

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

June 18, 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-02, Approval.

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 noted that only the area observed under work on the 19th has been completed and none of the second half has been started. The work was insufficient to reduce the overall liability on the site to below the estimated bond of \$72,900 under increase notice SI-01. Therefore the surety reduction request was deemed premature and had to be considered incomplete until the Division receives photo-documentation that the work, as committed to, was completed. On April 16, 2012 West End Gravel supplied photos of the completed work. A follow up inspection on April 24th further documented the work done. So the surety reduction request was considered complete on April 16th, 2012.

Staff did a reclamation liability estimate based on the April 24th inspection. The estimate dropped the overall liability down for SI-01 to \$54,110.00 from \$72,900.00. This was an \$18,790.00 reduction from the increase noted in SI-01. However, it was still slightly above the current bond held of \$51,615.00 by \$2,495.00. This created a somewhat confusing situation. Staff in order to keep the issue as clean as possible approved SR-01. That action withdrew SI-01. However, a second notice of increase for the additional \$2,495.00, SI-02 was issued.

Sutherlands did some additional work and submitted information to the Division on June 13, 2012. The work completed brings the liability back down to near the original bond currently held of \$51,615.00. Since the reductions are all administrative issues in regard to reducing the liability back to the current bond amount held no public notices were issued. SR-02 is approved to bring the financial warranty back down to the current amount held. Please note that Sutherland's made this process very confusing but staff worked out the best available solution this time. However, in the future the liability increase notices will stand and no reductions will be considered until the new amounts are posted at this or any other site.

In addition to the surety reduction request, Sutherlands submitted a request for an opportunity to review the board order for this site at the June 2012 Mined Land Reclamation Board Hearing. Please note that no enforcement action for this site was brought before the board therefore there is no board order to review.

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, by telephone at 970.241.1117, or by e-mail at russ.means@state.co.us.

Sincerely,

A handwritten signature in blue ink, reading "G. Russell Means". The signature is stylized with a large, looped "G" and a cursive "Means".

G. Russell Means
Environmental Protection Specialist II