



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 28, 2019

Bud Bower
Bower Brother Construction, Inc.
595 Taylor St.
Craig, CO 81625

Re: Hertzog Pit, Permit No. M-1981-276, Objections to Surety Increase (TR-3)

Dear Mr. Bower,

Based on email correspondence it has been indicated that you may wish to object to the financial warranty increase, TR-3 for your mining permit, M-1981-276. Please be advised that in order to officially object to the noticed increase the following documentation must be submitted to the Division's Denver office no later than the compliance date for the revisions, which is April 26, 2019

Required Documentation

1. A cover letter identifying the permit and financial warranty increase you are objecting to as well as an explanation the justification for your objection
2. Any new reclamation cost estimate, including all calculations, figures, diagrams, and totals for the specific tasks you are objecting too

These materials must be received by the Division's Denver office no later than April 26, 2019. Please note that the objection for the increase must be sent under a separate cover, and clearly identified as to which site the objection is in reference to.

Any objections to the financial warranty increase must be received by the Division's Denver office by the compliance date of April 26, 2019. Failure to submit the objection with the supporting documents by this date may result in the Division issuing a "Reason to Believe" a violation exists letter and scheduling for a hearing before the Mined Land Reclamation Board for failure to post a financial warranty increase after being noticed.



The Division cannot grant extensions to submit surety increases as the 60-day requirement is statutory set pursuant to C.R.S. 34-32.5-117(4)(c)(II). The Division would like to note that it has been working with you and the previous operator since May of 2016 to reduce the financial liability. The Division has given several extension beyond the original due date to complete reclamation in lieu of a surety increase. In the October 19, 2017 inspection report and the Divisions April 4, 2018 letter it explicitly stated that you until May 1, 2018 to complete reclamation commitments and that after such time the Division would conduct a site inspection and recalculate the bond. Due to the significant progress observed during the Divisions May 7, 2018 inspection the Division postponed calculating the bond until after the 2018 constructions season (October 31, 2018). Based on information provided under TR-3 the Division has estimated the liability to be \$52,054 which exceed the \$36,650 currently held by the Division. The operator may submit photo documentation proof of additional work completed by April 1, 2019. At that time the Division will recalculated the reclamation cost estimate and issue a revised Notice of Surety Increase if need be. The April 26, 2019 deadline for posting additional Financial Warranty will remain unchanged.

Please feel free to contact me with any further questions. 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