



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

February 14, 2023

Maxwell Ammann  
Blattner Energy, LLC  
392 County Road 50  
Avon, MN 56310

**Re: Notice of Filing Deficiencies, 110c Construction Materials Application  
Bronco Plains II Wind Farm, West Pit, File No. M-2023-004**

Dear Mr. Ammann,

On January 31, 2023, the Division of Reclamation, Mining and Safety (Division) received the Blattner Energy, LLC 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the proposed operation known as Bronco Plains II Wind Farm, West Pit and assigned it File No. M-2023-004. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. Please respond to this Notice of Filing Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Filing Deficiencies, M-2023-004".

**APPLICATION FORM**

1. Application Questions 7 and 8 list Bob Bledsoe for the owner of the surface and subsurface of the affected lands, however, Exhibit G – Source of Legal Right-to-Enter provides a Borrow Agreement with Catherine L. Bledsoe Trustee & Robert C. Bledsoe Trustee. Please submit a new Page 3 with the correct owner of the surface and subsurface of the affected lands.
2. Application Question 10 identifies the Quarter/Quarter Section as NW. Based on the maps submitted, the proposed operation is located in the SW Quarter/Quarter Section. Please submit a new Page 3 with a revised Quarter/Quarter Section, accurately locating the center of the area where the majority of the mining will occur. Please also resubmit Exhibit A as the Rule 6.3.1(1) legal description lists the NW Quarter/Quarter Section too.
3. Application Question 10 provides the General Description of the site, however the small font size makes the information illegible. Please submit a new Page 3, providing only the miles and general cardinal direction from the nearest town to the proposed operation and the elevation of the site.
4. The Application Certification (Page 7 of the application form) is not executed correctly. The Applicant/Operator does not exactly match the name of the Applicant/Operator on Page 1 of the application. Additionally, your title within the notary section is listed as *Manager* while on the signature section lists your title as *Project Construction Coordinator*. Please submit a new Application Certification with the Applicant/Operator listed as Blattner Energy, LLC and a correct notary section.

**GENERAL APPLICATION PROCESS**

5. A copy of the on-site notice was submitted with the application, however the date posted, signature, and date of signature within the affidavit section were left blank. As required by Rule 1.6.2(1)(b), please submit a signed affidavit demonstrating the on-site notice has been posted at the access to the proposed site. Please note, the notice sign must be a minimum size of 11" wide by 17" inches high, with appropriate font size.



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

6. Within Exhibit G, you have provided 2 pages of a 4 page expired 2019 Borrow Agreement with Catherine L. Bledsoe Trustee & Robert C. Bledsoe Trustee. Please provide current documentation of the legal right to enter to conduct mining and reclamation for owners of the surface and subsurface of the affected lands. This may include a copy of a lease or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conducting mining and reclamation.

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

7. Within Exhibit I, you provided a blank affidavit for the County Clerk and Recorder. In accordance with Rule 6.3.9, please submit proof (affidavit or date-stamped receipt) that the original application and the revisions associated with this letter have been placed for public review at the local County Clerk and Recorder.

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

8. The application included notice cover letters to the local Board of County Commissions and the Soil Conservation District, however, the application did not included the required certified mail return receipts, also known as the signature cards nor a date-stamped copy. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of certified mail return receipts or date-stamped copies of the notices acknowledging receipt by the local Board of County Commissions and the Soil Conservation District. Please note, the Soil Conservation District listed on the notice cover letter should be revised from Kit Carson to Flagler.

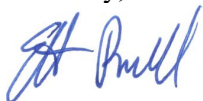
The Blattner Energy, LLC 110c Permit Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. Please note, 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.

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 April 17, 2023.**

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 have any questions, please contact me at 303-866-3567 ext. 8132 or [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Cc: Michael Cunningham, Division of Reclamation, Mining & Safety