



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

July 10, 2020

Mr. Andy Kagan
Kagan & Sons
555 Ernest Ave
Westcliffe, CO 81252

RE: Spotted Burro Pit - File No. M-1979-192; Incompleteness Notice for Amendment 1 (AM-1)

Dear Mr. Kagan:

On June 26, 2020, the Division of Reclamation, Mining and Safety (Division) received a 112c Regular Operation Reclamation Permit Amendment (AM-1) Application for the Coaldale Quarry, File No. M-1979-192. 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-1979-192, AM-1".

Application Form

1. Company Name. On Item 1, page 1 of the Application the company name is inconsistent with the name registered with the Colorado Secretary of State and that used in the rest of the Application in that the comma is missing. The Division requires the company name be consistent with the Secretary of State registration for legal reasons. Please resubmit page 1 with the correct form of the company name.
2. Item 3, Page 1, Permitted Acreage. It is important for long-term accounting reasons for the permit acreage to be consistent. The Division's records indicate the current permit area is 53.91 acres. The Application states it is 54 acres. This needs to be corrected on the application.
 - a. Another area discrepancy was noted during this completeness review. While verifying the existing area should be 53.91 acres, the 14 corner coordinates (from Exhibit A – thank you for providing corner coordinates) were used to delineate the proposed boundary. During the process, the Division determined the proposed additional area is only about 33.4 acres and not the 40 stated. This is not a completeness issue, but if the boundary needs to be corrected to include an additional 6.6 acres as part of the forthcoming adequacy review, it would require republishing notices and resending notices to adjacent landowners and structure owners. So, if corrections to the permit boundary are necessary to get the additional 40 acres, it would be better to address that prior to notices being sent out. If on the other hand, the additional area proposed for AM-01 is only 33.4 acres, it needs to be corrected on Item 3.1
 - b. Based on responses to incompleteness Comments 2 above, the total permit area (Item 3.2 on the Application) may need to be adjusted as well
3. P. 6, Responsibilities as a Permittee. Item 10 was initialed indicating this permit is a joint venture requiring a power of attorney. No other information was found in the Application indicating this is a joint venture.



If this is a joint venture, please confirm as much. If not, please resubmit page 6 of the application with the correction.

4. Page 8, Certification – Corporate Seal. There was no corporate seal on the signature page. If no corporate seal exists, please respond by indicating “no corporate seal”, otherwise please resubmit page 8 of the AM-1 Application with the corporate seal.

EXHIBIT A - Legal Description

5. Entrance Location. Exhibit A requires a mine entrance location which could not be found in this exhibit. Please resubmit Exhibit A to include a mine entrance location. (Please note the entrance location on p. 2, Item 10 of the Application appears to coincide with corner number 10 on Exhibit C, rather than the current entrance location. The Division will also require these two entrance locations be consistent).

Your 112c Application will not be considered submitted/filed until the information listed above is received and found sufficient to begin our review.

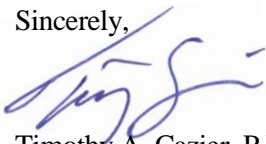
Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. Please be aware corrected pages must be placed with the Fremont County Clerk and Recorder.

The response to this Incompleteness Notice is due on or before September 8, 2020.

This letter shall not be interpreted to mean that there are no other adequacy 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 x8169 or 303-328-5229 (cell)**, or by email at tim.cazier@state.co.us.

Sincerely,



Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Michael Cunningham, DRMS
DRMS file
Rebecca Kagan, RockBottom
Ken Klco, Azurite