

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

April 24, 2012

Chuck Whiteman
285 8th Street
Meeker, CO
81641

RE: Nolte Pit #1, File No. M-2012-016, Receipt of Incomplete Construction Material Special (111) Operation Reclamation Permit Application Package

Dear Mr. Whiteman:

On Tuesday, April 17, 2012, the Division of Reclamation, Mining and Safety (Division) received the Construction Material Special (111) Operation Reclamation Permit Application package for the Nolte Pit #1, File No. M-2012-016. A preliminary review of the information received determined that additional items must be received before the Division can consider the application complete and begin the technical review.

The Division believes that there is potential for the proposed operation to adversely affect permanent man-made structures located within or adjacent to the affected area. Please submit documentation that satisfies the requirements of Rule 6.3.12 for each of the following:

1. The power poles, transformers and lines owned by Xcel Energy.
2. The fencing owned by CDOT.
3. The drill pad, well, tanks and outbuildings owned by Petroleum Development Corp.
4. The underground gas line and other structures, located within the affected area, owned by Williams.

Rule 6.3.12 EXHIBIT L - Permanent Man-Made Structures

Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- (a) provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- (b) 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; or
- (c) where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

Your application will not be considered submitted until all the information listed above is received and found sufficient to begin our review. A decision date will be established 15 days from the date of receipt of all of the requested information.

You have sixty (60) days from the above date to submit all necessary documents that the Office needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you require additional information, have questions or concerns, please contact me at the DRMS Grand Junction Field Office.

Sincerely,



Dustin Czaplak
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Ec: Bruce Humphries