



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

1313 Sherman Street, Room 215  
Denver, CO 80203

September 26, 2018

Mr. Ben Langenfeld  
Greg Lewicki and Associates  
3375 W. Powers Circle  
Littleton, CO 80123

**Re: Empire Aggregate, Inc.; Douglas Mountain Mine; M-2018-016; Incomplete Submittal of 112 Construction Materials Reclamation Permit Amendment Application Package (AM-01)**

Mr. Langenfeld,

On September 18, 2018, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 112 Construction Materials Reclamation Permit Amendment Application (AM-01) package for the Douglas Mountain Mine. Preliminary review of the information received determined the following items must be received before the Division can consider the amendment application as being submitted and technical review can begin:

**Amendment Application Form**

1. Please provide a brief narrative describing the proposed changes to the Douglas Mountain Mine application in Item #16 of the amendment application form.
2. The Division requires the permit application list the exact company name registered with the Colorado Secretary of State office, "Empire Aggregate, Inc.". Please revise the company name on the Company name and notary sections of the certification page, Page 8 of the application form, to indicate "Empire Aggregate, Inc.".
3. The Division requires the Applicant to provide documentation giving the signer, Christopher Townsend, the authority to sign on behalf of the company, Empire Aggregate, Inc. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement or a notarized statement on company letterhead.
4. Please provide documentation authorizing Greg Lewicki and Associates to act on behalf of Empire Aggregate, Inc. for the Douglas Mountain Mine amendment application. A signed and notarized letter on company letterhead is adequate documentation.



**Introduction**

5. On page i-1, Introduction, of the amendment application the Applicant indicates the total permit area is 68.2 acres. The Applicant indicates 68.1 permitted acres on Item #3 - permitted acreage on the amendment application form. Please explain this discrepancy and revise the amendment application accordingly.

**6.4.1 Exhibit A - Legal Description**

6. On page A-1, Exhibit A, of the amendment application the Applicant indicates the total permit area is 91.5 acres. The Applicant indicates 68.1 permitted acres on Item #3 - permitted acreage on the amendment application form. Please explain this discrepancy and revise the amendment application accordingly.
7. On page A-2, Exhibit A, of the amendment application the Applicant indicates the total permit area is 68.2 acres. The Applicant indicates 68.1 permitted acres on Item #3 - permitted acreage on the amendment application form. Please explain this discrepancy and revise the amendment application accordingly.

**6.4.4 Exhibit D - Mining Plan**

8. On page D-7, Exhibit D, of the amendment application the Applicant states twelve inches of topsoil across 68.2 acres of disturbance will generate roughly 11,000 CY of topsoil. The Applicant indicates 68.1 permitted acres on Item #3 - permitted acreage on the amendment application form. Please explain this discrepancy and revise the amendment application accordingly.

**6.4.5 Exhibit E - Reclamation Plan**

9. On page E-1, Exhibit E, of the amendment application the Applicant states the total disturbed area to be reclaimed under this permit is 77.5 acres. The Applicant indicates 68.1 permitted acres on Item #3 - permitted acreage on the amendment application form. Please explain this discrepancy and revise the amendment application accordingly.
10. On page E-1, Table E-1 Reclamation Areas, of the amendment application the Applicant indicates the total permit area is 68.2 acres. The Applicant indicates 68.1 permitted acres on Item #3 - permitted acreage on the amendment application form. Please explain this discrepancy and revise the amendment application accordingly.

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

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

September 26, 2018

The 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 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 amendment application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your amendment 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 (20<sup>th</sup>) 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 amendment application to be considered filed. If, at the end of the sixty day period, the amendment application has not been determined to be filed with the Office, the Office shall deny the amendment application and terminate the amendment application file.

**The response due date is November 25, 2018.**

This letter shall not be construed to mean there are no other technical deficiencies in your amendment application. The Division will review your amendment 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

Ec: Michael Cunningham; Division of Reclamation, Mining & Safety