



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

September 23, 2022

Mr. Mike McDonald
Kiewit Western Company
3527 Wabash Street
Colorado Springs, CO 80906

**RE: Fountain Colony Pit, Permit No. M-1987-171; Technical Revision (TR-4)
Preliminary Adequacy Review**

Dear Mr. McDonald,

On September 7, 2022, the Division received a request for a technical revision (TR-4) from Alan Lincoln of the Kiewit Corporation. The current **decision date for TR-4 is October 7, 2022**. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, **it will be your responsibility to request an extension of the review period**. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application.

The request for a TR presented the two following adequacy issues:

1. The cover letter explained that Kiewit Western Co. (the Permittee) is now Kiewit Infrastructure West Co., due to a corporate realignment. This request letter presents an issue for the Division in verifying authorization to submit a TR on behalf of the Permittee as the company name differs from the Permittee and we have not received any documentation from Kiewit Western Co. authorizing Mr. Lincoln to submit permit revisions to the Division. Division records indicate only yourself (as the Permittee/Operator contact), Misty Gothard (inspection contact), and Roland Obering (as the permitting contact, with Obering, Wurth & Associates) are the only authorized people to submit permit revisions. Furthermore, Kiewit Western Co. is not registered with the Colorado Secretary of State, which is required for financial warranty purposes. The Division requires a Succession of Operator (SO) revision in order to transfer the permit to Kiewit Infrastructure West Co. An SO application is enclosed.
2. The request appears to be a request to exclude an area of the permit from further reclamation as it meets the requirements for industrial/commercial land use as approved

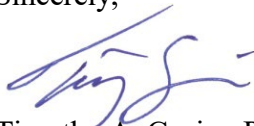


with Amendment 1 (AM-1) in 2001. If this is the purpose of request, this is not a TR action, but must be submitted as a request for acreage reduction/partial release pursuant to Rule 4.17.1 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials; and the Division will either deny the TR, or you may request a withdrawal of the TR.

The SO application discussed in Comment 1 must be received and approved by the Division prior to considering any other revisions to the permit. The submittal of an SO requires the Division perform a site inspection, at which time we can discuss specific goals and processes related to the partial or full release of reclamation responsibility for the Fountain Colony Pit.

If you have any questions or need further information, please contact me at (303)328-5229, or email me at tim.cazier@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', with a horizontal line extending from the end.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

Enclosure: Succession of Operator Application

ec: Michael Cunningham, DRMS
Sara Stevenson-Benn, DRMS
DRMS file
Alan Lincoln, Kiewit Corporation
Paul White, Kiewit Corporation