



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

May 9, 2023

Mr. Blake Foerster
IHC Scott, Inc.
10303 E. Dry Creek, STE 300
Englewood, CO 80112

**Re: Incompleteness Notice No. 2, New 111 Construction Materials Permit Application,
W. Max (Bill Nelson) Borrow Pit, Permit No. M-2023-010**

Mr. Foerster:

On May 5, 2023, the Division of Reclamation, Mining and Safety (Division/DRMS) received your responses to the Division's Incompleteness Notice dated April 10, 2023 for the W. Max (Bill Nelson) Borrow Pit new permit application File No. M-2023-010. After review of your responses the Division has identified additional items that need to be addressed before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice No. 2 with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response No. 2; M-2023-010".

APPLICATION FORM:

1. Certification. On page six, the Notary incorrectly completed the page. The "By" needs to be the name of the individual signing above, and the "As" blank should be the title of the individual signing above, in this case Project Manager. Additionally, please indicate "No Seal" below "If Corporation Attest (Seal)".

EXHIBIT R – Proof of Filing with County Clerk and Recorder (Rule 6.3.9):

2. Pursuant to Rule 1.6.2(1)(c), please demonstrate that the Applicant has placed a copy of the application materials with the County Clerks or Records Offices. Also, please demonstrate that the Applicant's response to these incompleteness issues have been placed with the application materials previously placed with the County Clerks or Records Offices, and made available for public review.

Financial and Performance Warranties and Affidavit of Authority:

The following items were received however the Division requires the original wet signature pages to be submitted. Copies of the wet signature pages are not sufficient. Please submit the original wet signature pages of the following items.



3. Financial Warranty: IHC Scott, Inc.'s signature and notary (pages 5 and 6) must be resubmitted. The notary filled in her own name rather than IHC Scott, Inc.'s signatory party. This invalidates the signature and the notary. The Federal Insurance Company's signatures don't need to be redone.
4. An original Affidavit of Authority signed by the same IHC Scott, Inc. signatory party as the Financial Warranty.
5. An original Performance Warranty signed by the same IHC Scott, Inc. signatory party as the Financial Warranty.

Your New 111 Construction Materials 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 15 days from the date of receipt and acceptance of all of the requested information.

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. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for the Division's consideration.

The response to this Incompleteness Notice is due on or before July 8, 2023.

This letter shall not be interpreted to mean that there are no other completeness 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 by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Blake Foerster, IHC Scott, Inc., bfoerster@ihcscott.com