



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 8, 2020

David Forenza
Mesa Agg, LLC
PO Box 7790
Avon, CO 81632

RE: Orchard Mesa Aggregate, Permit M-1995-005, Incomplete Application for Transfer of Mineral Permit and Succession of Operators, Revision SO-01

Dear Mr. Forenza,

On May 4, 2020 the Division of Reclamation, Mining and Safety received the Application Form for Transfer of Mineral Permit and Succession of Operators from Mountain Region Corporation to Mesa Agg, LLC, for the Orchard Mesa Aggregate, Permit M-1995-005. The following items are incomplete for the application to be processed:

Application Form

1. Phone number for Mesa Agg, LLC
2. Page 6 both parties; Orchard Mesa Aggregate and Mesa AGG LLC, selected both options of waiving and opting for a decision in 30 days. You can only select one.
3. Page 8; First blank needs the permit issuance date (2/16/1996), "Permittee" should be Mountain Region Corporation, "Prospective Successor" should be Mesa Agg, LLC
4. Page 9; Permittee left her title in the company blank. As your title, you may put 'Owner', 'Individual', 'Sole Proprietor'. Current Permittee Holder left notarization incomplete. You may notarize as 'Sandra Ducray as Permittee of Orchard Mesa Aggregate'
5. Page 10; Prospective Successor; Mesa AGG, LLC, notarized differently in Succession of Operator form than in Performance Warranty and Financial Warranty forms. Please correct notarization to be viewed as 'David Forenza as Managing Member of Mesa AGG LLC'



Performance Warranty

6. Operator should be 'Mesa Agg, LLC' this is a new Performance Warranty for the Prospective Successor. Correct both blanks for the 'Operator'

Financial Warranty

7. 'Operation' needs to be changed to 'Orchard Mesa Aggregate'. Correct both blanks for the 'Operation'
8. Page 2; the current required surety for this site is \$56,400.43. The provided Corporate Surety is deficient by \$100.43. Correct the form and provide and updated Corporate Surety for the correct amount.

Legal Right of Enter

9. Provide documentation of ownership for parcels 2967-051-00-235 (the pit), 2967-042-00-1987 and 2967-042-00-198 (easements)
10. Parcels 2967-042-00-200, 2967-042-00-199 and 2967-041-00-230 are owned by Mesa County. An easement is necessary to access the pit. Please provide documentation of such.
11. The documents submitted for the BLM ROW are no longer applicable. Parcel 2967-041-000-231 is no longer under the jurisdiction of BLM, it has been transferred to Mesa County. Permission for road access will need to be obtained from Mesa County. BLM has indicated the preferred option is to allow the ROW to expire (3/11/2021).

Structure Agreement

12. Provide a signed statement that there are no structures within 200 feet of the affected lands. Structures include; fences, buildings, utilities, etc.

Please return the required documentation to the Division before July 7, 2020 to complete the application for approval. All completed permit documents are required to be submitted for consideration of your Request for Transfer of Mineral Permit and Succession of Operators Application. An incomplete application will be denied after the 60 day submittal request, if requested documents or information are not received. In the event of any delay in your submittal or if you have any questions, please contact me at 303 866-3567 ext. 8183. Documents should be sent to the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203.

Mr. Forenza
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Sincerely,

A handwritten signature in blue ink that reads "Amy Yeldell". The signature is written in a cursive, flowing style.

Amy C. Yeldell
Environmental Protection Specialist

Certified Mail Number: 7017 2400 0000 9119 1082

Cc: Gabriel Benvenuti, Financial Assurance Specialist, DRMS
Sandra Ducray, Mountain Region Corporation