



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

October 25, 2019

Juliet A. Moores
Elk Creek Sand & Gravel, LLC
P.O. Box 416
Conifer, CO 80433

**RE: Elk Creek Sand and Gravel, LLC, Shaffers Crossing, Permit M1978-208
Return of Incomplete 110c to 112c Conversion Application**

Ms. Moores:

On July 26, 2019 the Mined Land Reclamation Board issued a Board Order for MV2019-015 for the above listed permit. The Corrective Action issued by this Board Order stated *“the Operator will submit a 110c to 112c conversion application to the Division to, at a minimum, expand the permit area sufficiently to allow the highwall to be modified to conform to the existing permit requirements. The Conversion application shall be filed complete for review no later than 90 days from the effective date of this order and approvable within the statutory timeframe”*. In order to comply with the MLRB Order, the conversion application would have to have been filed complete for review with DRMS no later than October 24, 2019.

On October 17, 2019, an incomplete conversion application form for permit M1978-208 was submitted to DRMS. This conversion application cannot be considered by the Division at this time for the following reasons:

- 1) On October 25, the MLRB issued the Board Order from the September 25, 2019 Board Hearing revoking permit M1978-208 for failure to submit the annual fees, report and map as required. DRMS cannot review a conversion application for a permit that has been revoked by the MLRB. At the time of this mailing, the annual fee and civil penalty for 2019 have been submitted to DRMS, however, the annual report and map are still outstanding and must be submitted via the DRMS electronic annual reporting process. The permittee would then need to seek reinstatement of the permit from the Board.
- 2) The conversion application submitted to DRMS on October 17, 2019 is substantially incomplete. The application form submitted is missing critical information (does not specify the amount of acreage to be incorporated into the permit) and none of the required exhibits, supporting documentation, or required notices were submitted.

For these reasons, DRMS is returning the incomplete conversion application form and application fee check submitted on October 17, 2019. In addition, because the corrective action mandated by the July



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26, 2019 MLRB order has not been complied with, the suspended portion of the civil penalty \$1600.00 is now due and payable.

If you have questions about this letter, you may contact me by telephone at (303) 866-3567, ext. 8140, or by email at eric.scott@state.co.us.

Eric Scott
Environmental Protection Specialist

CERTIFIED MAIL #7017 2400 0000 9119 2638
Return Receipt Requested

Enclosure: Conversion application form and fee check for permit M1978-208

Michael Cunningham, DRMS via email at: michaela.cunninham@state.co.us
Russ Means, DRMS via email at: russ.means@state.co.us
Jeff Fugate, AGO via email at: jeff.fugate@coag.gov