

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

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6/20/2012

Matt Carnahan

Oldcastle SW Group, Inc.dba Four Corners Materials

6699 CR 521

Bayfield, CO 81122

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

Oldcastle SW Group, Inc.dba Four Corners Materials, File No. M-2011-028

Animas Glacier Gravel (AGG), 112(c) Permit Application, Consent Agenda Summary Form

Dear Mr. Carnahan,

Enclosed you will find the Staff Summary Form for the Consent Agenda item for the consideration of the permit application deadline for the above referenced site. Please review the Consent Agenda Summary Form carefully. If you do not wish to add any testimony to the consideration, please sign and notarize the enclosed form and return the original signed, notarized copy to the Division of Reclamation, Mining and Safety (Division) by Monday, June 25, 2012.

If you wish to proceed with a hearing in order to address the Mined Land Reclamation Board (MLRB), please inform me as soon as possible, but by no later than June 25, 2012, so that the matter may be scheduled for a hearing during the July 11 & 12, 2012 MLRB meeting.

If you require additional information, have questions or concerns, please contact me at the DRMS Durango Field Office at 691 Cr 233, A-2, Durango, CO 81303, Phone: (970) 259-5861, Fax: (970) 247-5104.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate Pickford", written over a horizontal line.

Kate Pickford

Environmental Protection Specialist

CERTIFIED MAIL NO. 7005 3110 0002 7206 7009

Return Receipt Requested

Enclosure: STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

Cc: Steve Shuey, DRMS GJFO

STAFF SUMMARY FORM FOR
CONSENT AGENDA ITEMS

Date	4/19/2012	Operator	Oldcastle SW Group, Inc.dba Four Corners Materials
Permit No.	M-2011-028	Site Name	Animas Glacier Gravel (AGG)
Specialist	Kate Pickford	Objecting Party	NA

Action:

- ☐ Permit Application with objections
- ☐ Violation
- ☐ Extension of Board-ordered deadline
- ☒ Other (specify) **Consideration of the Applicant's request to extend the decision deadline beyond 365 days after the application was found complete, per Rule 1.4.1(9)**

Resolution:

This item is for Board consideration of the Applicant's request to extend the decision date for the above 112c permit application where the Division of Reclamation, Mining and Safety's (Division) found the original application complete on May 20, 2011. In the interim, the original Applicant transferred the application to the current Applicant, who had purchased the property included in the proposed permit.

Chronology:

- May 20, 2011 - The Division of Reclamation, Mining, and Safety (Division) found the application for the Animas Glacier Gravel (AGG) permit complete.
- June 13, 20, & 22, 2011 – The Division received comments from other agencies related to the application. The representatives of the other agencies expressed a desire to have party status.
- June 29, 2011 – The Division sent a letter to the Applicant identifying adequacy issues related to the application, including the fact that the Applicant had an expired lease pertaining to legal right of entry.
- October 19, 2011 - The Division received a transfer of Mineral Application and Succession of Permit Applicant application transferring the permit from Weeminuche Construction Authority to Oldcastle SW Group, Inc.dba Four Corners Materials.
- November 18, 2011 – The Division approved the transfer of the application.
- March 15, 2012 – The Division received documents from the Applicant addressing the outstanding adequacy issues related to the application.
- March 27, 2012 – The Division conducted a pre-operational inspection of the site. Parties who submitted comments were present at the inspection.
- April 3, 2012 – The Applicant submitted further engineering information related to continued concerns about drainage at the site.
- April 18, 2012 – A followup meeting including the Division, Applicant, and parties was held, and concerns were still left unresolved.
- April 18, 2012 – An engineering review performed by the Division's staff engineer identified a number of outstanding issues related to drainage at the site.
- May 9, 2012 - The Board approved, via consent agenda, a 60 day extension to the decision date to July 19, 2012.

- June 12, 2012 – Response to the Division’s adequacy issues was received. The submission date did not allow adequate time for staff review and the scheduling of a Prehearing Conference to meet the requirements of the public process prior to a July MLRB Hearing .

Division Recommendation:

The Division believes the applicant needs additional time to address the concerns of the Division and the parties, and that if the decision date is extended for 60 days beyond the current deadline of July 19, 2012 the Applicant will be able to submit the necessary materials to allow the Division to recommend approval of the application and to meet the requirements of the public process.

Therefore, the Division makes the following recommendations:

- **The Board approve the Applicant’s request to extend the decision deadline for this application to 60 days beyond the current decision deadline of July 19, 2012 to September 17, 2012.**

Operator(s) Signature:

By signing this form, the Operator agrees with the Division recommendations to the Board.

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Operator Signature	Date	Notary Public
		My Commission expires: <hr/>