999
STATE OF COLORADO RICHARD D. LAMM, Governor
DEPARTMENT OF NATURAL RESOURCES
D. Monte Pascoe, Executive Director

MINED LAND RECLAMATION

423 Centennial Building, 1313 Sherman Street
Denver, Colorado 80203 Tel. (303) 839-3567

David C. Shelton
Director

RECEIVED
AUG - 6 1981
MINED LAND RECLAMATION
Colo. Dept. of Natural Resources

MINING PERMIT - MINERALS OTHER THAN COAL

Permit date July 23rd, 1981 Permit No. 81-121
(Anniversary date for Annual Report and Fee purposes)

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

RECITALS

A. EARL L. HALE ("operator") desires to conduct a mining operation known as Hale Pit for the purpose of extracting sand & gravel.

B. On June 25th, 1981, the Mined Land Reclamation Board ("the board") approved operator's application for this permit, fixed the amount of bond and directed that this permit be issued upon the filing with the Mined Land Reclamation Division ("the division") of bond in the amount so fixed in form and substance approved by the division, and such bond has been so furnished.

C. On June 25th, 1981, the board made the following findings:

1. the application for this permit complies with the requirements of the Colorado Mined Land Reclamation Act, C.R.S. 1973, 34-32-101 et seq. as amended ("the Act") 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 operator and the persons having an interest in the structure that damage to the structure is to be compensated for by operator; and

3. the proposed mining and reclamation operations can be carried out in conformance with the requirements of the Act.

D. Operator has made a showing satisfactory to the board: (1) that it will employ, during and after its underground mining and surface operations, procedures reasonably designed to minimize, as much as practicable, environmental disturbance from such operation; (2) that it will provide for reclamation of the affected lands appropriate to the subsequent beneficial use of such lands; and (3) that, 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 C.R.S. 1973, 34-32-101 et seq.

E. A copy of the operator's application, as amended and supplemented, has been approved by the board and is by this reference incorporated herein.

GRANT, CONDITIONS AND AGREEMENTS

The board, in reliance upon the representations and promises made in such application, as amended and supplemented, hereby issues a life of the mine permit to operator, to engage in the operations described in the application on the following lands lying in the County of EL PASO, State of Colorado:

Part of the SW¼ SW¼ of Section 24, T. 12S, R. 63W of the 6th P.M.

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

1. Operator agrees to be bound by all lawful requirements of the Act and all lawful rules and regulations of the Mined Land Reclamation Board, as amended from time to time.

2. Operator will file with the division its annual report and fees on each anniversary date of this permit. Other pertinent details as to the contents of such reports will be submitted by the operator if requested by the division.

3. If analyses of the mining and reclamation operation and the data collected through monitoring and experimentation by the operator or monitoring by the division indicate that the operation will not be able to comply with the requirements of the Act and lawful rules and regulations of the board, operator hereby agrees to exercise its best efforts, after consulting with the division, to modify the plans prospectively to correct such deficiencies. Such modifications may require technical revisions or amendments to the permit.

4. This permit may be revoked or suspended for noncompliance with the Act or lawful rules or regulations promulgated by the board.

5. a. Operator hereby bargains, sells and conveys unto the State of Colorado the right to enter upon the lands above described and to accomplish thereon the reclamation of such lands as required by this permit and by applicable law.

b. Such right to enter shall be exercisable only if the board shall have lawfully determined:

i. that reclamation required by law to have been performed upon such lands has not been performed and that

ii. the surety forfeiture proceedings described in the Act or similar provisions of subsequent laws, if any, have been initiated.

c. Such right to enter shall be exercisable only within the period of time expiring twenty-one (21) years after the death of all the individuals whose names appear on this permit on the date of its issuance. Such right shall automatically expire when reclamation has been completed and sureties released.

d. Such right to enter is in addition to other lawful rights of the state to enter upon such lands.

6. the additional stipulations set forth in the attached rider, if any, are incorporated herein by reference.

/__/ a) Rider is attached.

/xx/ b) No rider is attached.

ACCEPTED AND AGREED:

MINED LAND RECLAMATION BOARD
COLORADO DEPARTMENT OF
NATURAL RESOURCES

By Earl L. Hale
Operator

David C. Stuff
Division Director

Title

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 5TH day of AUGUST, 1981 by EARL L. HALE as _____ of _____, operator.

Lyle D. Cobb
Notary Public

My Commission expires:
11-1-83

AG Alpha No. NR LR TYB
AG File No. CNR/2025/ED

Rev. 6/9/81

STATE OF COLORADO RICHARD D. LAMM, Governor
DEPARTMENT OF NATURAL RESOURCES
D. Monte Pascoe, Executive Director

999

MINED LAND RECLAMATION

423 Centennial Building, 1313 Sherman Street
Denver, Colorado 80203 Tel. (303) 866-3567

David C. Shelton
Director

June 26, 1981

Mr. Earl L. Hale
7395 California Drive
Colorado Springs, Colorado 80908

RE: Hale Pit
Our file no. 81-121

Dear Mr. Hale:

Yesterday the Mined Land Reclamation Board approved the mining and reclamation permit application for the above captioned operation and set bond at $2,500.00. Upon receipt of this bond (as we discussed before) and the material mentioned in my letter of June 23rd, your permit for this operation will be issued.

Please call me if you have any questions in this matter.

Sincerely,

Mark S. Loye
Reclamation Specialist

999

July 24, 1981

Mr. Earl L. Hale
7395 California Av.
Colorado Springs, Colorado 80908

RE: Hale Pit
File: #81-121

Dear Mr. Hale:

I received the signed copy of my letter to you of June 23rd. I have received and reviewed the $2,500.00 bond for this operation and find it to be satisfactory. Therefore, enclosed please find two signed copies of the mining and reclamation permit for the above captioned operation. Each of these two permits should be signed by you on page three with both documents being notarized. Retain one for your records and return the other to our Division within two weeks.

I have not included a copy of the application materials and adequacy correspondence for this permit. However, please note that these are an integral part of your permit. A copy of any of these materials will be furnished to you upon request.

Please give me a call if I can clarify anything in this letter. I have enjoyed working with you in this matter.

Sincerely,

Mark S. Loye
Reclamation Specialist

Enclosures

MSL/jm
jm 7/30/81

STATE OF COLORADO RICHARD D. [illegible], Governor
DEPARTMENT OF NATURAL RESOURCES
D. Monte Pascoe, Executive Director

MINED LAND RECLAMATION

423 Centennial Building, 1313 Sherman Street
Denver, Colorado 80203 Tel. (303) 866-3567

David C. Shelton
Director

June 23, 1981

RECEIVED
JUL 10 1981
MINED LAND RECLAMATION
Colo. Dept. of Natural Resources

Mr. Earl L. Hale
7395 California Drive
Colorado Springs, Colorado 80908

RE: Hale Pit
Our file no. 81-121

Dear Mr. Hale:

I have scheduled the permit application for the above captioned operation as a "no problem" presentation to the Board for the Wednesday meeting. This means that the application will be presented in written form to the Board, and you will not need to be present.

For the record, I would like you to confirm our conversation of June 17th, my letter of June 18, 1981 and the fact that you agreed to add yellow sweetclover to your reclamation seed mix at 0.5 lb. PLS/acre. Please sign the enclosed copy of this letter. This signature will give our Division your official agreement to the items I mentioned in my letter to you of June 18, 1981 and addition of the yellow sweetclover to the reclamation seed mix. Thank you for your cooperation in this matter.

Upon receipt of the signed copy of this letter and your $2,500.00 bond, your permit for this operation will be issued.

Sincerely,

Mark S. Loye

Mark S. Loye
Reclamation Specialist

Enclosure

Earl L. Hale
EARL L. HALE
OPERATOR

TCI
WHE

COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- 1981-121 Site Name: HALE PIT

County EL PASO TR# 01 RECEIVED (DRMS Use only)

Permittee: S&K NO. 1, LLC

JAN 25 2016

Operator (If Other than Permittee):

DIVISION OF RECLAMATION MINING AND SAFETY

√ AF & Report
√ No Violations

Permittee Representative: JOE KRAIG

Please provide a brief description of the proposed revision: TO CLARIFY THE PRE-PERMIT AREA AND ESTABLISH RECLAMATION PROCEDURES IN THAT AREA

As defined by the Minerals Rules, a Technical Revision (TR) is: "a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan." The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered "filed for review" until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

Permit Type	**Required TR Fee**	**Submitted** (mark only one)
110c, 111, 112 construction materials, and 112 quarries	$216	☑
112 hard rock (not DMO)	$175	☐
110d, 112d(1, 2 or 3)	$1006	☐

Colorado Division of Reclamation, Mining and Safety

1313 Sherman Street, Room 215

Denver, Colorado 80203

Attn: Tim Cazier

RE; M-1981-121, Hale Pit, Technical Revision

Dear Mr. Cazier,

To Clarify the Pre-Permit disturbance area, we can offer the following:

1. S & K No. 1, LLC, has not expanded the disturbed area since it assumed the permit in February of 2005.
2. We were told by the previous operator, Billy Hale, that very little of the permit area had been mined. He explained that the majority of the disturbed area had been mined many years ago, prior to the issuance of a mining permit. He stated that all modern mining had been in compliance with and in the permitted area.
3. S&K No. 1, LLC will mine only in the permitted area. Any grading necessary to flatten slopes or place topsoil in the Pre-Permit area will be accomplished from the bottom of slope up. There will be no new grading or disturbance of the areas above the South and West slopes in the Pre-Permit area.
4. We do request that the South and West slopes in the Pre-Permit area be allowed at 2H:1V or flatter and that the existing naturally revegetated slopes be allowed to remain as is.

Sincerely,

Joe Kraig

Manager

S & K No. 1, LLC

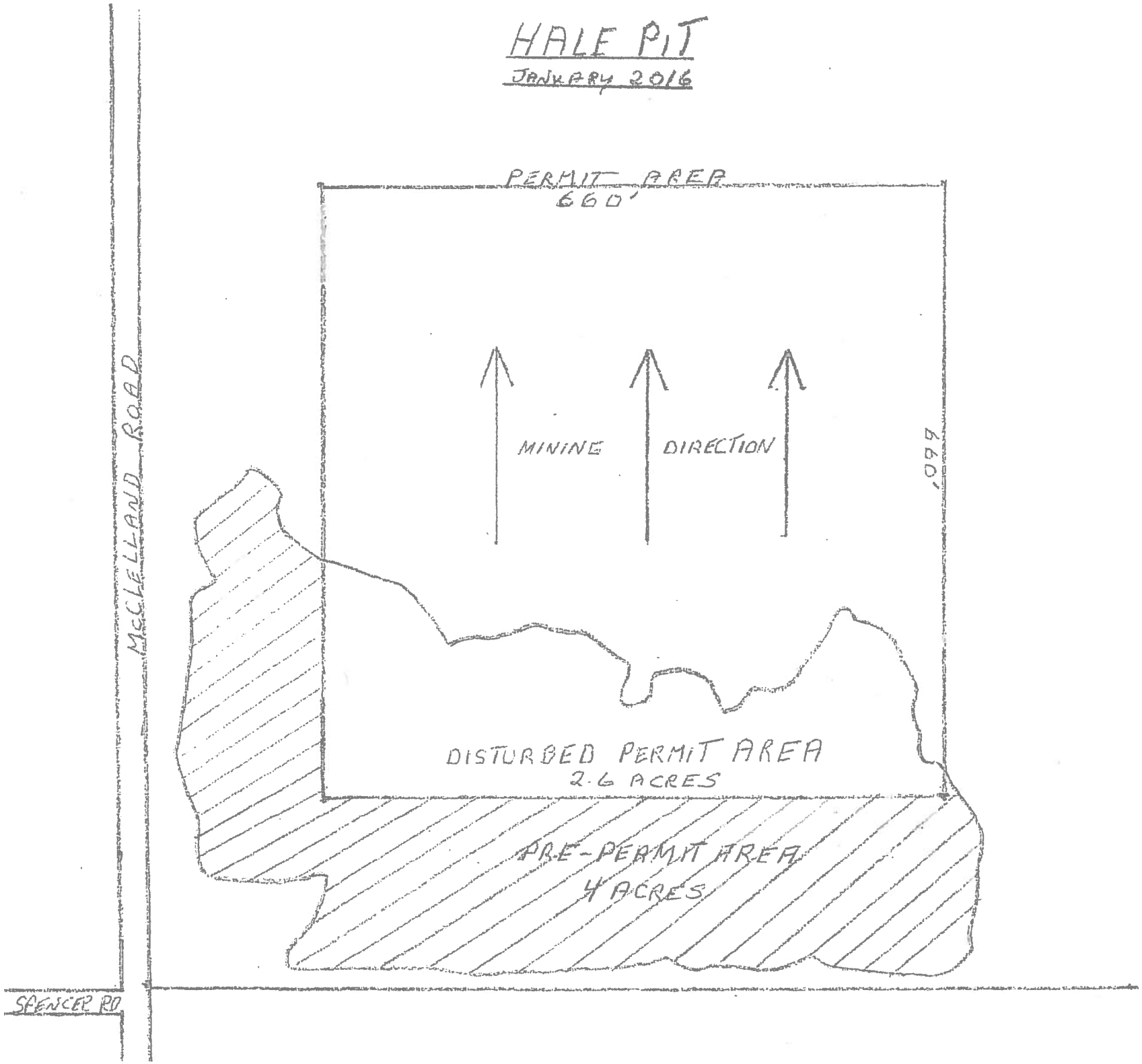
PO Box 49681

Colorado Springs, Co. 80949

719-491-2287

HALE PIT

JANUARY 2016



Mr. Joe Kraig
3230 Cherrystone Way
Colorado Spgs, CO 80919

DENVER CO 80

20 JAN 2016 PM 8 L

RECEIVED

JAN 25 2016

DIVISION OF RECLAMATION
MINING & SAFETY

COLORADO DIVISION OF RECLAMATION, MINING + SAFETY
1313 SHERMAN ST. ROOM 215
DENVER, CO. 80203

ATTN: TIM CAZIER

80203224365

Division of Reclamation, Mining, and Safety

Fee Receipt for M1981121

S & K No. 1, LLC

000000000

Receipt #: 20865

Date: 01/25/2016

Permit: M1981121

Payment Method	Revenue Code	Fee Description/Notes	Amount
1043 msr	4300-MTR0	Minerals Technical Revision M1981-121	$216.00
		Receipt Total:	**$216.00**

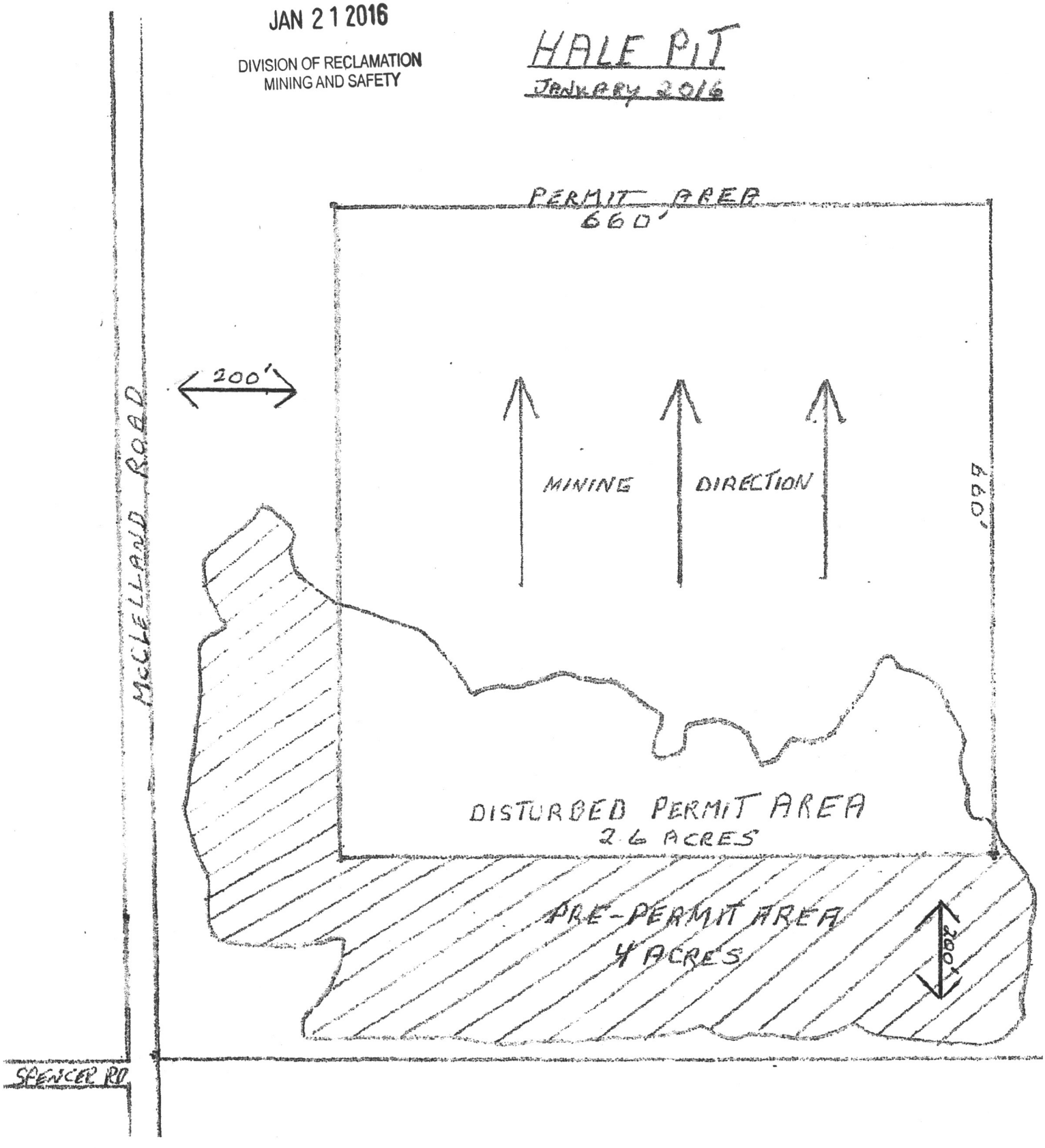
RECEIVED

JAN 21 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

HALE PIT

JANUARY 2016



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

1313 Sherman Street, Room 215
Denver, CO 80203

January 28, 2016

Mr. Joe Kraig
S & K No. 1, LLC
P.O. Box 49681
Colorado Springs, CO 80949

Re: Hale Pit aka Earl's Pit, Permit No. M-1981-121;
Technical Revision Approval, Revision No. TR-1

Dear Mr. Kraig:

On January 28, 2016 the Division of Reclamation, Mining and Safety approved the Technical Revision application submitted to the Division on January 25, 2016, addressing the following:

Clarify pre-permit area and establish reclamation procedures

The terms of the Technical Revision No. 1 approved by the Division are hereby incorporated into Permit No. M-1981-121. All other conditions and requirements of Permit No. M-1981-121 remain in full force and effect.

The Division has reviewed this change for impacts to the financial warranty and has determined that this change does not require an increase to the current reclamation liability. However, the site is underbonded as indicated in the December 16, 2015 inspection report. A surety increase letter will be sent under separate cover.

If you have any questions or need further information, please contact me at (303)866-3567 x8169.

Sincerely,

Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Wally Erickson, DRMS
DRMS file

999

Chk #1820 $125.00

LIMITED IMPACT (110) and
SPECIAL TEN-DAY (111) PERMIT
APPLICATION FORM

State of Colorado
Department of Natural Resources
MINED LAND RECLAMATION BOARD
1313 Sherman Street, Room 423
Denver, CO 80203 (303) 839-3567

Application for Mining and Reclamation Permit, pursuant to CRS 1973, 34-32-101, et seq

File No. 81-121

The following explanations cover Limited Impact applications (110's) and Special (Ten-Day Processing)(111's) applications. In the interests of efficient processing, please check the appropriate box to indicate which type of application you are applying for here. 111 permits may be issued only under special circumstances. Be sure you are eligible.

☒ LIMITED IMPACT OPERATIONS must disturb LESS THAN ten acres (including all roads, stockpile areas and any other surface facilities) over the life of the mine, and must extract LESS THAN 70,000 tons of mineral, overburden or combination thereof per calendar year. If the affected area is some fraction greater than nine acres, be sure NOT to round this figure out to ten acres in the narratives or elsewhere.

☐ SPECIAL (TEN-DAY PROCESSING) operations must disturb LESS THAN ten acres (including all roads, stockpile areas and any other surface facilities), and can ONLY be obtained where a federal, state, county, city, town or special district contract calls for work to be commenced within a SPECIFICALLY SHORT TIME.

(Type or Print Clearly)

1. Name of operation (Pit, mine or site name)	Earl L. Hale "Hale Pit" Site address 10675 McClelland Road
2. Name of applicant/operator (Name to be used on permit)	Earl L. Hale
3. Address and phone number of local offices	7595 California Drive, Colorado Springs, Colorado 80908 Telephone 495 2592
4. Address and phone number of general offices	same as above
5. Name and phone number of person staff members should contact	Earl L. Hale 495-2592
6. Owner(s) of record of affected land (surface area)(If more than 2, list below)	Earl L. Hale Daisy M. Hale
7. Owner(s) of substance to be mined (If more than 2, list below)	Same as 6
8. Source of legal right to enter (Indicate what type of proof is included in EXHIBIT G - lease, deed, notarized letter, etc.)	Fee title See Exhibit G 1981 Tax Bill
9. Type of mine & substance to be mined (Specify underground, strip, open pit, etc. & substance(s) to be mined)	Sand and gravel from open pit mine
10. General location & elevation (Miles & direction from nearest town & approximate site elevation)	About 25 miles East of Colorado Springs Elevation about 5600 feet
11. County	El Paso
12. Acreage of affected lands (Total surface acreage to be included in permit)	About 9.9 acres
13. Application fee (See applicable RULE to determine amount)	$25.00 plus$99.00 or $124.00 25+10/A $125.00
14. Present land use (i.e., agricultural, industrial, etc.)	Agricultural
15. Proposed future land use (Goal of reclamation)	Restore to agricultural use by refilling and re-sodding

(over)

110 Permit Application (cont'd)

INSTRUCTIONS: This application and all accompanying materials must be submitted in duplicate. In the interests of efficient processing, please include the following information & items. Limited Impact Operations, see RULE 3 for guidance; Special 10-day Permits, see RULE 4 for guidance.

EXHIBIT A - Legal Description

The legal description must identify the affected land and be wholly adequate for field location of the property. It can be in the form of metes & bounds survey or a description by reference to township, range, and section, to at least the nearest quarter-quarter section. Where applicable, the street address or lot number(s) my be used.

EXHIBIT B - Mining Plan

This can be a general discussion of the methods, equipment, phases or stages of the operation and those portions of land affected by each. The plan should be correlated with the map and should show where extraction will begin, and which direction, if any, it will proceed.

EXHIBIT C - Map

This map should clearly define permit boundaries and indicate all roads or stockpile areas to be used in connection with the operation. All immediately adjacent landowners must be shown. The quarter section corner, section line, or any other locateable points should also be shown on this map.

EXHIBIT D - Wildlife, Water Resources, Vegetation and Soils Information

Each of the above-mentioned subjects must be addressed as outlined in the applicable RULE.

EXHIBIT E - Reclamation Plan

As with the mining plan, this should be a general discussion of the methods, equipment, phases or stages of the reclamation process and those portions of land affected by each. If possible, the plan should be closely correlated with the map. If not, the narrative must be comprehensive enough to draw an accurate verbal picture of the expected appearance of the area after completion of reclamation.

EXHIBIT F - Proof of Local Government Approval

This must be a letter from the local government specifying conformance with existing zoning regulations. (It is intended that operators may obtain local government approval concurrent with the Division's processing of the application. To do so, the operator must submit evidence which indicates that local government approval is currently pending or will at least be considered within a reasonably short time by the appropriate governing body . . . RULE 1.1(10) (Consult this RULE for full details on this requirement.)

EXHIBIT G - Source of Legal Right to Enter

This could be a copy of the lease, deed, abstract of title, or current tax receipt. An acceptable alternative would be a statement acknowledged by a notary public that the operator has the legal right to enter and mine.

EXHIBIT H - Reclamation Costs

For a 110 permit, if the operator requests surety to be less than $2500, the operatormust submit facts to support such a request. Otherwise, a surety of $2500 will automatically be set. For all 111 permits, the surety shall be $2500 per acre.

EXHIBIT I - Terms of Governmental Contracts

For Special 10-Day (111) Permits, the operator must submit a copy of the contract or other proof that proves the necessity of a special 10-day permit. The operator must also submit evidence of the surety provided under the governmental contract, if it was required.

NOTICE PROCEDURES

After the application is considered "filed" (pursuant to RULE 1.1(10) with the Mined Land Reclamation Division, notice procedures outlined in RULES 3.2 and/or 4.2 must be followed. (Format for such notices will be included in the letter you receive from the MLR staff informing you of the completeness ("filing") of your application.

ADDITIONAL INFORMATION

This space can be referenced for further information of any of the items on this form.

See Exhibit J attached, Report of The Lincoln DeVore Testing Laboratory dated July 2, 1973 with addenda. ~~The recommendations of this report will be generally~~ followed.

To the best of my knowledge, all the information presented in this application is true and correct.

BY x Earl J. Hale

TITLE _____

(Signed by individual legally authorized to bind the operator to this application.)

EXHIBIT A- LEGAL DESCRIPTION

A rectangular parcel of about 9.9 acres in the Southwest corner of the West half of the Southwest Quarter (W-1/2 SW-1/4) Section 24, Township 12 South, Range 63 West, 6th P. M. in El Paso County, Colorado, in the Southeast quadrant of the intersection of McClelland Road and Spencer Road.

EXHIBIT B- MINING PLAN

As shown on map, Exhibit C and contour map test boring diagram following page 13 of Lincoln-DeVore Testing Laboratory Report dated July 2, 1973, the site is test borings 1, 2, 3, 4 and 9 and which lies above the bed of the creek and on the bluff above Brackett Creek. Mining will be open pit moving from South to North and from East to West. Sandy loam overburden will be removed to expose the sand and gravel to be mined. This will be stockpiled for later restoration activities. Top soil will be removed with paddle foot scraper and stockpiled. Gravel will be mined and loaded into trucks with front end loaders.

EXHIBIT C- MAP

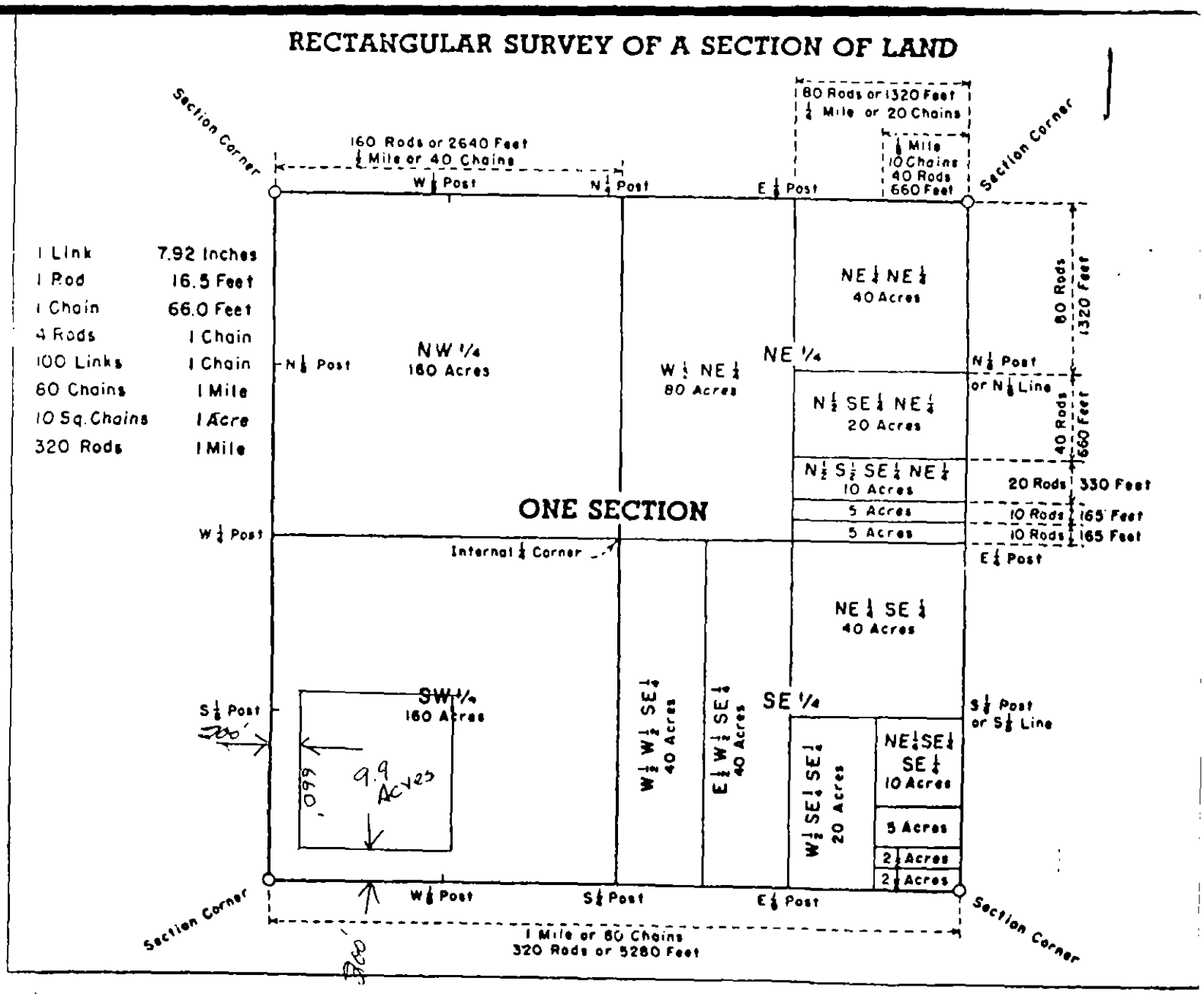


EXHIBIT D- WILDLIFE, WATER RESOURCES, VEGETATION AND SOILS INFORMATION

WILDLIFE a. Area is arid or semi-arid, Brackett Creek being classified as an intermittent stream. The surrounding land is principally used for grazing of livestock although it supports few animals. No game of significance is noted and such as there is lives in harmony with widely spaced human occupation. Small rodents and insect life are noted on the site itself.

b. No special seasonal use is noted.

c. No threatened or endangered species are noted.

d. Actual site activity will temporarily destroy several acres of what is essentially desert and will interefere with the small wildlife. Human activities will cause some noise and increase vehicular traffic but this will be limited to daytime hours. No migratory routes are known to traverse the site. While long term in nature, this use is temporary and the site will eventually return to nature.

WATER RESOURCES- The affect on surface and groundwater systems is expected to be minimal. The mining operation will be above the bed of Brackett Creek which is intermittent. It will not extend into the water table below which is the underflow of Brackett Creek, a part of the Black Squirrel Creek aquifer. See Lincoln-DeVore report pp. 7-11. Any use of water developed on the iste will be non-consumptive.

VEGETATION- Existing vegetation is principally sparse desert grasses and small shrubs, limited somewhat by occasional intense storms but more usual arid conditions. Replacement of all but grasses seems impractible, but replacement of sandy loam topsoil and seeding of natural grasses is planned.

SOILS- See Lincoln-DeVore report pp. 4-6 and appended drilling logs

EXHIBIT E- RECLAMATION PLAN

Stockpiled sandy loam will be redistributed over disturbed areas after mining operations have moved on and the same will be seeded to natural grasses. Cut banks will be minimized. Surface will resemble prior conditions except for initial lack of shrubs. Elevation will be reduced by about 20 feet in gentle slope Easterly toward Brackett Creek.

OFFICE OF THE

PLANNING DIRECTOR OF EL PASO COUNTY

COUNTY OFFICE BUILDING

Colorado Springs, Colorado

September 10, 1973

Mr. Hal Ingraham
Zoning Administrator
Regional Building Department
103 West Costilla
Colorado Springs, CO 80903

Dear Hal:

The El Paso County Commissioners granted approval September 6, 1973 to the following requests.

1. Darwin Van Raalte, zone request to a PBC-1 and a Plot Plan. Enclosure #1.

2. John S. Bock, zone request to an F-1 Forest and Recreation District and approval of a sanitary land fill operation. Enclosure #2.

3. Earl L. and Daisey M. Hale zone request to an A-2 District and approval of an Open Pit Mining Operation. Enclosure #3.

If I can be of further assistance, please do not hesitate to call me.

Sincerely,

John D. Fisher

John D. Fisher
Planner II

JDF:tj
Enclosure

5. AL-73-6
324.24
Earl L. and Daisy M. Hale

Petition presented by Earl L. and Daisy M. Hale for Approval of Location of a Sand and Gravel Extraction Pit. Located in a portion of the Southwest 1/4 of Section 24, Township 12 South, Range 63 West. This area lies east of McClelland Road and one-half (1/2) mile south of Scott Road. Containing 17.67 acres more or less.

Mr. Boettcher stated that it was in the control of the County to see that the restoration plan was carried out and said that the State had the authority to collect money probably in the form of bonds and accept a letter of credit until the restoration was carried out completely.

There being no objectors, it was moved by Mr. Folk that the following Resolution be adopted:

> BE IT RESOLVED: That the petition of Earl L. and Daisy M. Hale for Approval of Location of a Sand and Gravel Extraction Pit of the following described area in El Paso County, Colorado, to-wit:
>
> > Located in a portion of the Southwest 1/4 of Section 24, Township 12 South, Range 63 West, containing 17.67 acres more or less, be approved.
>
> FURTHER, that the Pikes Peak Regional Land Use Plan 1990, as amended, the Detailed Land Use Inventory and Zoning Maps, 1962, as amended; the Building Inspectors Zoning Maps, as amended; the El Paso County Zoning Resolution, as amended and other descriptive matter; all as contemplated upon this hearing be amended, extended and added to, as necessary, so as to comply with this resolution and that the Secretary of this Commission be authorized to identify such action on the maps, plats, charts and descriptive and explanatory matter so changed.
>
> FURTHER, that such copy, part or amendment be certified and recommended to the Board of County Commissioners of El Paso County for their approval.

The motion was seconded by Mr. Campbell, and upon voting, the motion carried unanimously.

EXHIBIT F- PROOF OF LOCAL GOVERNMENT APPROVAL

COPY OF RESOLUTION OF EL PASO COUNTY COMMISSIONERS

EXHIBIT G- SOURCE OF LEGAL RIGHT TO ENTER FEE TITLE

EL PASO COUNTY TREASURER

Dist.	Schedule				
23E	32000-00-112	1980 REAL ESTATE		Taxes Due In:	1981
Land Value	Per. or Imp. Value	Total Value	Mill Levy	Total Tax	
520	0	520	84.442	43.91	

County	School	City	Other Dist.	Library	S.E. Water
8.83	33.00	0.00	1.04	1.04	0.00

Int.	Adv.	Pen.	First Half	Second Half	Total Due
			21.96	21.95	43.91

Property Description: MCCLELLAND RD 10675 ACRES 150.00
W2SW4, W2E2SW4, SE4NE4SW4, E2SE4SW4 SEC 24-12-63

☐ Box must be checked to obtain receipt.

HALE EARL L + DAISY M
7595 CALIFORNIA DR
COLORADO SPRINGS, COLO 80908

SEE REVERSE SIDE
RETURN THIS
WITH YOUR PAYMENT

SCHOOL DIST. GENERAL FUND LEVY IS 52.46 IT WOULD HAVE BEEN 132.86 IN THE ABSENCE OF FUNDS RECEIVED PURSUANT TO THE COLORADO "PUBLIC SCHOOL FINANCE ACT OF 1973".
SHARON SHIPLEY, TREASURER, 27 E. VERMIJO, COLORADO SPRINGS, COLORADO 80903

EXHIBIT H RECLAMATION COSTS

Bond of $2,500.00 is excessive in that costs of reclamation materials are minimal and dirt work can be done as mining progresses with no special machinery.

The required bond will be furnished in the form of government securities.

to a depth of about 6 to 8 ft. to start.

Considering the soils on the site to be discussed in the "Geologic" section, each 2 ft. of debris should be covered with at least 1 foot of silty sands of either Soil Type 2 or 3 or with the lean clays of Soil Type No. 4 if they are excavated. This cover must be properly compacted to 87% to 93% of the maximum Proctor Density ASTM D-698 to act as a proper drainage cover and rodent protection. Regional stripping of the ground; the placing of the debris and of the earth cover should all be such that a slight slope is maintained toward the north or east. This slope should be not less than 8/10 of 1% nor more than 2%.

At such time as the land fill area is used up and has been properly filled and closed, several possible uses exist for the site. An earth cover of at least 4 ft. would allow the return of the land to agriculture or grazing. An earth cover of at least 2 to 3 ft. would allow its use as a park if the city has grown to that exter at the time of closing. For the most part, no sanitary land fill shoul be used as a building site.

GEOLOGIC DATA:

As stated previously in the report, Test Borings 1,2,3,4, and 9 were drilled in the land fill area. Test Borings 5 and 8 were drilled quite close to the area. The Logs of these test borings and the Summary Sheets giving their characteristics are attached to the back of this report and should be referred to for more precise data

In general, the soils on the land fill site are a silty sand of a medium coarse or a very fine variety. These are noted as Soil Types 2 and 3 on the Summary Sheets. Some lenses of a lean clay were found. These are rather scattered however, and can not be counted on over the entire site. For the purposes of covering the site, the lean clays of Soil Type No. 4 or the very silty sands of Soil Type No. 3 will probably be the best. Soil Type No. 2 can be used however, and contains sufficient fines to allow good compaction. In general, Soil Type No. 1 is somewhat too coarse and contains insufficient fines for proper compaction on a land fill use. Fortunately, most of the soils on the land fill site are of either Soil Types 2, 3 or 4.

All of these soils can be easily compacted by proper means. In general, the sands of Soil Types 2 and 3 will be compacted more easily and efficiently with a vibratory roller. A Sheep's Foot may be used or the soil may simply be tread compacted, since the required density is not extremely high.

Soil Type No. 1 is a well graded, silty sand of coarse to medium grain size. This material is non-plastic, permeable and generally of medium density. It compacts easily under a vibrator but not under a Sheep's Foot or wheel rolling. This soil does not contain sufficient binder to allow its use as a cover for the land fi material. It is a good material for fine aggregate of certain types and for some kinds of road base. This soil type therefore could be stockpiled and used for these purposes. This will be discussed in th

"Sand Pit Operation" section of the report.

Soil Type No. 2 is a silty sand of medium to fine grain size. This material is also usable as some types of aggregate with proper washing and screening and can be used for lower grade road cover. This material therefore can be mined and used for uses other than the land fill. It does contain sufficient fine grained material however, that it will make a good cover for the fill. It is non-plasti of medium permeability and generally of medium density on thesite. Thi material will also respond better to vibratory compaction. It can be wheel rolled satisfactorily however.

Soil Type No. 3 is a silty sand of very fine grain size. This material can not be profitably used for any use other than as a cover for the proposed land fill. This material can be compacted by either vibration, Sheep's Foot, or wheel rolling. It is of low plasticity, medium to low permeability and generally of low density. This soil type will make a very satisfactory cover for the land fill.

Soil Type No. 4 is a lean clay of very fine grain size. This material contains some fine grained sands and some silts. It is plastic, of low permeability, of medium expansive characteristicr and generally of medium density. This soil was found in rather erratic lenses and can not be counted on over the entire site. It will howeve make the best soil for a land fill cover. It is unusable for any othe purpose than fill however. This material was found in lenses in the upper 20 to 30 ft. of the soils profile and was found as a base for several of the test borings closer to the creek.

A free water table was found over much of the site particularly close to the creek. It was noted that no free water was found close to the surface of the ground in the area proposed for land fill. Free water was found in Test Boring No. 3 at a depth of 14½ ft. and in Test Boring No. 4 at a depth of 5 ft. Test Borings 1,2, and 9 were dry. The free water table appears to be connected with the underflow of Brackett Creek, which is a part of the Black Squirrel Creek system. The lower portion of the area near Brackett Creek showed a free water table almost uniformly over the area and parrell to the creek. The movement of this free water was rather generally toward the southeast along the creek flow line.

The Black Squirrel Creek is an excellent aquifer and supplies many ranches and homesites, both above and below this particular site. It is known to be a relatively shallow aquifer. The water flows rather generally through the gravel bed of the stream, flowing over the underlying clays of the Laramie Formation in this area and the Fox Hills and Pierre Shale Formations further south. Recorded production of some wells in the Black Squirrel Creek system and its tributaries shows pumped capacities of 100 to 150 gal/ min. Most well production for residential use in the area is restricted to 15 gal/min. due to the State law on this subject. The transmissibility and recharge of the system is excellent.

Several wells are known to exist in the area. One well near the east line of the SW quarter has produced water for a considerable length of time in rather small quantities. Some other

wells are located around the site, but not in large numbers. One well east of Ellicott Road in Section 30, is directly downstream from the site, at a distance of approximately 1 mile. If the land fill is properly controlled as noted in the previous section of the report, runoff water from the area will not affect this downstream well, as far as water quality is concerned.

HYDROLOGIC DATA:

Average maximum and minimum amounts of precipitati for each month are given on the attached Summary Sheet for this subjec Runoff from the area at the present time is mostly in the form of shee flow. Very few large gullies exist on the site, except in conjunction with Brackett Creek itself. At this point, in El Paso County, Bracket Creek is listed as an intermittant stream and records are not availabl for the flow within the creek. The land fill site is on the side of a hill, which forms the divide between Brackett Creek and another branch of the Black Squirrel Creek system to the southwest. The land fill itself will average perhaps 15 ft. above the bed of Brackett Cree

This creek drains a fairly sizable basin, but the runoff is not excessive, partially due to the very sandy nature of the soil. The hundred year runoff characteristics are given on the same Summary Sheet as the precipitation data, with the anticipated 100 year flow in Bracket Creek, immediately northeast of the proposed land fill site. No lakes or irrigation ditches exist near the land fill site.

The sheet flow which could enter the land fill sit from the west could amount to as much as 88 cfs. Most of this could

be very easily intercepted by the road to the west of the site, or mor specifically by the borrow ditch in the road west of the site. The water could then be turned north along the road and enter Brackett Cre north of the land fill site. Part of this water should be diverted south of the site. This can be done with a ditch along the south boundary, capable of carrying about 40 cfs. Such a ditch would have a bottom width of approximately 8 ft. and a depth of approximately 3 ft., if it is designed as a trapezoidal ditch type. This ditch should run across the SW quarter of Section 24 and discharge almost directly into Brackett Creek close to that point. This ditch should be separat from the land fill operation by leaving the native soil for a distance of at least 10 ft. north of the ditch line. Eventually the land fill would act as a ditch bank in itself.

This system of ditches would protect the land fill site from water entering the area from higher ground to the southwest. That rainfall which falls on the land fill area should move northerly or easterly along the surface of the sloping land fill cover. Near the edge of the land fill area, the ditch should be constructed and maintained, which would divert the water to a direction nearly parallel with Brackett Creek. The grade on this ditch should be rather shallow. A gradient between .5% and 1% is suggested. This will allow the water to move more or less parallel to Brackett Creek and infiltrate the ground slowly, so that it will not pollute the groundwater. In effect, it will be sand filtered. The surface of the fill cover itself should be diked at the end of the operation, so that water will not

stand in the land fill itself, but will move very slowly and stand to some extent a short distance downstream from the land fill. This water should not be perfectly stilled, but should be allowed to flow slowly toward the streambed. Dikes should be maintained around specific areas which are being used to dispose of refuse to keep all possible water out of the land fill material. In this way, the only possible contact with water would be direct rainfall on the refuse itself. Since this area is subject to ocassional intense storms, but not large quantities of rainfall, these dikes need not be more than a foot to a foot and a half in height, so long as they allow sufficient cover area to contai the maximum known rainfall.

A study of the Summary Sheet concerning precipitati and flood flow indicates that if the land fill site is maintained at an elevation of 10 ft. above Brackett Creek, it will not be endangered by flooding. The area could be diked along the north and eastern boundary lines in such a way as to allow deeper excavation without danger of flooding. If this is done, the top of the dikes should be kept at an elevation of 12 to 15 ft. above the flow line of Brackett Creek at that particular point.

Since the groundwater table was noted in Test Borin 4 and 3 at the northeast corner of the site, these areas should not be deeply cut or used as land fill disposal sites. If clay lenses are found in the site, these clays should be stockpiled and compacted at th bottom of the fill excavation in the northeastern portion of the site. In this way, the debris in the land fill can be sealed from the direct

contact with the subsurface water table. This lean clay is expansive and will act as an excellent sealer. Its permeability is quite low, particularly when compacted. It is recommended that the clay be placed in a layer at the bottom of the excavation and prior to placing any debris in the excavation. This layer should be at least 6 inches in thickness and should be compacted to 95% of the maximum Proctor Density ASTM D-698. This will act as a seal which will help to protect the water table at this point. The free water table was not found at any other point on the land fill site, even though the underlying clay was found in at least three of the test borings. This indicates that infiltration from this hillside is not great and most of the water collects in the lower elevations.

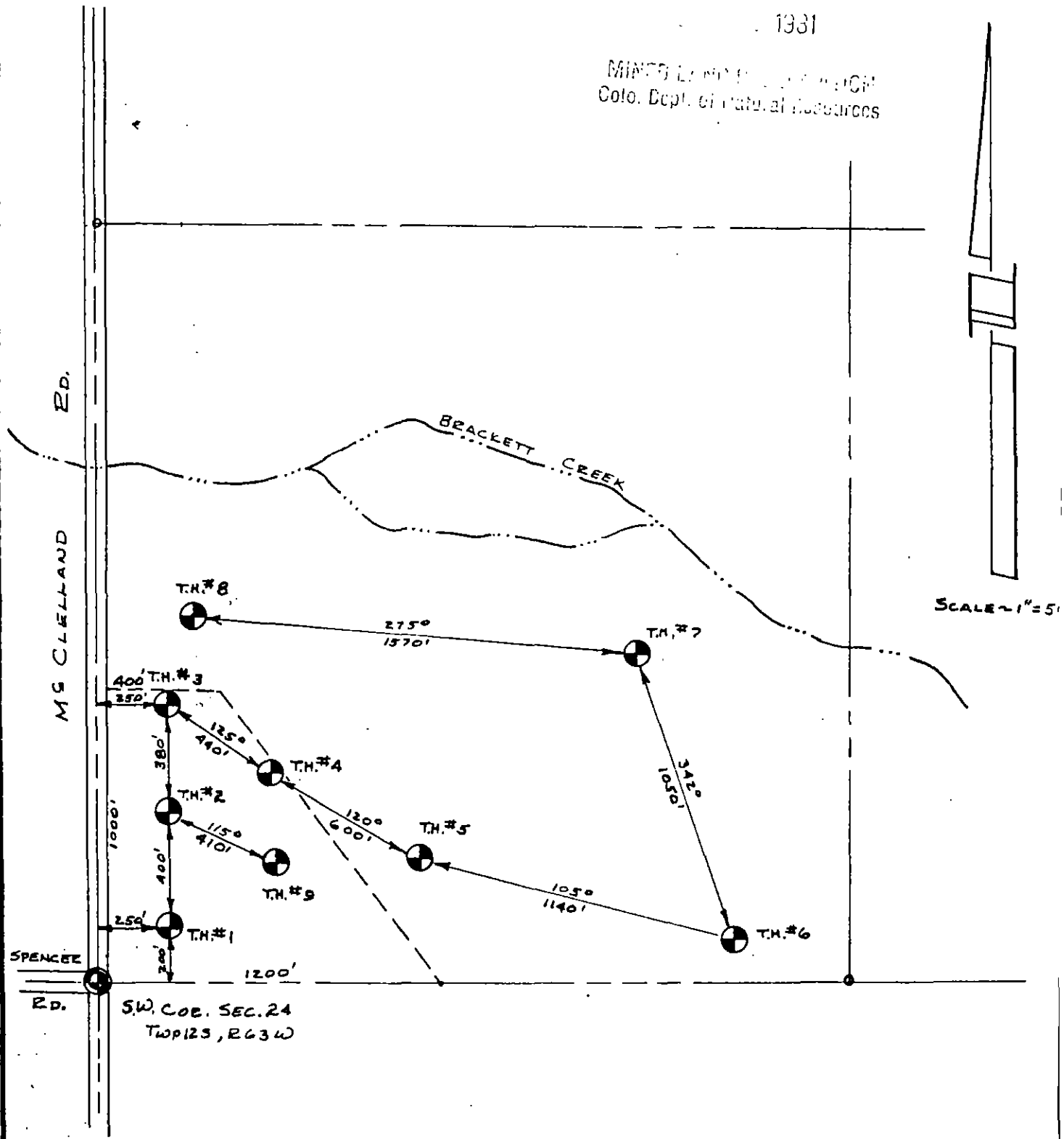
SAND PIT OPERATIONS:

A sand pit is proposed along the south bank of Brackett Creek to the east, and north of the proposed land fill. The sand in this area is somewhat coarser grained than in the land fill area and can be used for some types of aggregates and some base course material for roads. Sands of Soil Type No. 1 can be used almost without washing or graining. Soil Type No. 1 will make a good sand for asphalt aggregate of the fine variety. It does not contain sufficient non-reactive fines to make an excellent aggregate for this purpose, but can be used for such asphalt. The material can also be used for some classes of fine concrete aggregate.

require dewatering. This could be done with wells or well points properly spaced around the site. These well points could discharge their water back into the aquifer at a point downstream from the proposed sand pit. Since this sand pit literally exists within the aquifer, all the regulations of the Colorado Water Pollution Commissio must be followed in mining this sand. Specific attention should be given to procedures which would insure that oil and grease were kept from the free water.

In summary, the sands on the site are of fair quality and can be used as fine asphalt aggregate or as a fine grained base course for secondary County roads. It is not a high quality concrete aggregate, nor should it be used as a surface course for a major road. Considering the fact that the sand pit will be under the free water table over most of the area, the economics of its use are probably marginal at the present time.

It is believed that all pertinent information has be included within this report for both the land fill use and the sand aggregate use. If questions arise or further information is desired, please feel free to contact the laboratory at any time.



TEST BORING LOCATION DIAGRAM
HALE ~ SEC. 24, TWP 12S, R 63 W

LINCOLN-DeVORE TESTING LABORATORY
COLORADO SPRINGS, PUEBLO,-COLORADO

SYMBOL	DESCRIPTION
GW	Well graded gravel
GP	Poorly graded gravel
GM	Silty gravel
GC	Clayey gravel
SW	Well graded sand
SP	Poorly graded sand
SM	Silty sand
SC	Clayey sand
ML	Silt
CL	Lean clay
OL	Organic silt
MH	Elastic silt
CH	Fat clay (High plastic)
OH	Organic clay
Pt	Peat
	Hard formation (any type) Geologic symbol given e.g. Kp = Pierre Shale

SYMBOLS & NOTES

9/12 Standard penetration drive. Numbers indicate 9 blows to drive the spoon 12" into ground.

SP 2 1/2" Shelby thin wall sample

w_n Natural Moisture Content

w_x Weathered or Decomposed Soil

10'/12 — Free water table

γ Natural dry density

B.S. Disturbed Bulk Sample

(c) Soil type related to samples in report

15' wx / FORM. — Water formation

Test Boring Location

Seismic or Resistivity [illegible]

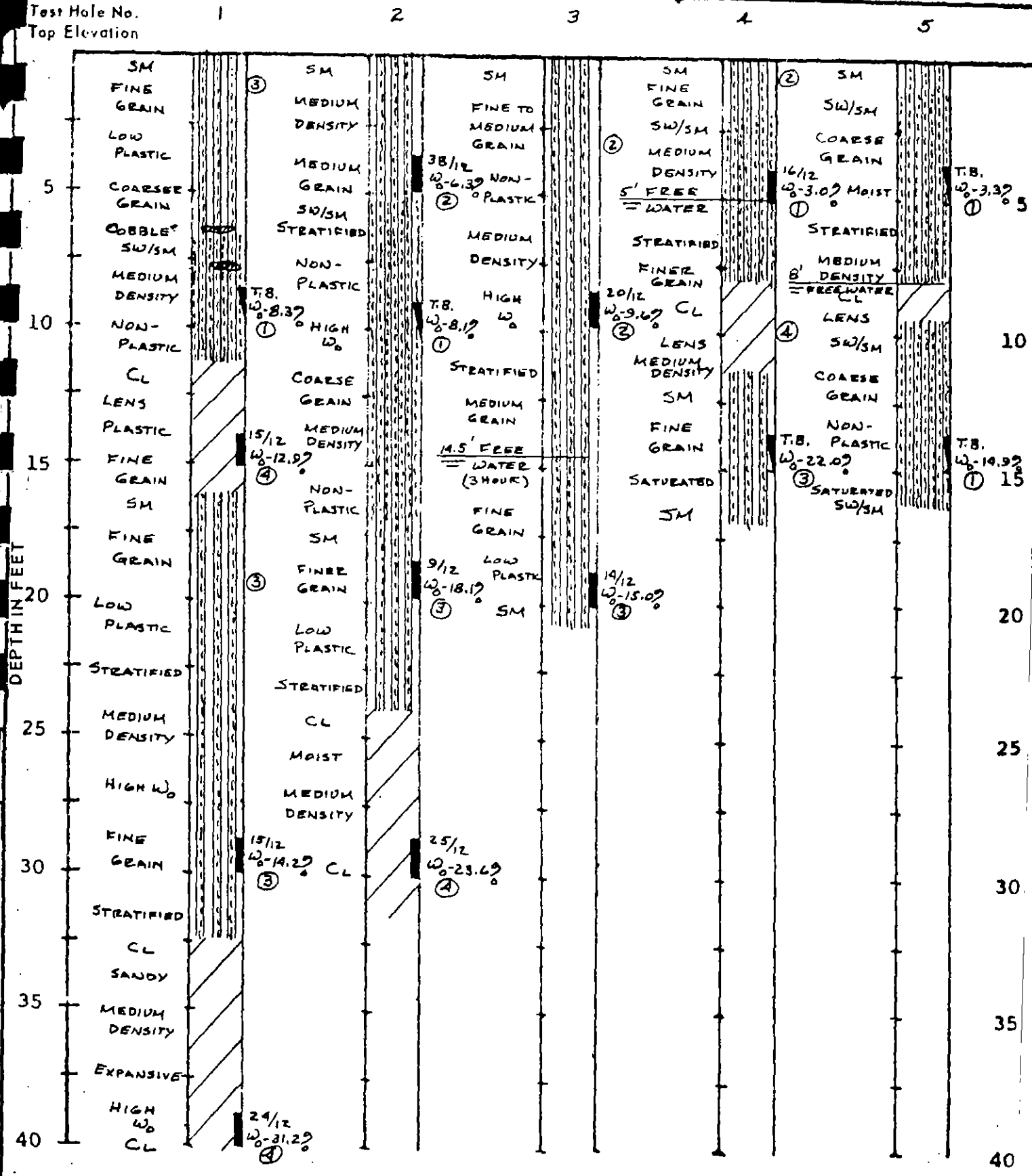
Standard Penetration Drives are made by driving a standard 1.4" split spoon sampler into the ground by dropping a 140 lb. weight 30". ASTM test des.D-1586.

Samples are [illegible] bulk, standard split spoon (disturbed) or 2-1/2" I.D. thin wall ("undisturbed") Shelby tube samples. See log for type.

Combinations of the [illegible] symbols are often used and are listed e.g. as SM/SW.

NOTES & SYMBOLS

LINCOLN-DeVORE TESTING LABORATORY
COLORADO SPRINGS, PUEBLO, COLORADO—ROCK SPRINGS, WYOMING



DRILLING LOGS

LINCOLN-DeVORE TESTING LABORATORY
COLORADO SPRINGS-PUEBLO, COLORADO

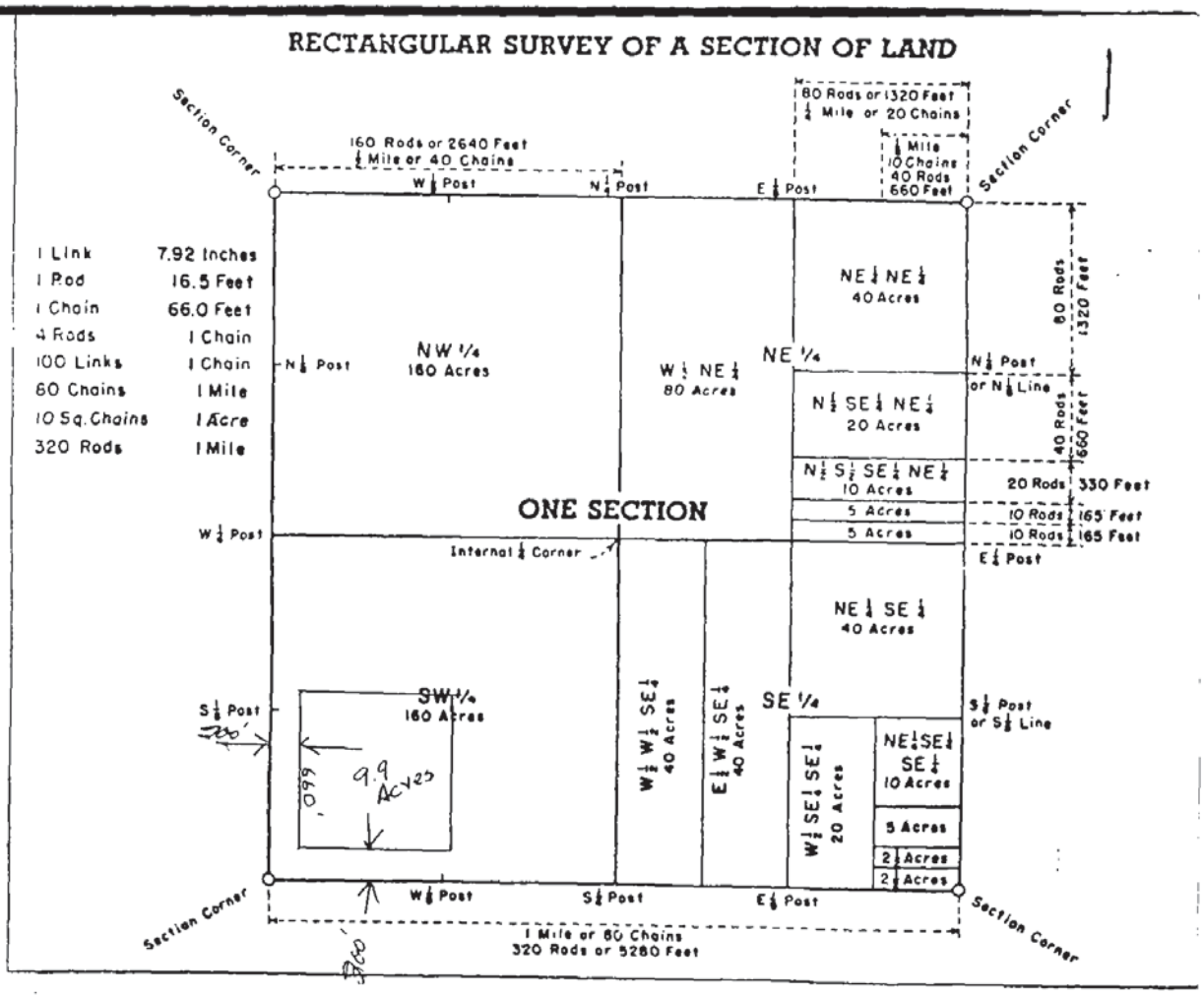
EXHIBIT A- LEGAL DESCRIPTION

A rectangular parcel of about 9.9 acres in the Southwest corner of the West half of the Southwest Quarter (W-1/2 SW-1/4) Section 24, Township 12 South, Range 63 West, 6th P. M. in El Paso County, Colorado, in the Southeast quadrant of the intersection of McClelland Road and Spencer Road.

EXHIBIT B- MINING PLAN

As shown on map, Exhibit C and contour map test boring diagram following page 13 of Lincoln-DeVore Testing Laboratory Report dated July 2, 1973, the site is test borings 1, 2, 3, 4 and 9 and which lies above the bed of the creek and on the bluff above Brackett Creek. Mining will be open pit moving from South to North and from East to West. Sandy loam overburden will be removed to expose the sand and gravel to be mined. This will be stockpiled for later restoration activities. Top soil will be removed with paddle foot scraper and stockpiled. Gravel will be mined and loaded into trucks with front end loaders.

EXHIBIT C- MAP



STATE OF COLORADO RICHARD D. LAMM, Governor
DEPARTMENT OF NATURAL RESOURCES
D. Monte Pascoe, Executive Director

MINED LAND RECLAMATION

423 Centennial Building, 1313 Sherman Street
Denver, Colorado 80203 Tel. (303) 839-3567

David C. Shelton
Director

999

June 11, 1981

Mr. Earl Hale
7395 California Drive
Colorado Springs, CO 80908

RE: Hale Pit - Our file #81-121

Dear Mr. Hale,

I have completed my adequacy review of the mining and reclamation permit application for the above captioned proposed pit. I have several questions and comments that I have organized on an exhibit - by - exhibit basis below. Any exhibits or parts thereof not mentioned are considered adequate at this time. Please note that your file number has been changed to 81-121.

Exhibit A

Please clarify the legal description of the site. This should be to the nearest quarter quarter section.

Exhibits B and C

1. The topsoil stockpiles should be seeded with a perennial grass cover crop for purposes of stabilization (such as Western wheatgrass at a broadcast rate of 6.0 lbs PLS/acre).
2. A clearer map of the affected land is needed. This map should be of a large enough scale to show locations of topsoil stockpiles, fixed equipment areas, ditchs and/or berms to act as sediment control structures for Brackett Creek, the location of this creek in relation to the proposed operation, the extent of the proposed pit and the direction of mining, directly adjacent landowners, potential land fill locations, any haul roads constructed in connection with the operation and any other permanent features of the operation.
3. What is the depth of the deposit to be mined, and what will be the slopes of the working face?
4. How much material is to be removed per year, and what is the estimated timetable of mining?
5. The connection between the Lincoln-DeVore Testing Laboratory Report and this operation is not clear. In this regard, several questions come to mind:
   a) Which of the soil types mentioned are found on the site to be mined?
   b) Are drainage control measures discussed in the report to be implemented during mining?
   c) From the discussion, it seems that some areas to be mined are below the water table, thus resulting in a wet, rather than a dry pit. Please clarify this situation.
   d) From the discussion, it seems that some of the topsoil

is to be mined. This should not be done. All topsoil should be saved for use in reclamation. Please clarify this situation.

#1+2 e) What is the relationship of the boundaries of the affected land to the various drill holes?

f) In general, this report should be tied more closely with the permit application.

Not needed g) Why have pages 1-3 and 12 been omitted from the report?

Exhibit D

1. Wildlife: Has the Colorado Division of Wildlife been consulted concerning this operation? Are the comments given from them? If not, they should be consulted.
2. Water Resources
   a) Will water be used in this operation? For example, dust control and washing activities are consumptive uses and would require an industrial use water right. Please clarify this situation.
   b) Sediment control to protect the adjacent creek should be implemented. A sediment control plan should be outlined and then shown on the map.
3. Vegetation and Soils
   a) Reference my comments under Exhibits B and C, 5(d) and 6.
   b) A more detailed analysis of the existing vegetation on the site is needed. The local office of the Soil Conservation Service should be consulted in this regard.

SCS coming

Exhibit E

1. What is the reclamation plan for the site? Is a land fill planned? If so, will the area to be filled be clay lined, as suggested in the Lincoln-DeVore report? Due to the proximity to the creek, the construction of such a land fill on permeable materials is a concern. Please clarify this situation.

No land fill

2. Other permits (such as from the Colorado Department of Health) may be necessary for the construction of a land fill. You should investigate this.

No land fill

3. The local office of the Soil Conservation Service should be consulted in order to get a detailed surface reclamation plan for the site to include a reclamation seeding mix and suggested methods of topsoil replacement and soil treatments. These items are necessary for permit adequacy.

SCS coming

A.1 → 4. What is the depth of topsoil to be replaced?

5. What are the planned final reclamation slopes? Slopes should not be steeper than 2H:1V and preferably 3H:1V for good revegetation success.

3H:1V or less

6. Is a pond to be part of the reclamation plan? If fill is to be placed into a pond, it must be only clean fill such as clean fill dirt, rocks, concrete or asphalt. Please clarify this situation.

Dry pond

Exhibit F

No time limit

I notice that the El Paso County approval for this operation is eight years old. Often such approvals may be for only five years. Is this approval still valid?

Exhibit H

letter of credit

Reclamation costs, as far as the state is concerned, are calculated on a worst case basis. Consideration must be given to how much it would cost the state to bring equipment in to do the reclamation. For a 9.9 acre gravel operation, $2,500 is typically the recommended bond. Unless you can give me itemized costs that are significantly less, this is the bond amount I will recommend to the Board.

C & D. proof

Before the Board can consider the application, the Division must receive the proofs of the two sequential weeks of publication and notifications of adjacent landowners. A copy of the publication will do for now with a copy of your affidavit of publication to follow when you get it.

I have tried to be comprehensive in my review of this permit. If we can answer all the various questions, we can be ready for the June 24-25 Board meeting. Please call me, if I can answer any questions about this letter.

Sincerely,

Mark S. Loye
Reclamation Specialist

999

6-15-81

Mine Land Reclamation
Mark S. Loye
Dear sir

In regards to the letter I recieved dated June 11-1981 on file #81-121. ansering questions.

Exhibit A- Legal discription SW$\frac{1}{4}$:SW$\frac{1}{4}$ SEC:"84,T12S;R63W;6th P.M. Elpaso County Colo.

Exhibits B&C:

#1-to be seeded with wheat grass

#2- Map attached -shows stock piles; no ditches&etc needed as Brackett creek is to far away and this is not a land fill.

#3- Test holes #1 &2 only. depth 23'.

4- 20 years.

#5 - A-type 3

B-No

C- Dry pit

D- save all top soil

E- # 1&2 test holes only

F- pages 1-3 &12 not needed.

Exhibit D-

1&2 not applicable

3- reseeded pasture land

Exhibit E- No land fill 6 dry sod.

Checking Soil Conservice on seeding mixture

Exhibit F-

No time limit.

Exhibit H-Published June 11 &18 -1981 .

Certifded letter

bond-

Earl L. Hale
7595 California Drive
Colo. Springs Colo.
80908

999

June 18, 1981

Mr. Earl Hale
7395 California Drive
Colorado Springs, Colorado 80908

RE: Hale Pit - Our file no. 81-121

Dear Mr. Hale,

By way of confirming and clarifying our conversation of yesterday, I will briefly recapitulate the answers to the questions in my letter of June 11, 1981 as you furnished them to me in our discussion. I will only mention items that are not clearly answered in your letter of June 15, 1981. Unless you advise me otherwise, we will consider these answers as part of your permit.

Exhibit A
The legal description of the affected land is the SW¼ SW¼, Section 24, T12S, R63W of the 6th P.M.

Exhibits B and C

1. Your map seems to indicate the general topsoil stockpile location. If the stockpile extends some distance beyond the square western boundary, the northern permit boundary is to be moved southward to compensate. As I understand it, the permit area is to be worked in strips that are mined west to east, with topsoil from a newly opened strip to be placed on the previously mined strip to the south for purposes of reclamation. This will thus necessitate only one topsoil stockpile to be maintained in the southeast corner of the permit area.
2. There will be no fixed equipment on the site.
3. There is one adjacent landowner to the south, and he has been notified.
4. There are to be no new haul roads constructed off of the permitted area.
5. The working faces of the mining operation will be 2H:1V or less.

Exhibit D

1. I have accepted the wildlife section of your application as given.
2. Water will not be required for this operation, and the creek bed is too far away for sedimentation to be a problem.
3. The Soil Conservation Service, as I understand it, is being consulted in relation to this operation. Their report should cover the existing vegetation on the site as well as recommendations for a reclamation plan (topsoiling, seed mix, mulching, etc.). If I do not receive this report before the June 25th meeting, I will plan to stipulate the permit to the effect that it will be submitted within a short time.

Exhibit E

1. Reference my comments above concerning the need for a Soil Conservation Service report on this site.
2. The final reclaimed slopes will not exceed 3H:1V, and will probably approach 4H:1V.

I will expect to receive the $2,500.00 certificate of deposit and accompanying form in the mail in the near future. I will recommend this level of bond to the Board.

I will also expect to hear from you concerning the S.C.S report before next Wednesday. I will plan to present this applicationto the Board in written form on June 24th, so you will not need to be present.

Sincerely,

Mark S. Loye
Reclamation Specialist