December 13th, all beginning at 9:00 a.m. Public comment is typically at the end of each meeting. Alternatively, any person who is or may be directly or adversely affected or aggrieved and whose interests are entitled to legal protection under the Act may petition the Board for declaratory order to terminate controversies or to remove uncertainties as to the applicability to the Petitioner of any statutory provision of or any rule or order of the Board made pursuant to the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-101, C.R.S. et seq.). If you wish to proceed with a Declaratory Order, please review and follow procedures as outlined in Rule 2.5 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials in order to be placed on the regular meeting agenda. These rules can be found on our website at www.mining.state.co.us.

Thank you again for your patience while I reviewed the file and please do not hesitate to contact me with additional questions.

Sincerely,



Anthony J. Waldron
Minerals Program Supervisor

