



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

December 20, 2016

Ben Langenfeld
Greg Lewicki and Associates
11541 Warrington Court
Parker CO, 80138

RE: Ayers Pit, M-1981-004, Conversion Application (CN01), Notice of Incomplete Application

Dear Mr. Langenfeld,

On December 15, 2016 the Colorado Division of Reclamation Mining and Safety (Division/Office) received a conversion application to the Ayers Pit, DRMS File No. M-1981-004, operated by Dilley Sand and Gravel, LLC. The Division finds the CN01 application incomplete for the purposes of considering the application filed in accordance with Rule 1.4. In order to make the application complete, please address the following issues:

Application Form:

1. Please submit one copy of the completed application form, an additional copy of Exhibits A-S as applicable, another copy of Addendum 1, and a copy of the appropriate sections to address Rule 6.5.
2. Item No. 3 on the application form indicates the existing permit acreage is 6.05 acres. The currently approved permit acreage for the site is 9.8 acres. Please review and revise the application form to reflect the currently approved acreage and the expansion area acreage.
3. Based on the Exhibit B Map submitted with the application, the center of the permit area is located in the SW1/4, SW1/4, of Section 1, Township 4 North, Range 57 West of the 6th Principal Meridian. This is inconsistent with the information provided for Item No. 9 on the application form. Please revised Item No. 9 of the application with the correct location information.

Rule 6.4.1, Exhibit A – Legal Description

4. Please update the legal description of the permit boundary to encompass the currently approved permit acreage and the proposed expansion area.

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

5. Exhibit N submitted indicates the property is owned by an affiliate of the applicant/operator and that a statement confirming the applicant's right of entry is attached. However, this "statement"



was not attached or included with the CN01 submittal. Please submit the basis of the operator/applicant's legal right to enter and initiate a mining operation on the proposed affected land. The types of acceptable documentation of legal right to enter is listed in Rule 6.3.7.

Rule 1.6.2(1)(b) – Notice Sign

6. The affidavit provided with the application that the required notification sign was posted was not signed as required by Rule 1.6.2(1)(b). Also, the wrong Township is listed on the public notice. Please correct the sign if necessary and please submit a signed affidavit that the required sign has been posted at the location of the propose mine site.

In accordance with Rule 1.4.1(8), the applicant has sixty days from the date of this letter (until February 18, 2017) to address the items listed above so that the Division can consider the application complete and filed. If at the end of the sixty (60) day period, the application has not been determined to be filed with the Office, the Office may deny the application and terminate the application file. Please ensure any revised documents discussed above are updated with the copy of the application filed at the county clerk and recorder's office. Please submit documentation that the updated information has been provided to the County Clerk and Recorder.

If you have any questions feel free to contact me at (303) 866-3567, extension 8120.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert", with a stylized flourish at the end.

Jared Ebert
Environmental Protection Specialist III