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RECEIVED

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GRAND JUNCTION FIELD OFFICE
DIVISION OF
RECLAMATION MINING & SAFETY

February 26, 2013

Frank McGee
District Wildlife Manager
Colorado Parks and Wildlife
711 Independent Avenue
Grand Junction, CO 81505

RE: United Companies Otter Creek Pit M-2012-050

Frank:

I am the reclamation engineer handling the permit work for the Otter Creek Pit of Oldcastle SW Group dba United Companies of Mesa County. We received your letter addressed to Travis Marshall of the DRMS dated January 28, 2013 regarding your comments on the proposed Otter Creek Pit near Clifton Colorado.

Based on this letter and the discussion we had on the phone, United will make the following commitments:

- 1) We did a survey of the existing osprey nests within any reasonable vicinity to the proposed Pit during the week of February 12, 2013. The attached Osprey Nest Map shows that 3 nests were found and all are located southeast of the proposed operation. The closest one is on a power pole almost exactly at the ¼ mile limit, but this nest was not occupied in 2012. The next nest is on a tree and was also unoccupied in 2012. The third nest is on a power pole and was occupied by ospreys in 2012, according to our inquiry. This nest is well beyond the ¼ mile limit. Since there no nests within the ¼ mile limit and it seems the ospreys are happy where they are, we do not believe any new nests are needed at this time. We would like to continue to work with you on this and we will report to you immediately if we find any new nests within ¼ mile of the permit site.
- 2) Any outlets to the 33 Road Drain will be screened, as you suggested.
- 3) There are very few cottonwoods in the mining area and these will remain as long as possible. The reclamation plan also stipulates that 2 cottonwood saplings will be planted along the reclaimed

shoreline for each tree that is removed. Also, Mesa County has required an extensive landscape plan for the outside flat area north and west of the temporary topsoil berm. These landscape areas will remain as permanent items and will include numerous trees and shrubs.

4) If heavy equipment is brought to the site that has been working in another stream, river, lake, pond, or wetland within 10 days of working on this project, one of the 4 disinfection processes that you recommend in your letter will be employed.

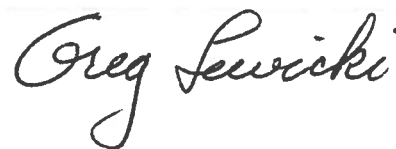
5) Due to the unpredictable nature of the overburden quantities, sales and other factors, we cannot commit to precise undulating shorelines, or islands. We understand the value that these items have for wildlife and we will do everything possible to create undulating shorelines with the overburden that is produced. It must be understood that the majority of the overburden will be used to backfill the steep mining slopes. We will also try to create 1 island of at least ½ acre in size, with its elevation being 1-2 feet above water level. We cannot guarantee that this island can be build nor can we guarantee its location but we may have enough overburden to construct it. Again, it must be understood that an island that extends above the water surface requires far more overburden below the water level, since the pit height is 25-35 feet.

6) The dryland reclamation seed mix, which is attached, already has a good mixture of grass, forbs and shrubs which are meant for this extremely dry climate. We believe this will be the best that can be done for this area given the low annual precipitation.

7) The post-mine land use is wildlife habitat. United cannot get its reclamation bond back from the DRMS until this post-mine use is achieved. This includes establishment of the wetland along the shoreline, 3H:1V slopes minimum in all areas, topsoil and vegetation in all the dry areas above the water and establishment of the tree saplings along the waterline. There are no plans in this permit for any future housing development. This is a separate issue with Mesa County and is not part of this permit.

Frank, call me at 303-346-5196 if you have any questions on any of the above items. Thanks.

Sincerely,

A handwritten signature in cursive script that reads "Greg Lewicki".

Greg Lewicki, P. E.
Greg Lewicki and Associates

Cc: Pete Siegmund
Cc: Travis Marshall

5. Revegetation Plan

The dry flatland and slope areas will be harrowed and drill seeded with a mix consisting of the following in order to control erosion:

Otter Creek Pit Revised Seed Mix and Justification

The following seed list is recommended for all disturbed areas except the wetland fringe. The seed application rates are provided as percent and should be broadcast into a disked, rough surface. The expected total weight of seed per acre is 15 lbs per acre. If drill seeding is used, the application rate should be 1/2 the broadcast application rate.

| Species Dry Lands Seed Mix | Broadcast Seeding % of Mix by Weight | Precip. Range Inches | Soil Type |
|----------------------------------|---|----------------------------|---------------------------------------|
| Grasses | 70% | | |
| Sand Dropseed | 25 | 5-15 | Sandy to Medium Texture |
| Galleta | 25 | 5-16 | Coarse to Fine |
| Sandberg Bluegrass | 20 | 6-23 | Sandy to Medium |
| Forbs | 10% | | |
| Western Yarrow | 5 | Dry to Moist | Sandy |
| Munro Globemallow | 5 | Dry | Sandy to Clayey |
| Shrubs | 20% | | |
| Forage Kochia | 2.5 | 6-16 | Sandy to Clayey |
| Winterfat | 15 | 6+ | Sandy, Low to Moderate Salt ok |
| Green Ephedra | 2.5 | 6-15 | Sandy, Saline, Alkaline & Sodic ok |
| TOTAL | 100% | | |