



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

November 27, 2018

Karl Nyquist
Prowers Aggregate Operators, LLC
7991 Shaffer Parkway, Suite 200
Littleton, CO 80127

**RE: West Farm Pit, Permit No. M-2008-078, Notice of Objection Received to a 112c Permit
Amendment Application (AM-01)**

Mr. Nyquist:

The Division has received a timely objection to the Amendment Application (AM-01) submitted for the West Farm Pit, Permit No. M-2008-078. The objection was received within the public comment period which began when the application was filed for review on November 5, 2018. Therefore, pursuant to Rule 1.4.9(2)(a), the Division shall schedule the permit application for a hearing before the Mined Land Reclamation Board (Board). Notice of the Board hearing will be sent once it is scheduled.

Timely objection received:

- 1) November 26, 2018 - Objection received from the City of Lamar, dated November 19, 2018.

A copy of the objection is enclosed for your records. Please inform the Division of how the operator intends to address the jurisdictional issue(s) raised by the objector. This information can be submitted during the adequacy review process.

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,

Amy Eschberger
Environmental Protection Specialist

Encl: Objection received from the City of Lamar, dated November 19, 2018

Ec: J.C. York, J&T Consulting, Inc. at: jcyork@j-tconsulting.com
Michael Cunningham, DRMS at: michaela.cunningham@state.co.us



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RECEIVED

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DIVISION OF RECLAMATION
MINING AND SAFETY

GARTH L. NIESCHBUG
Attorney at Law
Office: 707 South Seventh Street, P. O. Box 654
Lamar, Colorado 81052
Telephone & Fax #: (719) 336-5037
e-mail: gnieschburg@hotmail.com


CITY ATTORNEY, CITY OF LAMAR

November 19, 2018

AME

Colorado Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman St., Room 215
Denver, CO 80203

RE: Notice of 112 Construction Materials Reclamation Permit Amendment Application
Consideration, Prowers Aggregate Operators, LLC, West Farm Pit, Permit No. M-2008-078

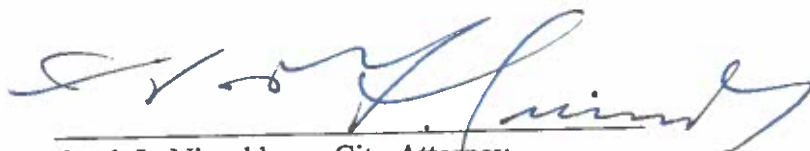
Please be advised that the City of Lamar, Colorado  **objects** to the proposed mining plan filed by application dated November 5, 2018 pursuant to the West Farm Pit, Permit No. M-2008-078.

The City of Lamar sewage lagoons and monitoring wells are located within 200 feet of the north line of the Prowers Aggregate Operators, LLC. The City of Lamar has concerns that the activities conducted and to be conducted by Prowers Aggregate Operators, LLC in or near Section 33 Township 22S, Range 46W, 6th P.M., Prowers County, could cause an environmental disaster in regard to said sewage lagoons for which the City cannot be insured.

On the last application for Permit Amendment, the City redrafted the Letter of Agreement from Prowers Aggregate Operators, LLC. Prowers Aggregate Operators, in return for the City's authorization for Prowers Aggregate Operators to conduct mining activities within 200 feet of our structures, would agree to hold the City harmless and indemnify the City for any environmental disasters caused by said mining activities. Prowers Aggregate Operators, LLC refused to sign said letter and the City did not and has not consented to the mining and reclamation activities on Prowers Aggregate Operators' land.

Please notify the City of Lamar of the time of the application hearing and/or decision scheduled for February 4, 2019.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garth L. Nieschburg", written over a horizontal line.

Garth L. Nieschburg, City Attorney

Copy: Prowers Aggregate Operators, LLC
7991 Shaffer Parkway, Suite 200
Littleton, CO 80127

Garth L. Nieschburg, City Attorney
PO Box 654
Lamar, CO 81052

SCANNED

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Dept. of Natural Resources
1313 Sherman St., Room 215
Denver, CO 80203

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