

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



John Corra, Director

April 1, 2009

Mr. John Cash Lost Creek ISR, LLC Manager EHS and Regulatory Affairs 5880 Enterprise Drive, Suite 200 Casper, WY 82609

RE: TFN 4 6/268, Lost Creek ISR Mine Permit Application

Dear Mr. Cash,

This letter is in response to your letter of February 6, 2009 in which you raised three basic questions concerning LQD's January 30, 2009 technical review of the abovereferenced application. Our response follows:

1. RE: Regulatory basis for comments:

Attached is a table that lists the applicable basis for each LQD comment. It should be understood that often there are several different statutes or regulations that have bearing on a given topic. We have attempted to provide the most pertinent citations but our list is not comprehensive and there may be others that do apply.

2. RE: Completeness determination vs. technical comments:

We would like to make the point that often there is no clear distinction between completeness issues and technical issues. This is essentially a judgment call. From the start, Lost Creek ISR made it clear that a completeness determination was a major milestone for the company and one that you wished to acquire as soon as possible. LQD agreed to defer several substantive topics to the technical review in order to expedite your completeness determination.

3. RE: Timeliness of the technical review:

Partial technical comments were sent to Lost Creek ISR in the form of two memoranda under cover letter dated September 26, 2008. At that time Lost Creek was informed of the partial nature of the comments, and that more technical comments were to follow. Based on the completeness date of May 20, 2008, the 150 day deadline would have fallen around October 20, 2008. Lost Creek was advised of the deficiency of the application's technical aspects prior to that date.

Lost Creek ISR personnel are reminded that LQD Lander staff expedited the processing of several Updates to 334DN during 2008 in order to accommodate field investigations at the Lost Creek site. This work took time away from the technical review.

In conclusion, LQD staff conducted a thorough, multi-disciplined, and comprehensive technical review as revealed by the seven reviewers that provided comments on the application. LQD staff are open to discuss in person any questions or concerns Lost Creek ISR staff may have regarding this letter or the technical review of TFN 4 6/268.

Sincerely,

Melissa L. Bautz

Environmental Scientist 2

Melin 2, Bant

Lander LQD

Enclosure Table: Regulatory justification for LQD's technical comments on Lost

Creek ISR Large Mine Application TFN 4 6/628

Cc: Bill Boberg, Ur-Energy USA 10758 W. Centennial Rd., Suite 200, Littleton, CO 80127 (w/encl)

Wayne Heili, Lost Creek ISR, 5880 Enterprise Dr. Suite 200, Casper, WY 82609 (w/encl)

Mr. Alan Bjornsen, U. S. Nuclear Regulatory Commission, Federal and State Materials and Environmental Management Programs Mail Stop T-8F5, Washington D. C. 20555-0001(w/encl)

Mr. Ron Burrows, U. S. Nuclear Regulatory Commission, Federal and State Materials and Environmental Management Programs Mail Stop T-8F5, Washington D. C. 20555-0001 (w/encl)

Mark Newman, BLM Rawlins, P. O. Box 2407, Rawlins, WY 82301 (w/encl)

Don McKenzie, LQD Administrator, Cheyenne (w/encl)

Mark Moxley, LQD District 2 Supervisor, Lander (w/encl)

Chron (w/encl)

Comment ID	Statute	Rule/Reg	Guideline, etc.
Vol. 1 (adjudication), comment 1	W.S. § 35-11-406 (b)(v)	Chap. 2, Sec. 1(c)	
Vol. 1 (adjudication), comment 2	W.S. § 35-11-406 (b)(v)	Chap. 2, Sec. 1(c)	
Vol. 2 (App D-5, Geology), comment 1	W.S. § 35-11-428(a)(ii)		
Vol. 2 (App D-5, Geology), comment 2	W.S. § 35-11-428(a)(ii)		
Vol. 3 (App D-6, Hydrology), comment 1	W.S. § 35-11-428(a)(i)		GL 6, Sec. F(2)(a-b)
Vol. 3 (App D-6, Hydrology), comment 2	W.S. § 35-11-428(a)(i)		GL 6, Sec. F(2)(d)
Vol. 3 (App D-6, Hydrology), comment 3	W.S. § 35-11-428(a)(i)		GL 6, Sec. F(2,)(a-b)
Vol. 3 (App D-6, Hydrology), comment 4	W.S. § 35-11-428(a)(ii)	Chap. 11, Sec. 3(a)(xiv)	
Vol. 3 (App D-6, Hydrology), comment 5	W.S. § 35-11-428(a)(i)	Chap. 11, Sec. 3(a)(xi)(B)	
Vol. 3 (App D-6, Hydrology), comment 6	W.S. § 35-11-428(a)(ii)	Chap. 11, Sec. 3(a)(xv)	
Vol. 3 (App D-6, Hydrology), comment 7	W.S. § 35-11-428(a)(ii)		GL 6, Sec. F(1)(b)
Vol. 4 (App D-7, Soils), comment 1	W.S. § 35-11-406 (b)(vii)	Chap. 11, Sec. 3(a)(iii)	GL 1, Sec. I(B)(2)(a)
Vol. 4 (App D-7, Soils), comment 2	W.S. § 35-11-406 (b)(vii)	Chap. 11, Sec. 3(a)(iii)	GL 1, Sec. I(a)(2) and GL 1, Sec. I(B)(2)(b)
Vol. 4 (App D-7, Soils), comment 3	W.S. § 35-11-406 (b)(vii)	Chap. 11, Sec. 3(a)(iii)	GL 1, Sec. I(B)(2)(a)
Vol. 4 (App D-7, Soils), comment 4	W.S. § 35-11-406 (b)(vii)	Chap. 11, Sec. 3(a)(iii) and (iv)	GL 1, Sec. I(B)(2)(c)
Vol. 4 (App D-7, Soils), comment 5	W.S. § 35-11-406 (b)(vii)	Chap. 11, Sec. 3(a)(iii) and (iv)	GL 1, Appendix 1
Vol. 4 (App D-7, Soils), comment 6	W.S. § 35-11-406 (b)(vii)	Chap. 11, Sec. 3(a)(iv)	GL 1, Sec. I(B)(8)
Vol. 4 (App D-7, Soils), comment 7	W.S. § 35-11-406 (b)(vii)	Chap. 11, Sec. 3(a)(iii)	GL 6A, Part II(6)(f)
Vol. 4 (App D-8), Vegetation), comment 1	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)	GL 6, Sec II(H)(2) and GL 2, Sec. I(A)
Vol. 4 (App D-8), Vegetation), comment 2	W.S. § 35-11-428(a)(i)		GL 2, Sec. I(A)
Vol. 4 (App D-8), Vegetation), comment 3	n/a - typo	n∕a - typo	n/a - typo
Vol. 4 (App D-8), Vegetation), comment 4	W.S. § 35-11-428(a)(i)		GL 6, Sec II, H, 3(a) & 3(b)(ii) and GL 2 Sec I(A)
Vol. 4 (App D-8), Vegetation), comment 5	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)(C)and (D)	
Vol. 4 (App D-8), Vegetation), comment 6	W.S. § 35-11-428(a)(i)		GL 2 Sec. III, B
Vol. 4 (App D-8), Vegetation), comment 7	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)(B)	GL 2 Sec. II, C
Vol. 4 (App D-8), Vegetation), comment 8	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)	GL 2 Sec. I, D
Vol. 4 (App D-8), Vegetation), comment 9	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)	GL 2 Sec. I, D
Vol. 4 (App D-8), Vegetation), comment 10	n/a - typo	n/a - typo	n/a - typo

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Vol. 4 (App D-8), Vegetation), comment 11	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)(B)	GL 2 Sec. I(E)
Vol. 4 (App D-8), Vegetation), comment 12	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)(B)	GL 2, Sec. I(D)
Vol. 4 (App D-8), Vegetation), comment 13	n/a - typo	n/a - typo	n/a - typo
Vol. 4 (App D-8), Vegetation), comment 14	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)(B)	GL 2, Sec. VI(D)
Vol. 4 (App D-8), Vegetation), comment 15	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)	GL 2, Sec. I(A)
Vol. 4 (App D-8), Vegetation), comment 16	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 2(a)(i)(B)	GL 2, Sec. VI(D)
Vol. 4 (App D-8), Vegetation), comment 17	n/a - typo	n/a - typo	n/a - typo
Vol. 4 (App D-9), Wildlife), commentel	n/a - typo/inconsistency	n/a - typo/inconsistency	n/a - typo/inconsistency
Vol. 4 (App D-9), Wildlife), comment 2	W.S. § 35-11-428(a)(i)		GL 4, Sec. I(B)
Vol. 4 (App D-9), Wildlife), comment 3	W.S. § 35-11-428(a)(i)	Chap. 2, Sec. 1(f)	
Vol. 4 (App D-11, Wetlands), comment 1	W.S. § 35-11-428(a)(i)		
Vol. 4 (App D-11, Wetlands), comment 2	W.S. § 35-11-428(a)(i)		GL 6, Sec. II(J)
Vol. 4 (App D-11, Wetlands), comment 3	W.S. § 35-11-428(a)(i)		GL 6, Sec. II(J)
Vol. 4 (App D-11, Wetlands), comment 4	W.S. § 35-11-428(a)(i)		GL 6, Sec. II(J)
Vol. 4 (App D-11, Wetlands), comment 5	W.S. § 35-11-428(a)(i)		GL 6, Sec. II(J)
Vol. 4 (App D-11, Wetlands), comment 6	W.S. § 35-11-428(a)(i)		GL 6, Sec. II(J)
Vol. 5, Operations Plan, comment 1	W.S. § 35-11-406(b)(v)		GL 6, Sec. V
Vol. 5, Operations Plan, comment 2			see 3/13/09 letter to WMA
Vol. 5, Operations Plan, comment 3	W.S. § 35-11-406(a)(vi)(C) and 103(e)(xvi)		LQD Form 1
	W.S. § 35-11-406(b)(v) and		
Vol. 5, Operations Plan, comment 4	428(a)(iii)(D)		
		Ch.11 Sec. 2(ao) and (aw) and Ch.3	BLM/LQD Locatable Minerals
Vol. 5, Operations Plan, comment 5	W.S. § 35-11-103(e)(xvi)	Sec. 2(i)	MOU sec. D(i)
	W.S. § 35-11-406(a)(vi)(C) and	,	^
Vol. 5, Operations Plan, comment 6	103(e)(xvi)		LQD Form 1
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	W.S. § 35-11-406(b)(ix) and		LQD/WQD Working Agreement
Vol. 5, Operations Plan, comment 8	428(a)(iii)(C)	· · · · · · · · · · · · · · · · · · ·	Sec. III A.

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			LQD/WQD Working Agreement
Vol. 5, Operations Plan, comment 9	W.S. § 35-11-406(b)(ix)	Ch.11 Sec.4(a)(iv)	Sec. III A.
Vol. 5, Operations Plan, comment 10		Ch. 11 Sec. 3(a)(viii)	
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Vol. 5, Operations Plan, comment 12	W.S. § 35-11-428(a)(iii)(C)		
Vol. 5, Operations Plan, comment 13		Ch. 11 Sec. 4(a)(ii) and Sec. 5(a)(i)	
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Vol. 5, Operations Plan, comment 14		Ch. 11 Sec. 4(a)(ii) and Sec. 5(a)(i)	
Vol. 5, Operations Plan, comment 15		Ch. 3 Sec. 2(k)(i)	
Vol. 5, Operations Plan, comment 16	W.S. § 35-11-103(f)(i)		
Vol. 5, Operations Plan, comment 17	W.S. § 35-11-429(a)(iv)	Ch. 11 Sec. 19	
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•	W.S. § 35-11-406(b)(v), (ix) and (xiv)		
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Vol. 5, Operations Plan, comment 24		Ch. 11 Sec. 4(a)(iii)	
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		Ch. 3 Sec. 2(c) and Ch. 11 Sec.	
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Vol. 5, Operations Plan, comment 31		Ch. 1 Sec. 2(ax)	
Vol. 5, Operations Plan, comment 32	N/A Typo	\	

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Vol. 5, Operations Plan, comment 34	W.S. § 35-11-406(b)(xiii)		
Vol. 5, Operations Plan, comment 35	W.S. § 35-11-406(b)(xiii)		
Vol. 5, Operations Plan, comment 36	W.S. § 35-11-406(b)(xiii)		
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Vol. 5, Operations Plan, comment 38	W.S. § 35-11-406(b)(xiii)	Ch. 11 Sec. 4(a)(viii)	
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Vol. 5, Operations Plan, comment 40		Ch. 3 Sec. 2 (d)(viii)	
Vol. 5, Operations Plan, comment 41	W.S. § 35-11-406(b)(xiii)	Ch. 11 Sec. 4(a)(viii)	
Vol. 5, Operations Plan, comment 42	W.S. § 35-11-406(b)(xiii)		
Vol. 5, Operations Plan, comment 43	W.S. § 35-11-103(e)(xvi)	Ch. 1 Sec. 2(ao)	· ·
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Vol. 5, Operations Plan, comment 48	W.S. § 35-11-406(b)(xiii)		GL 5
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Vol. 5, Operations Plan, comment 57	W.S. § 35-11-428(a)(iii)(F)	Ch. 11 Sec. 4(a)(vii)	
	W.S. § 35-11-428(a)(iii)(F) and		
Vol. 5, Operations Plan, comment 58	406(b)(ix)	Ch. 11 Sec. 4(a)(vii)	
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Vol. 5, Operations Plan, comment 60	W.S. § 35-11-428(a)(iii)(C) and (F)	Ch. 11 Sec. 14(a)	
Vol. 5, Operations Plan, comment 61	W.S. § 35-11-428(a)(iii)(F)	Ch. 11 Sec. 9(a)(iv)	

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Vol. 5, Operations Plan, comment 69	W.S. § 35-11-428(a)(i) and (iii)(G)		LQD/WQD Working Agreemen Sec. III A.
Vol. 5, Operations Plan, comment 70		Ch. 11 Sec. 4(a)(iv)	LQD/WQD Working Agreemen Sec. III A.
Vol. 5, Operations Plan, comment 71	W.S. § 35-11-406(b)(v)and 428(a)(iii)(D)	Ch. 11 Sec. 4(a)(i)	
Vol. 5, Operations Plan, comment 72	W.S. § 35-11-428(a)(iii)(C)		
Vol. 5, Operations Plan, comment 73	W.S. § 35-11-428(a)(iii)(C)		
Vol. 5, Operations Plan, comment 74	W.S. § 35-11-406(b)(xvi)		
Vol. 5, Operations Plan, comment 75		Ch. 11 Sec. 3(a)(xi)(A)	
Vol. 5, Operations Plan, comment 76		Ch. 11 Sec. 14(a)	
Vol. 5, Operations Plan, comment 77		Ch. 11 Sec. 15(a)(i)	
Vol. 5, Operations Plan, comment 78		Ch. 11 Sec. 6(d)	
Vol. 5, Operations Plan, comment 79	W.S. § 35-11-428(a)(iii)(F)	Ch. 11 Sec. 4(a)(xx)	
Vol. 5, Operations Plan, comment 80		Ch. 11 Sec. 4(a)(Xii) and (xiv)(B)	
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Vol. 5, Operations Plan, comment 82		Ch. 11 Sec. 1(w) and Sec. 3(a)(xv)	see 3/13/09 letter to WMA
Vol. 5, Operations Plan, comment 83		Ch. 11 Sec. 4(a)(ii)(D)	see 3/13/09 letter to WMA
Vol. 5, Operations Plan, comment 84		Ch. 11 Sec. 3(a)(xii) and Sec. 8(a) and (b)	see 3/13/09 letter to WMA
Vol. 5, Operations Plan, comment 85	W.S. § 35-11-428(a)(iii)(F)	Ch. 11 Sec. 4(a)(xiii)	

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Vol. 5, Operations Plan, comment 86	W.S. § 35-11-428(a)(iii)(F)	Ch. 11 Sec. 4(a)(xiii)	
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		Ch. 11 Sec. 4(a)(ii)(D), 10(a)(iii) and	·
Vol. 5, Operations Plan, comment 88		11(d)	
	·		
Vol. 5, Operations Plan, comment 89	W.S. § 35-11-428(a)(ii)(B)	Ch. 11 Sec. 3(a)(xiii), (xiv) and (xv)	
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Vol. 5, Operations Plan, comment 91	·	Ch. 11 Sec. 6(g)	
Vol. 5, Operations Plan, comment 92		Ch. 11 Sec. 7	
Vol. 5, Operations Plan, comment 93		Ch. 11 Sec. 7(a)(v)	
Vol. 5, Operations Plan, comment 94	W.S. § 35-11-428(a)(iii)(C) and (F)	Ch. 11 Sec. 4(a)(xx)	
Vol. 5, Operations Plan, comment 95	W.S. § 35-11-428(a)(iii)(C) and (F)	Ch. 11 Sec. 4(a)(xx)	
Vol. 5, Operations Plan, comment 96	W.S. § 35-11-428(a)(iii)(C) and (F)		
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Vol. 5, Operations Plan, comment 100	W.S. § 35-11-428(a)(iii)(H)	Chap. 11, Sec. 3(a)(ii)(C) and (I)	
Vol. 5, Operations Plan, comment 101	W.S. § 35-11-428(a)(iii)(H)	Chap. 11, Sec. 4(a)(ii)(D)	
Vol. 5, Operations Plan, comment 102	W.S. § 35-11-428(a)(iii)(H)	Chap. 11, Sec. 4(a)(iv) and (vi)	
Vol. 5, Operations Plan, comment 103	n/a - type or clarification issue	n/a - type or clarification issue	n/a - type or clarification issue
Vol. 5, Operations Plan, comment 104	W.S. § 35-11-428(a)(iii)(H)		GL 4 Sec. III(c)(4)(a)
Vol. 5, Operations Plan, comment 105	W.S. § 35-11-428(a)(iii)(E)		
Vol. 5, Operations Plan, comment 106	n/a - type or clarification issue	n/a - type or clarification issue	n/a - type or clarification issue
Vol. 5, Operations Plan, comment 107	n/a -typo or clarification issue	n/a -typo or clarification issue	n/a -typo or clarification issue

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Vol. 5, Operations Plan, comment 108	W.S. § 35-11-428(a)(iii)(F)	Ch. 11 Sec. 4(a)(xvi)	
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Vol. 5, Operations Plan, comment 111		Chap. 11, Sec. 3(a)(ii)(E) and (F)	
Vol. 5, Operations Plan, comment 112	W.S. § 35-11-428(a)(iii)(C) and (F)	Chap. 2, Sec. 2(b)(iii)(I)	
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Vol. 5, Operations Plan, comment 117	W.S. § 35-11-406 (b)(ix)	Chap. 11, Sec. 4(a)(vii)	
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Vol. 5, Reclamation Plan, comment 2	W.S. § 35-11-406 (b)(ix)		GL 4, Sec. III(D)(b)
Vol. 5, Reclamation Plan, comment 3		Chap. 11, Sec. 5(a)(i) and (ii)	
Vol. 5, Reclamation Plan, comment 4	W.S. § 35-11-428(a)(iii)(H)	Chap. 11, Sec. 5(a)(iv) and (xiii)(A)	
Vol. 5, Reclamation Plan, comment 5	W.S. § 3.5-11-406 (b)(ix)	Chap. 11, Sec. 5(a)(ii)	
Vol. 5, Reclamation Plan, comment 6	W.S. § 35-11-428(a)(iii)(H)	Chap. 11, Sec. 5(a)(ii)(A)	
Vol. 5, Reclamation Plan, comment 7	W.S. § 35-11-428(a)(iii)(H)	Ch. 11 Sec. 5(a)(ii)(D)	GL 4, Sec. III (D)(1)(d)
Vol. 5, Reclamation Plan, comment 8	W.S. § 35-11-406 (b)(ix)		GL 4, Sec. III(D)(d)
Vol. 5, Reclamation Plan, comment 9		Chap. 11, Sec. 8(f)(i) and (ii)	
Vol. 5, Reclamation Plan, comment 10		Chap. 11, Sec. 8(f)(iv)	see 3/13/09 letter to WMA
Vol. 5, Reclamation Plan, comment 11	n/a - typo	n/a - typo	n/a - typo
Vol. 5, Reclamation Plan, comment 12	W.S. § 35-11-406 (b)(iv)	Chap. 11, Sec. 5(a)(ix)	
Vol. 5, Reclamation Plan, comment 13	W.S. § 35-11-406 (b)(iv)	Chap. 11, Sec. 5(a)(iv), (vi), (vii), (ix) and (xi)	

Comment ID	<u>Statute</u>	Rule/Reg	Guideline, etc.
Vol. 5, Reclamation Plan, comment 14	W.S. § 35-11-406 (b)(ix)	Chap. 11, Sec. 5(a)(viii) and (ix)	
Vol. 5, Reclamation Plan, comment 15	W.S. § 35-11-428(a)(iii)(G)	Chap. 3, Sec. 2(d)(iii)	
Vol. 5, Reclamation Plan, comment 16	W.S. § 35-11-428(a)(iii)(G)	Chap. 3, Sec. 2(d)(iii)	
Vol. 5, Reclamation Plan, comment 17	W.S. § 35-11-428(a)(iii)(G)	Chap. 3, Sec. $2(x)(i)(E)$	
Vol. 5, Reclamation Plan, comment 18	W.S. § 35-11-406 (b)(viii)		
Vol. 5, Reclamation Plan, comment 19	W.S. § 35-11-428(a)(iii)(G)		GL 4, Sec. III(D)(2)(g)
Vol. 5, Reclamation Plan, comment 20	W.S. § 35-11-428(a)(iii)(G)		GL 4, Sec. III(D)(2)(g)
Vol. 5, Reclamation Plan, comment 21	n/a - typo/inconsistency`	n/a - typo/inconsistency	n/a - typo/inconsistency
Vol. 5, Reclamation Plan, comment 22	n/a - typo/inconsistency	n/a - typo/inconsistency	n/a - typo/inconsistency
Vol. 5, Reclamation Plan, comment 23	W.S. § 35-11-428(a)(iii)(J)	Chap. 11, Sec. 5(a)(iv) and (xiii)(E)	
Vol. 5, Reclamation Plan, comment 24	W.S. § 35-11-428(a)(iii)(J)	Chap. 11, Sec. 5(a)(xii)	GL 6, Sec. IV(D)
Vol. 5, Reclamation Plan, comment 25	W.S. § 35-11-428(a)(iii)(J)	Chap. 11, Sec. 5(a)(xiii)(c)	
Vol. 5, Reclamation Plan, comment 26	W.S. § 35-11-428(a)(iii)(J)	Chap. 11, Sec. 5(a)(xiii)(C)	GL 4, Sec. III(D)(1)(c)
Vol. 5, Reclamation Plan, comment 27	W.S. § 35-11-428(a)(iii)(G)	Chap. 11, Sec. 5(a)(xii) and Chap. 3, Sec. 2(a)(ii)	
Vol. 5, Reclamation Plan, comment 28	W.S. § 35-11-428(a)(iii)(J)	Chap. 11, Sec. 4, a(v)	
Vol. 5, Reclamation Plan, comment 29	W.S. § 35-11-428(a)(iii)(G)	Chap. 11, Sec. 5, a(v)	
Vol. 5, Reclamation Plan, comment 30	W.S. § 35-11-428(a)(iii)(E), (H), and (J)		GL 4, Sec. III, (D)(1)(g)