



COLORADO

Division of Reclamation,
Mining and Safety

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

May 11, 2018

David L. Hornung
Kit Carson County
P.O. Box 160
Burlington, CO 80807

**RE: Notice of Filing Deficiencies, 110c Construction Materials Application
Jarnagin Pit, File No. M-2018-022**

Dear Mr. Hornung,

On April 27, 2018, the Division of Reclamation, Mining and Safety (Division) received the Kit Carson County 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the Jarnagin Pit operation, File No. M-2018-022. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. The following filing deficiencies must be addressed before the Division can consider the application as being filed and the technical adequacy review can begin. Please respond to this Notice of Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Deficiencies, M-2018-022".

APPLICATION FORM

1. The Application Question #8, on the third page of the application form, was left blank. Please identify the name of the owner(s) of the surface of the affected lands and resubmit a revised page three of the application form.
2. Application Question #11, on the third page of the application form, identifies the primary mine entrance location by Latitude/Longitude coordinates, however, it appears these coordinates do not accurately depict the actual location of the mine entrance. The Applicant provided $39^{\circ} 05' 59.00'' N$, $102^{\circ} 51' 49.60 W$, while it appears it should have been $39^{\circ} 05' 49.6 N$, $102^{\circ} 51' 59.00'' W$. Please revise the primary mine entrance coordinates and submit a replacement page three of the application form as well as making the same change to the Exhibit A materials.
3. Responsibility #10 on page six of the application form has been initialed. This is likely in error as the applicant appears to not be a joint venture/partnership business. Please submit a new page six without responsibility #10 initialed.

EXHIBIT A – Legal Description and Location Map (Rule 6.3.1):

4. The Exhibit A Map does not meet the requirements of Rule 6.3.1(3). Please submit an additional Exhibit A Map which shows information sufficient to determine the location of the affected land on



the ground and label the access routes to be used in connection with the mining operation. The operation location map shall be a standard 1:24,000 scale U.S. Geological Survey map.

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

5. Any changes or additions to the application on file with the Division, must also be reflected in the public review copy in accordance with Rule 1.6.2(2). Please submit proof that the public review copy has been updated with a copy of this letter and associated response.

The Kit Carson County 110c Construction Materials Limited Impact Operation Reclamation Permit Application will not be considered 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. Please note, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; 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 may deny the application and terminate the application file. **The response to this Notice of Filing Deficiencies is due on or before July 10, 2018.**

This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements 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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

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