



COLORADO

Division of Reclamation,
Mining and Safety

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

September 25, 2018

Rick Ensminger
3500 Highway 6
Haxtun, CO 80731

**Re: Incompleteness Notice, 112c Construction Materials Amendment Application (AM-01)
Ensminger Pit #2, Permit No. M-2010-036**

Rick Ensminger:

On September 21, 2018, the Division of Reclamation, Mining and Safety (Division) received your 112 Construction Materials Reclamation Permit Amendment Application (AM-01) package for the Ensminger Pit #2, Permit No. M-2010-036. Preliminary review of the information received determined that the following items must be received before the Division can consider your application as being submitted/filed and technical review can begin. Please respond to this Incompleteness Notice with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Incompleteness Notice: M-2010-036".

APPLICATION FORM:

1. Item 5.1 and 5.3. On page one the incidental commodities to be mined was left blank but the end use of those commodities was completed. Please indicate the volume of incidental commodities to be mined (5.1) or if no incidental commodities will be mined, please indicate "N/A" on 5.1 and 5.3 and submit a replacement page one of the application form.
2. Item 6. On page two Marion Werner is listed as an owner of the subsurface rights of affected land but no documentation is provided in Exhibit N or listed in Exhibit O. Please provide the required documentation or revise Item 6.
3. Item 10. On page two the primary mine entrance location provided latitude and longitude coordinates that do not accurately depict the mine entrance. Currently the mine entrance plots, using Google Earth, approximately 2,000 feet to the northeast of the current entrance. Please provide updated mine entrance coordinates and submit a replacement page two of the application form.
4. Certification. On page eight the year date of the notary section was left blank. Please submit a new page eight with the year date completed.

EXHIBIT A - Legal Description (Rule 6.4.1):

5. The legal description must identify the affected land and be wholly adequate for field location of the property. The Township and Range data provided indicates that the Range is "R474W". Please revise and submit a new page with updated Range coordinate.



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.

ADDENDUM 1 - Notice Requirements - Affidavit of Posting Notice (Sign) (Rule 1.6.2(1)(b)):

7. As indicated in the Amendment's cover letter a certification of posting will be forwarded. Please insure that the certification is received by the Division.

Your 112 c AM-01 Application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review. 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 for four consecutive weeks, stating within ten (10) days of the date your application is considered submitted. The final date for receiving comments is the 20th day after the last 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 November 26, 2018.

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 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS
Randy Schafer, 40586 Co. Rd. 21, Haxtun, CO, 80731