

July 6, 2023

Sent via email to: [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us)

Attn: Elliott R. Russell, Environmental Protection Specialist  
Minerals Regulatory Program  
Division of Reclamation, Mining & Safety (Room 215)  
Department of Natural Resources  
1001 E 62nd Ave.  
Denver, CO 80216

**Re: Response to Notice of Filing Deficiencies, M-2023-022**

Dear Elliott:

Thank you for providing the Notice of Filing Deficiencies dated June 30, 2023. On behalf of CoProp LLC, please see the responses to the requested items, provided below in blue text:

- 1) Item 1: Application Form: “Responsibility #10 (Page 5 of the application form) has been initialed, however CoProp LLC appears to be a sole entity. Please submit a new Page 5 without responsibility #10 initialed.”
  - a. [Please see the attached new Page 5, without responsibility #10 initialed.](#)
- 2) Item 2: General Application Process: “As discussed in Exhibit A – Legal Description and Location Map and as depicted on the Exhibit A-1: Subject Property Location and Route Map, the proposed operation will be accessed by an existing private road which connects to Highway 34, approximately 8.66 miles north of the site. The Division was unable to determine the location of the Rule 1.6.2(1)(b) on-site notice. Please provide the approximate coordinates of the on-site notice. If, the on-site notice is posted at the location of the proposed permit, please post an additional notice where the private access road connects to Highway 34. This location appears to be the closest public access point to the proposed operation and better complies with the intent of Rule 1.6.2(1)(b) regarding the public notice. You are welcome to modify the language of the notice to indicate that the proposed operation is located approximately 8.66 miles south of the posted notice sign. In accordance with Rule 1.6.2(1)(b), please submit an additional signed affidavit of posting the on-site notice at the access road entrance and photo documentation of the sign placement to add to the application’s Addendum 2 and 2-A, respectively.”
  - a. [The coordinates of the Extraction Site notice sign are: 40°11’52.15” N, 104°25’11.32” W.](#)

Kent Holsinger, *Manager*  
Jack Silver, *Of Counsel*

David L. Kueter, *Of Counsel*  
Terry Jo Epstein, *Of Counsel*

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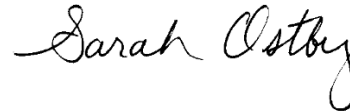
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- b. An additional notice sign was posted where the private access road connects to Highway 34. The coordinates of this notice sign are: 40°19'27.80" N, 104°24'49.04" W.
- c. Updated Addendum 2 (affidavit) and Addendum 2-A (photo documentation) are attached confirming the posting of the additional notice sign.

Please confirm whether these corrections satisfy the Notice of Filing Deficiencies.

Thank you,

HOLSINGER LAW, LLC



Sarah Ostby, *Paralegal*

Encl.

cc: Kent Holsinger  
Alec Cortez, Manager, CoProp LLC  
Tony Waldron

**Responsibilities as a Permittee:**

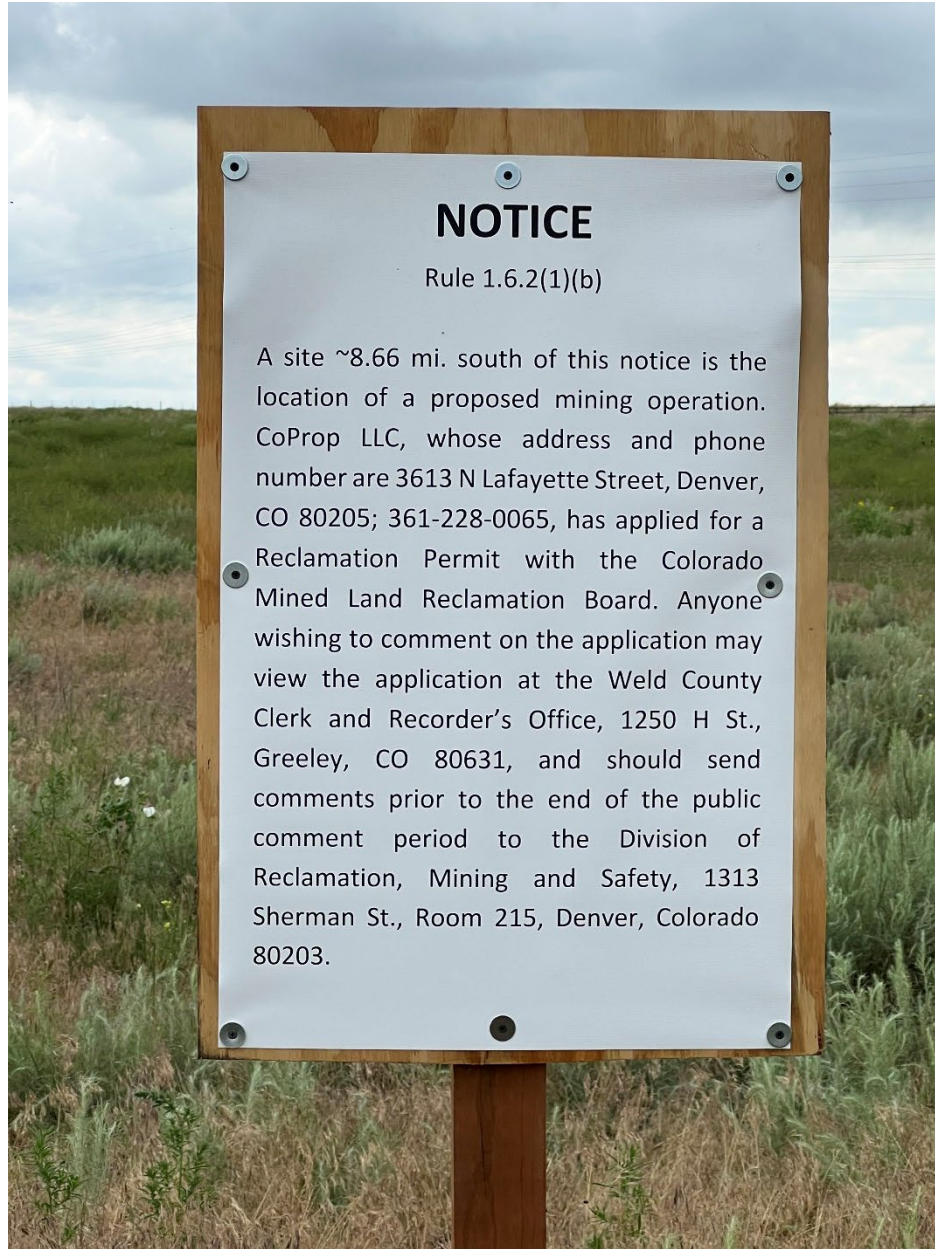
Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

- AC 1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;
- AC 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- AC 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- AC 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- AC 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- AC 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
  - a. the name of the operator;
  - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
  - c. the permit number.
- AC 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance;
- AC 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Mineral Rules and Regulations in effect at the time the permit is issued.
- AC 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
10. For joint venture/partnership permittee: the signing representative is authorized to sign when document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

### Certification of Placement of Sign



**ADDENDUM 2-A**  
**7/5/2023 Update**  
**Documentation of Placement of Sign**  
**(Intersection of Private Access Road and Hwy. 34)**











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## Re: New 110(c) Application in Weld County

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**Sarah Ostby** <sostby@holsingerlaw.com>

Fri, Jul 7, 2023 at 10:00 AM

To: "Elliott Russell (DNR-DRMS)" <elliott.russell@state.co.us>

Cc: "Alec Cortez (alec.cortez001@gmail.com)" <alec.cortez001@gmail.com>, Kent Holsinger <kholsinger@holsingerlaw.com>, Tony Waldron <hywal94@gmail.com>

Hi Elliott,

Attached please find our Response to the Notice of Filing Deficiencies. Please let us know if the filed application is now complete.

Best,

[Quoted text hidden]



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**23.07.06 Response to Filing Deficiencies\_w Attachments.pdf**  
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