

February 26, 2019

Robert Christian  
Christian Construction Inc.  
16230 Reata Rd.  
Peyton, CO 80831

**Re: Incompleteness Notice, 112c Construction Materials Amendment Application (AM-02)  
Elbert County Pit, Permit No. M-1985-129**

Mr. Christian:

On February 20, 2019, the Division of Reclamation, Mining and Safety (Division) received your 112c Construction Materials Amendment Application package for the Elbert County Pit, Permit No. M-1985-129. Preliminary review of the information received determined that the following items must be received before the Division can consider your application as being submitted/filed and technical review can begin. Please respond to this Incompleteness Notice with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Incompleteness Notice: M-1985-129".

**APPLICATION FORM:**

1. Item 1.1 On page one the Type of organization was left blank. Please complete the type of organization and submit a replacement page one of the application form.
2. Item 3 In July 2007 the Division approved an Acreage Release request (AR-01) that included the haul road consisting of 4.6 acres. The land owner at that time, M&M Land Company, requested that the haul road remain after reclamation was completed in a letter to the Division dated June 13, 2007. The Division is requesting that 1.5 acres of the haul road, determined using Google Earth Pro, be included in the AM-02 application to ensure compliance with Rule 1.1(3) "Affected Lands" during life of mine. A new letter from the current land owner, Danny Paul Ardery Estate Trust, requesting the haul road to remain after reclamation would be needed to avoid the Operator being bonded for the reclamation of the haul road. All Pre-Mining, Mining, and Reclamation maps will need to be updated to reflect the haul road being added to the permit area. Please update the permitted acreage and submit a replacement page one of the application form.
3. Items 5.1/5.3 On page one the incidental commodities to be mined was incorrectly filled out. Please indicate the type and volume of incidental commodities to be mined (5.1) or if no incidental commodities will be mined, please indicate "N/A" on 5.1 and "N/A" on the associated line on 5.3. Please submit a replacement page one of the application form.
4. Item 10 On page three the mine entrance location given in decimal degrees is not accurate and do not match the mine entrance coordinates given in Exhibit A. Please update the information with the coordinates given in Exhibit A and submit a replacement page three of the application form.



5. Responsibilities. Question #10 on page five is initialed, since the permittee is not a partnership or joint venture the question does not require initials. Please indicate "N/A" for the question and submit a replacement page five of the application form.
6. Certification. A review of the Colorado Secretary of State website indicates the applicant is a Corporation. Please provide the corporate seal on page seven of the application form, if the corporation does not have a seal please indicate "No Seal". Please update and submit a new page seven.

**EXHIBIT C – Pre-Mining and Mining Plan Maps (Rule 6.4.3):**

7. There is a fiber optic line that located along the west side of County Road 25 adjacent to the permit area is not indicated on the map. Please revise the map to show the fiber optic line and the name of the owner.
8. In the General Notes section, number 2, the proposed site acreage is inconsistent with the permit application acreage. Please revise the note or provide an explanation for the difference.
9. The applicant is reminded that pursuant to Rule 6.2.1 (2) (e) maps must be appropriate to clearly show all elements that are required to be delineated by the Act and Rules. Please consider resizing maps from full size to 8-1/2 x 14 rather than 8-1/2 x 11 where the scale and some details are compromised.

Your 112c Amendment Application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review. **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 for four consecutive weeks, starting within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 20th day after the last 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 may deny the application and terminate the application file. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Divisions consideration of extending the deadline.

**The response to this Incompleteness Notice is due on or before April 27, 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.

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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 stylized with a large, looped "L" and a cursive "G".

Patrick Lennberg  
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS