

STATE OF
COLORADO

Bowles - DNR, Brock <brock.bowles@state.co.us>

Re: Request for assistance.

1 message

Bowles - DNR, Brock <brock.bowles@state.co.us>

Mon, Oct 1, 2018 at 8:51 AM

To: Go West Land <gowestland@gmail.com>

Hi RoseAnne, See below for the answers to each of your questions. Brock

On Fri, Sep 28, 2018 at 11:15 AM Go West Land <gowestland@gmail.com> wrote:

Brock and Danny,

We sincerely request your assistance.

In Montrose County District Court Case No. 2012CV209's settlement agreement between Western Fuels-Colorado (Elk Ridge Mining & Reclamation, LLC), Plaintiff, and 4/7, LLC (GW46 Irrevocable Trust), Defendant, states, "When Western Fuels-Colorado obtains Phase III Bond Release of all lands tributary to Pond 007, as defined on map 2.05.3.(3)-2-2, revised 5-17-07, excluding the haul road, it will quitclaim or transfer to 4/7: (i) the Pond 007 water storage right; (ii) any separately adjudicated water rights for Pond 007; (iii) and the Pond 007 Structure in its then current condition at the time of conveyance..."

We are asking DRMS, to give us its opinion to the following as they pertain to Map 2.05.3(3)-2-2 (attached):

1.) Has all lands tributary to Pond 007, excluding the haul road, achieved Phase III Release?

All lands whose runoff that was required to be treated by pond 7 have achieved at least Phase II bond release and are no longer required to be treated by Pond 7. The runoff from the remaining reclaimed haul road is being treated with the small area exemption (SAE) system and does not have to be treated by pond 7.

2.) We understand that ERM&R has permitted the "Facilities Area" (everything east of C4 ditch, south of 5th Road and north of Calamity Draw, west of Lincoln Street) as Permanent structures and features, thus not being required to be reclaimed to pre mining activity disturbance condition as it was prior to 1992, is this correct?

That is not completely correct. The pre-mining land uses for this entire area was residential and irrigated pasture. The area that was residential prior to mining will remain residential post-mining. The buildings in this area are permitted as permanent features and will remain. The residential area lies immediately south of 5th Road.

The irrigated pasture reference area that lies along Lincoln St is technically outside of the permit area. Although it is outside the permit boundary, ERM&R is required to maintain it as an irrigated pasture until all lands within the permit boundary with a post-mining land use of irrigated pasture achieve Phase III bond release.

The remaining lands in the area you described are to be reclaimed as dry-land pasture.

3.) Also, are there any lands north of B.B. Road within Permit # C-1981-008 that are tributary to Pond 007 as depicted on Map 2.05.3(3)-2-2 that still require Phase III Bond Release?

There are lands within the permit area north of BB Road that still require Phase III bond release. Some of these lands were previously required to be treated by Pond 7. These lands have achieved Phase II bond release and the runoff is no longer required to be treated by Pond 7.

Your immediate response is greatly appreciated.

Thank you,

RoseAnne Guire
GW46 Irrevocable Trust

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Environmental Protection Specialist



COLORADO

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