



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

September 5, 2017

Mr. Jared Drains  
Applegate Group, Inc.  
1490 W. 121<sup>st</sup> Ave., Suite 100  
Denver, CO 80234

**Re: Martin Marietta Materials, Inc.; Duckworth Pit; File No. M-2003-091;  
112c Permit Amendment (AM-01) Application Third Adequacy Review**

Mr. Drains:

The Division of Reclamation, Mining and Safety (Division/DRMS) reviewed the content of the Martin Marietta Materials, Inc. 112c permit amendment (AM-01) application second adequacy response dated August 22, 2017 for the Duckworth Pit, File No. M-2003-091 and submits the following comments. The Division is required to make an approval or denial decision no later than September 22, 2017 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

**1.6 Public Notice**

1. As required by Rule 1.6.2(e), please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected lands, including all easement holders located on the affected land and within 200 feet of the boundary of the affected lands. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.
  - a. The Division did not receive proof of notice to all owners of record of surface and mineral rights of the affected land pursuant to Rule 1.6.2(e)(i).
    - i. Martin Marietta Materials, Inc.

Please provide the Division with proof of notice and allow 20 days from the date of notice for the landowner to submit comments to the Division as required by Rule 1.6.2(f). Alternatively, the Applicant may provide a signed letter on Martin Marietta



Materials, Inc. letterhead stating they are aware of the permit amendment application and have no objection to the application.

**6.4.7 Exhibit G - Water Information**

2. The Applicant has not submitted the groundwater mitigation measures in response to Items #6 and #7 from the Division's first adequacy letter dated April 14, 2017.

**6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder**

3. Please provided an affidavit or receipt indicating the date on which the revised application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

Please be advised the Duckworth Pit amendment application may be deemed inadequate, and the application may be denied on September 22, 2017, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by September 22, 2017 and request for additional time. This must be received no later than the deadline date.

If you have any questions, please contact me at [peter.hays@state.co.us](mailto:peter.hays@state.co.us) or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays  
Environmental Protection Specialist

Ec: Wally Erickson; Division of Reclamation, Mining & Safety  
Julie Mikulas; Martin Marietta Materials, Inc.