



STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Explanation of Slope on Map on our request for reconsidering your decisions

Ebert - DNR, Jared <jared.ebert@state.co.us>

Fri, Jun 18, 2021 at 2:15 PM

To: JAMIE MCGILL <jam2finance@yahoo.com>

Cc: Peter Hays - DNR <peter.hays@state.co.us>, Dc_construction <dc_construction@ymail.com>

Good afternoon Mrs. Christensen,

Thank you for providing the results of the survey and an explanation of the figures. As we have discussed, DRMS will review this information. To clarify, at this time DRMS has made no final findings related to the pit slopes of Cell No. 4 or compliance with the approved reclamation plan and denied LRM's bond release request. Importantly, the DRMS is waiting on the Operator's results of the survey of the below water slopes of Cell No. 4 as outlined in my May 20, 2021 inspection report. Therefore, it would be premature for the DRMS to make any further findings related to the slopes until it is fully informed.

Specific to your email submittal dated June 14, I am confused about what you are requesting or seeking through that submittal. Are you appealing a specific DRMS decision and petitioning for a hearing before the Mined Land Reclamation Board? Or, are you asking the DRMS to reevaluate the evidence you have submitted and a specific decision? In either case, what specific decision are you referring to?

Thanks in advance for your clarification,

Jared

On Mon, Jun 14, 2021 at 8:41 AM JAMIE MCGILL <jam2finance@yahoo.com> wrote:

Good Morning,

Here is a letter on how the slope information was obtained as you requested we are submitting this information as appealing your decision under rule 1.4.11. This reclamation is a Wildlife and pasture land under performance standards 3.1.1 and also the description that LRM used on its reclamation application that has already been provided to DRMS. We are asking you to reconsider your decision in regards to passing LRM on the current slope of the lake. We are providing you the information proving that LRM does not meet the states minimum guidelines stated in rule 3.1.5. #7 where it states "Maximum slopes and slope combinations shall be compatible with the configuration of surrounding conditions and selected land use. In all cases where a lake or pond is produced as a portion of the reclamation plan, all slopes, unless otherwise approved by the Board or Office, shall be no steeper than a ratio of 2:1 (horizontal to vertical ratio). except from 5 feet above to 10 feet below the expected water line where slopes shall be not steeper than 3:1. If a swimming area is proposed as a portion of the Reclamation Plan, the slope, unless otherwise approved by the Board or Office, shall be no steeper than 5:1 throughout the area proposed for swimming, and a slope no steeper than 2:1 elsewhere in the pond." page 43 of mining rules and regulations.

The other violations not addressed we provided pictures and in person with both of you should the several sink holes and actual 5 foot divot on the river from where LRM pumped water from the river to the lake to fill it in 2018. I have given you maps and pictures to show you that these areas were changed from excavations, trenches and other disturbances and you ignore the evidence again. Under Surface Reclamation Page 85 of the rules it states 5.5.2 Specific Requirements (d) "mud pits, excavations, trenches, or other disturbance shall be backfilled and graded to blend with the surrounding land surface." This has not been enforced and is being ignored as well and I just do not understand why.

I have submitted copies of their reclamation plan where LRM stated they would control weeds and mow and keep a neat appearance, that has not been enforced either. Can you please explain why they do not have to mow?

It has now been confirmed by Jared that no inspection was done in 2017 prior to fill the lake. I filled a complaint in 2018 in regards to the slope and in fact still no survey was required or inspection completed until June 26th of 2019. I understand the only survey that LRM submitted was 1/2/2019, if I am wrong please provide me their current survey. They had til July 24th to make the corrections requested on June 24th inspection. LRM submitted a letter written by Stephanie Francher English stating that they complied and fixed the eroding slope dated July 17, 2019 and they inspected the slope and had an engineer confirm off of a drawing. We

provided you pictures time stamped and date July 23, 2019 and they were not even half way through with the fix and this was acceptable as well.

We are asking you evaluate all the evidence that we have provided and reconsidered your decisions and include all violations that are not be performed or completed by LRM according to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction materials dated and effective July 15,2019. There are 29 zones in our exhibit so I will have to send several emails to make sure you get every picture, my computer will not send a file that is that large. Sorry for any inconvenience.

Sincerely
Jamie and Dustin Christensen
785-230-8400
970-420-5137

jam2finance@yahoo.com

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Jared Ebert

Senior Environmental Protection Specialist

***I am working remotely, please feel free to call my cell at (720) 413-6466**



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 ext. 8120 | F 303.832.8106 |

1313 Sherman St., Room 215, Denver, CO 80203

jared.ebert@state.co.us | <https://drms.colorado.gov>