

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



John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

Memorandum

Date: June 22, 2012

To: Mined Land Reclamation Board

From: Kate Pickford

RE: Animas Glacier Gravel, Reference No. M-2011-028

Dear Board Members,

The Division of Reclamation, Mining, and Safety (Division) through the Consent Agenda will be presenting to the board an Applicant's request for an additional extension to the 365 day decision date for a 112c application.

On May 20, 2011 the Division of Reclamation, Mining, and Safety (Division) found a 112c application for the Animas Glacier Gravel (AGG) complete. During the permitting process, the original Applicant was unable to provide valid legal right of entry. Another operator obtained legal right of entry by purchasing the property and the original Applicant submitted a Transfer of Mineral application and Succession of Permit Application application, which was subsequently approved by the Division. The application process progressed after the transfer was complete, but outstanding issues related to drainage at the site have not been completely addressed to the satisfaction of the Division. The Board approved an initial 60 day extension to the decision date on May 9, 2012. The application has received comments and the applicant was unable to address all of the Division's concerns allowing enough time for the necessary process by the July Board meeting. The Applicant is requesting another 60 days beyond the 356 day, plus 60 approved days, decision deadline to complete the application process.

Enclosures: Consent Agenda Affidavit, 6/20/2012



Oldcastle[®]
Materials
SOUTHWEST REGION



B&B EXCAVATING



FOUR CORNERS MATERIALS



TELLURIDE GRAVEL



UNITED COMPANIES



WAYCOR MATERIALS

June 18, 2012

Kate Pickford
State of Colorado
Division of Reclamation, Mining and Safety
691 CR 233, Suite A-2
Durango, CO 81301

Re: Mine ID M-2011-028, Animas Glacier Gravel Pit

Dear Ms. Pickford,

RECEIVED

JUN 19 2012

Durango Office
Division of Reclamation,
Mining and Safety

With this letter Oldcastle SW Group, Inc. dba Four Corners Materials requests a 60 day extension to the Mined Land Reclamation Board decision for the Animas Glacier Gravel Pit permit (M-2011-028).

As I understand it, with the approval of this request, the new decision date by the MLRB for the Animas Glacier Gravel Pit will now be in September 2012 (or earlier if all comments and adequacy review items have been satisfactorily answered).

Please let me know if you any additional information.

Sincerely,

Peter J. Siegmund

Vice President

Oldcastle SW Group, Inc.

Dba Four Corners Materials

970-759-1501 - cell

psiegmund@oldcastlematerials.com

2273 River Road
PO Box 3609
Grand Junction, CO 81502
PH: 970-243-4900
Fax: 970-991-6610

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.

[Signature] 6/21/12
Operator Signature Date

Tabitha Heckman
Notary Public

My Commission expires: 09/16/15



My Commission Expires 09/16/2015