

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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John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

October 23, 2012

Glenn Williams
Cotter Corporation
P.O. Box 700
Nucla, CO 81424

RE: SM-18 Mine, Permit No. M-1978-116, Submittal of an Environmental Protection Plan (EPP), Amendment AM-01, Notice of Complex Application and Revised Decision Date.

Dear Mr. Williams,

On September 28, 2012 the Division of Reclamation, Mining, and Safety (Division) received Cotter Corporation's (Cotter) submittal of an Environmental Protection Plan (EPP) amendment, AM-02 for the SM-18 Mine, Permit No. M-1978-116. An administrative review of the submission notes the amendment application is complete for review and is considered filed as of October 11, 2012. Please note the review is for administrative completeness and that technical aspects of the amendment have not been addressed yet. Per Rule 1.4.8 and / or 1.4.9, the decision date for a 110d is thirty (30) days and a 112d is ninety (90) days. However, the Division notes that the amendment is an EPP which will require additional Division professional staff involvement. By definition of Rule 1.1 (10), the EPP is considered a "Complex Application". The Division is therefore extending the decision date by an additional sixty (60) days as allowed per Rule 1.4.1(7). The decision date therefore will be March 11, 2013.

If Cotter has not done so it must begin the notice procedures within ten (10) days of the completeness letter that meet the requirements of Rule 1.6.2(1) (d) and (e). The public notice required shall be published four times, once a week for four consecutive weeks in a newspaper of general circulation in the locality of the proposed mining operation for a 112d. The public comment period shall be twenty (20) calendar days from the last date of newspaper publication. Requirements for a 110d are publication once with a ten calendar day comment period. The Division recommends that a copy of the notice be reviewed by staff prior to publication to ensure it meets the requirements of the law. Any errors in publication or its form may cause the notification process to begin anew. At a minimum, please provide the dates of publication, once established, to the Division so that the public comment period can be established.

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, or by telephone no. (970) 241-2042.

Sincerely,

Travis Marshall
Environmental Protection Specialist

cc: Tony Waldron, Mineral Program Supervisor
Russ Means, Acting Senior Environmental Protection Specialist, West Team Supervisor

Mr. Glen Williams

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cc: Ed Cotter
U.S. Department of Energy
2597 Legacy Way
Grand Junction, CO 81503