

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. Pineda
Director

November 28, 2012

Benton Jensen
Western Gravel, LLC
P.O. 808
Meeker, CO 81641

**Re: 112 Construction Materials Reclamation Permit Amendment Application, WRC Gravel Pit,
Permit No. M-2008-070, AM – 1, Preliminary Adequacy Review**

Mr. Jensen:

On November 28, 2012, the Division of Reclamation, Mining and Safety (Division) reviewed your 112 Construction Materials Reclamation Permit Amendment application for the WRC Gravel Pit, which is located in Rio Blanco County. A few issues must be address before the application can be considered technically adequate and approved.

1. The amendment application addresses the entire 191.83 acres of the permit. On November 14, 2012 the Division received a document from DMSL, a firm that represents Sam F. Love and Virginia L. Love who own the land within Phase II. The document stated that the Gravel Lease Agreement for Phase II of the gravel operation is no longer valid and therefore the operator does not have a right to extract any material from property owned by Mr. and Mrs. Love. The operator must either renew the lease agreement. If a new agreement cannot be reached, the operator must file a Technical Revision to the amendment application and supply a revised legal description that does not include the land in Phase II along with all appropriate maps that are associated with the required Exhibits of the amendment application. Simultaneously with the application Technical Revision Western Gravel shall apply for an Acreage Reduction in accordance with the requirements of Rule 4.17 for the area to be removed from the permit area. If the operator plans to remove the acreage owned by Mr. and Mrs. Love the remaining permit acreage will be 29.0 acres.
2. In Exhibit C the Site Plan labeled Figure 3, Future Cells E and D along with Pond 1 and some future run off control channels are located out of the approved permit boundary for Phase I. Please explain the time frame in which the cells are to be constructed and the intention of the use of material that is required to be excavated to construct the cells that are located outside of the approved permit area.
3. Exhibit D states that a COD and SUP are requested for a 57.4 acre area including Phase I, the current acreage for Phase I is 20.95 acres. The Division understands that this is a phased operation, however, please to commit to not disturbing land outside of the approved mining area until all necessary permits are in place. The operator may be required to file a permit amendment with the DRMS to add the additional acreage required to construct all proposed cells if the material is intended to be used or sold as a construction material.
4. The Exhibit E Cell A Grading Plan, Figure 4 shows Pond 1 outside of the approved current permit boundary. What is the intended use of the approximate 4,000 cubic yards required to be excavated to construct the pond? If the material is intended to be used and/or sold as a construction material the area must be incorporated into the approved permit are through an amendment of the permit.

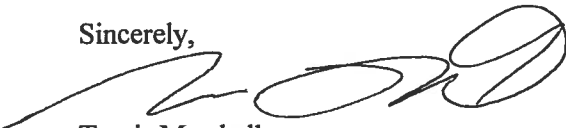
This amendment (AM-1) does not account for any additional acreage to be added to the permit. A separate amendment will need to be filed or an amendment to this amendment must be submitted.

5. Exhibit E, the final reclamation of the site will be considered complete by the DRMS once the E&P Waste Disposal Facility is constructed. The operator must commit to removing the completed cell, through and Acreage Reduction in accordance with Rule 4.17, from the reclamation permit prior to placing any E&P waste into the cell.
6. Exhibit L, Please provide all information necessary to calculate the proposed reclamation cost for the site as required by Rule 6.4.12(1).
7. Exhibit N, Please provide a current legal right of entry.
8. Exhibits Q and R, please provide current proof of notification to both the Rio Blanco County Commissioners and the Rio Blanco County Clerk and Recorder. The proof submitted is from August 2011 which is considered to be outdated.
9. Per Rule 6.2.1(2)(b), all maps must be signed by the qualified map maker. Please follow all requirements of Rule 6.2.1 prior to submitting the required revised maps for the amendment.
10. The layout of the application cites components from the Design & Operations (D&O) Plan for the proposed E&P Waste Disposal Facility. Only certain exhibits approved in the original application will be modified and specifically the final configuration of the reclamation proposed at the site. Therefore, the Division will consider the reclamation at the site to be the completion of the E&P Waste Disposal facility. No component of the active solid waste facility will fall under the jurisdiction of the DRMS.

This is a preliminary review. Other issues may arise from other agency comments, and as more information is supplied. This application cannot be approved until the issues brought forth are adequately addressed. Please submit a response to the issues as soon as possible, but no later than December 10, 2012 so the decision due date set for December 21, 2012 can be met. If your response or a written extension request are not received by December 10, 2012 this application may be denied.

If you have any questions, please contact me in the DRMS Grand Junction Field Office at (970) 241-2042.

Sincerely,



Travis Marshall
Environmental Protection Specialist

cc: Gary Webber
NWCC, Inc.
2580 Copper Ridge Drive
Steamboat Springs, CO 80487

Bruce Smith
DMSL Attorneys at Law
1331 17th Street, Suite 800
Denver, CO 80202