



COLORADO

Division of Reclamation,
Mining and Safety

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

September 8, 2017

Bill Tezak
Colorado Quarries Inc
270 S 15th St
Canon City, CO 81212

**Re: Incompleteness Notice, Amendment (AM-01) Application
Red Jasper Granite, Permit No. M-1982-200**

Dear Mr. Tezak:

On August 28, 2017, the Division received the 110c Construction Materials Reclamation Permit Amendment Application (AM-01) package for the Red Jasper Granite, Permit File No. M-1982-200. 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 these incompleteness issues with a letter summarizing each response, to the numbered items below, in a cover letter titled "Incompleteness Response AM-01, M-1982-200".

APPLICATION FORM

1. On the first page of the application form, the type of organization (question numbered 1.1) is identified as Red Jasper Granite and operation name (question numbered 2) is blank. Please revise these to correctly identify the type of organization and the operation's name, and submit a replacement page one of the application form.
2. On the first page of the application form, the type and quantity of incidental commodities to be mined (question numbered 5.1) and the anticipated end use of the incidental commodities (question numbered 5.2) are blank. Please revise these responses to correctly identify the type, quantity, and end use of any incidental commodities to be mined, and submit a replacement page one of the application form. If no incidental commodities will be mined, please indicate "N/A" on 5.1 and 5.2.
3. On the second page of the application form, the contact information for the Inspection Contact nor Federal Landowner was identified. Please update these fields and submit a replacement page two of the application form.
4. On the third page of the application form, the primary mine entrance location (question numbered 11) provided latitude and longitude coordinates which does not accurately depict the mine entrance. Upon review of AM-01 maps, the entrances to the site are located in the proposed southern portion of permit boundary, while the entrance coordinates provided identify an area in the northern portion of the site. Please revise the primary mine entrance coordinates and submit a replacement page three of the application form.



5. Responsibility #10 on page five of the application form has been initialed. This is likely in error as the applicant appears to not be a joint venture/partnership business. Please submit a new page five without responsibility #10 initialed.

EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7):

6. The application identifies the US Bureau of Land Management (BLM) as the owner of the surface and subsurface of the affected land. The application did not provide an Exhibit G but references the original 1982 exhibits. The original application, including the Exhibit G narrative and a letter from the access road's owner, and follow-up letter from the BLM appears to have satisfied the legal right to enter requirements at that time for the applicant, Marvin E. Brown. The original application was transferred to Colorado Quarries on November 6, 1987 however, new legal right to enter documentation was not submitted. In accordance with Rule 6.3.7, please provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation.
7. Within the original application, the Owners of Record for the affected land was identified as the BLM and the Owners of Record for "Access and Right-of-way" was identified as a Mary Hanna Frost. As discussed above, Exhibit G included a letter from Mrs. Frost granting Marvin E. Brown access to the site. The mining plan of the original application discusses that all roads on BLM and private property leading to the quarry would incorporate water dips, turnouts, ditches, culverts, and minor maintenance as needed. The reclamation plan of the original application discusses that the road from the quarry down to the Guffy Road will be cleared of all culverts after mining and would be scarified and planted with the prescribed seed mix except the shrub component. In addition, upon review of the permit documents, there has been a situation where the landowner of the access road, blocked the Division's inspector from leaving the site. It appears the sole access road to the quarry is an integral part of the permit whereby it is incorporated into the mining and reclamation plans. It appears this access road would need to be included as affected land, thereby giving the State jurisdiction of these lands and the right to enter. Please clarify.

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

8. Please provide the return receipt (green card) for the certified mailing to the County Clerk.
9. Additionally, 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 notice has been added to it.

EXHIBIT J - Proof of Mailing Notices to Board of County Commissioners and Soil Conservation District (Rule 6.3.10):

10. Please provide the return receipt for the certified mailing to the Board of County Commissioners.
11. Please provide the return receipt for the certified mailing to the Teller-Park Conservation District. Additionally, the certified mail receipt for the Soil Conservation District does not identify an address to

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which it was mailed. If the return receipt does not identify which address the notice was mailed to, please provide proof of mailing a new notice to the Teller-Park Conservation District.

Your 110c Amendment 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 30 days from the date of receipt of all of the requested information. The Division will formally notify you when you should initiate publication of your notice. If you have already published notice you will need to republish notice, but only after the Division considers the application submitted and notifies you.

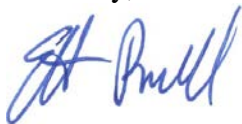
You have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division shall deny the amendment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

The response due date is November 7, 2017.

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 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