



May 21, 2019

John Kuijvenhoven  
6124 County Road 5  
Ridgway, CO 81432

**Re: Horsefly Rock Source, File No. M-2019-010, Construction Materials Limited Impact (110c) Notice of Incompleteness**

Mr. Kuijvenhoven,

On May 14, 2019 the Division of Reclamation, Mining and Safety (Division), received your completeness response to address the items outlined in the March 5, 2019 Notice of Incompleteness for the above listed Construction Materials Limited Impact 110c Permit Application. Preliminary review of the information received determined that your application does not meet the requirements of Construction Materials Rule 6.3 and cannot be considered complete and filed pursuant to Construction Materials Rule 1.4.2(2)(b)(ii). The following items must be addressed to meet the requirements of Rule 6.3 before the Division can consider your application filed and the technical review can begin.

1. **6.2.1 General Requirements:** All maps that have been submitted do not meet the general requirements as outlined in Rule 6.2.1 (2) (a-e). Please re-submit all maps containing the minimum required information as well as all required information of the specific maps as it pertains to their specific Exhibit.
2. **6.3.1 Exhibit A- Legal Description and Location Map:** The legal description included in Exhibit A appears to be the legal description for the entire ranch containing 491 Acres. Please submit a new Exhibit A addressing the legal description of the Affected Lands in one of the approved formats outlined in Rule 6.3.1(1) also including the location of the entrance to the mine site as required by Rule 6.3.1(2).

The map submitted as Map B1 was at the correct scale and does include a list off all applicable neighbors. This however does not meet the requirements of Rule 6.3.1(3). Please submit a new location map, included with Exhibit A and labeled as Exhibit A Location Map, showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation. Names of all immediately adjacent surface owners of record shall also be shown. The operation location map shall be a standard 1:24,000 U.S. Geologic Survey map. The location of the proposed operation shall be shown and labeled in the mine site name.

3. **6.3.2 Exhibit B- Site Description:** The site description does not include information about any and all permanent man-made structures within 200 feet of the affected area as required by Rule 6.3.2(b). Please submit a section identifying all permanent man-made structures including all adjacent roads



and fences and their ownership information. Please note that Map C-1 identifies a set of corrals that are not listed, please be sure to include this in Exhibit L as they relate to permanent man-made structures.

4. **6.3.5 Exhibit E- Map:** Both the Mining Plan Map and the Reclamation Plan Map include some of the requirements outlined in their respective sections, however neither map includes all of the required information. In addition to the requirements of Rule 6.2.1(2) you must provide a map that clearly describes the features associated with the Mining Plan and the components of the Reclamation Plan. Include one map for the Mine Plan and one for the Reclamation Plan. The maps must be drawn to a scale no smaller than appropriate to clearly show all elements that are required to be delineated by the Act and these Rules; show a north arrow, note any section corners adjacent to the proposed operation, and indicate the date illustrated. Please submit a new set of maps that at a minimum include all information outlined in Rule 6.3.5(2) for the Mining Plan Map and Rule 6.3.5(3) for the Reclamation Plan Map.
5. **6.3.7 Exhibit G – Source of Legal Right to Enter:** Despite the landowner and the Operator being the same person, demonstration of the Operator's legal right to enter the affected lands is required. This may be a copy of the Access lease, deed, abstract of title or a current tax receipt. A signed statement by the landowner and acknowledged by a Notary Public stating that the Operator/ Applicant has legal right to enter the mine is also acceptable. Please note that if the land is owned by a holding company or entity that is different than the Operator as listed in the application documents a signed access agreement or demonstration as listed above is required granting the Operator, as listed, legal right to enter the affected lands.
6. **6.3.8 Exhibit H- Municipalities within a Two-Mile Radius:** While you have identified the municipality within Two Miles as the Cornerstone Metropolitan District please submit a new Exhibit H that includes the mailing address and telephone number for the District as required in Rule 6.3.8.
7. **6.3.9 Exhibit I Proof of Filing with County Clerk:** While the proof of filing with the County Clerk was included for the filing the original application, each time you submit new documentation to the Division you must also file the same information with the County Clerk so the copy of the application that is filed with the Clerk and Recorder is a true and accurate copy of the current application. Please provide proof that you filed your response to this review, including the information in the previous completeness response with the County Clerk and Recorder.
8. **6.3.12 Exhibit L Permanent Man-made Structures:** As previously identified in item 3 of this review, the maps indicate there are more structures that are not included in this exhibit. Please submit a new Exhibit L identifying all permanent man-made structures, and where the structure is not owned by the Operator please address said structure in one of the manners outlined in Rule 6.3.12 (a-c). Examples of permanent man-made structures include but are not limited to roads, fences, above ground or underground utilities, houses, shops, outbuildings, etc.

Your application will not be considered filed until the information listed above is received, determined to meet the requirements of Rule 6.3 and sufficient to begin our technical review. A decision date will be established 30 days from the date the application is considered filed. Additionally, if you have already published notice in the newspaper you will need to republish notice, after the Division considers the application filed. Publication must occur once within ten (10) days of the filing date. We will notify you when you should initiate your publication. The final date for receiving public comment is ten (10) days after the date of publication or the next regular business day.

You have sixty (60) days from the date of this letter to submit all items outlined above. All required information must be submitted to the Division's Denver Office no later than Monday July 22, 2019. If at the end of the sixty day period the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file. 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 and Rules after the submittal of all required items.

If you need any additional information, have questions or concerns please feel free to contact me at the Division's Grand Junction Field Office, 101 South 3<sup>rd</sup> Street, Suite 301, Grand Junction, CO 81501 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

Cc: Travis Marshall, Senior Environmental Protection Specialist

Ec: Zane Luttrell, Rocky Mountain Aggregate