

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



January 27, 2014

Thomas O'Rourke
O'Rourke Excavating, Inc.
2489 CR 15
South Fork, CO 81154

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

Re: O'Rourke Pit #2 (or O'Rourke South Fork Pit), New 110c Permit Application, File Number M-2014-005, Completeness Review Letter

Dear Mr. O'Rourke,

The Division received the new 110c permit application named above on January 13, 2014. On January 21, 2014 the Division received the application fee, whereupon a copy of the application was sent to the Division's Durango Field Office for the "completeness" review. Initial review of the application form and related exhibit materials shows that there are several items, listed below, that must be submitted before the application may be considered "complete."

Please provide the following items.

Application form, page 7

This page is for the signed and notarized "certification" by the applicant. There were two pages inadvertently inserted between the application's page 6 and page 7, which are two of the pages from the Division's three-page "Structure Agreement" (which belongs elsewhere in the application materials, if there are structures). The agreement form was signed and notarized, but the application form's page 7 was not completed. Please complete a new page 7 of the application form and resubmit it. Please ensure that it is signed, stamped and sealed, and that all blanks, including notarization dates, are properly completed.

Exhibit G, Source of Legal Right to Enter, Rule 6.3.7

The cover page for this exhibit states that a property deed showing ownership is included in the application materials, but there is no deed or other form of demonstrating proof of right to enter. Please provide documentation of the legal right to enter.

Exhibit I, Proof of Filing with County Clerk, Rule 6.3.9

The exhibit materials consist of an uncompleted form, but the materials do not include the proof of actual delivery to or filing by the county clerk and recorder. Please ensure that you provide a full set of all application materials to the clerk and recorder, with instructions for them to be filed (not recorded) for public review. Obtain a signed receipt for the filing, and provide the receipt to the Division. The application materials may be sent by certified mail or hand delivered, but a signed/dated receipt is the important part. [Note: The new materials requested in this letter should also be filed with the clerk.]

Page 1

Exhibit J, Proof of Mailing Notices of Permit Application, Rule 6.3.10

Similar to Exhibit I, this exhibit also consists of uncompleted forms which, by themselves, do not constitute proof of sending notices to the county commissioners or conservation district. Please provide complete packets to both those entities, which are to include the completed notice forms and the required copies of the application. Those packets may be sent by certified mail (with return receipt requested) or hand-delivered. If hand-delivered, please obtain a signed and dated receipt for the notice(s). If mailed, please provide to the Division proof of the mailing of the notice packet(s), in the form of the certified USPS mailing receipt, and, later when the packets are delivered, provide the proof of delivery of both packets, in the form of the signed USPS green card. The proofs of delivery should be submitted as soon as possible, since they will suffice for the completeness review. However, the Division expects that the submittal of proofs of delivery will follow thereafter. [Note: Please ensure that the addressees' names and addresses on the cover letters of the packets are correct.]

Addendum 1, Notice Requirements, Rule 1.6.2(1)(b)

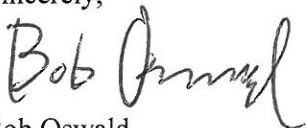
This notice was not included in the application materials. The form for this notice can be found in the on-line application packet, immediately following page 7 of the application form. The "Notice" portion is to be filled out and posted visibly near the entrance to the proposed site. The entire page, including the lower "Certification" portion, must be filled out and submitted to the Division. It certifies that the notice was actually posted at the site. (Including a photograph of the posted notice may be submitted in addition to the completed form.)

Items in the application materials which are not listed above were sufficient for the "completeness" review, and do not need to be resubmitted at this time. All materials to be submitted to the Division should be sent to the Denver office (see address in letterhead, above), and include two complete sets. If the required "completeness" materials are not submitted within 60days of this letter, the application may be denied.

Please note that, upon receipt of the materials listed above, the Division may find the application complete, and you will be informed of the decision date, and notified to publish legal notice and mail notices to adjacent landowners. Do not publish or mail the notices at this time.

If you have questions, please contact me at the Division's Durango field office; telephone 970-247-5193, or email: bob.oswald@state.co.us.

Sincerely,



Bob Oswald
Environmental Protection Specialist

Ec: Russ Means, DRMS, Grand Junction