



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

August 27, 2019

Katie Todt
Greg Lewicki and Associates
3375 West Powers Circle
Littleton, CO 80123

**Re: Incompleteness Notice, 112c Construction Materials New Permit Application
Bradford Mesa Quarry, Permit No. M-2019-046**

Katie Todt:

On August 19, 2019, the Division of Reclamation, Mining and Safety (Division) received the 112 Hard Rock/Metal Mining Reclamation New Permit Application for the Bradford Mesa Quarry, File No. M-2019-046. Preliminary review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response; M-2019-046".

APPLICATION FORM:

1. The new application that was submitted was for a Hard Rock/Metal Mining quarry operation. The application that needs to be completed for the proposed operation, as described, is a Construction Materials Regular (112) Operation for a quarry. Please complete the new application form for a construction materials quarry operation and submit the difference in the application fees, \$668.00.
2. Applicant/operator name. A review of the Colorado Secretary of State's website indicates that there is not a Southway Construction Company, Inc. but a Southway Construction Company, Inc. of Alamosa. Please indicate if these are the same companies and if so please revise the application reflect the complete name of the corporation, this name must match the Secretary of State records.
3. Location Information. Question #9, on page two, the Division recognizes that this is a large operation with an irregular proposed permit boundary, however the ¼ section and ¼-¼ sections were left blank. Please provide the location information that approximates the middle area of mesa top where the majority of the mining will be occurring.
4. Correspondence Information. On page 3, please revise the name of the city of the inspection contact.



5. Responsibilities. Question #10, on page six, is initialed, since the applicant is a corporation the question does not require initials. Please indicate “N/A” for the question.
6. Certification. A review of the Colorado Secretary of State’s website indicates that the registered agent for Southway Construction Company, Inc. of Alamosa is Henry Southway. The Division requires the Applicant to provide documentation giving the signer, Rock I. Southway, the authority to sign on behalf of the company, Southway Construction Company, Inc. of Alamosa. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement of a notarized statement on company letterhead

EXHIBIT D – Mining Plan (Rule 6.4.4):

7. The applicant indicates that existing ranch roads will be utilized to transport material to CR 120 and these roads will be graveled prior to hauling. An aerial review of the ranch roads using Google Earth Pro and other similar applications the Division believes that work on these roads will meet the definition of affected lands, per Rule 1.1(3), and should be incorporated into the proposed permit boundary. Please incorporate the proposed haul roads into the permit boundary and update all relevant sections and maps as needed.

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

8. Please provide proof of notice, of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local 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):

9. Please provide an affidavit or receipt 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).

Your 112 Application will not be considered filed 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 and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application complete and filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once a week for four (4) consecutive weeks, starting ten (10) days of the date your application is considered filed. The final date for receiving comments is the twentieth (20th) day after the fourth 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 October 26, 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.

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,



Patrick Lennberg
Environmental Protection Specialist

cc: Michael Cunningham, DRMS

ec: Rocky Southway, Southway Construction Company, Inc. of Alamosa, rock@southwayco.com