



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

February 10, 2021

Tony Roberts
Scott Contracting, Inc.
9200 E Mineral Ave
Suite 400
Centennial, CO 80112

Re: File No. M-2020-008, Rifle Gravel Pit #1, Construction Materials Regular 112 Application Denied

Dear Mr. Roberts:

On February 5, 2020 the Division of Reclamation, Mining and Safety (Division) considered your application for a Construction Materials Regular 112 Operation complete for the purposes of filing. Through various adequacy reviews and decision date extension requests the Decision Date for your application was set at February 5, 2021. Pursuant to Construction Materials Rule 1.4.1(9) the review time for an application may be extended but not to exceed 365 days from the date the application was filed.

On February 3, 2021 the Division received your application for an amendment to your previously filed application. Division staff reviewed the amendment application and found that it was incomplete for the purposes of filing. Please see the incompleteness items listed below:

1. **Application Fee:** The incorrect amount for the application amendment fee was received, a fee in the amount of \$1,783.00 was submitted with your application materials which is applicable for an Amendment to an existing 112 Hard Rock and Metals Mining Operation. Pursuant to C.R.S. 34-32.5-125(1)(a)(VI) the fee for an amendment to a Construction Materials Regular 112 Operation Application is \$2,229.00.
2. **6.2.1(2) Maps and Exhibits:** Construction Materials Rule 6.2.1(2)(d) specifies that the maps and exhibits must identify and outline the area which corresponds with the application. Figures 9 and 11, as well as Maps C2, C5, C6 and C7 do not include the path of the proposed dewatering pipeline within the permit and affected area boundaries. These areas must be included as part of both the permitted and affected area boundaries as they carry changes to the total acreage of the site, documentation of the Source of Legal Right of Entry, Notice Requirements specified in Rule 1.6.2(1)(e)(i) and (ii) and Permanent Man Made Structures within 200 feet of the Affected Lands.
3. **6.4.17 Exhibit Q- Proof of Mailing Notices to Board of County Commissioners and Conservation District:** Page 54 of your amendment application materials specify that the proof of mailing notices to the Garfield County Board of County Commissioners and the



Bookcliff Conservation District exist in Attachment D. The proof of mailing notices, nor a copy of the notices were included in Attachment D.

4. **6.4.18 Exhibit R- Proof of Filing with County Clerk and Recorder:** Page 55 of your amendment application materials specify that the proof of filing with the Garfield County Clerk and Recorder was included in Attachment E. The proof of filing was included in Attachment E.
5. **6.4.19 Exhibit S- Permanent Man Made Structures:** Through the various adequacy reviews of your originally filed application it was determined that there are permanent man-made structures within 200 feet of the affected lands of the originally proposed permit boundary and affected land, however the list of permanent manmade structures as well as their corresponding structure agreements were not included in this exhibit.

Due to these deficiencies, your application for an amendment to an existing permit application was determined to be incomplete for filing. Furthermore, because the amendment application was incomplete for the purposes of filing and the maximally extended application decision date of February 5, 2021 has passed the Division has **denied** the Scott Contracting, Inc. application for the Rifle Pit #1, file number M-2020-008.

Pursuant to Construction Materials Rule 1.4.11 (1)(a), an appeal of the Division's decision to deny the above listed application must be received, in writing to the Division's Denver Office within 60 days of the date of this letter. The appeal must meet all applicable requirements of Rule 1.4.11.

In addition, the Division would like to make a point of clarification. In your application amendment you reference an existing DRMS 111 permit. To clarify, there is no existing 111 reclamation permit nor any other existing DRMS reclamation permit on this property. An application for any such permit has not been received nor approved by this office. A copy of an application and supporting information for a 111(1)(b) permit application dated June 7, 2019 was included as an attachment to your amendment materials, however was not now, nor has ever been properly filed or approved with this office.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Lucas West
Environmental Protection Specialist
Division of Reclamation, Mining and Safety

CC: Travis Marshall, Senior Environmental Protection Specialist
Douglas Grant, Objecting Party
Michael J. Sawyer, Karp Neu Hanlon, PC, Objecting Party Representation