



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

1313 Sherman Street, Room 215
Denver, CO 80203

March 11, 2019

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; Third Incomplete
Submittal of 112 Construction Materials Reclamation Permit Application Package**

Mr. Axness,

On February 19, 2019, the Division of Reclamation, Mining and Safety (Division/DRMS) received the superseding 112 Construction Materials Reclamation Permit Application package for the Lost Creek Mine. Preliminary 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:

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 notary section of the certification page, Page 8 of the application form, to indicate "Black Mountain Sand DJ LLC", instead of "Black Mountain Sand".

6.4.17 Exhibit Q - Proof of Mailing Notices to the Board of County Commissioners

2. The Applicant states proof of notice to Weld County Commissioners is attached in the permit application. The Division received a copy of the Notice letter without proof the permit application was received by the Weld County Commissioners. Typically, applicants provide the Division a copy of the notice letter stamped as received by the Board of County Commissioners or tracking verification from USPS.

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

3. The Applicant states proof of filing with the Weld County Clerk and Recorder is attached. The Division received a letter signed by Mr. Axness to the Weld County Clerk and Recorder's Office. Pursuant to Rule 6.4.18, please provide an **affidavit or receipt**



indicating the date on which the superseding permit application documents were placed with the Weld County Clerk and Recorder and the application documents in response to this letter.

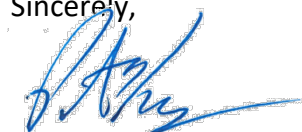
The application will not be considered submitted until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will 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 twenty-one (21) 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 twenty-one day period, the application has not been determined to be filed with the Office, the Office may deny the application and terminate the application file.

The response due date is April 1, 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
Mathew Hazleton; TRC Environmental Corporation