



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

May 3, 2019

Ronald Speers
Duraroot, LLC
810 Brickyard Cir. #4
Golden, CO 80401

**Re: Arnolds Custom Seeding, LLC; Arnold Pit No. 1; File No. M-2016-022; Incomplete
Submittal of 110 to 112 Construction Materials Reclamation Permit Conversion
Application Package (CN-01)**

Mr. Speers:

On April 22, 2019, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 110 to 112 Construction Materials Reclamation Permit Conversion Application package for the Arnold Pit No. 1, File No. M-2016-022. 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 application for list the exact company name registered with the Colorado Secretary of State office, "Arnolds Custom Seeding, LLC". Please revise the company name on the application form including; Page 1, Item No. 1 and the notary section on page 7, to indicate "Arnolds Custom Seeding, LLC", instead of "Arnolds Custom Seeding LLC".
2. On Page 1, Item 1.1 on the application form, the Applicant indicated the type of organization (corporation, partnership, etc.) as Arnold Pit No. 1. The Applicant, Arnolds Custom Seeding, LLC, is listed as a Limited Liability Company with the Colorado Secretary of State. Please update the application form to indicate the type of organization as a Limited Liability Company.
3. On Page 2, Item 9 – Location Information section on the application form, please indicate the quarter/quarter section location for the center of the area where the majority of mining will occur for the proposed mining operation.
4. The Division requires the Applicant to provide documentation giving the signer, Tyrun Huwa, the authority to sign on behalf of the company. The authorization document may be in the



form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement or a notarized statement on company letterhead.

5. The conversion application was prepared by Duraroot, LLC. Please provide documentation authorizing Duraroot, LLC to act on behalf of Arnolds Custom Seeding, LLC. A signed and notarized letter on company letterhead is adequate documentation.

6.4.1 Exhibit A - Legal Description and Location Map

6. Pursuant to Rule 6.4.1, the legal description must identify the affected land, specify affected areas and be adequate to field locate the property. The description shall be by township, range, and section, to at least the nearest quarter-quarter section. The legal description submitted with the conversion application did not provide the quarter-quarter section information. Please revised the legal description to provide the quarter-quarter section location of the proposed mine site.

6.4.3 Exhibit C - Pre-mining and Mining Plan Maps of Affected Lands

7. Pursuant to Rule 1.11.2(3)(b), the conversion application shall show the area mined or disturbed and the area reclaimed since the original permit application. The original 9.9 acre permit has not been released of reclamation responsibility by the Division and therefore must be included in the revised 160 acre permit boundary in the conversion application. Please revise the Exhibit C maps to indicate the entire 160 acre proposed permit boundary and the approved 9.9 acre permit boundary.

6.4.6 Exhibit F - Reclamation Plan Map

8. Pursuant to Rule 1.11.2(3)(b), the conversion application shall show the area mined or disturbed and the area reclaimed since the original permit application. The original 9.9 acre permit has not been released of reclamation responsibility by the Division and therefore must be included in the revised 160 acre permit boundary in the conversion application. Please revise the Exhibit F map to indicate the entire 160 acre proposed permit boundary and the approved 9.9 acre permit boundary.

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

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

The conversion 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 conversion application submitted. This notice must be published once a week for four (4) consecutive

weeks, starting within ten (10) days of the date your conversion 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 conversion application to be considered filed. If, at the end of the sixty day period, the conversion application has not been determined to be filed with the Office, the Office shall deny the conversion application and terminate the conversion application file.

The response due date is July 2, 2019.

This letter shall not be construed to mean that 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.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

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