

# STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY  
Department of Natural Resources

1313 Sherman St., Room 215  
Denver, Colorado 80203  
Phone: (303) 866-3567  
FAX: (303) 832-8106



May 3, 2012

Mr. Thomas O'Rourke  
O'Rourke Excavating, Inc.  
2489 CR 15  
South Fork, Colorado 81154

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta Piñeda  
Director

***O'Rourke Potato Rock Picking Site; File No. M-2012-007; Need For State Reclamation Permit***

Dear Mr. O'Rourke:

The Division of Reclamation, Mining & Safety received your completed "Need for a State Reclamation Permit" questionnaire on April 3, 2012 for the O'Rourke Potato Rock Picking Site in Rio Grande County. The proposed operation reportedly includes loading and off-site transport of approximately 300 cubic yards of "potato rock", historically cleaned from the adjacent agricultural fields and disposed of on the field corners, to be processed at a location permitted for mining operations under a Mined Land Reclamation Board Reclamation Permit. Based on the information contained in the correspondence it is the Division's opinion that you will not be required to obtain a reclamation permit from the Mined Land Reclamation Board (Board) in order to legally conduct the proposed activities. **The O'Rourke Pit Reclamation Permit must be issued before any material can be removed from this subject site and taken to that mine site for processing.**

Please be advised that this opinion is being offered based on the information provided in your response. **Any significant deviation from the described activity could result in a review and possible reversal of this opinion.** If you The Mined Land Reclamation Board has requested that the Division make determinations as to the need for a Mined Land Reclamation Permit. If you have any concerns or disagree with this decision, you may petition to appear before the Board during a formal public hearing for a formal Declaratory Order concerning this matter. This request must be made in writing and be received no later than 10 days prior to the hearing. The next available Board meeting will be held April 11, 2012.

If you need additional information, please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 South 3rd Street, # 301, Grand Junction, Colorado 81501, phone no. 970-243-6368.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve S. Shuey".

Steve S. Shuey  
Senior Environmental Protection Specialist

ec: Tony Waldron-DRMS  
Tom Kaldenbach-DRMS  
Bob Oswald-DRMS DFO