



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

July 5, 2019

John Paul Ary
All Rite Paving and Redi Mix, Inc.
839 Mackenzie Ave.
Canon City, CO 81212

**Re: Incompleteness Notice, 112c Construction Materials Amendment Application (AM-01)
Caldwell-Nesselhuf Pit No. 1, Permit No. M-1997-071**

Mr. Ary:

On June 27, 2019, the Division of Reclamation, Mining and Safety (Division) received your 112c Construction Materials Amendment Application package for the Caldwell-Nesselhuf Pit No. 1, Permit No. M-1997-071. Preliminary review of the information received determined that the following items must be received before the Division can consider your application as being submitted/filed and technical review can begin. Please respond to this Incompleteness Notice with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Incompleteness Notice: M-1997-071".

APPLICATION FORM:

1. Item 9. On page two, the center of the area where the majority of mining will occur was incorrectly filled out. Please check one Quarter Section box and check one Quarter/Quarter Section box that best approximates the center of the mining area. Also, select one Section, either 13 or 24, and include the approximate elevation that best represents the center of the mining area. Please submit a replacement page one of the application form.
2. Item 10. On page two the mine entrance location given in decimal degrees plots 830 feet west of the mine entrance as plotted on Google Earth and verified during an inspection completed in December 2018. Please update the information with the following coordinates; 38°8'1.66" N, 103°51'13.41"W and submit a replacement page three of the application form.
3. Item 11. On page three the mailing address does not match the address on file. Specifically, a PO Box number was provided when there is no PO Box on file, and the Zip Code provided is 81215 versus 81212 on file. Additionally, the address given on the Colorado Secretary of State's website does not match the address provided on the application. Please provide a clarification and submit a replacement page three of the application form with the correct mailing address.
4. Responsibilities. Question #10 on page five was left blank, since the permittee is not a partnership or joint venture the question does not require initials. Please indicate "N/A" for the question and submit a replacement page five of the application form.



5. Certification. A review of the Colorado Secretary of State website indicates the applicant is a Corporation. Please provide the corporate seal on page eight of the application form, if the corporation does not have a seal please indicate "No Seal". The Notary did not complete the section "My Commission expires". Please update and submit a new page eight.

EXHIBIT Q – Proof of Mailing of Notices to County Commissioners and Conservation District (Rule 6.4.17):

6. Please provide proof that notice, of the permit application was sent to the Board of County Commissioners and to the Board of Supervisors of the local Soil Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

EXHIBIT R – Proof of Filing with County Clerk and Recorder (Rule 6.4.18):

7. Please provide a receipt or affidavit indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

ADDENDUM 1 – Notice Requirement (Rule 1.6.2(1)(b)):

8. Please provide an affidavit indicating the date on which notices were posted at the mine site, as required by the Office, of sufficient size of a minimum size of sixteen (16) inches high by twelve (12) inches wide, with font sufficient to be readable at a reasonable distance, and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. .

Your 112c Amendment Application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application submitted; the Division will notify you when you should initiate publication of your notice. This notice must be published for four consecutive weeks, starting within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 20th day after the last publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Divisions consideration of extending the deadline.

The response to this Incompleteness Notice is due on or before September 3, 2019.

This letter shall not be interpreted to mean that there are no other completeness issues or 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.

Mr. Ary
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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 stylized with a large, looped "L" and a cursive "B".

Patrick Lennberg
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS

Ec: Jodi Schreiber, All Rite Paving and Redi Mix, Inc., jodi@arycorp.com