



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

April 15, 2022

Connie Mullett
Mulletts Excavating, LLC
320 County Road 251
Westcliffe, Colorado 81252

Rock I. Southway
Southway Construction Co., Inc.
117 White Pine Drive
Alamosa, Colorado 81101

Re: Mulletts Excavating Pit # 1, DRMS Permit No. M-2000-115
Incomplete Application for Transfer of Permit and Succession of Operators SO-2

Dear Mr. Southway,

On April 6, 2022, the Colorado Division of Reclamation, Mining and Safety (Division) received the Application Form for Transfer of Mineral Permit and Succession of Operators, SO-2, to transfer the Mulletts Excavation Pit #1, Permit No. M-2000-115, to Southway Construction Company, Inc. (Applicant). The Division has completed its review of the application and found that the following items need to be addressed before the application can be processed:

1. Please provide an affidavit to the Division indicating Connie Mullett as the executor of the estate of Myron Mullett.
2. Please provide a new SO application form with the following corrected:
 - Under Administrative Information the company name for Permittee Information is incorrectly spelled as “Mulletts Excavating LLC” instead of “Mullett Excavating, LLC”
 - Under Applicant’s Agreement to Request Transfer of Mineral Permit and Succession of Operators on page 8 the (“Permittee”) is incorrectly stated as “Mulletts Excavating” instead of “Mullett Excavating, LLC”
 - Under Permittee on page 9 the Name of Permittee is incorrectly stated as “Mulletts Excavating Pit # 1” instead of “Mullett Excavating, LLC”



- Under Notary for Permittee on page 9 Connie J. Mullett is stated as the owner of “Mulletts Excavating Pit # 1” but needs to be stated as “Mullett Excavating, LLC”
 - Under Notary for Prospective Successor on page 10 Paul Bottini is incorrectly stated as operations manager of “Southway Construction” instead of “Southway Construction Company, Inc.”
3. County Road 74.2 is within 200 feet of the affected land boundary and pursuant to Rule 6.4.19 where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:
- (a) provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or
 - (b) where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
 - (c) where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

Please provide a response the above items by May 15, 2022. All completed permit documents are required to be submitted for consideration of your Request for Transfer of Mineral Permit and Succession of Operators Application. If additional time is needed to respond, an extension request must be received by our Office by the decision date. If on the decision date, outstanding items remain, and no extension request has been received, your application will be denied and the file terminated. The Division reserves the right to further supplement this document with additional items and details as necessary.

If you have any questions, please contact me at connor.drinkard@state.co.us or (720) 836-0967.

Sincerely,



Connor J. Drinkard,
Environmental Protection Specialist Intern

CC: Paul Bottini; Southway Construction Company, Inc., paul@southwayco.com
Connie Mullett; Mullett Excavating, LLC, conniejmullett@gmail.com
Jared Ebert; DRMS