



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

1313 Sherman Street, Room 215  
Denver, CO 80203

December 9, 2019

Fred Lundy  
Lincoln County  
103 3<sup>rd</sup> Ave.  
Hugo, Co 80821

**Re: Lincoln County, Elmer Stone Gravel Pit; File No M-1978-080; Incomplete Submittal of a Construction Materials Regular 112 Conversion application**

Mr. Lundy,

On December 6, 2019 the Division of Reclamation, Mining and Safety (DRMS or Division) received the Construction Materials Regular 112 conversion application for the Elmer Stone Gravel Pit File No. M-1978-080. A preliminary review of the application determined the following items must be received or corrected before the Division can consider the application as submitted and a technical review for adequacy can begin:

**Application form**

1. Page 8 of the application form is missing a signature for the corporate secretary or equivalent town/city/county clerk section. Please resubmit page 8 with a signature.

**6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Conservation District**

2. Rule 6.4.17 states "Proof that 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)." In your application you stated "This is a county pit operation, therefore, the Board of Commissioners knowledge should be prima facie". However, per the above stated rule, the required notice must be sent to the Board of County Commissioners. Please submit proof the required notice was sent to the Board of County Commissioners.

**6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder**

3. Rule 6.4.18 states "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)." In your application, you stated that the "application is available in the Land Use Administrators office". However, per the above stated rule, we need proof the application was filed with the County Clerk. Please submit an affidavit or receipt with dates verifying the application was placed with the County Clerks and Recorders for public review.

The application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review. A decision date will be established ninety (90) days from the date of receipt of all of the requested information.



You have sixty (60) days from the date of this letter to submit all necessary documents the Office needs for the 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 Office, the Office shall deny the application and terminate the application file.

**The response due date is February 7, 2020.**

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 after submittal of all required items.

If you have any questions, please contact me at [daniel.cunningham@state.co.us](mailto:daniel.cunningham@state.co.us) or (303) 866-3567 Ext. 8126.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Cunningham", is written in a cursive style.

Daniel J. Cunningham  
Environmental Protection Specialist

Ec: Jared Ebert, Division of Reclamation, Mining & Safety