

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



April 17, 2013

Zane Luttrell

Rocky Mountain Aggregate and Construction

23625 Uncompahgre Road

Montrose, CO 81401

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

Greg Lewicki

Greg Lewicki and Associates

11541 Warrington Court

Parker, CO 80138

**RE: Filing Deficiencies for an Amendment to a 112c Application in Review,
Rocky Mountain Aggregate & Construction, LLC,
Uncompahgre Pit, File No. M-2013-007**

Dear Mr. Luttrell and Mr. Lewicki:

On or about April 12, 2013, the Division received an application to amend the above referenced 112c application. Pursuant to Construction Materials Rule 1.4.1(8) the Division has conducted a preliminary review of the application materials and has determined the amended application 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.

Filing Deficiencies for the Amended 112c Application

1. Please complete all portions of the application form. Specifically, please check the box at the top of page 1, clarifying there is a file number already assigned to this operation.
2. Please complete all portions of the application form. On the form for the amended application the Applicant failed to initial items 1 through 10, located on pages 5 and 6.
3. 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. The signature page of the application, page 8, is critical, especially the portion completed by the notary. The notary must authenticate the signature of the authorized agent for the Applicant. The Applicant must be identified on the application form exactly the same as registered with the Office of the Secretary of State. As noted on the enclosed certificate provided by the Office of the Secretary of State the correct name of the Applicant is "Rocky Mountain Aggregate &

Construction, LLC". However, on page 8 of the amended application form the Applicant is represented as Rocky Mountain Aggregate & Construction. The error in name of the Applicant was repeated by the notary. Please ensure the correct name of the Applicant, "Rocky Mountain Aggregate & Construction, LLC", is displayed on page 8 of the application form and especially for the portion completed by the notary.

4. Please correct the error on Exhibit A, Legal Description, indicating the permit area at 247.76 acres. The error appears in the first paragraph of page A-1.
5. 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 correcting the filing deficiencies 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 required for filing. If, at the end of the 60-day period the application has not been determined to be filed with the Division the application may be denied and the file may be terminated. Please satisfy the above listed filing deficiencies within 60 days, by June 17, 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

Enclosure: Certificate of good standing from the Office of the Secretary of State

ec w/enclosure: Greg Lewicki, Greg Lewicki and Associates
Russ Means, DRMS GJFO

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Rocky Mountain Aggregate & Construction, LLC

is a **Limited Liability Company** formed or registered on 05/13/2008 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20081261688.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/16/2013 that have been posted, and by documents delivered to this office electronically through 04/17/2013 @ 12:33:54.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 04/17/2013 @ 12:33:54 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8517427.



A handwritten signature in blue ink, which appears to read "Scott Gessler", is written over a horizontal line.

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."