



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

July 21, 2021

Cory Kaufman
Zak Dirt, Inc.
14290 Hilltop Rd
Longmont, CO 80504

**RE: Notice of Filing Deficiencies, Special 111 Construction Materials Application
Borrow Pit, File No. M-2021-048**

Dear Mr. Kaufman,

On July 16, 2021, the Division of Reclamation, Mining and Safety (Division) received the Zak Dirt, Inc. Special 111 Construction Materials Operation Reclamation Permit Application for the site known as Borrow Pit, File No. M-2021-048. 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-2021-048". If portions of an exhibit is revised, the Applicant may want to submit an entire replacement exhibit to help maintain a clear and concise permit record.

GENERAL

1. The copy of the on-site notice and certification of posting, as required by Rule 1.6.2(1)(b), was not provided in the application materials. Please refer to the 111 permit application packet for a sample notice and certification and provide a copy of it to the Division once the notice is posted on-site.
2. The Applicant proposes to permit 2.0 acres. In accordance with Rule 4.2.4 (1) and as instructed on Page iii of the 111 application form instructions, the application must include a fully executed financial warranty in the amount of \$2,500 per acre. The Division received a Check for Deposit in State Treasury financial warranty form and check for \$2,500. Please submit an additional \$2,500 financial warranty or submit a \$5,000 financial warranty and request a return of the first \$2,500 check.

APPLICATION FORM

3. Application Question #9, on the first page of the application form, was incomplete and contained one error. Please submit a replacement page one of the application form with the Direction of the Township, the Direction of the Range, the correct Quarter Section, the Quarter/Quarter Section, the elevation, and the number of miles and direction from the nearest town to the site identified in Application Question #9.



4. Application Question #11, on the second page of the application form, identifies the primary mine entrance location by Latitude/Longitude coordinates, however, these coordinates do not accurately depict the location of the mine entrance. The mine entrance is located approximately 500 feet northwest of the provided coordinates. Please revise the primary mine entrance coordinates and submit a replacement page two of the application form. Please note, Exhibit A will need to be revised too.

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

5. Exhibit A did not contain a legal description as required by Rule 6.3.1(1) and as stated above, the entrance coordinates are not inaccurate. Please submit a revised Exhibit A with the a township, range, and section, to at least the nearest quarter-quarter section legal description and the location of the main entrance to the mine site reported as latitude and longitude.
6. Exhibit A did not contain an appropriate location map nor does the google earth image label the entrance to the site as required by Rule 6.3.1(2). Please submit a USGS Topographic Map with the main entrance identified and labeled with the latitude and longitude coordinates.
7. The Exhibit A map does not show the names of all immediately adjacent surface owners of record as required by Rule 6.3.1(3). Please submit a revised Exhibit A map showing the names of all immediately adjacent surface owners of record.

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

8. The application did not include proof that the application was placed at the local County Clerk and Recorder for public review as required by 1.6.2 (1)(c). In accordance with Rule 6.3.9, please submit an affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review.
9. 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):

10. The application includes the notice cover letters to the local Board of County Commissioners and local Soil Conservation District, however Exhibit J does not included proof of certified mailing nor proof of personal service of these notices. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of a certified mail return receipt (also known as the green signature cards) or a date-stamped copy of the notice acknowledging receipt by the appropriate board.

The Zak Dirt, Inc. Special 111 Construction Materials Operation Reclamation Permit Application will not be considered filed until the information listed above is received and found sufficient to begin our review.

July 21, 2021

Page 3 of 3

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 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 September 20, 2021.**

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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

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