



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

January 24, 2019

Bud Bower  
Bower Brothers Construction  
595 Taylor St.  
Craig, CO 81625

***RE: Hertzog Pit, File No. M-1981-276 , Technical Revision (TR-3) Adequacy Review***

Dear Mr. Bower:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced Technical Revision in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act (Act) and the associated Mineral Rules and Regulations for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern need to be adequately addressed before the Technical Revision can be considered for approval. Please provide the following:

1. The permit boundary delineated in your map appears to differ from the boundary the Division has on file. The Hertzog pit is currently 77.4 ac., see the Divisions attached map
  - a. The permit boundary in the 2018 annual report map is in similar shape and affected lands but acreages listed for each are different.
  - b. The map included with the request also appears to not include the southeast sand area that will also need reclaimed.
2. The map included with the TR request states that highwalls have all been graded to a 3H:1V however your Exhibit A cost summary has a line item in the amount of \$8,000 for highwall reduction. Please clarify if highwall slopes steeper than a 3H:1V are currently present of site.
3. Please give the total linear feet, height and slope for all highwalls located within the permit boundary. Also clarify if these highwalls will be backfilled, or cut and fill.
4. Please depict on your map the location of all topsoil and overburden piles and label them accordingly.



5. Please clarify if the 4.8 acre area labeled as "reclaim" has already been seeded or if that is the area to be seeded in spring of 2019. Also does this area require any topsoil replacement or grading?
6. Please state the number of compacted acres to be ripped.
7. Please clarify why the "edge of disturbed area" depicted in your map differs from the "current mining and stockpile area".

Please submit your response(s) to the above listed issue(s) by Monday, February 18, 2019 in order to allow the Division sufficient time for review. If you cannot address the above issues by February 18, 2019 please request an extension to the decision due date to ensure adequate time for the Division to review materials. A decision due date of February 25, 2019 has been set. If any adequacy issues remain by the decision due date the Division may deny your request.

The Division will continue to review your Technical Revision and will contact you if additional information is needed.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,



**Amy Yeldell**  
Environmental Protection Specialist

Ec:  
Wally Erickson, Senior EPS, Grand Junction DRMS  
Steve Baker, Surveyor