



July 17, 2024

Thomas M. Eve
Butala Construction Company
9000 CR 152
P.O. Box 907
Salida, CO 81201-9519

**RE: Butala Gravel Pit, File No. M-1977-170 , Amendment Application (AM-2), Adequacy Review
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Dear Mr. Eve:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before a decision can be rendered.

Exhibit C- Pre-mining and Mining Plan Map(s) of Affected Area- Rule 6.4.3

1. The revised map C-2 shows the potential mining acreage as 84 acres and the Affected Area/ Permit Boundary as 115 Acres. Our records, derived from approved maps and exhibits included in Amendment 1, indicate that 84 acres is the Permit Boundary, however the maps of Amendment 1 are consistent with the maps for this Amendment. It appears to be a clerical error of Division Records. Please clarify the total Acreage of the Affected Area as well as the DRMS Permit Boundary.

Exhibit D- Mining Plan- Rule 6.4.4

2. Depth of mining is increased, please note that if the mining operations expose groundwater without a DWR permit, you must backfill to two feet above the static water level and notify the Division. If mining operations are to proceed below the groundwater level and pumping operations are contemplated the proper DWR permits will be required in addition a Revision to the DRMS Permit.

Exhibit S – Permanent Man-made Structures – Rule 6.4.19

3. Copies of the Structure Agreements for Permanent Man-made Structures were provided for structures owned by Charles and Christine Murphy as well as Shandarin and Stephen Mitchell, however those structure agreements were not signed and notarized by the structure owners. Please provide the structure agreements that have been executed by the



structure owners. Where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation, pursuant to rule 6.4.19(b).

Please submit your responses to the above listed issues by Monday, July 29, 2024 in order to allow the Division sufficient time for review. The Division will continue to review your application and will contact you if additional information is needed. The current Decision Date for your application is Wednesday August 7, 2024. If more time is required to respond to the above listed items please submit a Decision Date Extension Request no later than Monday July 29, 2024. If an extension request or Decision Date Extension Request is not received by the current Decision Date your application may be denied. If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,



Lucas West
Environmental Protection Specialist
Division of Reclamation, Mining and Safety

CC: Travis Marshall, DRMS

EC: Tomas Eve, Butala Construction Company
Chuck Kellerman, Butala Construction Company
Peter Jaacks, BFW Law
Scott Clark, BFW Law