



COLORADO

Division of Reclamation, Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

July 7, 2016

Randy Schafer
Phillips County
221 S. Interoccean Ave.
Holyoke, CO 80734

**RE: Incomplete Application; 110c to 112c Conversion Application; CN-01
Rafert Pit (Permit No. M-2004-052)**

Dear Mr. Schafer,

On July 6, 2016, the Division of Reclamation, Mining and Safety (Division) received the 110c to 112c Construction Materials Reclamation Permit Conversion Application package for the Rafert Pit, Permit File No. M-2004-052. Review of this application determined the following items must be received before the Division can consider the application as being submitted and the technical review can begin. Please respond to this Incomplete Application Letter with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Response to Incompleteness; M-2004-052".

GENERAL

1. Application materials submitted show an expansion to the existing 110c permit to the east and to the south. Please note that the Board Order for violation number MV-2016-029, requires you to also include the disturbed lands located outside of the 110c permit boundary near the northwest corner of the permit in the proposed 112c boundary. Please explain why these lands are not proposed to be included or submit additional application materials in the form of replacement pages for all maps showing the addition of these lands. Various application pages will also need to be updated to reflect the change in permitted acreage, if applicable.

EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9):

2. Please note that any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this incompleteness letter has been added to it.

EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14):

3. The application did not include the source of legal right to enter. Please provide the source of your legal right to enter the site and conduct mining and reclamation.

EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15):

4. The Applicant identified Judith Rafert Revocable Living Trust as the only adjoining landowner or landowner within 200 feet of the permit boundary other than the other of the affect lands. The application failed to identify any additional owners within 200 feet of the access road as this is a part of the original 110c permit boundary.



Additional adjacent landowners will need to be included in Exhibit O and on the Exhibit C Pre-Mining Plan Map. Please also identify any additional structures within 200 feet and obtain structure agreements if necessary.

Your 110c to 112c Conversion Application will not be considered submitted until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application submitted; the Division will notify you when you should initiate publication of your notice. This notice must be published once within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 10th day after the publication or the next regular business day.

You have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division shall deny the application and terminate the application file.

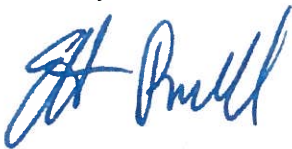
The response due date is September 5, 2016.

Please be aware that the Board Order of Violation No. MV-2016-029 imposed the corrective action that this conversion application must be submitted within 90 days of the mailing date of the Order (mailed on May 12, 2016). Since the application is incomplete at this time and not "filed" (submitted), the response to this letter will need to be submitted on or before August 10, 2016 to comply with the Board Order.

This letter shall not be interpreted to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

CC: Wally Erickson; Division of Reclamation, Mining & Safety