



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215

Denver, Colorado 80203

March 26, 2019

John Higgins
Smithburg Family Partnership, LLLP
27451 County Road 3H
Genoa, CO 80818

**RE: Adequacy Review #2; 112 Construction Materials Amendment Application (AM-02);
Higgins Pit II; Permit No. M-2012-013**

Dear Mr. Higgins,

On March 22, 2019, the Division of Reclamation, Mining and Safety (Division) received a copy of the Publisher's Affidavit verifying publication of your notice in the local newspaper for four consecutive weeks for Amendment Application 02 (AM-02) for the Higgins Pit II, M-201-013. The letter did not contain a copy of the publication. A quick internet search returned the following notice as being published:

*"The proposed mine is known as the Higgins Pit II, and is located at or near section 9, Township 9, Range 55, 6th Prime Meridian. The proposed date of commencement is February 21, 2019, and the proposed date of completion is February 20, 2020. The proposed future use of the land is Pasture Land. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303 866-3567), or at the Lincoln County Clerk and Recorder's office; 103 3rd Ave. Hugo, Co., or the above-named applicant. Comments must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on February 6, 2019
First Publication February 21, 2019
Final Publication March 14, 2019
In The Limon Leader
Legal No. 67"*

The publication above contains an error in the date that public comments are due. As indicated above, the date that public comments are due is February 6, 2019 when the actual public comment period ends 20 days after the last date of publication, which in this case would be 20 days after March 14, 2019 for a date of April 3, 2019.

Pursuant to Rule 1.6.6 the Applicant shall be required to publish a new notice of the publication and all applicable deadlines will begin to run anew.

Please provide proof of the local newspaper publication as required by Rule 1.6.5. Include a copy of the newspaper publication, for the Division's review, that includes the date published, and a notarized statement from the newspaper.

The decision deadline on this application is May 13, 2019. Depending on when then the Applicant is able to republish and accommodate the 20 day public comment period the Applicant may have to request an extension in



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the decision date in writing. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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.

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