



September 23, 2022

Alan Lincoln  
Kiewit Infrastructure Co.  
1550 Milke Fahey St  
Omaha, NE 68102

**RE: Fountain Colony Pit, Permit No. M-1987-171; Technical Revision (TR-5)  
Preliminary Adequacy Review**

Dear Mr. Lincoln,

On November 9, 2022, the Division of Reclamation, Mining and Safety (DRMS) received your request for a technical revision (TR-5). The current **decision date for TR-5 is December 9, 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 TR request presented the following adequacy issues:

1. **Mining Status** – The DRMS permit for this site has been granted Temporary Cessation status by the Mined Land Reclamation Board (MLRB) in June 2019 retroactive to May 9, 2019. Paragraph 2.2 states the pit is “temporarily inactive”. This implies there is an intent to continue mining. However, during the October 12, 2022 inspection, Kiewit representatives indicated the site is in final reclamation, which is a different status for the DRMS permit. Furthermore, the 2022 annual report, received in May, indicates the site is in final reclamation. Please confirm Kiewit has no intent to continue mining and the only planned disturbance or activity is for reclamation.
2. **Field Delineation** – As the TR request states, the site has two different reclamation plans: 1) 113 acres of industrial/commercial; and 2) 200.9 acres of rangeland. Discussions during the October 2022 inspection indicated the requests for release from reclamation liability might be separated relative to the different post mine land uses. The DRMS will need to inspect the site for any release requests and the boundary between the industrial/commercial area and the rangeland area will need to be apparent in the field.

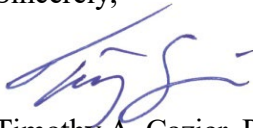


How will the boundary between industrial/commercial and rangeland presented in Exhibit F of the TR application be marked at the site?

3. Reclamation Details – During the October inspection, the presence of large concrete (“mafia”) blocks and two pipes exposed in the vicinity of the northernmost sediment pond were noted, and a preliminary discussion was had with site representatives about the disposition of these items for final reclamation. The ultimate disposition of the concrete blocks and the pipes are not addressed in the TR-5 request. Please address the final disposition of these items for final reclamation.

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](mailto:tim.cazier@state.co.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', with a stylized flourish at the end.

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

ec: Michael Cunningham, DRMS  
DRMS file  
Paul White, Kiewit Infrastructure Co.  
Misty Gothard, Kiewit Infrastructure Co.