

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

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John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

April 2, 2012

Bob Sutherland
West End Gravel Company
P.O. Box 889
Nucla, Colorado, 81424

Re: Weimer Pit #1 Pit, Permit No. M-2001-002, Surety Reduction Request, SR-01, Incomplete.

Dear Mr. Sutherland,

On March 22, 2012 the Division of Reclamation, Mining, and Safety (Division) received Sutherland Brothers, Inc. request for a surety reduction of the financial warranty (SR-01) for the above referenced pit. The request was deemed incomplete per Rule 4.17.1(2) which requires the names, addresses, and phone numbers of all owners of record to the affected lands. That information was supplied on April 2, 2012.

On March 19, 2012 an inspection observed earthwork was being completed along the northwest corner of the west highwall. Sutherlands committed to completion of the entire west side highwall area by the end of March prior to a request for a surety reduction. The Division did a follow up inspection on March 28, 2012 and notes that only the area observed under work on the 19th has been completed and none of the second half has been started. The work is insufficient to reduce the overall liability on the site to below the current bond of \$51,615.00. Therefore the surety reduction request is premature and must be considered incomplete until the Division receives photo-documentation that the work, as committed to, has been completed.

Please note that a "Reason to Believe a Violation Exist" letter has been issued and sent to Sutherlands by the Division. The letter had to be issued in order to meet the 30 day notice requirements by law in order to schedule the matter before the Board in May for failure to submit an increase of the financial warranty for this site within 60 days of notice, due March 5, 2012. The increase and board hearing may be withdrawn should Sutherlands complete the committed reclamation tasks of finishing the west side sloping and reseeded prior to the April 18th, 2012 deadline noted in the inspection report of March 28, 2012.

West End Gravel is also under an April 27th, 2012 deadline to complete reclamation at the West End Pit, M-1994-011 in order to avoid a board hearing that was postponed on February 8, 2012 to allow you time to complete reclamation. The hearing is set for the May 9~10, 2012 Mined Land Reclamation Board meeting as agreed upon and may not be postponed any further. An inspection of these sites will be set the week of April 23rd, 2012 to document work completed in preparation for the May enforcement hearings.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, or by telephone no. 970.241.1117.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Russell Means", with a stylized flourish at the end.

G. Russell Means

Environmental Protection Specialist II