

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



December 21, 2012

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

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

RE: JD-7 Pit, Permit No. M-1979-094-HR, Public Notice Error Noted, Republication Required

Dear Mr. Williams:

On December 19, 2012 the Division of Reclamation, Mining and Safety (Division) received your proof of public notice. During review of the materials submitted it was noted that the due date for submission of comments published in the public notice was incorrect. The last day of publication was on December 6, 2012. Pursuant to Rule 1.7.1 (2)(a), comments must be received by the Division within twenty days of the last date of the newspaper publication. The due date for submitting comments would be December 26, 2012. The public notice stated that the due date was December 19, 2012.

Before your application can be considered for approval you must correctly publish notice of the proposed operation in accordance with Rules 1.6.2(d) and 1.6.5. The decision date for this application may be extended by the Division as necessary in order to allow adequate time for public comment.

Please note that pursuant to Rule 1.6.5 (2), within ten working days after the last re-publication or as soon thereafter as proof has been obtained, proof of the publication shall be mailed to the Division.

If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin Czaplak", written over a horizontal line.

Dustin Czaplak
Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
101 South 3rd, Suite 301
Grand Junction, CO 81501
Phone: (970) 243-6299
Fax: (970) 241-1516



RECEIVED

DEC 20 2012
GRAND JUNCTION FIELD OFFICE
DIVISION OF
RECLAMATION MINING & SAFETY

December 19, 2012

Dustin Czapla
Colorado Division of Reclamation, Mining, and Safety
Grand Junction Field Office
101 S. Third St, Suite 301
Grand Junction, Colorado 81501

RE: Notice of Publication for JD-7 Pit Mine Permit Amendment, Permit No. M-1979-094HR

Mr. Czapla:

Please find the enclosed information associated with the JD-7 Pit Mine Permit Amendment, Permit No. M-1979-094HR:

- A copy of the affidavit of publication in the local paper;
- A copy of the receipt of the notice to the County Clerk;
- A copy of the return receipt of the notice to the County Commissioners;
- A copy of the return receipt of the notice to the San Miguel Soil Conservation Board;
- A copy of the return receipts for the letters sent to the adjacent landowners.

If you have further questions regarding this request please call me at Cotter's Nucla office, 970-864-7347.

Respectfully,

Glen Williams
Vice President of Mining
Cotter Corporation

AFFIDAVIT OF PUBLICATION

FORUM NEWSPAPERS, INC.

STATE OF COLORADO)
)SS.
COUNTY OF MONTROSE)

I, **Erin Culver** do solemnly swear that I am **Secretary of Forum Newspapers, Inc.**; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Montrose, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterrupted in said County of Montrose for a period of more than fifty-two weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issues of every number of said weekly newspaper for the period of 4 consecutive insertions; and that the first publication of said notice was in the issue of the newspaper dated November 5 A.D., 20 12, and that the last publication of said notice was in the issue of said newspaper dated NOV 12 A.D., 20 12.

In witness whereof I have hereunto set my hand

this 30 day of Nov, A.D., 20 12

Erin Culver

Subscribed and sworn to before me, a Notary Public in and for the County of Montrose, State of Colorado this 29 day of November A.D., 20 12

Roger Culver
(Notary Public)

My Commission Expires 03-04-2013

Public Notice

JD-7 Pit Mine

Cotter Corporation, 7800 E. Dorado Place, Suite 210, Englewood, CO 80111, has filed an amendment application for a Regular (112d) Designated Mining Reclamation Permit from the Colorado Mined Land Reclamation Board under provisions of the Colorado Mined Land Reclamation Act. The existing mine is known as the JD-7 Pit Mine, and is located at or near Section 16, 17 and 21, Township 46 North, Range 17 West, New Mexico Principal Meridian, Montrose County, Colorado.

This is an existing permitted mine with minor changes to the original application, and the proposed date of completion is March 2018. This amendment application is to incorporate an Environmental Protection Plan into the permit. The proposed future use of the land is rangeland.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, (303) 868-3587, or at the Montrose County Court Annex, 300 Main Street, Nucla, Colorado 81424, or the above named applicant.

Comments must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on December 19, 2012.

Published in the San Miguel Basin Forum on November 15th, November 22nd, November 29th, and December 8th, 2012.