



December 28, 2022

Phillip Courtney  
Martin Marietta Materials, Inc.  
1627 Cole Blvd., Suite 200  
Lakewood, CO 80401

**RE: Blue Grass Gravel Pit, Permit No. M-2008-001, Incomplete Application for Transfer of Mineral Permit and Succession of Operators, Revision SO-05**

Dear Phillip Courtney:

On December 21, 2022 the Division of Reclamation, Mining and Safety received the Application Form for Transfer of Mineral Permit and Succession of Operators from Southwest Farms, Inc. to Martin Marietta Materials, Inc. for the Blue Grass Gravel Pit, Permit M-2008-001. The following items are incomplete for the application to be processed:

Application Form

1. A review of the Colorado Secretary of State website shows that C T Corporation System is the registered agent for Martin Marietta Materials, Inc. not Abbott Lawrence, see Attachment 1. The Division requires the applicant to provide documentation giving the signer, Abbott Lawrence, the authority to sign on behalf of Martin Marietta Materials, Inc. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, or certified secretary statement of a notarized statement on company letterhead.
2. On page 6 of the application, under "DESIGNATION OF REVIEW TIMELINE" the Permittee and Prospective Successor are required to select whether to waive the right to a decision on the application or to maintain said right. The Permittee and Prospective Successor each signed a different option. Please clarify which option was intended, sign the appropriate designated line, and re-submit the page.
3. On page 13 of the application, under "SIGNED, SEALED AND DATED" the operator is required to provide the corporation seal. If the corporation does not have a seal, please write "no seal" and re-submit the page.

Structure Agreement



4. No new structure agreements were provided, please provide a list of structures and the associated structure agreements. 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.

#### Financial Warranty

5. If the Permittee and Prospective Successor are in agreement, and choose to maintain their right to a decision on the application within thirty (30) days, a replacement Financial Warranty in the amount currently held by the Permittee (\$20,700) shall be provided by the Prospective Successor at the time of the application, and is subject to re-calculation by the Division *after* issuing its decision on the Application. If the Permittee and Prospective Successor are in agreement, and choose to waive their right to a decision on the application within thirty (30) days, the Division will recalculate the required Financial Warranty *before* issuing its decision on the Application.  
The Financial Warranty requirement will be dependent upon the Permittee's and the Prospective Successor's answer to item #2 mentioned above in this incompleteness notice. Please provide the required Financial Warranty reflective of the option chosen by the Permittee and the Prospective Successor.

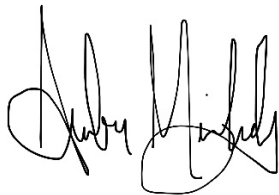
#### Other

6. As of the date of this letter, DRMS has not received the hard copy of the succession of operator application. The Division must receive signed original forms of a fully executed Affidavit of Authority, Performance Warranty, and Financial Warranty (if the right to a 30 day decision date is maintained).

Please return the required documentation to the Division **by February 26, 2023**. 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.

Please contact Amber Michels (303) 866-3567 ext. 8137 or by email at [amber.michels@state.co.us](mailto:amber.michels@state.co.us) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amber Michels', with a stylized, cursive script.

Amber Michels  
Environmental Protection Specialist

Attachments: 1. Colorado Secretary of State – Martin Marietta Materials, Inc.

cc: Sara Stevenson-Benn, Financial Assurance Specialist, DRMS  
Jared Ebert, DRMS

ec: Phillip Courtney, Martin Marietta Materials, Inc., [phillip.courtney@martinmarietta.com](mailto:phillip.courtney@martinmarietta.com)



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Summary

Details			
Name	Martin Marietta Materials, Inc.		
Status	Good Standing	Formation date	10/27/2011
ID number	20111601288	Form	Foreign Corporation
Periodic report month	October	Jurisdiction	North Carolina
Principal office street address	4123 Parklake Ave, Raleigh, NC 27612, US		
Principal office mailing address	4123 Parklake Ave, Raleigh, NC 27612, US		

Registered Agent	
Name	C T Corporation System
Street address	7700 E Arapahoe Rd Ste 220, Centennial, CO 80112, US
Mailing address	7700 E Arapahoe Rd Ste 220, Centennial, CO 80112, US

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