



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

October 6, 2016

Joel Lemons  
Cargill, Inc.  
12998 CR 42  
Yuma, CO 80759

**RE: Incompleteness Notice; 110c Construction Materials Application;  
Cargill Cattle Feeders, LLC.; File No. M-2016-040;**

Dear Mr. Lemons,

On September 28, 2016, the Division of Reclamation, Mining and Safety (Division) received the 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the site known as Cargill Cattle Feeders, LLC., File No. M-2016-040. Review of this application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Incompleteness Response; M-2016-040".

### **APPLICATION FORM**

1. On page 1 of the application, the Applicant/Operator is listed as Cargill, Inc. and the Operation Name is listed as Cargill Cattle Feeders, LLC.. After conducting an online search, the Division believes Cargill, Inc. is not a registered company with the Secretary of State; however, Cargill Cattle Feeders, LLC was found as a registered company. Please clarify this. If the Applicant intends to file for a permit as Cargill Cattle Feeders, LLC please revise page 1, page 2, page 3 (if the landowner is different than listed), and Page 7 of the application to reflect this change. Please note, the Operation Name is how the site will be referred to and typically this would be or similar to Cargill Pit, Cargill Cattle Gravel Pit, Cargill Cattle Feeders Mine, etc.
2. On page 1 of the application, the Applicant has listed that the permitted acres is 100. The Division believes this is in error. Please note, C.R.S. 34-32.5-110(1)(a) states that a limited impact operations are less than 10 acres. Please revise this, any portions of the application materials, and any maps to reflect a site that is 9.9 acres in size or less. If the Applicant desires to apply for a permit for an operation 10 acres or greater, please refer to the Construction Materials Regular 112c Operation Reclamation Permit Application.
3. The application did not include the appropriate application fee. Please submit the required fee of \$1,258.00 for the 110c application.



4. The certification page (page 7 of the application) contains two errors. The Applicant/Operator listed does not match the Applicant/Operator listed in the notary section nor the Applicant/Operator listed on Page 1 of the application. Additionally, the title listed of the person signing for the Applicant/Operator does not match the title listed in the notary section. Please submit a new certification page with the correct Applicant/Operator and correct title of the signer, which both shall match the Applicant/Operator and title of the signer listed in the notary section.
5. As referenced in responsibility #10 on page 5 of the application, the Division requires the Applicant to provide documentation giving the signer of the application, Joel Lemons, the authority to sign on behalf of the company listed as the Applicant/Operator. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement or a notarized statement on company letterhead.
6. Addendum A was not included with the application. Please submit a signed affidavit that the notices were posted in accordance with Rule 1.6.2(1)(b), a sample affidavit may be obtained on page 12 of the electronic 110c application package found on the Division's website.

#### **GENERAL**

7. The affected lands boundary (permit boundary), must remain consistent between all application materials and maps. The permit boundary must include all proposed (and in this case, existing) mining related disturbances, including the access road. Please review and resubmit any applicable application materials where the permit boundary has been revised/finalized. If the permit is approved and issued, this boundary will need be delineated in the field per the requirements of Rule 3.1.12(2).

#### **EXHIBIT A - Legal Description and Location Map (Rule 6.3.1):**

8. The location map provided in Exhibit A of the application does not show the correct permit boundary as compared to other maps within the application. Additionally, the location map does not identify the access routes that will be used or the names of all immediately adjacent surface owners of record as required by Rule 6.3.1(3). Please submit a new location map that identifies the correct permit boundary, at least County Road N and County Road 42, and adjacent surface owners.

#### **EXHIBIT E - Map (Rule 6.3.5):**

9. Though normally reviewed for adequacy after the application is filed, the Division reviewed the Mine Plan Map for completeness to ensure all owner(s) of record had been identified for proper noticing after filling. The Applicant has identified *Mills, Betty L. Trust* as the sole surface owner of record within 200 feet of the affected land. The Division believes there is another surface owner(s) on the east side of County Road N within 200 feet of the site's entrance. Please verify that all owner(s) of record had been identified on the Mine Plan Map within Exhibit E.

**EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7):**

10. The Applicant has stated that the Applicant is the landowner of the quarter section on which the access point, access road, and open pit mine are located. As required by Rule 6.3.7, please provide a copy of the deed, abstract of title, or current tax receipt showing the Applicant is the landowner.

**EXHIBIT I - Proof of Filing with County Clerk (Rule 6.3.9):**

11. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy. Please submit proof that the public review copy has been updated or a copy of the response to this Incompleteness Notice has been added to it.

Your 110c Application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application submitted; the Division will notify you when you should initiate publication of your notice. This notice must be published once within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 10th day after the publication or the next regular business day.

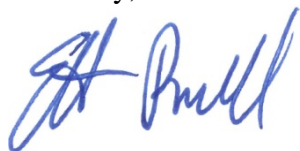
Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division shall deny the application and terminate the application file.

**The response to this Incompleteness Notice is due on or before December 5, 2016.**

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Cc: Wally Erickson; Division of Reclamation, Mining & Safety