

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

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April 11, 2012

Matt Dankers  
Blattner Energy, Inc.  
9232 Ballybunion Rd  
Peyton, CO 80831

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta E. Piñeda  
Director

RE: Higgins Pit II; DRMS File No. M-2012-013; Receipt of 112 Construction Materials  
Reclamation Permit application Package

Dear Mr. Dankers,

On April 6, 2012, the Division of Reclamation, Mining and Safety (Division) received your 112 Construction Materials Reclamation Permit Application package for the Higgins Pit II, File No. M-2012-013. 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. The Applicant did not complete Page 5 and Page 6 of the Application Form. These pages list the Permittee's responsibilities; each of the listed requirements must be initialed to acknowledge that you understand your obligations as the Permittee. Please submit replacement pages with the Permittee's initials next to each of the requirements. If you do not understand the obligations, then please contact the Division for a full explanation.

### **ADDENDUM 1 - Notice Requirements - (Rule 1.6.2(1)(b)):**

2. Prior to filing the application, post notices (signs) at the location of the proposed mine site, as required by the Office, of sufficient size and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the County Clerk's or Recorder's office and should send comments prior to the end of the public comment period to the Colorado Mined Land Reclamation Office, at the address given on the cover of these Rules and Regulations. At the time the application is filed with the Office, the Applicant shall provide a signed affidavit that such notice (sign) was posted according to the provisions of this Rule.

Mr. Dankers  
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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 black ink, appearing to read "Michael A. Cunningham", with a stylized flourish at the end.

Michael A. Cunningham  
Environmental Protection Specialist