



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

December 11, 2020

Bill Schenderlein  
PO Box 2427  
Ft. Collins, Co 80522

**Re: Baurer Pit, M-2020-058, Incompleteness notice for 112 Construction Materials Reclamation Application**

Dear Bill Schenderlein:

On November 30, 2020, the Division of Reclamation, Mining and Safety received your 112 Construction Materials Reclamation Permit Application package for the Baurer Pit, File M-2020-058. Preliminary review of the information received determined that the following items must be received before the Division can consider your application as being submitted and technical review can begin:

### **APPLICATION FORM:**

1. Item number 6 of the application page states "refer to Exhibit O". Evidence has been submitted to the Division that shows there may be another subsurface owner. The evidence provided has been attached to this letter. Please list all of the owners of subsurface rights in item number 6.

### **EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14):**

2. The legal right to enter documents provided do not have a notary seal and also appear to be printed directly from the Weld County Property Portal. These do not comply with Rule 6.4.14. You must provide the source of your legal right to enter and initiate a mining operation on the affected land.

### **EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15):**

3. Evidence has been provided to the Division that shows there is a subsurface owner that is not listed in Exhibit O. Please submit a complete list of all owners or provide evidence that those listed in Exhibit O are the subsurface owners.

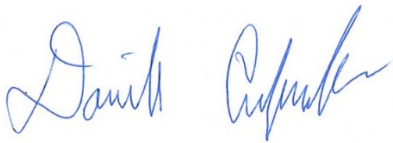


Your application will not be considered submitted until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your application is considered submitted. We will notify you when you should initiate republication of your notice. The final date for receiving comments is the 20th day after the fourth publication or the next regular business day.

You have sixty (60) days from the above date to submit all necessary documents that the Office 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 Office, the Office shall deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other 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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Cunningham".

Daniel Cunningham  
Environmental Protection Specialist

Enclosed: Stipulation and Cross Conveyance, and Joint Ownership and Easement Agreement

CC: Jared Ebert, DRMS  
Aggregate Industries  
1687 Cole Boulevard, Suite 300  
Golden, Colorado 80401