



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

November 16, 2020

Dustin Ballard
Advantage Mining & Reclamation LLC
P.O. Box 1211
Fairplay, CO 80440

**RE: Notice of Filing Deficiencies, 110c Construction Materials Application
London Mill Cobble, File No. M-2020-054**

Dear Mr. Ballard,

On November 9, 2020, the Division of Reclamation, Mining and Safety (Division) received the Advantage Mining & Reclamation LLC 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the London Mill Cobble operation, File No. M-2020-054. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. The following filing deficiencies must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. Please respond to this Notice of Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Deficiencies, M-2020-054". If portions of an exhibit is revised, the Applicant may want to submit an entire replacement exhibit to help maintain a clear and concise permit record.

GENERAL

1. The copy of the on-site notice, as required by Rule 1.6.2(1)(b), provided in the application has a phone number for the Applicant/Operator that does not match the phone number of the Applicant/Operator provided in the Correspondence Information (Page 2 of the application). Additionally, in accordance Rule 1.6.2(1)(b), please ensure the posted notice is a minimum size of 11 inches wide and 17 inches high, with appropriate font size. Please correct the notice and submit a new signed affidavit of the posted notice.
2. The Division has preliminarily reviewed the application materials. It appears the access road from Looney Lane to the mine site is not entirely within the proposed permit boundary. If the access road is a pre-existing road and it will not be substantially upgraded, it will not be considered affected lands and therefore does not need to be entirely within the permit boundary. However, upon review of a Google Earth aerial image, it appears no access road exists off of Looney Lane in the approximate location of the proposed access road. The Applicant will either need to relocate the proposed access road to be entirely inside the proposed permit boundary or modify the proposed permit boundary to include the entire proposed access road. The Applicant will need to submit new Exhibit E Maps regarding this change to the application.



APPLICATION FORM

3. Application Question #10, on the third page of the application form, identifies the location of the center of the mine site as being within the SW quarter-quarter of the NE quarter of Section 13 T9S R78W 6th Principal Meridian. It appears the site is more accurately described as the SE quarter-quarter of the NE quarter. Please revise the location information and submit a replacement page three of the application form as well as making the same change to the Exhibit A introductory narrative.
4. Application Question #11, on the third page of the application form, identifies the primary mine entrance location by Latitude/Longitude coordinates, however, these coordinates do not accurately depict the location of the mine entrance. Please revise the primary mine entrance coordinates and submit a replacement page three of the application form.
5. The Application Certification (Page 7 of the application form) is not executed correctly. The year on the signature date is left blank, the Applicant/Operator is identified as Dustin Ballard instead of Advantage Mining & Reclamation LLC, and Dustin Ballard is referred to as President on one line and the Owner on the notary public portion. Please submit a new Application Certification executed correctly showing the full date of the signature, the Applicant/Operator listed as Advantage Mining & Reclamation LLC, and a consistent title for Dustin Ballard.

EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7):

6. The Exhibit G narrative appears to be incorrect as it identifies a different Applicant/Operator. Please resubmit a revised Exhibit G identifying the correct Applicant/Operator and verify Owners of Record are correct. Please note, if Dustin Ballard is the Owner of Record for the surface and subsurface of the proposed affected lands, a Legal Right to Enter document will need to be provided in accordance with Rule 6.3.7 for Advantage Mining & Reclamation LLC.

EXHIBIT H – Municipalities Within a Two-mile Radius (Rule 6.3.8):

7. The Applicant has identified Alma as a municipality within a two-mile radius of the proposed mining operation. In accordance with Rule 6.3.8, please provide the mailing address and telephone number for the Town of Alma.

EXHIBIT I – Proof of Filing with County Clerk (Rule 6.3.9):

8. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy in accordance with Rule 1.6.2(2). Please submit proof that the public review copy has been updated with a copy of this letter and associated response.

EXHIBIT J – Proof of Mailing Notices to Board of County Commissioners and Conservation District (Rule 6.3.10):

9. Proof of filing with the local Board of County Commissioners and local Soil Conservation District is not in accordance with Rule 6.3.10. The application includes certified mail receipts, however,

there were no certified mail return receipts (also known as the green cards) verifying the Board of County Commissioners and the Soil Conservation District signed and received the notices. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of a certified mail return receipt or a date-stamped copy of the notice acknowledging receipt by the appropriate board. Please also provide a copy of the notice which was mailed to the Board of County Commissioners and the Soil Conservation District.

EXHIBIT L – Permanent Man-Made Structures (Rule 6.3.12):

10. Although not a required for filing as the application does contain an Exhibit L, the application did not include the referenced damage waivers. The Applicant may provide these with the response to the other filing deficiencies in this letter or wait until the application is reviewed for technical adequacy following it being considered filed for review.

The Advantage Mining & Reclamation LLC 110c Construction Materials Limited Impact Operation Reclamation Permit 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 30 days from the date of receipt and acceptance of all of the requested information. Please note, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once within 10 days of the date your application is considered filed. The final date for receiving comments is the 10th day after the publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have 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. **The response to this Notice of Filing Deficiencies is due on or before January 15, 2021.**

This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act and Rules 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 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Cc: Jason Musick, Division of Reclamation, Mining & Safety