



## COLORADO

Division of Reclamation,  
Mining and Safety

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

May 7, 2019

John P. Ary  
Fremont Paving & Redi-Mix, Inc.  
PO Box 841  
Cañon City, CO 81215

**RE: Incompleteness Notice; Special 111 Operation Application;  
Buss Barrow Pit; File No. M-2019-021**

Dear Mr. Ary,

On May 3, 2019, the Division of Reclamation, Mining and Safety (DRMS) received the 111 Special Operation Reclamation Permit Application for the Buss Barrow Pit, File No. M-2019-021. Review of this application determined the following items must be received before the DRMS 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-2019-021".

### **APPLICATION FORM**

1. **P. iii, Performance and Financial Warranties.** The second sentence at the top of p. iii of the 111 application states: "The application MUST also include a fully executed financial warranty in the amount of \$2,500 per acre of affected land (a fraction of an acre is counted as one acre for calculation)." No financial warranty or financial warranty form was received with the application. Based on Exhibit A and the corner marker coordinates, the site is 7.8 acres. As such, a financial warranty of \$20,000 is required along with the appropriate executed financial warranty form. The DRMS noted the Performance Warranty (PW) was included with the application, but there is a discrepancy in the pit name between the PW and the name of the pit on page 1 of the Application (Item 2): "Buss Pit" vs. "Buss Barrow Pit", respectively. The site name must be consistent.
  - a) Please provide a financial warranty in the amount of \$20,000 and the appropriate financial warranty forms,
  - b) Please provide either a pit-name corrected Performance Warranty or a pit-name corrected Application page 1 to provide a consistent site name.



2. P. 1, Item 3, Permitted Acreage. The permitted acreage is listed as 7 acres. However, the Exhibit A map indicates the affected area is 7.8 acres, which is consistent with the maker location coordinates also on the Exhibit A map. Please provide a corrected page 1 of the application form.
3. P. 1, Item 9, Location information. Based on the map provided in Exhibit A, the site is wholly contained in Section 18, Range 11 E in the NW quarter of the NW quarter. The application states the site is in NE quarter of the NE quarter of Section 13, Range 10 E. Please provide a corrected page 1 of the application form.
4. P. 2, Item 10, Primary Mine Entrance Location. The entrance location in the application differs from that on the Exhibit A map and is on the opposite side of Hwy 50 from the proposed mine site. The DRMS believes the coordinates should be: 38°24'58.76" north latitude and 105°47'47.07" west longitude. Please provide a corrected page 2 of the application form.
5. P. 3, Correspondence Information. Telephone and fax numbers are not provided for either the Applicant/Operator or the Permitting Contact. The inspection contact is left blank. If it is the same person as either the Applicant/Operator or the Permitting Contact, please indicate as much, otherwise list the inspection contact. Please provide the necessary contact information on a corrected page 3 of the application form.
6. P. 6, Corporate Secretary Signature. The signature for the corporate secretary is blank. This signature is required for corporations. Please provide a corrected page 6 of the application form with the corporate secretary's signature and corporate seal. If there is no corporate seal, please indicate as much.

## **APPLICATION**

### **EXHIBIT L - Permanent Man-Made Structures (Rule 6.3.12):**

7. A preliminary review of the Exhibits A and B maps indicate additional structures agreements will be needed. This is not an issue for completeness, but will be an adequacy issue that needs to be addressed before the DRMS can approve the 111 application. Additional permanent man-made structures within 200 feet of the proposed affected area include the following: US Highway 50, Sangre de Cristo electric lines, CenturyLink utility line, the Buss driveway (in the vicinity of the corrals), and structures across Hwy 50 (apparently owned by Tara Jane Knor, 11653 US Hwy 50). Please consider initiating these structures agreements in order to expedite the application process.

Your 111 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 15 days from the date of receipt and acceptance of all of the requested information.

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 DRMS 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 DRMS, the DRMS may deny the application and terminate the application file. All corrected pages must also be provided to Fremont County Clerk & Recorder.

May 7, 2019

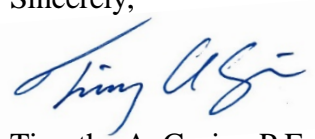
Page 3 of 3

**The response to this Incompleteness Notice is due on or before July 6, 2019.**

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The DRMS 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 have any questions or need further information, please contact me at (303)866-3567 x8169.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim A. Cazier", is written over a light blue rectangular background.

Timothy A. Cazier, P.E.

Environmental Protection Specialist

ec: DRMS file,  
Jodi Schreiber, Fremont Paving & Redi Mix