

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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December 19, 2013

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

L. Richard Bratton
Gunnison Valley Properties, LLC
234 N. Main St., Suite 3A
Gunnison, CO 81230

Re: Tomichi Pit, New 112c Application, File No. M-2013-081, Completeness Review Letter

Dear Mr. Bratton,

The Division received the new 112c Regular Permit Application for the Tomichi Pit on December 17, 2013. The review for completeness of the application materials began on December 18, 2013. After the completeness review and any necessary additions have been finished, the technical adequacy review will commence.

At this time, within the context of the completeness review, the Division would like to call your attention to several missing and incorrect items. Please provide the required missing or incorrect items, as identified below:

Application Form, Item 9, Location Information

The location entered is incorrect, since the site is located in Range 1 East, not in Range 1 West. The rest of the location information appears to be correct. Please provide a replacement page for the application, with the corrected location information.

Exhibit A, Legal Description, Rule 6.4.1

For the same reason shown in the paragraph above, the legal description in this exhibit is incorrect. The incorrect range (R1W) appears three times in the exhibit. Please provide a corrected boundary description and ensure that all references to the range have been corrected.

[Please note: Map C-1 and Map F of the application both contain the correct location information ("R1E") and therefore do not need to be updated or corrected. Maps C-2 and C-2B do not contain location information, correct or incorrect, but the Division does not feel that they need to be replaced either.]

Exhibit N, Source of Legal Right to Enter, Rule 6.4.14

Please refer to Rule 6.3.7, which has the same requirements as this rule. The exhibit currently includes only the name of the landowner, but additional information is needed. Please provide the missing information or statement, in one of the formats described in the rule.

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Exhibit P, Municipalities Within Two Miles, Rule 6.4.16

The exhibit currently only provides the name of the City of Gunnison, although the address of the general office of the city government is required. Please provide the missing information in an updated exhibit.

Exhibit Q, Notices to County Commissioners and Conservation District, Rule 6.4.17

Due to the incorrect location information cited above, these two notices with accompanying application forms need to be resubmitted and proof of the resubmittals provided to the Division.

Exhibit R, Filing with County Clerk and Recorder, Rule 6.4.18

The permit application packet contains incorrect or missing information, as described in the paragraphs above. Rule 6.4.18 and Rule 1.6.2(1)(c) require that the applicant file the full and correct application packet for public review. The application materials that are currently on file there are incomplete or incorrect. Please file the corrected application materials with the Gunnison County Clerk and Recorder, as before, and provide to the Division another affidavit or equivalent, showing proof of such filing.

Until these items are submitted to the Division, and the application is found complete, no legal notices should be published and no decision date will be set. Please provide two complete sets of the necessary corrected materials, to the Division's Denver office (address shown on letterhead, above).

If you have questions, please contact me at telephone 970-247-5193, or email: bob.oswald@state.co.us.

Sincerely,



Bob Oswald
Environmental Protection Specialist

Ec: Russ Means, DRMS, Grand Junction
Greg Lewicki and Associates

(c:\13-12 docs\Tomichi 112c App incompl/rco)