

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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March 21, 2013

Travis Sackman
SAKO Excavation LLC
1254 County Road 23
Ouray, CO 81427

Robert Larson
Monadnock Mineral Services LLC
342 7th Avenue
Ouray, CO 81427

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

**RE: Decision to Deny and Terminate an Application to Amend a 110c Operation (AM-01),
SAKO (ZMK) Pit, Permit No. M-1991-146.**

Dear Mr. Sackman and Mr. Larson:

On March 21, 2013, the Office of Mined Land Reclamation (Office) within the Division of Reclamation, Mining and Safety (Division) denied the application for Amendment No. 1 (AM-01) at the SAKO Pit, Permit No. M-1991-146, and terminated the application file. The Office's decision to deny AM-01 and terminate the application file is in accordance with the requirements of Construction Materials Rule 1.4.1(8) and Section 34-32.5-115(4)(a) C.R.S. This correspondence is intended to inform the Applicant of the Office's decision and provide the Office's rationale for its decision.

On December 24, 2012, the Division received the application for AM-01. The Office reviewed the application materials and determined the application incomplete for the purposes of filing. The deficiency issues included errors on the signature page of the application form. On the signature page of the application form the Applicant was not appropriately named and the notary failed to authenticate the identity of the signatory for the Applicant. In a correspondence dated January 2, 2013, the Office enumerated 14 deficiency issues of the application. The Office clarified the deficiency issues must be resolved prior to the 60-day deadline of Rule 1.4.1(8), by March 4, 2013, or the application may be denied.

On March 4, 2013, the Division received response from the Applicant to the deficiency issues. The Office reviewed the application materials and determined the application remained incomplete for the purposes of filing. The primary filing deficiency appeared on the signature page of the application form; the notary had authenticated her own identity rather than the identity of the signatory for the Applicant.

Pursuant to Rule 1.4.1(8), the Office was authorized to deny AM-01 and terminate the application file on March 4, 2013. Rather than deny the application, the Office extended the filing deadline approximately two weeks to March 21, 2013. In a correspondence dated March 7, 2013, the Office described and illustrated the filing deficiency and reiterated that failure to

resolve the deficiency issue by March 21, 2013, would result in denial of the application. The Office clarified the Division will not accept an application with error on the signature page and specifically the portion completed by the notary.

On March 15, 2013, the Division received response from the Applicant to the deficiency issues. The Office reviewed the application materials and determined the application incomplete for the purposes of filing. The outstanding filing deficiency was an error on the signature page of the application, specifically the portion completed by the notary. On the signature page of the application the notary authenticated Travis Q. Sackman as the registered agent of Sack Ecavation [sic] LLC., and not the registered agent of the Applicant, SAKO Excavation LLC.

Pursuant to Rule 1.4.1(3), all information submitted in an application must be accurate and complete, and acknowledged as such by the signature of an authorized agent on an application form provided by the Board.

SAKO Excavation LLC is a company formed and registered under the laws of Colorado and is in good standing with the office of the Secretary of State. The Division may approve and issue reclamation permits to such a company, providing such company comply with the minimum requirements of the Construction Materials Act and Rules. Conversely, the office of the Secretary of State has no record of Sack Ecavation LLC. The Division shall not approve and issue reclamation permits to companies not formed and registered under the laws of Colorado.

Rule 1.4.1(8) provides ample time, 60 days, for an Applicant to comply with the filing requirements of the Construction Materials Act and Rules. In the case of AM-01 to the SAKO Pit, the Applicant was provided an additional 17 days, totaling 77 days, to comply. Although ample time had been extended to the Applicant, the Applicant could not or would not comply with the minimum filing requirements of the Construction Materials Act and Rules. On March 21, 2013, the Office denied AM-01 and terminated the application file, pursuant to Rule 1.4.1(8) and Section 34-32.5-115(4)(a) C.R.S.

The Office has reviewed the application materials and will not return the \$827 review fee to the Applicant. However, the Office will return the application materials to the Applicant upon request, but at no cost to the Office.

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

Sincerely,


Wallace H. Erickson
Environmental Protection Specialist

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