

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
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January 23, 2013

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

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

RE: CM-25 Mine, File No. M-1977-307, Amendment (AM1) Application Adequacy Review (3)

Dear Mr. Williams:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it satisfies the requirements of the *Colorado Mined Land Reclamation Act* (Act) and the associated *Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations* (Rules). During review of the material submitted, the Division determined that the following issue(s) shall be adequately addressed before the application can be considered for approval.

1. Pursuant to Rule 6.3.3 (h), please specify how much water will be used in conjunction with the operation, and the source of this water.
2. Pursuant to Rule 6.3.3 (j), please specify how you will comply with applicable Colorado water laws and regulations governing injury to existing water rights.
3. Regarding the ore pad, the EPP states that the material for the clay liner will be transported from a nearby property. Please inform the Division of the exact source for the clay material.
4. The reclamation plan proposes to cap the ore pad with soil, once ore has been completely removed, and to vegetate the pad area. SPLP tests indicate that there is potential for uranium and related constituents to be leached from the ore stockpile. According to the EPP, it is expected that any mobilized constituents will be sorbed by the clay liner. Therefore, there is potential that the clay liner will contain elevated levels of radionuclide following mining. Prior to capping the ore pad area during reclamation, a radiometric survey shall be completed. Please commit to this. Should unacceptable levels of radionuclide be found in the ore pad area an alternate reclamation plan will be necessary. Please submit an alternate plan for reclaiming the ore pad in the event that radionuclide levels in the clay liner are found to be elevated beyond acceptable levels.
5. The EPP states that ore will not be stored on the ore pad for more than 180 days during mining. Please inform the Division of the detailed methods the operator will take to ensure this.
6. In Cotter's January 22, 2013 response to INFORM it is stated that "Cotter is not responsible for limiting property owners' potential for grazing cattle..." Please note that pursuant to Rule 3.1.10 (4), grazing may need to be limited during initial establishment of vegetation during reclamation.

Please submit your response(s) to the above listed issue(s) by Wednesday, February 06, 2013, in order to allow the Division sufficient time for review.

The Division will continue to review your application and will contact you if additional information is needed.

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

Sincerely,



Dustin Czapla
Environmental Protection Specialist
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Division of Reclamation, Mining and Safety
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Cc: Ed Cotter, DOE

Ec: Russ Means, DRMS GJFO