



## COLORADO

Division of Reclamation,  
Mining and Safety

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

November 9, 2018

James MacDonald  
APC Southern Construction Co. LLC  
14802 West 44<sup>th</sup> Ave.  
Golden, CO 80403

**RE: Incompleteness Notice; 112 Construction Materials Application;  
Fransciscotti Pit #2; File No. M-2018-058**

Dear Mr. MacDonald,

On October 30, 2018, the Division of Reclamation, Mining and Safety (Division) received the 112 Construction Materials Reclamation Permit Application for the Fransciscotti Pit #2, File No. M-2018-058. Preliminary review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Incompleteness Response; M-2018-058".

### **APPLICATION FORM**

1. On Page 3 question 11 of the application, the Applicant/Operator has been filled out but the Permitting and Inspection Contacts were left blank. If the contact information for these two items are the same as the Applicant/Operator please indicate so by filling in "Same As Above" or provide the additional contact information if different. Please submit a new page 3 with the updated information.
2. On pages 5 and 6 of the application, the Applicant did not initial the requirements in the Responsibilities as a Permittee section of the application form. Please complete the section and submit original copies of the revised application form pages.
3. The Division requires the Applicant to provide documentation giving the signer, James MacDonald, the authority to sign on behalf of the company, APC Southern Construction Co LLC. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement of a notarized statement on company letterhead.
4. On page 1, Item 1.1 of the application form the Applicant indicated the type of organization as a Limited Liability Corporation (LLC). Please provide the corporate seal on page 8 of the application form, if the corporation does not have a seal please indicate "No Seal".

### **NOTICE SIGNS**

5. In accordance with Rule 1.6.2(1)(b), prior to submitting an application post notice signs at the mine site. The Applicant must submit a signed affidavit indicating that notice signs were posted at the mine site of sufficient



size and number clearly identifying the site as the location of a proposed mining operation. Please provide a photograph or a detailed description of the posted notice signs along with the signed affidavit.

**EXHIBIT A – Legal Description (Rule 6.4.1):**

6. The main entrance to the mine site shall be located based on a USGS Topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The Operator will need to specify coordinates of latitude and longitude in degrees, minutes, and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g. latitude 37.12345 N, longitude 104.45678 W). The Applicant did not provide the main entrance location to the proposed mine site. Please revise Exhibit A to indicate the main entrance(s) to the proposed mine site.

**EXHIBIT R - Proof of Filing with County Clerk (Rule 6.4.18):**

7. 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.

Your 112 Application will not be considered submitted/filed 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 and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application submitted; the Division will notify you when you should initiate publication of your notice. This notice must be published once a week for four (4) consecutive weeks, starting ten (10) days of the date your application is considered submitted. The final date for receiving comments is the twentieth (20<sup>th</sup>) day after the fourth publication or the next regular business day.

Pursuant to Rule 1.4.1(8), 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 application and terminate the application file.

**The response to this Incompleteness Notice is due on or before January 8, 2019.**

This letter shall not be interpreted to mean that there are no other completeness issues or 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.

Mr. MacDonald  
November 9, 2018  
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If you need additional information or 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 x8114**, or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg". The signature is fluid and cursive, with the first name "Patrick" and the last name "Lennberg" clearly distinguishable.

Patrick Lennberg  
Environmental Protection Specialist

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