

PCD office copy.

# Environment, Inc.

LARRY E. O'BRIAN  
FOUNDER

STEVAN L. O'BRIAN  
PRESIDENT

7985 VANCE DRIVE, SUITE 205A  
ARVADA, COLORADO 80003  
303-423-7297  
FAX 303-423-7599

December 16, 2020

El Paso County  
Board of County Commissioners  
200 South Cascade Avenue, Suite 100  
Colorado Springs, CO 80903-2202

Dear Commissioners;

Re: Reconsideration of an Application for a Mined  
Land Reclamation Permit

The following notice packet is for a reconsideration of a Regular (112) Construction Materials Reclamation Permit which was previously approved by the Division of Reclamation, Mining and Safety on November 6, 2019.

We are delivering to you here a Notice of our request for reconsideration for the Schubert Ranch Gravel Resource, Permit #M-2018-063 that will be operated by Ellicott Sand & Gravel LLC, pursuant to rule 1.6.2(1) (a) Colorado Mined Land Reclamation Board - Mineral Rules and Regulations. This is for request to reconsider the approval of MLRB permit issued for mining Sand, Gravel and other construction materials..

Please acknowledge receipt of this request to reconsider notice by signing in the appropriate space provided below and return a signed copy of this cover letter to the person delivering it. We need to submit this copy to the Division of Reclamation, Mining & Safety as proof of our filing with you.

Respectfully Submitted,



Stevan L. O'Brian

Janet Webb 12/27/20

enclosure

RECEIVED THIS 28th DAY OF December, 2020  
El Paso County Board of County Commissioners  
By Mark Gebhart  
Title Deputy Director, Planning & Community Development



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

December 11, 2020

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

**Re: Schubert Ranch Sand Resource, File No. M-2018-063;  
Notice of Past Due Financial Warranty**

Dear Mr. Hastings:

On November 6, 2019, the Division of Reclamation, Mining and Safety approved your 112c mining permit application. The amount of financial warranty set by the Division for this operation is \$138,200.00. As of the date of this letter, our records indicate that you have not posted the required Financial Warranty or Performance Warranty.

Pursuant to Construction Materials Rule 4.1(2), if warranties are not received within one calendar year of approval of an application for any new permit, the Mined Land Reclamation Board (Board) shall hold a hearing, in accordance with the notification and comment provisions of Rule 1.6, to reconsider the previous approval. If the Board affirms the original approval, the Board shall establish a new deadline for submittal of the Financial and Performance Warranties. If the required Warranties are not posted by the date set by the Board, the application shall be denied.

Prior to scheduling this matter before the Board, the Applicant is required to initiate the Public Notice Procedures outlined in Construction Materials Rule 1.6 (copy enclosed) by January 10, 2021. The Applicant shall place a copy of the application, all required exhibits and adequacy review responses with the County Clerk or Recorder. Notice of the Application, on a form approved by the Board (copies enclosed), must be sent to the local Board of County Commissioners and the Board of Supervisors of the Soil Conservation District. In addition, the Applicant shall post notices (sample notice enclosed) at the mine site and publish a public notice (sample notice enclosed) in a newspaper of general circulation in the locality of the proposed mining operation. The public notice shall be published four times, once a week for four consecutive weeks. Immediately after the first publication, a copy of the notice shall be sent to all Owners of Record of the surface and mineral rights of the affected land and the Owners of Record



NOTICE OF FILING A REQUEST FOR RECONSIDERATION FOR AN APPLICATION FOR  
COLORADO MINED LAND RECLAMATION PERMIT FOR A REGULAR 112 APPLICATION  
NOTICE TO COUNTY COMMISSIONERS EL PASO COUNTY

**The following public notice is for reconsideration of a Regular  
(112) Construction Materials Permit which was previously  
approved by the Division of Reclamation, Mining and Safety on  
November 6, 2019**

Ellicott Sand & Gravel LLC (Operator) has applied for a reconsideration of a Construction Materials Regular 112 Reclamation Permit from the Colorado Mined Land Reclamation Board ("the Board") known as the Schubert Ranch Sand Resource, to conduct mining operation in El Paso County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining & Safety ("the Division") and the El Paso County Clerk and Recorder, Citizens Service Center, 1675 West Garden of the Gods Rd., Suite 2201, Colorado Springs, CO 80907

The applicant proposes to reclaim the land as rangeland. Pursuant to C.R.S. 34-32.5-116(7)(j) the Board is required to confer with the local Board of County Commissioners before approving the post-mining land use. Accordingly, the Board would appreciate your comments on the request for reconsideration for the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days after the applicant's last newspaper publication.

If you would like to discuss the request for reconsideration of the proposed post-mining land use, or any other issue regarding this application, please contact Hastings, Ellicott Sand and Gravel LLC, 235 Franceville Coal Mine Road, Colorado Springs, CO 80929, (602) 558-0846 or the Division of Reclamation, Mining & Safety, 1313 Sherman St., Room 215, Denver, CO 80203, (303) 866-3567.

Ellicott Sand & Gravel LLC  
December 16, 2020

# 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  
FAX: (303) 832-8106



## CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

**CHECK ONE:** \_\_\_\_\_ **There is a File Number Already Assigned to this Operation**

Permit # M - - - - - (Please reference the file number currently assigned to this operation)

- New Application** (Rule 1.4.5)       **Amendment Application** (Rule 1.10)  
 **Conversion Application** (Rule 1.11)

Permit # M - - - - - (provide for **Amendments** and **Conversions** of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

### GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit):** Ellicott Sand and Gravel, LLC
  - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** Schubert Ranch Sand Resource
3. **Permitted acreage (new or existing site):** 733.7 permitted acres
  - 3.1 Change in acreage (+) \_\_\_\_\_ acres
  - 3.2 Total acreage in Permit area 733.7 acres
4. **Fees:**

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	<del>\$3,342.00</del>	quarry application
4.4 Amendment Fee	<del>\$2,229.00</del>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<del>\$2,696.00</del>	conversion fee
5. **Primary commodity(ies) to be mined:** Gravel      Sand      Borrow
  - 5.1 Incidental commodity(ies) to be mined:

1. _____ lbs/Tons/yr	2. _____ / _____ lbs/Tons/yr
3. _____ / _____ lbs/Tons/yr	4. _____ / _____ lbs/Tons/yr
5. _____ / _____ lbs/Tons/yr	
  - 5.2 Anticipated end use of primary commodity(ies) to be mined: Specification aggregates, fill material
  - 5.3 Anticipated end use of incidental commodity(ies) to be mined: \_\_\_\_\_



11. **Correspondence Information:**

**APPLICANT/OPERATOR** (name, address, and phone of name to be used on permit)

Contact's Name: Perry Hastings Title: Agent  
Company Name: Ellicott Sand and Gravel, LLC  
Street/P.O. Box: 235 Franceville Coal Mine Road P.O. Box: \_\_\_\_\_  
City: Colorado Springs  
State: CO Zip Code: 80929  
Telephone Number: (602 ) - 558-0846  
Fax Number: ( ) -

**PERMITTING CONTACT** (if different from applicant/operator above)

Contact's Name: Steve O'Brian Title: President  
Company Name: Environment, Inc  
Street/P.O. Box: 7985 Vance Dr. #205A P.O. Box: \_\_\_\_\_  
City: Arvada  
State: CO Zip Code: 80003  
Telephone Number: (303 ) - 423-7297  
Fax Number: (303 ) - 423-7599

**INSPECTION CONTACT**

Contact's Name: Perry Hastings Title: Agent  
Company Name: Ellicott Sand and Gravel, LLC  
Street/P.O. Box: 235 Franceville Coal Mine Road P.O. Box: \_\_\_\_\_  
City: Colorado Springs  
State: CO Zip Code: 80929  
Telephone Number: (602 ) - 558-0846  
Fax Number: ( ) -

**CC: STATE OR FEDERAL LANDOWNER (if any)**

Agency: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: ( ) -

**CC: STATE OR FEDERAL LANDOWNER (if any)**

Agency: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: ( ) -

12. **Primary future (Post-mining) land use (check one):**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA)   |
| <input checked="" type="checkbox"/> Rangeland(RL)      | <input type="checkbox"/> Forestry(FR)    | <input type="checkbox"/> Wildlife Habitat(WL)      |
| <input type="checkbox"/> Residential(RS)               | <input type="checkbox"/> Recreation(RC)  | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) |  | <input type="checkbox"/> Solid Waste Disposal(WD)  |

13. **Primary present land use (check one):**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL) | <input checked="" type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL)                 | <input type="checkbox"/> Forestry(FR)    | <input type="checkbox"/> Wildlife Habitat(WL)               |
| <input type="checkbox"/> Residential(RS)               | <input type="checkbox"/> Recreation(RC)  | <input type="checkbox"/> Industrial/Commercial(IC)          |
| <input type="checkbox"/> Developed Water Resources(WR) |  |   |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): This is a dry mining operation where front end loaders, dozers, track hoes & scrapers will remove material from a dry deposit.

15. **On Site Processing:**  Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): Loaders, dozers trackhoes, scrapers and trucks will be used to remove material and feed a processing plant that crushes washes and screens it into stockpiles.

List any designated chemicals or acid-producing materials to be used or stored within permit area: None

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

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**Maps and Exhibits:**

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

**Responsibilities as a Permittee:**

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;



2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

    3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

    4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

    5. It is your responsibility to notify the Office of any changes in your address or phone number;

    6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

- a. the name of the operator;
- b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
- c. the permit number.

    7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.

    8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

    9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

NA

10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

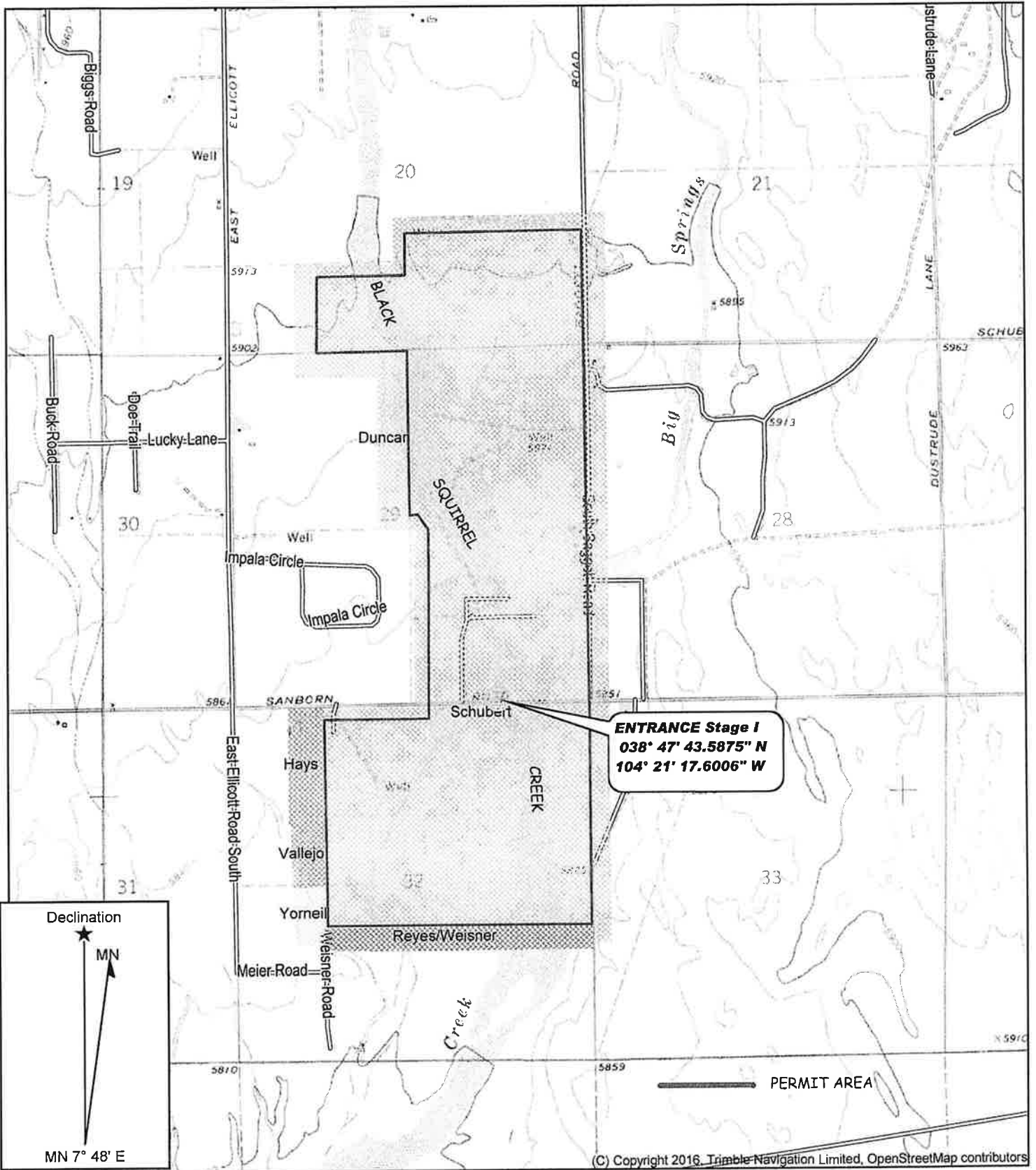
**NOTE TO COMMENTORS/OBJECTORS:**

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.





Quad. Name: BIG SPRINGS RANCH  
 Date: 10/29/18  
 Scale: 1 inch = 2,000 ft.

Part of the S1/2N1/2SE1/4, S1/2SE1/4, and SE1/4SW1/4 of Section 20, and The E1/2E1/2 and NW1/4NE1/4 and parts of the SW1/4NE1/4, SW1/4SE1/4, and NW1/4SE1/4 of Section 29 and The E1/2NE1/4, SW1/4NE1/4, & SE1/4NW1/4, and parts of the NW1/4NE1/4 & NE1/4NW1/4, Section 32, Township 14 South, Range 62 West, 6th P.M. El Paso County, Colorado Containing 733.7 acres more or less.

**ELLICOTT SAND AND GRAVEL LLC  
 SCHUBERT RANCH SAND  
 RESOURCE  
 MAP EXHIBIT B - VICINITY MAP**

(C) Copyright 2016, Trimble Navigation Limited, OpenStreetMap contributors