



May 18, 2022

Neff Malouff  
RMS Utilities, Inc.  
6349 County Road 106.65 South  
Alamosa, CO 81101

**Re: Kester Pit, File No. M-2022-014 Receipt of 110c Construction Materials, Second Notice of Incomplete Application**

Dear Neff Malouff:

On May 10, 2022, the Division of Reclamation, Mining and Safety received your response to the Division's Notice of Incomplete Application dated March 23, 2022 for the 110c Construction Materials Reclamation Permit Application package for the Kester Pit, File No. M-2022-014. Review of the information received determined that the following additional information must be received before the Division can consider your application as being submitted and technical review can begin.

1. **Exhibit E – Maps Rule 6.3.5:** In the materials submitted, two copies of the Mining Plan Map were submitted, however no Reclamation Plan Map was submitted. Please submit the Reclamation Plan Map containing all elements required by Rule 6.3.5 and meets the requirements of Rule 6.2.1 (2) (a-e).
2. **Exhibit I – Proof of Filing with County Clerk Rule 6.3.9:** Exhibit I was included with the materials submitted, however within the Exhibit the statement is made that "Costilla County has requested that we file with the State of Colorado before we apply to the County." This is in reference to the County Conditional Use Permit and is not subject to the requirements of this Exhibit. This exhibit prescribes that the Applicant shall place a copy of the DRMS Application including all Maps and Exhibits on file with the County Clerk and Recorder for public review. Please place a copy of the DRMS application, including all Maps and Exhibits as well as all revised materials generated from this review, on file with the County Clerk and Recorder and obtain and submit an Affidavit or Receipt from the Clerk as required by Rule 6.3.9.
3. **Exhibit J- Proof of Mailing Notices to the Board of County Commissioners and Soil Conservation District Rule 6.3.10:** No proof of Mailing notices to the BOCC and SCD were included with the submitted materials. Please submit a copy of the notice sent, as well as proof of mailing said notices in the form of Certified Mail Receipts or another form of trackable delivery.
4. **Addendum 1- Notice Requirements- Affidavit of Posting Notice Rule 1.6.2:** No affidavit of posting the Notice Sign at the proposed site location was included. Please provide an executed Affidavit of Posting Notice (blank copy enclosed) as well as photographic evidence of the sign posted to ensure compliance with the 11" x 17" size requirements of Rule 1.6.2(1)(b).



Your application will not be considered submitted until all the information listed above is received and found sufficient to begin our review. You have sixty (60) days from the above date to submit all necessary documents that the Office needs for an application to be considered filed. If the above listed materials are not received by **Monday July 18, 2022** the application has not been determined to be filed with the Office, the Office may deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other 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 have any questions, please feel free to contact me at the Division's Grand Junction Field Office, by telephone at 303-866-3567 x 8187, or by email at [Lucas.west@state.co.us](mailto:Lucas.west@state.co.us).

Sincerely,



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

Encl: Affidavit of Posting Notice

Ec: Neff Malouff, RMS Utilities Inc.  
Kaitlyn Gallardo, RMS Utilities Inc.

The following is an example that you may wish to use for the Notice required for Rule 1.6.2(1)(b).

**NOTICE**

This site is the location of a proposed mining operation. (Name of the Applicant/Operator) \_\_\_\_\_, whose address and phone number is (Address and Phone Number of the Applicant/Operator) \_\_\_\_\_, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) \_\_\_\_\_ County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) \_\_\_\_\_, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203.

**Certification:**

I, \_\_\_\_\_, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) \_\_\_\_\_, on (Date Posted) \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE