



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

1313 Sherman Street, Room 215
Denver, CO 80203

December 21, 2018

Mr. Chris Axness
Black Mountain Sand DJ LLC
420 Commerce Street, Suite 500
Fort Worth, TX 76102

Re: Black Mountain Sand DJ LLC; Lost Creek Mine; M-2018-051; Second Incomplete Submittal of 112 Construction Materials Reclamation Permit Application Package

Mr. Axness,

On December 14, 2018, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 112 Construction Materials Reclamation Permit Application incompleteness response package for the Lost Creek Mine. Review of the information received determined the following items must be received before the Division can consider the application as being submitted and technical review can begin:

The Applicant stated several "wet signature" pages were included in the response. The Division did not receive a revised Page 8 of the application form to address Items #8 and #9 in the Division's October 16, 2018 letter. Please submit a revised copy of the application form page to address the items listed below. All other incompleteness items were address satisfactorily by the Applicant.

Application Form

1. The Division requires the permit application list the exact company name registered with the Colorado Secretary of State office, "Black Mountain Sand DJ LLC". Please revise the company name on the Company name and notary sections of the certification page, Page 8 of the application form, to indicate "Black Mountain Sand DJ LLC", instead of "Black Mountain Sand".
2. 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 corporation seal on Page 8 of the application form, if the corporation does not have a seal please indicate "no seal".

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

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



December 21, 2018

The 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 twentieth (20th) 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 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.

The response due date is February 19, 2019.

This letter shall not be construed to mean 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.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

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