



Please update to the current PCD file # PPR-23-04. These older file numbers can listed as a reference.

**EA Number: ~~EA 1881~~**

**File Number: ~~AL2014~~**

**Re: Response to the January 13, 2023, email From Mr. Ryan Howser**

Following are our responses to your January 13, 2023, email:

- Financial Assurance Form:
  - We request El Paso County accept the approved Mined Land Reclamation Board, reclamation bond, as adequate for Stage I financial assurance for the following reasons:
    - ✓ We are limited, "... to no more than 40 acres of disturbance at any one time,..."
    - ✓ The approved reclamation calculation, Exhibit L from the DRMS approved application is attached.
    - ✓ Based on the Financial Assurance Estimate categories, the proposed mine site does not have any items in the following categories:
      - ❖ "Public Improvements, Storm Drain Improvements, Roadway Improvements, Water System Improvements, Sanitary Sewer Improvements, Landscape Improvements.
      - ❖ Under Section 1 – Grading and Erosion Control (Construction and Permanent BMP's), no construction is to occur, and no permanent BMP's are proposed.
      - ❖ Please note, under the provisions of 34-32-109(6), in part, states, "No governmental office of the state, other than the board, nor any political subdivision of the state" (*counties for example*) "shall have authority to issue a reclamation permit pursuant to this article,,,,,or to require any performance or financial warranty of any kind for mining operations." We take this to mean a county may not require a financial warranty for mine site reclamation. All the proposed site reclamation operations are intended to return the site to rangeland and wildlife habitat and therefore do not fit any of the County financial assurance categories.

Respectfully,

H. Bruce Humphries

Regulatory Permits Management, Inc.  
Consultant for Ellicott Sand & Gravel, LLC

Required Public improvements to include roads and storm water BMPs would need to be detailed on an FAE. The State Reclamation permit and bond only pertains to the mining site area itself for reclamation. If for example a drainage culvert was needed or public road improvements those would be shown on the FAE and are not part of the State Reclamation permit or bond calculations.

The 2023 EPC FAE Form can be downloaded here:  
<https://planningdevelopment.elpasoco.com/planning-development-forms/#1516906638016-61792baf-6cf4>



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Encl:

Attachment I Financial Assurance – Exhibit L financial warranty



**Attachment I, Approved DRMS Financial Warranty Calculation:**

**EXHIBIT L**

**RECLAMATION COSTS (revised 10/31/2019)**

The following Reclamation Cost estimate is based on the assumption that there will be restricted no more than 40.0 acres ± of disturbance at any-one time, as shown on the Mining Plan Map. The mine working face will be 500 feet long by an average of 35 feet high and would need cut/fill sloped at 14.16 yd/lft. Finish sloping on the 1,675 feet of partially backfilled 2:1 slopes that averages 35 feet high at 5.68 yd/lft to complete the 3:1 slopes. Armoring will be placed along 500 feet of the channel side slopes using 1.64 cubic yards/ linear feet (820 yd<sup>3</sup>) of clean concrete rubble. The 30 acres will then be resoiled with an average of 5.5 inches of soil using a scraper to spread it and a blade to shape the seed bed. At that time we will have to respread 22,185 cubic yards of topsoil and move 16,600 cy of cut\fill sloping along the working face. The remaining 10 acres are partially reclaimed and are waiting grass to grow so may only need reseeding. The table below outlines the various areas of disturbance at the time explained above. A D8N dozer is used to do the cut/fill sloping, a 631G scraper will resoil and complete bank sloping and a 140G Blade is used to shape the reclamation area. The mobilization haul distance is 25.0 miles at a average speed of 45 mph. The revegetation cost figure used includes fertilizer, grass seed, labor and drilling costs.

<u>STAGE</u>	<u>TOTAL</u>	<u>SOIL DEPTH</u>
NEEDING RESOILING	30.00	5.5"
REVEGETATION AREA	30.00	
RESOIL @ 5.5"	22,185	CUBIC YARDS
CUT/FILL SLOPING ½:1	7,090	CUBIC YARDS
BACKFILL SLOPING	9,510	CUBIC YARDS
BANK ARMORING	820	CUBIC YARDS
SECONDARY REVEGETATION	33%	

**ESTIMATED UNIT COSTS FOR RECLAMATION ITEMS:**

	<u>Unit Cost</u>
1. Revegetation areas includes grass seed, fertilizer and labor to drill. . . . .	\$ 1,500.00/AC.
2. Re-spreading soil and/or growth media with <b>631G Scraper, haul distance 800 ft or less . . . . .</b>	\$ 0.583/YD <sup>3</sup>
3. Cut/fill working face 500 feet long by 35 feet high <b>D-8 Dozer, push distance 100 ft or less. . . . .</b>	\$ 0.533/YD <sup>3</sup>
4. Backfill and shape 1675 feet long part reclaimed slope <b>D-8 Dozer, push distance 100 ft or less. . . . .</b>	\$ 0.533/YD <sup>3</sup>
5. Place armoring along excavation. . . . .	\$29.00/YD <sup>3</sup>
6. Shape seedbed <b>140G Blade at 1.75 acres per hour. . . .</b>	\$ 83.99/AC





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**Note:** The MLRB will only issue a permit if the approved reclamation bond and its associated financial warranty instrument are accepted by the MLRB. The Permit was issued on November 9, 2021.



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

1313 Sherman St. Room 215  
Denver, CO 80203

November 9, 2021

Perry Hastings  
Ellicott Sand & Gravel LLC  
235 Franceville Coal Mine Road  
Colorado Springs, CO 80929

**Re: Schubert Ranch Sand Resource (Permit No. M-2018-063)  
Permit Issuance  
Construction Material Operation**

Dear Mr. Hastings:

On November 9, 2021 the Division of Reclamation, Mining and Safety (Division) found Ellicott Sand & Gravel LLC to have satisfied the applicable requirements of C.R.S. 34-32.5-101 *et seq.* for obtaining a mining and reclamation permit. Two signed originals of the permit have been executed. We have kept one copy for our files and are enclosing one copy for your use. It is your responsibility to comply with all of the terms of the permit.

1. All of the original application materials, as amended and supplemented, are an integral part of your permit and are incorporated into the permit by reference. We presume that you have a copy of all of these materials; therefore, none have been enclosed with this mailing. We suggest that you keep a copy of the permit and the permit application at the mining operation as a reference for operating personnel to help ensure compliance with the terms of the permit.
2. Changes in the mining and reclamation operations that differ from those described in the permit may require a modification to the permit. We suggest consulting Rule 1 of the Construction Materials Rules and Regulations and/or contacting us to determine if a revision to the permit is necessary.
3. On your permit anniversary date each year, November 9, you must submit an annual fee and an annual report to the Division. The annual fee for this permit is \$791.00. Please consult the Act, Rules and Regulations, and your permit for specific annual report requirements applicable to your mine. Annual reports, maps, and fees must be filed electronically using the Division's ePermitting portal. If you have not done so already, you will need to sign up for electronic filing of your annual report, map, and fee by visiting the Division's web site (<https://colorado.gov/drms>) clicking on "ePermitting" on the home page, and then clicking on the "Sign up for Minerals Annual Report Electronic Filing" link.





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If you have any questions, please contact the Division.

Sincerely,

Virginia Brannon  
Division Director

Enclosure

cc: Tim Cazier, DRMS

Certified Mail No. : 7018 2290 0001 8923 4206



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

1313 Sherman St. Room 215  
Denver, CO 80203

MINING AND RECLAMATION PERMIT  
CONSTRUCTION MATERIAL MINING OPERATIONS

Permit Number: M-2018-063  
Type of Permit: 112c  
Permit Date: November 9, 2021  
(Anniversary date for annual report and fees purposes)

THIS PERMIT is issued by the Mined Land Reclamation Board, Department of Natural Resources, State of Colorado.

RECITALS

- A. The Permittee, Ellicott Sand & Gravel LLC, desires to conduct a mining operation known as Schubert Ranch Sand Resource, for the purpose of extracting Aggregate. Unless this permit is modified or a separate permit is issued to cover the mining and/or recovery of other minerals or extractive products, the Permittee will not mine or recover any other commodities at this site.
- B. On November 6, 2019 the Mined Land Reclamation Board (Board) approved the Permittee's application for this permit, fixed the amount of the financial warranty and directed that this permit be issued upon the filing with the Division of Reclamation, Mining and Safety (Division) of performance warranty and financial warranty (or warranties) in the amount so fixed in form and substance approved by the Division. Said warranties have been filed with the Division.
- C. If the Permittee desires to extract materials other than those listed in (A), a separate permit or a permit modification may be required.
- D. On November 6, 2019 the Board made the following findings:
  1. The application for this permit complies with the requirements of the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 et seq., as amended, and with all applicable local, state and federal laws;
  2. The operation will not adversely affect the stability of any significant, valuable, and permanent man-made structure located within two hundred feet of the Affected Land, except where there is an agreement between the Operator and the persons having an interest in the structure that damage





to the structure is to be compensated for by the Permittee or if such an agreement cannot be reached, an engineering analysis establishes no damage will occur to the structure to the satisfaction of the Division; and;

3. The proposed mining and reclamation operations can be carried out in conformance with the requirements of the Act, and the Construction Material Rules and Regulations.
- E. The Permittee has made a showing satisfactory to the Board that:
1. It will employ, during and after its underground mining and/or surface operations, procedures designed to minimize environmental disturbance from such operation
  2. It will provide for reclamation of the Affected Lands appropriate to the subsequent beneficial use of such lands; and
  3. In the event of the failure of its proposed reclamation plan, it will take whatever measures may be necessary to assure the success of reclamation of the lands affected by such operations in accordance with the Act.
- F. A copy of the Permittee's application, as amended and supplemented, has been approved by the Board and is, by this reference, incorporated herein.
- G. The issuance of this permit does not relieve the Permittee from having to comply with all applicable Federal, State and County statutes, including State water law.

#### GRANTS, CONDITIONS AND AGREEMENTS

The Board, in reliance upon the representations and promises made in the permit application, as amended and supplemented, and the performance warranty, hereby issues a life of the mine permit to the Permittee, to engage in the operations described in the application on certain lands lying in the County of El Paso, State of Colorado. These lands are described in the permit application, as amended and supplemented, and are referred to herein as the "Affected Lands".

This permit is issued subject to the following conditions and agreements:

- 1) The Permittee will be bound by all applicable requirements of the Act, and all applicable rules and regulations of the Board, as amended from time to time, the terms of the permit application, the terms of the performance warranty, and the terms of the financial warranty filed with the Division.
- 2) The Permittee will file with the Division its annual report and fees on each anniversary date of this permit.
- 3) If analyses of the mining and reclamation operation and the data collected through monitoring and experimentation by the Permittee or monitoring by the Division indicate that the operation will not be able to comply with the requirements of the Act and applicable rules and regulations of the Board, the Permittee hereby agrees to exercise its best efforts, after consulting with the Division, to modify the plans to correct such deficiencies in the future. Such modifications may require technical revisions or amendments to the permit.



- 4) The Board or its authorized representative may enter upon the lands of the permitted operation at all reasonable times for the purpose of inspection to determine whether the provisions of the Act, Rules and Regulations, and permit have been complied with pursuant to C.R.S. 34-32.5-121.
- 5) This permit may be revoked or suspended for non-compliance with the Act or applicable rules or regulations promulgated by the Board, the permit, or by violation of a Board Order.
- 6)
  - a) Pursuant to 34-32.5-118(5) of the Act, the Board has a right of entry to reclaim the lands affected by the operation or to respond to an emergency as defined by C.R.S. 34-32.5-121(2).
  - b) The Board will enter the lands to perform reclamation only if the Board has determined that:
    - i. Reclamation required the permit, statute, or regulations to be performed upon such lands has not been performed, or
    - ii. Financial warranty forfeiture proceedings described in the Act or similar provisions of subsequent laws, if any, have been initiated.
  - c) The Division, acting for the Board, will enter lands to respond to an emergency only where the Division determines that any of the conditions of Construction Material Rule 8.4.2 exist.
- 7) The additional conditions set forth in the attached rider, if any, are incorporated herein by reference.
  - a) Rider is attached.
  - b) No rider is attached.

MINED LAND RECLAMATION BOARD  
COLORADO DEPARTMENT OF NATURAL RESOURCES

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Virginia Brannon  
Division Director