

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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February 8, 2013

Scott Collignon
4495 County Road 124
Hesperus, Colorado 81326

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

**Re: Mayday-Idaho Mill Complex, Permit M-1981-185, Wildcat Mining Complaint
Letter Received on January 30, 2013**

Dear Mr. Collignon,

The Division of Reclamation, Mining and Safety received your letter regarding a reported issue at the May Day Mine Complex in late November. The letter of January 25th is a follow up to several unofficial e-mails and telephone conversations between you and Division staff member Dustin Czapla regarding the activity at the mine site.

The Division would like to clarify that a comment from staff was apparently misunderstood. Staff did not state that "Wildcat is defying a direct board order and our office chooses not to issue a violation". What was stated is "without evidence of a violation no enforcement action can be undertaken". The Division requested additional information from you. Division records indicate none were received. The Division contacted the operator who provided details of work in the area that appear to be related to safety and stormwater controls. Without additional written details and photos as requested there is no evidence to support or refute either side. Therefore the Division's investigation indicated no enforcement action was warranted at this time.

As for the use of the then illegal road, Wildcat cannot use it for access or to advance mining operations until the final road construction is approved by the Division. As of late November, both La Plata County and the Division had approved the designs of the road. It is the Division's understanding that corrective work and reconstruction of the road is scheduled for spring once weather allows for such activities as approved. So it is reasonable to expect equipment and other vehicles on the road come this spring to accomplish this board ordered requirement.

You note a concern regarding the operation being monitored from the Grand Junction Field Office rather than out of the Durango Field Office. This subject has been brought up before by others and the Division's response is still firmly the same. The decision of where oversight of any permit is conducted is based on several criteria. At some time this site may be transferred back to the Durango Field Office. But that is a management decision based on the Division's current staffing requirements.

There is a request for a response in writing. Please accept this letter as complying with that request. The Division is also requesting that any correspondence from you moving forward be in writing via US mail. E-mails and telephone calls can be obviously misunderstood or misinterpreted. So please, to ensure a prompt response and an accurate record of any discussions or issues, submit your concerns in writing.

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Finally you request that any correspondence be kept private and not shared with the Wildcat Mining owners, workers, or lawyers. The Division unfortunately cannot honor this request. As a public agency our files are part of the public record and open to all parties of concern. Therefore, anything submitted to the Division by the operator, as well as the public, becomes part of that record and available to all.

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, by telephone at 970.241.1117, or by e-mail at russ.means@state.co.us.

Sincerely,



G. Russell Means
Senior Environmental Protection Specialist
West Slope Field Office Supervisor

Cc: Tony Waldron, Minerals Program Supervisor
Dustin Czapla, Minerals Specialist
Jeff Fugate, First Assistant Attorney General, Natural Resources and Environment
Randall Oser, Wildcat Mining, Inc.
Mike Thompson, Wildcat Mining Consultant