

WHITewater BUILDING MATERIALS CORPORATION

940 South 10th Street, P.O. Box 1769
GRAND JUNCTION, COLORADO 81502



SAND & GRAVEL PRODUCTS
Phone 242-7537



READY MIXED CONCRETE
Phone 242-4843

RECEIVED

May 1, 2012

Travis Marshall
Division of Reclamation, Mining and Safety
101 S. 3rd Street
Grand Junction, Co 81501

MAY 02 2012
GRAND JUNCTION FIELD OFFICE
DIVISION OF
RECLAMATION MINING & SAFETY

Re: Whitewater permit M-1977-129

Travis,

I received your inspection report from April 25, 2012 and I am disappointed in your findings. Whitewater feels that the vegetation you address was released in your inspection report dated June 17, 2011. At that time you state "Overall the slopes appear to be stable and the revegetation efforts have been successful where it has not been disturbed by the fluctuating water level". Thru TR-5 Whitewater addressed the areas that DMRS raised and should be held responsible for only those areas.

I would also like to clarify another condition that you observed in this report. You state that the area between the road on the east side of the lake and the Gunnison River consists of primarily annual weeds and the operator is required to establish long term vegetation. This entire area lies outside the affected land from mining and Whitewater has nothing in the reclamation plan for this area. Please clarify the DMRS's stance on the operator requirements in unaffected areas and the applicable rules.

I went ahead and sent a letter to Mr. McCurter about the grazing and have enclosed a copy requesting him to remove the livestock and discontinue the grazing of the area. Whitewater will visit the property on May 14, 2012 to see if he has complied and notify you. Please consider this action the 'Corrective Action' due by 5/14/2012.

Sincerely

A handwritten signature in blue ink, appearing to read "Mark Gardner".

Mark Gardner VP
Whitewater Building Materials Corp.

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May 1, 2012

James McCurter
PO Box 2007
Grand Junction, CO 81502

RE: Reclamation work

Jim,

I am writing this letter to address Whitewater's reclamation responsibilities of the property you own. On April 25th Travis Marshall with the Colorado Division of Reclamation, Mining and Safety performed an inspection of the property and I have attached a copy of that inspection. The inspection was due to a requested release of the property and was the second requested release for the property you own.

Whitewater was again denied release of the property due to your use of the property. After the first inspection Whitewater went out and repaired the inlet structures you installed to address the erosion that was caused and Whitewater was again denied release for the damage done to the vegetation due to the grazing by your horses over the past winter.

As Travis states in his corrective actions it is Whitewater's responsibility to restrict grazing during reclamation, therefore Whitewater must require you to discontinue any grazing on the property until such time as we can get our final release. I believe after seeing the setback in the vegetation that it will be at least two years before a release can be obtained and maybe longer. Whitewater must also require that all other changes to the property be delayed until a final release can be obtained.

After talking to you recently I understand you intend to remove the horses but you were planning on using the site again next winter. If you agree with these requirements you will either have to stop this use or erect a fence to keep the horses from the lake. Please write back prior to the 'Corrective Action' due date of May 14, 2012 and confirm that you have removed the livestock and your acceptance or denial to these requirements. You may send a copy of the letter to Travis or I will forward it to him.

Sincerely,

Mark Gardner VP
Whitewater Building Materials Corporation

Cc: Travis Marshall

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