



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

May 20, 2019

Dawn Richardson  
Richardson Construction Co. LLC  
3940 C.R. 119  
Hesperus, CO 81326

Joe Kozimor  
Consolidated Constructors, Inc.  
P.O. Box 629  
Farmington, NM 87499

**Re: Amzak Pit, Permit No. M-2003-003, Succession of Operator Reconsideration of Denial, SO-02**

Dear Mrs. Richardson and Mr. Kozimor,

On December 7, 2018 the Division of Reclamation, Mining and Safety (Division) denied the Application for Transfer of Mineral Permit and Succession of Operator, SO-02. Since the denial of SO-02 additional relevant and important factors have been brought to the Division's attention. Most pressing is the Division received notification from the financial warrantor that the existing financial warranty has been cancelled and not replaced. The effective cancellation date of the existing financial warranty is May 31, 2019.

In an effort to resolve this matter, and based on the additional information available to the Division and prospective Operator's expressed desire to transfer this permit, the Division has reconsidered its decision to Deny SO-02. Transfer of this permit to the prospective Operator Richardson Construction and Kemble Excavation Joint Venture is still an option, however, the prospective Operator must submit a copy of the correct signed and notarized Application for Transfer of Mineral Permit and Succession of Operator as well as a valid financial warranty in the amount of \$133,165.00 pursuant to C.R.S. 34-32.5-119. The application and financial warranty must be submitted no later than the close of business on **Friday May 31, 2019**.

In addition to timely submittal of the application and financial warranty, within 30 days of the approved SO the prospective Operator must also submit signed structure agreements or engineering demonstrations for all permanent man-made structures within 200 ft of the affected lands as required by Construction Materials Rule 6.4.19



If the financial warranty is not replaced this matter will be noticed and scheduled to appear before the Mined Land Reclamation Board for failure to maintain a financial warranty in good standing pursuant to C.R.S. 34-32.5-118(c). This enforcement action could lead to revocation of the permit and forfeiture of the existing financial warranty. The Division is interested in working with the prospective Operator to avoid revocation of this permit and forfeiture of the financial warranty, if possible.

Please contact the Division's Bonding Specialist, Barbara Coria at 303-866-3567 Ext. 8148 to obtain the correct paperwork to ensure the new financial warranty is submitted in an acceptable form. For all other questions, comments or concerns please feel free to contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at [lucas.west@state.co.us](mailto:lucas.west@state.co.us).

Sincerely,



**Lucas West**

Environmental Protection Specialist  
Division of Reclamation, Mining and Safety

Cc: Travis Marshall, Senior Environmental Protection Specialist  
Jeff Fugate, AGO for DRMS

Ec: Craig Kemble, Kemble Excavation LLC  
Bob Johnson, Durango PTR Properties LLC (Landowner)