



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

December 4, 2020

Randy Snare  
Snare Construction, Inc  
13619 County Road 1  
Florissant, CO 80816

**RE: Notice of Filing Deficiencies, 110c Construction Materials Application  
Snare Construction, Inc. and Materials, File No. M-2020-055**

Dear Mr. Snare,

On November 18, 2020, the Division of Reclamation, Mining and Safety (Division) received the Snare Construction, Inc 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the Snare Construction, Inc and Materials operation, File No. M-2020-055. 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-2020-055".

**GENERAL**

1. The copy of the on-site notice was provided in the application, however, it has a stamp from the Teller County Clerk & Recorder so the Division is not sure if this was posted on-site or if it was provided to the Clerk and Recorder. Please confirm an on-site notice was posted in accordance with Rule 1.6.2(1)(b). Please note, in accordance Rule 1.6.2(1)(b), the posted notice is required to be a minimum size of 11 inches wide and 17 inches high, with appropriate font size. Please submit a signed affidavit state the appropriately sized sign was posted at the location of the access to the proposed site.
2. Maps provided in the application do not meet the minimum requirements of Rule 6.2.1(2). The Applicant will need to revise the maps to show the name of the Applicant in accordance with Rule 6.2.1(2)(a). The Applicant will also need to identify and outline the 9.9 acre permit boundary in accordance with Rule 6.2.1(2)(d). Please note, all disturbances and facilities associated with the mining operation need to be included within the permit boundary, however existing roads which will not need to be substantially upgraded are not required to be included. The Division requests at least one map include the latitude and longitude coordinates of the permit boundary corners.

**APPLICATION FORM**

3. Application Question #1 (Page 1 of the application form) lists "Randy Snare/Snare Construction, Inc" as the Applicant/Operator. It appears the Applicant/Operator should be just "Snare Construction, Inc".



Please revise Application Question #1 to accurately reflect the Applicant/Operator of the operation and submit a replacement page one of the application form.

4. Application Question #7 (Page 3 of the application form) lists “N/A” as the name of the owner of the subsurface rights of the affected lands. This is not an appropriate answer to Application Question #7. Please revise Application Question #7 by identifying the owner(s) of the subsurface rights of the affected lands and submit a replacement page three of the application form.
5. Application Question #10 (Page 3 of the application form) identifies the location of the center of the mine site, however the check boxes for the quarter section and quarter-quarter section are left blank. Additionally, the general description (the number of miles and direction from the nearest town and the approximate elevation) of Application Question #10 was left blank. Please revise the location information and submit a replacement page three of the application form.
6. Responsibility #10 (Page 5 of the application form) has been initialed, however the Applicant appears to not be a joint venture/partnership business. Please submit a new Page 5 without responsibility #10 initialed.
7. The Application Certification (Page 7 of the application form) is not executed correctly. The Applicant/Operator is identified as Randy Snare instead of Snare Construction, Inc. Please submit a new Application Certification with the correct Applicant/Operator.

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

8. The Application’s Exhibit A contains the word “Map”. The Application included a Mine Development Plan - Site Map. The submitted Exhibit A and the Site Map do not meet the requirements of the Rules. The Division has listed the requirements for Exhibit A below:

6.3.1(1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a) township, range, and section, to at least the nearest quarter-quarter section, and (b) location of the main entrance to the mine site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of Township, Range, and Section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.

6.3.1(2) The main entrance to the mine site shall be located based on a USGS Topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

6.3.1(3) A map showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining

operation. Names of all immediately adjacent surface owners of record shall also be shown. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. The location of the proposed operation shall be shown and labeled with the mine site name.

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

9. Within Exhibit G, the Applicant states the property to be mined is owned by the Applicant, however Application Question #8 lists the owner of the surface of the affected lands as Ernest Snare Living Trust. In accordance with Rule 6.3.7, the Applicant will need to provide a copy of the deed, abstract of title, or a current tax receipt to demonstrate who owns the affected lands. If the owner of the surface/subsurface is different than Snare Construction, Inc, the Applicant will need to submit a copy of the lease or a signed statement by the landowner(s) and acknowledged by a notary public stating the Snare Construction, Inc has the legal right to enter to conduct mining and reclamation.

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

10. 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.

**EXHIBIT J – Proof of Mailing Notices to Board of County Commissioners and Conservation District (Rule 6.3.10):**

11. The application included proof of filing with the local Board of County Commissioners, however proof of filing with the local Soil Conservation District was not included. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of a certified mail return receipt (the green signature card) or a date-stamped copy of the notice acknowledging receipt by the local Soil Conservation District. If the Applicant elects to mail a notice to the Soil Conservation District, please provide a copy of the notice in addition to the certified mail return receipt.

The Snare Construction, Inc 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 10 days of the date your application is considered filed. 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 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 February 2, 2021.**

December 4, 2020

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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 and Rules 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

Cc: Jason Musick, Division of Reclamation, Mining & Safety