

# 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

December 17, 2012

Jennifer Thurston

INFORM

P.O. Box 746

Telluride, CO 81435-0746

***Re: Cotter Corporation, SR-11, Environmental Protection Plan Amendment Application, Permit No. M-1977-451, Receipt of Public Comment.***

Dear Ms. Thurston,

The Division of Reclamation Mining and Safety (Division) received INFORM's comments on December 6, 2012. Thank you for taking the time to be involved in the public process. December 6, 2012 was the final day for comments to be submitted and the INFORM comments are considered timely (see Rule 1.7.1(2) (a)). The comment letter received from INFORM stated that "As the technical review proceeds and Cotter responds to the Division's requests, INFORM reserves the right to supplement the comments as appropriate.", according to Rule 1.7.1(2)(a) all comments received after December 6, 2012 are considered to be untimely and will not be considered by the Division.

Based on the nature of the comments the Division has classified them as an objection to the permit. If this is incorrect please submit a letter of clarification as soon as possible.

The comments received have been forwarded to the applicant by staff and the Division has asked the applicant to respond to the INFORM comments. The Division is currently reviewing the application for adequacy. Many of INFORM's issues are the same questions the Division typically asks for clarifications and additional information.

The Decision Date for the application is set for March 11, 2013. If INFORM does not feel its issues have been fully addressed by that date, the Division will issue a Decision Recommendation at the end of March. Staff will then schedule a Pre-Hearing Conference. Per Rule 2.7.1(5) the conference must occur at least (10) working days prior to the Mined Land Reclamation Board Hearing which is scheduled tentatively for April 10-11, 2013. Therefore, the Pre-Hearing Conference would be set for late March. Please be aware that the applicant can request, at their discretion, an extension to the Decision Date for up 365 days of when the application was considered filed per Rule 1.4.1(9). For INFORMS's convenience I have enclosed the Division's "Guide to Citizen Participation in the 112 Reclamation Permit Application Process".

Addressee Name

Date

Page 2

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, telephone no. (970) 242-5025.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephanie Reigh', with a stylized, flowing script.

Stephanie Reigh  
Environmental Protection Specialist

cc: Russ Means, DRMS

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

Enclosure: "Guide to Citizen Participation in the 112 Reclamation Permit Application Process..."