



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

June 4, 2020

Peter Hurt
Arkansas Valley Ranch, LLC.
8351 E. Walker Springs Lane
Knoxville, TN 37923

**Re: Incompleteness Notice, 112c Construction Materials Amendment Application (AM-01)
Ordway Pit, Permit No. M-2006-054**

Mr. Hurt:

On May 28, 2020, the Division of Reclamation, Mining and Safety (Division) received the 112 Construction Materials Reclamation Permit Amendment Application (AM-01) package for the Ordway Pit, File No. M-2006-054. 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-2006-054".

APPLICATION FORM:

1. Items 1/1.1 On page one, the company name is not consistent with the Division's records, other areas of the application or with what is on the Colorado Secretary of State website. Please update the name to Arkansas Valley Ranch, LLC. The type of organization also needs to be consistent with the Colorado Secretary of State website a Foreign Limited Liability Company.
2. Item 3 On page one, the permitted acreage is different than what is contained in the first paragraph of Exhibit D Mining Plan. Please check the areas and update the application page as needed.
3. Items 6 and 7 On page two, please update the name of the owner of the subsurface mineral rights and surface of affected lands to match Item 1 since they are the same entity.
4. Primary Mine Entrance Location. On page two, the coordinates of the mine entrance given do not match the mine entrance coordinates give in Exhibit A. Please update with correct coordinates.
5. Correspondence Information. On page three, the address for Arkansas Valley Ranch, LLC is not consistent with the address that is on file with the Division and the Colorado Secretary of State. Please update to be consistent. It should be noted that in the past the Division has had mail returned when using the address that is on file.



6. Responsibilities. Question #10, on page six, is initialed, since the applicant is a company the question does not require initials. Please indicate “N/A” for the question.
7. Certification. A review of the Colorado Secretary of State’s website indicates that the registered agent for Arkansas Valley Ranch, LLC is Tony Warnock. The Division requires the Applicant to provide documentation giving the signer, Peter Hurt, the authority to sign on behalf of the company, Arkansas Valley Ranch, LLC. 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
8. Please provide the corporate seal on page eight of the application form, if the corporation does not have a seal please indicate “No Seal”.
9. The Colorado Secretary of State’s website indicates that the current status of Arkansas Valley Ranch, LLC is “Noncompliant” and is due to become “Delinquent” on June 30, 2020. A copy of the Colorado Secretary of State’s Summary page has been included with this notice. Please gain compliance with the Colorado Secretary of State and provide proof of compliance.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

10. The Applicant indicates that the Reclamation Plan Map remains consistent with what was submitted in the conversion application in 2010. The Division believes that the map does need updating to portray the proposed final land use for each portion of affected lands. Part of the purpose of the amendment is to incorporate lands affected by mining outside the current permit boundary into the proposed new permit boundary. Please update the Reclamation Plan Map.

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

11. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant’s response to these incompleteness issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

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 to the Division for consideration of extending the deadline.

The response to this Incompleteness Notice is due on or before August 3, 2020.

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

Enclosure: Summary of Company Status Colorado Secretary of State

cc: Jared Ebert, DRMS

ec: Peter Hurt, Arkansas Valley Ranch, LLC, peter@arkansasvalleyranch.com
Angela Bellantoni Ph.D., Environmental Alternatives, Inc., angela@envalternatives.com



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FAQs, Glossary and
Information

Summary

Details			
Name	Arkansas Valley Ranch, LLC		
Status	Noncompliant	Formation date	02/07/2019
ID number	20191119164	Form	Foreign Limited Liability Company
Periodic report month	February	Jurisdiction	Tennessee
Principal office street address	8351 E WALKER SPRINGS LN, STE 302, KNOXVILLE, TN 37923, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Tony Warnock
Street address	29555 GOOSE CREEK RD, SEDALIA, CO 80135, United States
Mailing address	n/a

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