



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

June 28, 2022

Raul Vasquez
Blue Mountain Stone, Inc.
4168 Ute Hwy.
Longmont, CO 80503

**Re: Incompleteness Notice, Conversion Application (CN-1), Phillips Stone Company,
Permit No. M-1981-075**

Mr. Vasquez:

On June 22, 2022, the Division of Reclamation, Mining and Safety (Division) received the Conversion Application for the Phillips Stone Company, File No. M-1981-075. 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-1981-075". Please note where multiple items need additional/updated information that occur on the same page only one page needs to be submitted with the requested information not multiple copies of the same page.

APPLICATION FORM:

1. Applicant/operator or Company Name (name to be used on permit). On page one, item one, the current permit has been issued to Blue Mountain Stone, Inc. Item one has been completed to state both the current company and the primary permitting contact. If the applicant wants to keep the permit issued to Blue Mountain Stone, Inc. then complete item one with "Blue Mountain Stone, Inc.". However, if the applicant wishes to change this to be Raul Vasquez then complete item one with "Raul Vasquez". Please submit a replacement page one of the application form.
2. Primary commodity(ies) to be mined. On page one, question 5.1/5.3, the incidental commodities to be mined was incorrectly filled out. Please indicate the type and volume of incidental commodities to be mined (5.1) or if no incidental commodities will be mined, please indicate "N/A" on 5.1 and "N/A" on the associated line on 5.3. Please submit a replacement page one of the application form.
3. Primary commodity(ies) to be mined. On page one, question 5.2, the anticipated end use of primary commodity(ies) to be mined was incorrectly filled out. Please indicate what the sandstone material mined at the site will be used for, i.e. construction, landscaping, and decorative use. Please submit a replacement page one of the application form.



4. Location Information. On page two, item 9, the section number was left blank. Please fill in the correct section number. Please submit a replacement page two of the application form.
5. Location Information. On page two, item 9, both the quarter and the quarter/quarter section were left blank, please check the appropriate box. Please submit a replacement page two of the application form.
6. Location Information. On page two, item 9, please provide a general description of the location of the mine site. Include in the description the number of miles and direction from the nearest town and the approximate elevation of the mine site. Please submit a replacement page two of the application form.
7. Primary Mine Entrance Location. On page two, item 10, please provide the coordinates of the primary mine entrance location. Please submit a replacement page two of the application form.
8. Primary Future (post-mining) Land Use. On page four, item 12, please check one box that best fits the post-mining land use. The Division recognizes there maybe multiple post-mining land uses for the permitted area and those can be accounted for and described in Exhibit E – Reclamation Plan and clearly shown on Exhibit F – Reclamation Plan Map. Please submit a replacement page four of the application form.
9. Primary Present Land Use. On page four, item 13, please check one box that best fits the present land use. The Division recognizes there maybe multiple current land uses for the permitted area and those can be accounted for and described in Exhibit D – Mining Plan and clearly shown on Exhibit C – Pre-Mining and Mining Plan Map(s) of Affected Area. Please submit a replacement page four of the application form.
10. Responsibilities. On page six, question 10, is initialed, the question does not require initials unless the permit is a joint venture or partnership operation. Please indicate “N/A” for the question or provide the authorizing signature page as requested. Please submit a replacement page six of the application form.
11. Certification. On page 8, the name of the Applicant/Operator or Company Name needs to match the name on page 1 of the Application page. In this case it should either be Blue Mountain Stone, Inc. or Raul Vasquez, depending on the applicants answer to item #1 mentioned above. The notary signature is incomplete. The name of the operator needs to match the Applicant/Operator or Company Name above not the name of the operation (Phillips Stone Company).

EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):

12. The Applicant provided several maps that were not clearly labelled except for Exhibit F – Reclamation Plan Map. Please provide an Exhibit C pursuant to Rule 6.4.3 to legibly portray the following information:

- (a) all adjoining surface owners of record;
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
- (e) the type of present vegetation covering the affected lands; and
- (f) in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
- (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
- (h) In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section.
- (i) Aerial photos, if available, may be included in this section.

EXHIBIT I – Soils Information (Rule 6.4.9):

13. The Applicant provided an Exhibit I labeled as Vegetation Information. Vegetation Information is Exhibit J (Rule 6.4.10). Please provide an updated Exhibit I – Soils Information that in consultation with the Natural Resources Conservation Service (NRCS) or other qualified person, the Operator/Applicant shall indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. If necessary, at its discretion, the Board may require additional information on soils or other growth media to be stockpiled and used in revegetation.

EXHIBIT J – Vegetation Information (Rule 6.4.10):

14. Please provide an Exhibit J - Vegetation Information pursuant to Rule 6.4.10.

EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Conservation District (Rule 6.4.17):

15. Please provide an Exhibit Q pursuant to Rule 6.4.17 that demonstrates proof that notice, of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii). Proof of notice shall be in the form of a return receipt of a Certified mailing or a date-stamped copy of the notice acknowledging receipt by the appropriate local Board or District.

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

16. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant has placed a copy of the application materials with the County Clerks or Records Offices. Also, please demonstrate that the Applicant's response to these incompleteness issues have been placed with the application materials previously placed with the County Clerks or Records Offices, and made available for public review.

ADDENDUM 1 – Notice Requirement (Rule 1.6.2(1)(b)):

17. The provided notice affidavit is incomplete. The affidavit is missing the date on which notices were posted at the mine site, as required by the Office, of sufficient size of a minimum size of sixteen (16) inches high by twelve (12) inches wide, with font sufficient to be readable at a reasonable distance, and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant or company name, and stating that (name of Applicant or company name) has applied for a mining permit with the Colorado Mined Land Reclamation Board. It is recommended to include photo documentation of sign placement.

Your Conversion 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 for the Division's consideration.

The response to this Incompleteness Notice is due on or before August 27, 2022.

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

cc: Jared Ebert, DRMS

ec: Raul Vasquez, Blue Mountain Stone, Inc., bluemtnstone@gmail.com