



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

July 15, 2016

Mr. Tom Hatton
Applegate Group
1490 W. 121st Ave, Suite 100
Denver, CO 80234

**Re: Brannan Sand and Gravel Company, L.L.C.; Valley's Edge Resource; File No. M-2016-030;
Receipt of 112 Construction Materials Reclamation Permit Application Package – Incomplete**

Mr. Hatton:

On July 1, 2016, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 112 Construction Materials Reclamation Permit Application package for the Valley's Edge Resource project. Preliminary review of the information received determined the following items must be received before the Division can consider the application as being submitted and technical review can begin:

Application Form

1. Item #9, please update the application form to indicate the range direction for the center of the area where the majority of mining will occur.
2. Please provide documentation authorizing Applegate Group to act on behalf of Brannan Sand and Gravel Company, L.L.C. A signed and notarized letter on company letterhead is adequate documentation.

6.4.3 Exhibit C - Pre-mining and Mining Plan Maps of Affected Lands

3. As required by Rule 1.1(3), affected lands include but shall not be limited to private ways, roads, except those roads which existed prior to the date on which notice was given or the permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation.

Please clarify if the access road is included in the proposed 189.66 permitted acreage and if improvements are necessary on the existing road to support the proposed mining activity. It appears based on aerial photography, the current road alignment does not match the proposed alignment of the access road. New and improved roads must be included as part of the permitted acreage. Please update the permit application and exhibit acreage amounts as needed.

4. Exhibit C-1 Map indicates an overall parcel of 212.04 acres and includes the yard or lease space and the railroad easement located west of the proposed mining operation. Please clarify if the yard or lease space will be associated with the mining operation.



6.4.14 Exhibit N - Source of Legal Right to Enter

5. The permit application states the applicant is under contract to purchase the subject property and under contract for access rights from the current owners and expects to complete these transaction prior to establishing commercial mining activities. Rule 6.3.7 states the basis for legal right of entry to the site and to conduct mining and reclamation may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the Landowner and acknowledged by a Notary Public stating the Operator/Applicant has legal right to enter and mine is also acceptable. Please submit an acceptable form of legal right to enter pursuant to Rule 6.4.14.

6.4.18 Exhibit R - Proof of Filing with County Clerk

6. Please provide an affidavit or receipt indicating the date on which the revised application documents were placed with the Weld County Clerk and Recorder in response to this letter.

The 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, after the Division considers the application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your application is considered submitted. We will notify you when you should initiate republication of your notice. The final date for receiving comments is the twentieth (20th) day after the fourth publication or the next regular business day.

You have sixty (60) days from the date of this letter to submit all necessary documents the Office needs for the 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 Office, the Office shall deny the application and terminate the application file.

The response due date is September 13, 2016.

This letter shall not be construed to mean 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.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Cc: Wally Erickson; Division of Reclamation, Mining & Safety
Alex Schatz; Brannan Sand and Gravel Company, L.L.C.