



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

1313 Sherman Street, Room 215
Denver, CO 80203

November 14, 2017

Katy Bilisoly
Applegate Group, Inc.
1490 West 121st Ave., Suite 100
Denver, CO 80234

RE: Leyden Pit; DRMS File No. M-1983-139; Receipt of Construction Material Regular (112) Operation Reclamation Permit Amendment Application (AM01)

Dear Ms. Bilisoly,

On November 8, 2017, the Division of Reclamation, Mining and Safety (Division) received your Construction Material Regular (112) Operation Reclamation Permit Amendment Application package for the Leyden Pit, File No. M-1983-139. Preliminary review of the application package determined that the following items must be received before the Division can consider your application as being submitted and technical review can begin:

Application Form

1. The Application Form (page 1) lists 'Pioneer Sand Company, Inc.' as the Permittee. The City of Arvada is the Permittee for the Leyden Pit. Please submit a replacement page with the correct Permittee listed.
2. The Application Form (page 1) lists the permitted acreage at 318 acres. According to the Division's records, the Leyden Pit is permitted for 320 acres. Please submit a replacement page with the correct permitted acreage listed.
3. The Amendment Application was submitted by Applegate Group, Inc. Please provide a letter from the City of Arvada which authorizes Applegate Group, Inc. to conduct permitting on behalf of the Permittee.

6.4.14 Exhibit N – Source of Legal Right to Enter

4. The Amendment Application refers to the original application for the information related to the Applicant's source of legal right to enter the Leyden Pit for the purpose of mining and reclamation. The Reclamation Permit for the Leyden Pit has been previously transferred two times. Therefore, the source of legal right of entry contained in the original application is no longer applicable. Please submit an updated legal right of entry. This may be a copy of an



access lease, deed, abstract of title, or a current tax receipt. A signed statement by the landowner and acknowledged by a Notary Public stating that the Operator has a legal right to enter the mine is also acceptable.

6.4.15 Exhibit O – Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

5. The Amendment Application refers to the original application for the information related to surface and mineral ownership. The Reclamation Permit for the Leyden Pit has been previously transferred two times. Therefore, the surface and mineral ownership information contained in the original application is no longer applicable. Please submit a revised Exhibit O with updated surface and mineral ownership information.

Your 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 20th day after the fourth publication or the next regular business day.

You have sixty (60) days from the above date to submit all necessary documents that the Office 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 Office, the Office shall deny the application and terminate the application file.

This letter shall not be construed 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 (303)866-3567 x8116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike C.", is positioned above the typed name of the sender.

Michael A. Cunningham
Environmental Protection Specialist

CC: Wally Erickson, DRMS