



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

June 24, 2019

Chris Axness
Black Mountain Sand Weld LLC
500 Main Street, Ste. 1200
Fort Worth, TX 76102

**Re: Black Mountain Sand Weld LLC; Lost Creek Mine; File No. M-2018-051; Incomplete
Submittal of 112 Construction Materials Reclamation Permit Application Amendment
(AM-01) Package**

Mr. Axness,

On June 10, 2019, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 112 Construction Materials Reclamation Permit Application Amendment (AM-01) package for the Lost Creek Mine, File No. M-2018-051. Preliminary review of the information received determined the following items must be received before the Division can consider the application amendment as being submitted and technical review can begin:

6.4.1 Exhibit A - Legal Description

1. The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. The Applicant states in Exhibit A the affected land boundary is shown in Exhibit D, Map D1 - Mining Plan and provided a legal description including all or portions of Sections 2, 3, 10, 11 and 14 within Township 3 North, Range 61 West of the 6th Principal Meridian in Weld County, Colorado for 1,796 acres.

Pursuant with Rule 1.1(3), affected lands include but shall not be limited to private ways, roads, except those roads which existed prior to the date on which notice was given or the permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation.

A portion of the proposed access road from Weld County Road 91 is not included in the affected land boundary indicated on the Exhibit D1 - Mining Plan Map. New and improved roads must be included as part of the permitted acreage. Please revised the Exhibit A - Legal Description and all application amendment exhibits to include the acreage for all proposed affected lands.



2. The Applicant indicates the Property Boundary on the Exhibit B - Index Map and throughout the permit application exhibits, however the acreage value for the property boundary was not provided by the Applicant. The Division recommends the Applicant provide the acreage value of the Property Boundary as the permitted acreage and define the affected acreage pursuant with Rule 1.1(3). The Division estimates the property boundary acreage at 2,200 acres. Please update Page 1 of the application form and all application amendment exhibits to indicate the revised permitted acreage and the affected acreage in response to Item #1.

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

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

The application amendment 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 application amendment submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your application amendment 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 application amendment to be considered filed. If, at the end of the sixty day period, the application amendment has not been determined to be filed with the Office, the Office shall deny the application amendment and terminate the application amendment file.

The response due date is August 23, 2019.

This letter shall not be construed to mean there are no other technical deficiencies in your application amendment. The Division will review your application amendment to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

Sincerely,



Peter S. Hays

Environmental Protection Specialist

Ec: Michael Cunningham; Division of Reclamation, Mining & Safety
Kira Coff; Millcreek Engineering