

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



January 2, 2013

Robert Larson  
Monadnock Mineral Services LLC  
342 7<sup>th</sup> Avenue  
Ouray, CO 81427

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta E. Piñeda  
Director

**RE: Application for AM-01 Incomplete for the Purposes of Filing,  
SAKO (ZMK) Pit, Permit No. M-1991-146.**

Dear Mr. Larson:

On December 24, 2012, the Division received an application for Amendment No. 1 (AM-01) at the SAKO Pit. Pursuant to Rule 1.4.1(8) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rule), the Division has conducted a preliminary review of the application materials and has determined AM-01 to be incomplete for the purposes of filing. Pursuant to Rules 1.1(20.1) and 1.4.2, the following items must be received before the Division can consider your application as being filed and commence the technical review.

### **Deficiency Issues for the Application Form (Items 1 – 5)**

1. The application form received on December 24, 2012, is an antiquated form, no longer accepted, and the Mined Land Reclamation Board has provided a new form. The new form is available on the Division's web site, [www.mining.state.co.us](http://www.mining.state.co.us), and specifically at the link, <http://www.mining.state.co.us/MinForms/Construction%20110%20App.pdf>. Please utilize the currently approved form for the application for AM-01.
2. Please complete all portions of the application form. In the form received on December 24, 2012, the Applicant did not complete sections 5.1 and 5.2. If there are no incidental commodities please state such in the spaces provided.
3. On page 7 of the application form please ensure the correct Applicant/Operator is identified. According to other portions of the application, the correct Applicant/Operator is SAKO Excavation LLC and not Travis Sackman; Mr. Sackman is the registered agent for SAKO Excavation LLC but Mr. Sackman is not the Applicant/Operator.

4. Please affix the corporate seal and appropriate signature in the location provided on page 7 of the application form.
5. On the bottom of page 7 of the application form please ensure the notary correctly identifies who's signature she/he is notarizing. The notary failed to do so on the form received December 24, 2012. The Division will not accept an application with error in the portion completed by the notary.

NOTE: The notary's omission was repeated on the damage compensation form for the structure owned by Jim Bob Hobbs. The error on the damage compensation agreement is not a filing deficiency but will be raised by the Division as an adequacy issue during the technical review process, if not corrected before the application is considered complete for the purposes of filing.

**Deficiency Issues for Exhibits (Items 6 – 14)**

6. Pursuant to Rule 1.4.2(2)(b)(ii), please submit an updated Exhibit A, Legal Description and Location Map, which includes the new acreage being added to the permit and which satisfies the requirements of Rule 6.3.1 and 6.2.1(2).
7. Please submit an updated Exhibit C, Mining Plan, providing the information required under Rule 6.3.3 for the new acreage being added to the permit. The revised Mining Plan received on December 24, 2012, discusses a proposed wash pond but does not provide the information required under Rule 6.3.3 for the new acreage.
8. Please submit an updated Exhibit D, Reclamation Plan, providing the information required under Rule 6.3.4 for the new acreage being added to the permit. The revised Reclamation Plan received on December 24, 2012, addressed the proposed wash pond but did not address the newly added acreage.
9. The application did not address the cost of reclamation for the proposed operation, as required under Rule 6.3.4(2). Please ensure the updated Exhibit D, Reclamation Plan, provides the information required under Rule 6.3.4(2).
10. Please provide an updated Exhibit E, Mining Plan Map, which provides the information required under Rules 6.2.1(2) and 6.3.5(2).
11. Please provide an updated Exhibit E, Reclamation Plan Map, which provides the information required under Rules 6.2.1(2) and 6.3.5(3).
12. Please provide an updated Exhibit F, List of Other Permits and Licenses Required, which provides the information required under Rule 6.3.6. The application indicates there are


new permits and/or licenses required for the proposed activities, not previously identified in the original Exhibit F, submitted approximately 22 years ago.

13. Please provide an updated Exhibit G, Source of Legal Right-to-Enter, which addresses all affected lands and provides the information required under Rule 6.3.7.
14. Pursuant to Rule 1.6.2(1)(c), the above items must be placed with the application materials at the County Clerk and Recorder's Office. Therefore, please submit an updated Exhibit I, Proof of Filing with County Clerk, in accordance with Rule 6.3.9 and addressing the filing requirements identified within this correspondence.

Pursuant to Rule 1.4.1(8), the Applicant has 60 days from the date of this correspondence to submit all of the necessary documents for filing requirements. If, at the end of the 60 day period, the application has not been determined to be filed with the Office, the Office may deny the application and terminate the application file. Please satisfy the above listed deficiencies within 60 days, by March 4, 2013.

Please contact me at the Division's office in Durango at 691 County Road 233, Suite A-2, Durango, CO 81301, phone (970) 247-5469, if you have any questions.

Sincerely,



Wallace H. Erickson  
Environmental Protection Specialist

Ec: Tim Pasek, Monadnock Mineral Services  
Robert Larson, Monadnock Mineral Services  
Russ Means, DRMS, GJFO