



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

May 31, 2024

Richard A. Vidmar
City of Aurora
26791 E. Quincy
Aurora, CO 80016

**Re: Notice of Filing Deficiencies, 111 Construction Materials Special Operation Application
Wild Horse West Test Quarry, File No. M-2024-025**

Dear Richard A. Vidmar,

On May 23, 2024, the Division of Reclamation, Mining and Safety (Division) received your Construction Materials Special 111 Operation Reclamation Permit Application for the proposed Wild Horse West Test Quarry operation in Park County and assigned it File No. M-2024-025. 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 Notice of Filing Deficiencies, M-2024-025".

Application Form and General Application Process:

1. The application's Applicant/Operator Name (Question 1, Page 1) and the Applicant/Operator on the Application Certification (Page 6) is listed as "City of Aurora" while the Company Name for the Applicant//Operator correspondence (Question 15, Page 4) is listed as "City of Aurora | Aurora Water". Additionally, the notary section on the Application Certification (Page 6) states the application form is being signed by Mr. Vidmar as the Water Resource Manager of Aurora Water. The Applicant/Operator name must remain consistent throughout the permit application form, please revise these pages accordingly.
2. On Pages 4 and 5 of the application form, the nine paragraphs under Responsibilities as a Permittee have not been initialed. Please complete the Responsibilities as a Permittee section and resubmit these pages.
3. The application materials did not include an Affidavit of Authority. Please execute an Affidavit of Authority and submit the form to the Division for review.
(https://drive.google.com/file/d/1sQ6O5L8MDSAeS_fhqGqNodEj3LujkH5q/view)
4. The application materials included an outdated Performance Warranty. Please execute a new Performance Warranty and submit the form to the Division for review.
(<https://drive.google.com/file/d/1AOVhjNxpJrTXrT1Uk18Reg8bZ9bOaQsk/view>)

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

5. In accordance with Rule 6.3.1(3), please supplement the Exhibit A Location Map with an additional map which shows the regional location of the proposed operation. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. On the new map, please identify the site of the proposed operation, County Road 53, State Highway 9, U.S Highway 24, and at least the community of Hartsel, Colorado.



6. Although not a specific requirement for filing, the Division requests either a table of the latitude/longitude coordinates for each of the proposed permit boundary corners around the two quarry sites or labels of those coordinates on an Exhibit E map. This information will be utilized in the review of the permit application once it is found complete for filing, assist the Division in conducting future inspections of the operation, and provide a more thorough permit file.

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

7. The application identifies the Bureau of Land Management as the subsurface owner of record. In accordance with Rule 6.3.7, please provide the BLM's authorization or other documentation to demonstrate the City of Aurora's legal right to enter to conducting mining and reclamation on the proposed permitted lands.

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

8. Exhibit I includes an email sent to the Park County Clerk and Recorder, however no electronic confirmation, affidavit, or receipt from the Park County Clerk and Recorder was provided to demonstrate compliance with Rule 6.3.9. Please demonstrate that a copy of the entire application has been placed at the Park County Clerk and Recorder for public review.
9. In accordance with Rule 1.6.2(2), please submit proof that the revisions associated with this letter have been placed for public review with the original application at the local County Clerk and Recorder.

EXHIBIT K – Terms of Government Contract (Rule 6.3.11):

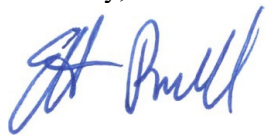
10. As required by Rule 6.3.11, please provide a copy of documentation verifying the necessity of a Special 111 Operation permit.

Your 111 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 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 July 30, 2024.**

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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

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