

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



February 22, 2013

Southway Construction Company, Inc.

Roy Burtraw

117 White Pine Drive

Alamosa, CO 81101

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

**RE: Map Errors for Annual Report received February 20, 2013,
Costilla Pit, Permit No. M-1987-040**

Dear Mr. Burtraw:

On February 20, 2013, the Division received the annual report and map for the above referenced site. The annual report and map were due on the anniversary date of the permit, May 21, 2012. The map, dated February 8, 2012 and received by the Division on February 20, 2013 (the "Map"), is in error and must be corrected prior to the Division accepting the map. Therefore, the Division requires timely response from the Operator, correcting the errors of the Map as discussed below. These errors are further illustrated on an enclosed screen shot from Google Earth.

- The Map delineates the permit boundary at a configuration different from the maps of the approved permit. As shown on the enclosed Exhibit E, dated February 23, 1987, the permit boundary is rectangular shaped. However, according to the recently submitted Map, the permit boundary is delineated as a four-sided polygon, not rectangular, with length and width dimensions greater than those indicated on Exhibit E. Permit records indicate there have been no Technical Revisions or Amendments to the permit whereby the configuration of the permit boundary may have been modified from what was originally approved. Therefore, the permit boundary delineated on Exhibit E, dated February 23, 1987, is the approved permit boundary and the Map, dated February 8, 2012, is in error.
- The Map delineates the permit boundary and/or the access road at a location different from the maps of the approved permit. As shown on Exhibit E, the access road intersects the east permit boundary at the lower third of that boundary, with the permit area extending approximately 535 feet to the north and 260 to the south from the access road. However, according to the recently submitted Map, the access road enters the permit area at the northeast corner, with all portions of the permit area extending south of the access road. According to the Map, the permit area has shifted

approximately 640 feet south of the approved location, relative to the access road. Permit records indicate there have been no Technical Revisions or Amendments to the permit whereby the location of the permit boundary or the access road may have been modified from what was originally approved. Therefore, the location of the permit boundary and access road indicated on Exhibit E, dated February 23, 1987, are the approved location(s) and the Map, dated February 8, 2012, is in error.

- The Map fails to identify all affected lands, as described within the permit documents and in the Division's most recent inspection report, generated from the January 23, 2013 inspection, signed February 4, 2013. Pursuant to Section 34-32.5-116(3)(a) C.R.S., please ensure the corrected map identifies all affected lands associated with the mining activities conducted under this permit, as well as the affected lands for the previous Special 111 permit which existed prior to the permit conversion.

Please ensure the Division has received a corrected map for the annual report, originally due on May 21, 2012, which illustrates the appropriate location and configuration of the permit boundary, and satisfies all applicable requirements of Section 34-32.5-116(3)(a) C.R.S., and Construction Materials Rule 6.2.1(2), by **April 5, 2013**. Please note, April 5, 2013, is also the deadline by which Southway Construction Company must address a deficiency in the bond, provide photographic evidence of newly installed permit boundary markers, and provide a surveyed map of affected lands, as indicated in the Division's inspection report generated from the January 23, 2013 site inspection, signed February 4, 2013. Failure to comply will result in the Division pursuing enforcement action and civil penalties against Southway Construction Company.

Please contact me at the Division's office in Durango at 691 County Road 233, Suite A-2, Durango, CO 81301, phone (970) 247-5469, if you have any questions.

Sincerely,

Wallace H. Erickson
Environmental Protection Specialist

Attachment: Certificate of Service

Enclosure: 1) Exhibit E of the permit application, dated February 23, 1987;
2) Map submitted with annual report, dated February 8, 2012, received February 20, 2013; and
3) Screen shot from Google Earth, illustrating the map errors discussed within this correspondence

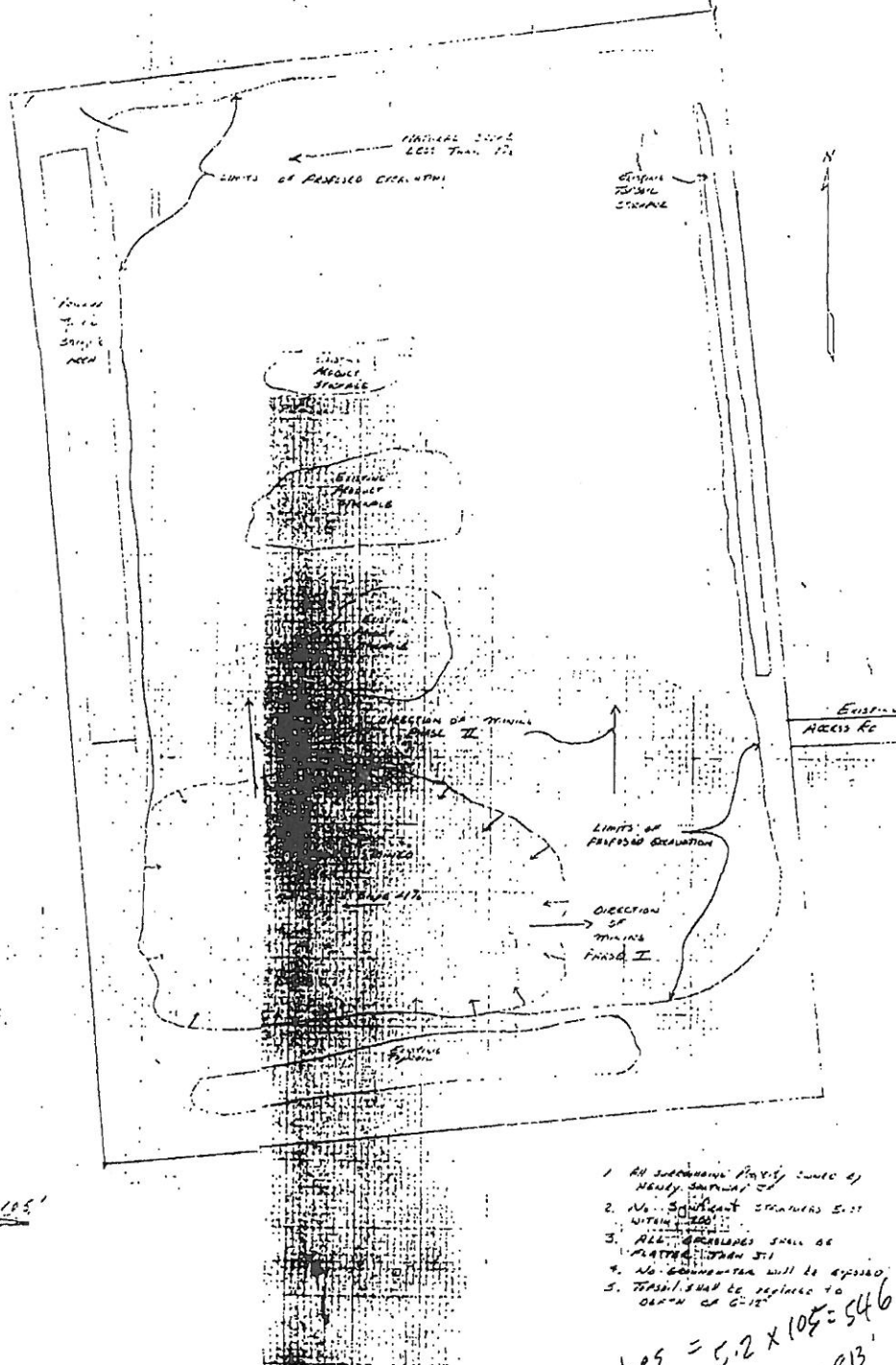
Ec w/enclosure: Russ Means, DRMS GJFO

CERTIFICATE OF SERVICE

I, Wallace H. Erickson, hereby certify that on this 22nd day of February, 2013, placed a true copy of the forgoing document, RE: Map Errors for Annual Report received February 20, 2013, Costilla Pit, Permit No. M-1987-040, with enclosures, in the US Mail, postage affixed, addressed to the following:

Southway Construction Company, Inc.
Roy Burtraw
117 White Pine Drive
Alamosa, CO 81101

Wallace H. Erickson 2/22/13



1. All Submarine Warfare units of Navy, Marine Corps
2. No. 1 Submarine Warfare School
3. All Submarine Warfare units of Navy, Marine Corps
4. No Submarine Warfare unit to be assigned
5. Training shall be required to be given to all

3. Translating to degrees & minutes
 ORIGIN OF $G = 12^\circ$

$W = 5.2 \text{ inches} = 5.2 \times 10^\circ = 54^\circ$
 $L = 7.75 \text{ inches} = 7.75 \times 10^\circ = 81^\circ$

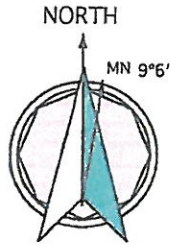
COSTILLA PT
SOUTHWAY CONST. Co.
Designed by: J. Ungabug P.E.
2/23/87

EXISTING CONDITION
&
PROPOSED MINING PLAN

RECEIVED

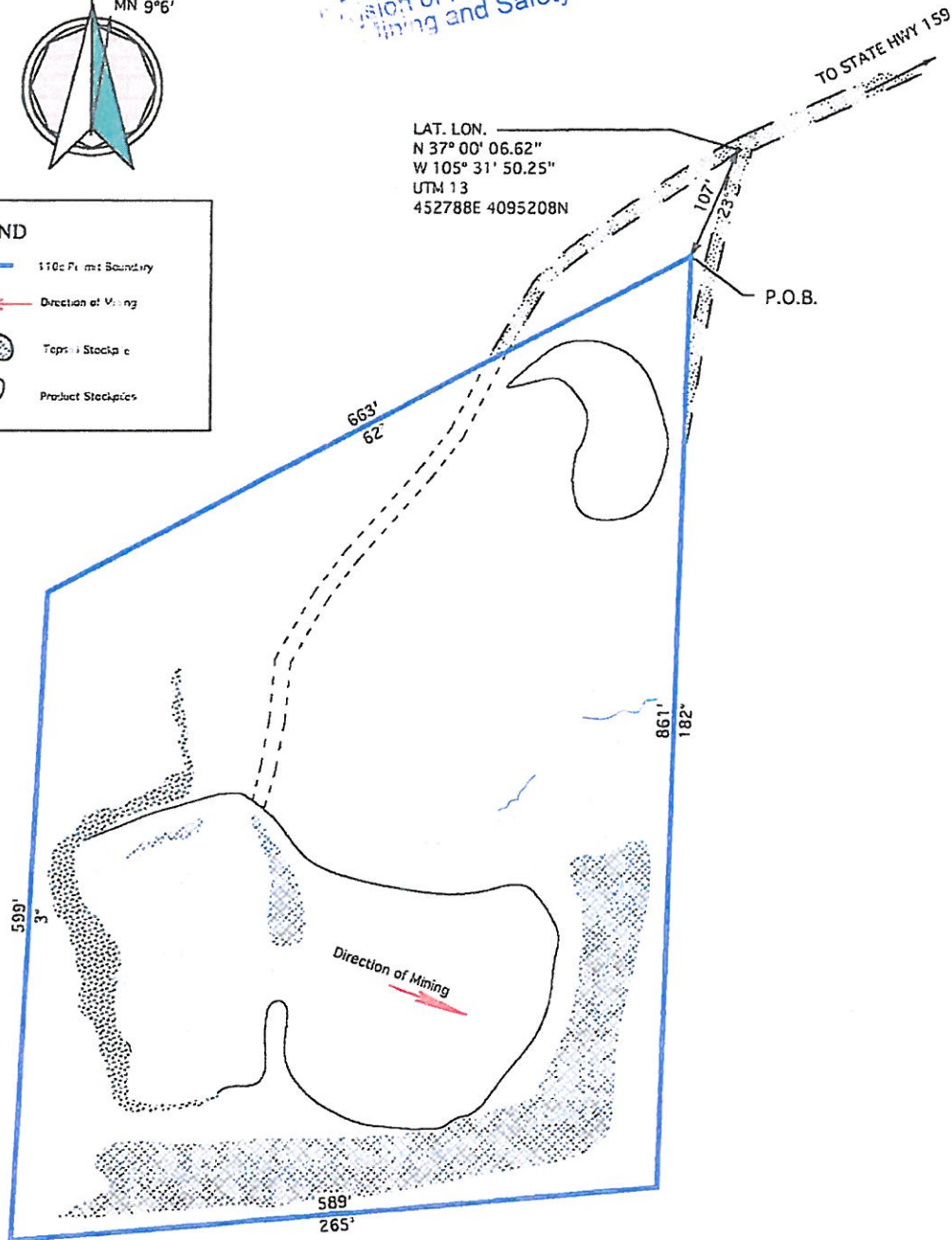
FEB 20 2013

Durango Field Office
Division of Reclamation,
Mining and Safety



LEGEND

- 110c Permit Boundary
- Direction of Mining
- Topsoil Stockpile
- Product Stockpiles



PERMIT DESCRIPTION:

STARTING AT THE POINT OF BEGINNING, WHICH BEARS 23° AZIMUTH, A DISTANCE OF 107 FEET FROM THE JUNCTION OF THE ROADS THAT ENTER THE PIT AREA.

THENCE BEARING AZIMUTH 182°, A DISTANCE OF 861 FEET,
THENCE BEARING AZIMUTH 265°, A DISTANCE OF 589 FEET,
THENCE BEARING AZIMUTH 03°, A DISTANCE OF 599 FEET,
THENCE BEARING AZIMUTH 62°, A DISTANCE OF 663 FEET.

BACK TO THE P.O.B., CONTAINING 9.70 ACRES MORE OR LESS.

T 1 N., R 73 W., IN THE E1/2W1/2 OF SECTION 35,
6th P.M., COSTILLA COUNTY, STATE OF COLORADO.

0 25 50 75 100

SCALE 1" = 100'
1: 1200

COSTILLA PIT

ANNUAL REPORT MAP

CLIENT: SOUTHWAY CONSTRUCTION COMPANY, INC.

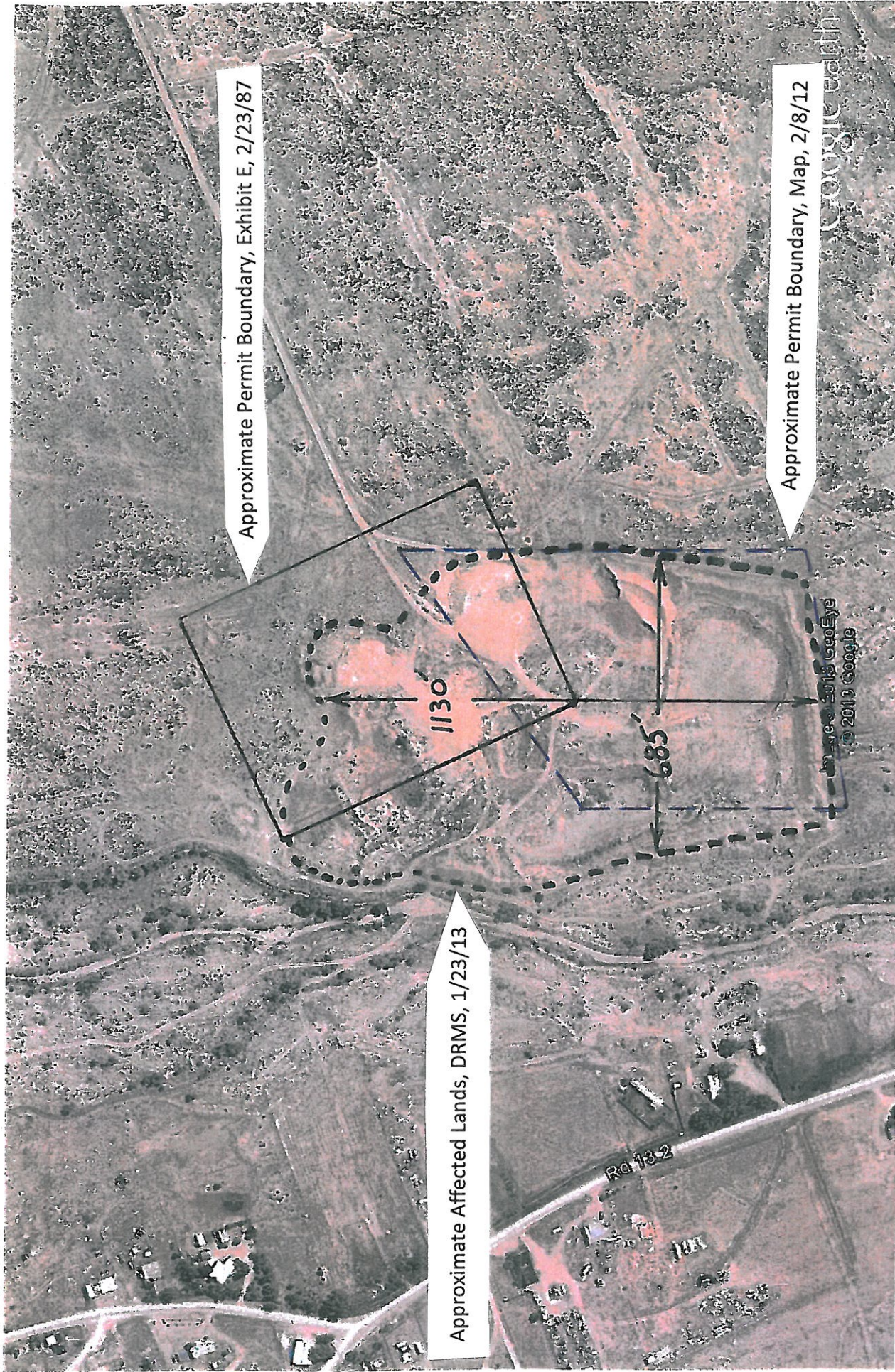
PERMIT FILE NUMBER M-1987-040

CONSULTANT: L J DEVELOPMENT, INC.

PREPARED BY: *James P. Hulse*

SHEET 1 OF 1

DATE: FEBRUARY 8, 2012



Google earth

feet
meters

1000

600

Imagery Date 6/10/12

Castilla Pit M-1987-040

DRMS inspection 1/23/13

WHE observations

Affected Land $\approx \frac{1130' \times 685'}{43560 \text{ sf/ac}} \approx 17.8 \text{ acres}$