



## COLORADO

Division of Reclamation,  
Mining and Safety

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

November 15, 2016

Marcy Brossman  
Cheyenne County  
51 S. 1st Street  
Cheyenne Wells, CO 80810

**RE: Incompleteness Notice; 110c Construction Materials Application; Jolly Pit #3; File No. M-2016-075**

Dear Ms. Brossman,

On November 1, 2016, the Division of Reclamation, Mining and Safety (Division) received the 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the Jolly Pit #3, File No. M-2016-075. 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-2016-075".

### **APPLICATION FORM**

1. The Applicant indicated Jolly Pit #3 for Question 1.1 on Page 1 of the application. This is likely an error as this question requests the Type of Organization filing of the permit. Please revise this by identifying that the Applicant is Local Government and submit a new page 1 of the application.
2. The Applicant initialed Responsibility #10 on page 5 of the application. The Division believes this is an error because the Applicant/Operator is not a joint venture or partnership. Please submit a new page 5 of the application with all but #10 initialed.
3. The certification page (Page 7 of the application) contains errors that will need to be corrected before the application is considered complete for filing purposes. The Applicant/Operator is identified as Rod Pelton's signature and is signed as Cheyenne County instead of the vice versa. Additionally, the notary section identifies Rod Pelton as the Owner/Operator of Cheyenne County, but his title is identified as Chairman. Please submit a new certification page with the revised Applicant/Operator, being signed correctly, and having the correct title of the signer identified in the notary section.

### **GENERAL**

4. Although not necessarily a completeness issue, but similar to the Incompleteness Item #3, the Performance Warranty submitted with the Application contains an error. Please revise the notary section to include the correct title of the signer. A new Performance Warranty is enclosed.

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

5. The Applicant has stated that Patrick A. Jolly is the surface owner of the affected land and 29 parties/individuals (including Patrick A. Jolly) as the subsurface owners of the affected lands. Exhibit G only



included the source of legal right to enter for Patrick A. Jolly. In accordance with Rule 6.3.7, please provide the source of legal right to enter for the other 28 subsurface owners OR demonstrate that Patrick A. Jolly is the sole owner of the commodity being mined and no legal right to enter documentation is needed for the other owners.

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

6. 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.

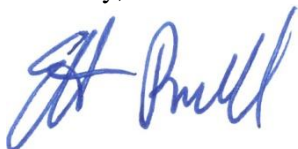
Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division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

**The response to this Incompleteness Notice is due on or before January 17, 2017.**

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

Enclosure: Performance Warranty Form M2016075

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