

# 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

# RECEIVED

AUG 19 2022

DIVISION OF RECLAMATION,  
MINING & SAFETY-MINERALS



### CONSTRUCTION MATERIALS

### LIMITED IMPACT (110) OPERATION

### RECLAMATION PERMIT APPLICATION FORM

**M-2022-037**  
**RAR/JLE**

CHECK ONE:

☐

There is a File Number Already Assigned to this Operation

Permit # M 2022037

(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 Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and Geotechnical Stability Exhibit, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); 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-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (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 described below.

1. **Applicant/operator or company name (name to be used on permit):** Lincoln County
  - 1.1 Type of organization (corporation, partnership, etc.): Local Government
2. **Operation name (pit, mine or site name):** Saffer Pit
3. **Permitted acreage (new or existing site):** \_\_\_\_\_ permitted acres
  - 3.1 Change in acreage (+) \_\_\_\_\_ acres
  - 3.2 Total Acreage in Permit Area 6.67 acres
4. **Fees:**
  - 4.1 New Application: \$1258.00 application fee
  - Amendment Fee (C.R.S. 34-32.5-125(II)): \$827.00 application fee
5. **Primary commodity(ies) to be mined:** Sand Gravel
  - 5.1 Incidental commodity(ies) to be mined: 1. N/A lbs/Tons/yr 2. N/A lbs/Tons/yr 3. N/A lbs/Tons/yr  
4. N/A lbs/Tons/yr 5. N/A lbs/Tons/yr
  - 5.2 Anticipated end use of primary commodity(ies) to be mined: maintain Roads  
Anticipated end use of incidental commodity(ies) to be mined: N/A

11. **Correspondence Information:**

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

Contact's Name: Lincoln County Title: Local Government  
Company Name: Lincoln County  
Street/P.O. Box: 103 3rd Ave. P.O. Box: 39  
City: Hugo  
State: Colorado Zip Code: 80821  
Telephone Number: ( 719 ) - 743-2337  
Fax Number: ( 719 ) - 743-2815

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

Contact's Name: Ty Stogsdill Title: Land Use Administrator  
Company Name: Lincoln County  
Street/P.O. Box: 103 3rd Ave. P.O. Box: 39  
City: Hugo,  
State: Colorado Zip Code: 80821  
Telephone Number: ( 719 ) - 743 - 2337  
Fax Number: ( 719 ) - 743 - 2815

**INSPECTION CONTACT**

Contact's Name: Ty Stogsdill Title: Land Use Administrator  
Company Name: Lincoln County  
Street/P.O. Box: 103 3rd Ave. P.O. Box: 39  
City: Hugo  
State: Colorado Zip Code: 80821  
Telephone Number: ( 719 ) - 743-2337  
Fax Number: ( 719 ) - 743 - 2815

**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: ( \_\_\_\_\_ ) - \_\_\_\_\_

7. **Name of owner of the subsurface rights of affected land:** SLEM LLC

8. **Name of owner of the surface of affected land:** D. Earl Saffer Trust

9. **Type of mining operation:** ☒ Surface ☐ Underground ☐ In-situ

10. **Location information:** The center of the area where the majority of mining will occur:

COUNTY: Lincoln

PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

SECTION (write number): S 1

TOWNSHIP (write number and check direction): T 6 ☐ North ☒ South

RANGE (write number and check direction): R 53 ☐ East ☒ West

QUARTER SECTION (check one): ☐ NE ☐ NW ☐ SE ☒ SW

QUARTER/QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation):

19 miles North of Arriba, Co. & 1/2 mile west on County Rd 4C

11. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"  
(W) 104° 59' 3.87"

Latitude (N): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

Longitude (W): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

OR

Example: (N) 39.73691°  
(W) -104.98449°

Latitude (N) 39.55024 (5 decimal places)

Longitude (W) -103.27646 (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13  
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) NAD83 Zone 13

Easting \_\_\_\_\_

Northing \_\_\_\_\_

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

- |  |  |
|--|--|
| <input type="checkbox"/> Cropland(CR)                  | <input type="checkbox"/> Pastureland(PL) |
| <input type="checkbox"/> Rangeland(RL)                 | <input type="checkbox"/> Forestry(FR)    |
| <input type="checkbox"/> Residential(RS)               | <input type="checkbox"/> Recreation(RC)  |
| <input type="checkbox"/> Developed Water Resources(WR) |  |

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

- |   |
|---|
| <input checked="" type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Wildlife Habitat(WL)               |
| <input type="checkbox"/> Industrial/Commercial(IC)          |
| <input type="checkbox"/> Mining (MN)                        |

14. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

None

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

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

New Pit

**Maps & Exhibits:**

Submit two (2) complete, unbound copies of the following application exhibits:

- |             |   |
|-------------|---|
| 6.3.1       | EXHIBIT A - Legal Description and Location Map                      |
| 6.3.2       | EXHIBIT B - Site Description  |
| 6.3.3       | EXHIBIT C - Mining Plan   |
| 6.3.4       | EXHIBIT D - Reclamation Plan  |
| 6.3.5       | EXHIBIT E - Maps, to include the location of any recorded easements |
| 6.3.6       | EXHIBIT F - List of Other Permits and Licenses Required             |
| 6.3.7       | EXHIBIT G - Source of Legal Right-to-Enter                          |
| 6.3.8       | EXHIBIT H - Municipalities Within a Two-mile Radius                 |
| 6.3.9       | EXHIBIT I - Proof of Filing with County Clerk                       |
| 6.3.10      | EXHIBIT J - Proof of Mailing Notices of Permit Application          |
| 6.3.12      | EXHIBIT L - Permanent Man-Made Structures                           |
| 1.6.2(1)(b) | ADDENDUM 1 - Notice Requirements (sample enclosed)                  |
| 6.5         | Geotechnical Stability Exhibit (as required)                        |

**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.

TS

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;

TS

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;

TS

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;

TS

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;

TS

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

TS

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.

TS

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;

TS

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 Mineral Rules and Regulations in effect at the time the permit is issued.

TS

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.

TS

10. For joint venture/partnership permittee: the signing representative is authorized to sign when 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 review and decision or appeals process, you may contact the Office at (303) 866-3567.

**Certification:**

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII).
2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)
3. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).
4. As the applicant/operator, I do not have any mining/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.).
5. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S. 1984.

***This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-110, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.***

Signed and dated this 2<sup>nd</sup> day of August, 2022.

Lincoln County  
Applicant/Operator

Signed: [Signature]

Title: Land Use Administrator

If Corporation Attest (Seal)

Signed: [Signature]

Corporate Secretary or Equivalent

Town/City/County Clerk

State of Colorado )  
 ) ss.  
County of Lincoln )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of August,  
by Ty Stogschill as Land Use Administrator of Lincoln County.

[Signature]  
Notary Public

My Commission expires: April 30, 2025

MINDY DUTRO  
Notary Public  
State of Colorado  
Notary ID # 20134026866  
My Commission Expires 04-30-2025

**SIGNATURES MUST BE IN BLUE INK**

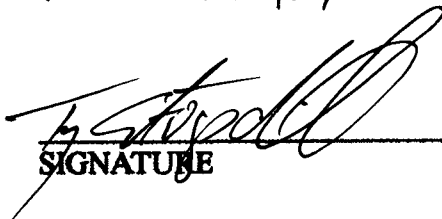
The following is an example that you may wish to use for the Notice required for Rule 1.6.2(1)(b).

### NOTICE

This site is the location of a proposed mining operation. (Name of the Applicant/Operator) Lincoln County, whose address and phone number is (Address and Phone Number of the Applicant/Operator) \*See Below, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) Lincoln County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 103 3rd AVE., and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203.

### Certification:

I, Ty Stogsdill, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) Saffie Pit, on (Date Posted) 8/2/22.

  
SIGNATURE

8/8/22  
DATE

M:\min\share\vaforms\Hardrock\10.doc

Lincoln County Clerk  
103 3rd Ave.  
Hugo Co. 80821  
(719) 743-2444



NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

Lincoln COUNTY

Lincoln County (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Lincoln 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, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Agricultural use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on 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 ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

**NOTE TO APPLICANT/OPERATOR:** You **MUST** attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION

NOTICE TO THE BOARD OF SUPERVISORS  
OF THE LOCAL CONSERVATION DISTRICT  
High Plains DISTRICT

Lincoln County (the "Applicant/Operator") has applied for a Construction Materials Limited Impact (110) Reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials in Lincoln 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, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Agricultural use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on 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 ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

**NOTE TO APPLICANT/OPERATOR:** You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

An example Public Notice which meets the requirements of the Statutes is shown below. The blanks, which require dates, will need to be filled in according to the following instructions. **PLEASE READ CAREFULLY.**

Publication Instructions:

Date of commencement and date of completion should represent the dates which you feel most accurately describe the life of the operation.

For all Limited Impact (110) types of operations, this notice must be published once within ten (10) days of the date the application is considered submitted to the Division of Reclamation, Mining, and Safety (the "Division"). The final date for receiving comments is ten (10) days after the date of publication or the next regular business day.

All notices must be published in a newspaper of general circulation in the locality of the proposed mining operation and mailed to the landowners as set forth in the Construction Materials Rules and Regulations. Since the date for consideration of your application may change, DO NOT include it in this notice.

For a complete discussion of the notice procedures and objections, please refer to C.R.S. 34-32.5-110(7)(c), 114 and 115.

\*\*\*\*\*  
\*\*\*\*\*

PUBLIC NOTICE

(Operator Name) Lincoln County 103 3rd Ave Hugo Co. 719-743-2337, (Address and Phone Number) \_\_\_\_\_, has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the (Name of the Mine) \_\_\_\_\_, and is located at or near Section 1, Township 6, Range 53W, 6th Prime Meridian.

The proposed date of commencement is September 15th, 2022, and the proposed date of completion is September 15th, 2037. The proposed future use of the land is (Future Landuse) \_\_\_\_\_.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the (County Name) \_\_\_\_\_ County Clerk and Recorder's office; (Clerk and Recorder's Address) P.O. Box 67 Hugo Co. 80821 or the above-named applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on (Final Date for Comments) \_\_\_\_\_.

*Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.*

An example Structure Agreement which meets the requirements of the Statutes is shown below.

\*\*\*\*\*

## **Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. ( *Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

1. Barbed Wire Fence
2. 4 culverts on County Rd. 46' southside of mining Property
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

**CERTIFICATION**

The Applicant, Lincoln County (print applicant/company name),  
by Ty Stogsdill (print representative's name), as Land Use Admin. (print  
representative's title), does hereby certify that D. Earl Saffer Trust (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Saffer Pit (operation name),  
File Number M-\_\_\_\_-\_\_\_\_.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its  
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and  
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.  
Any alteration or modification to this form shall result in voiding this form.*

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

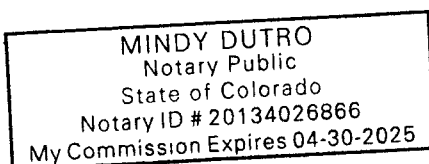
Applicant Lincoln County Representative Name Ty Stogsdill

Date 8/2/22 Title Land Use Administrator

STATE OF Colorado )  
 ) ss.  
COUNTY OF Lincoln )

The foregoing was acknowledged before me this 2<sup>nd</sup> day of August, 2022, by  
Ty Stogsdill as Land Use Administrator of Lincoln County.

Mindy Dutro My Commission Expires: April 30, 2025  
Notary Public



**EXHIBIT A**  
**LEGAL DISCRIPTION AND LOCATION MAP**

**S2S2S2,S1T6R53W**

**Main entrance off county road 4C half a mile west of county road 43.**

# EXHIBIT B

## SITE DESCRIPTION

There is several different kind of soils in this location. We have Platner loam, Nunn-Sampson, Haverson loam, Bankard-Glenberg, and Colby silt loam. Some of the native grasses in this area are, sideoats grama, blue grama prairie junegrass, western wheatgrass, along with some small soapweed and some purple prairieclover.

There is a barbed wire fence that boards the new pit boundary on the west and south side. That is the only man made structures with in 200 feet.

The Arikaree River is on the east side of the new pit boundary. The river is basically a dry bed until there is sufficient enough rain to run water down the dry river bed.

EXHIBIT C  
Saffer Pit  
MINING PLAN

A tracked dozer or front-end loader working from east to west will push the sand and gravel being mined in this operation into stockpiles. A front-end loader will then load the material from the stockpile into haul trucks. Some of the sand and gravel could remain in the stockpile for several weeks. The sand and gravel will be utilized in the maintenance and construction of county roads in District 2 of Lincoln County. Mining is already in operation in the existing area and will continue intermittently until the year 2028 or 2030 depending on the amount of material in the pit.

Prior to removal of the sand and gravel in the new area, 3 to 6 inches of topsoil will be stockpiled for later use in the reclamation of the affected lands. These topsoil stockpiles will be hand seeded if necessary to stabilize the piles and prevent erosion. The 1 to 2 feet of overburden that underlies the topsoil will either be used as binder or stockpiled for later use in the reclamation. These stockpiles will also be hand seeded as required for stabilization and to prevent erosion. The maximum size area that will be mined at one time would be from 5 to 6 acres; some reclamation will take place concurrently with the mining operations in order to keep the affected area at the 5 to 6 acre size. Judging from the amount of material available this pit should be in operation for about 10 to 15 years. The pit will be active but will be used fewer than 180 days per year. No water will be used to produce the sand and gravel being mined nor will any chemicals or explosives be used in this operation.

The ranch road will be smoothed by the county using a motor grader. It will not be elevated but will be bladed to approximately twenty (20) feet wide to provide easier access to the site. A haul road into the pit will be also put in by the county road and bridge forces. The haul road enters the pit from the north side of the boundary. This haul road will also be approximately twenty (20) feet wide. Since these roads are not considered to be permanent typical Lincoln County specifications will not be used. Lincoln County utilizes somewhat modified Colorado Department of Transportation Specifications when constructing permanent county roads.

The floor or bottom of the pit will slope gradually one to five (1 to 5) percent up to the east until it is necessary to put in the final finished slopes that would go up to the pit boundaries. The final slopes will be 4:1 or flatter.

The over burden to be removed is a mix of soil and sand and gravel that gets sandier with increasing depth. The sand and gravel to be mined varies in thickness from 7 to 12 feet. The material that under lays the sand and gravel is a mix of clay and sand that turns to clay at greater depth.



## EXHIBIT C

### MINING PLAN

(a) We are estimating that the pit will open in September 2022 and we plan to mine intermittently until the material is gone, hopefully that will be at least 15 years around 2037.

(b&c) We are estimating the topsoil depth is around 6 inches with another 6 inches in overburden. All topsoil and overburden will be stock piled on the edge of the pit and used for a berm along the creek showed in the map as to help with flood control.

(d) We are estimating that the depth of the material is around 20 feet.

(e) This is going to be a basic 110 open mine about 6.67 acres in area. We will have one access road in and out off of Lincoln County Road 4C.

(f) The most significant disturbances will be the dozing the topsoil and overburden to the berms and pushing the usable material into piles to be hauled from. The stockpiles will be minimal but there will be some there probably all through out the year.

(g) There will be only one road used for a haul road in and out. It will be 30 feet wide so as the trucks can pass each other relatively easy.

## Extension of Exhibit C

### Saffer Pit

As on the mining plan map for the saffer pit it shows a berm completely surrounding the pit on the east side. With this plan for the berm we feel that this is the best course of action to keep the flow of the Arikaree River in its banks when it does flow since it is a dry river bed most of the time. This berm will also keep the water that flows into the pit from entering the river in case of large amount of rain fall if it should happen.

Exhibit C  
Mining Plan Revision  
Saffer Pit

When building this berm to control the water from overflowing the banks of the Arikaree River that only flows water from substantial rain fall. We will take these actions, taking into consideration the depth of the river being a least 5 foot in most places.

A. The berm will be place 20 feet from the pit boundary which will be make it a total distance from the river bank of 40 feet on the average. The berm will be 10 feet wide at the bottom and 5 feet at the top made with the topsoil from inside the pit boundary.

B. The Arikaree River will flow through a set of culverts under county road 4C. All the contour of the ground will let the water flow away from the pit site.

C. A nearby well is 110 feet deep chances of hitting ground water there is very slim.

D. Like above with groundwater I don't see the operation going deep enough to disturb any of it. With careful watch of the mining process we will keep checking periodically we will do test to check depth to make sure we do not disturb any groundwater. If we should have water enter the pit area it will be pumped out of the pit and all the sediment will be hauled away. With berm and the depth of the creek itself I am pretty confident that we will be ok from water entering the pit from the Arikaree River.

## Exhibit D— Reclamation Plan

The reclamation plan will consist of the outer areas of the pit operation being graded to a 3:1 or less slope. The topsoil will be spread to a depth of 4" by using a blade, then it will be incorporated by using a tractor pulled disc. The area will then be seeded by drilling application of the included seed mix as provided by our CSU extension officer. No fertilization will be required for this seed mix. This mix has been accepted in the past as a final reclamation mix and is formulated to thrive in the region and the sandy makeup of the natural ground in the area. The original area of operation will be worked and seeded while the mining continues south. Each new area of operation will continue to be maintained and seeded as the mining continues and allows. As this operation is a need based use, the approximation for reclamation is broad. The existing pit area has already been graded and partially seeded, minus the eastern side and the area of the haul route. As the mining continues south, areas will be seeded and graded accordingly as operations allow.

The use after reclamation will be agriculture. Lincoln county is an agriculture based county and therefore this will be the most effective use. It is expected to support approximately one head of cattle per 20 acres.

Below is the seeding recommendation as provided by the CSU extension office:

**The site was mostly Blue Grama and Buffalo grass with a little sprinkles of western wheat grass.**

**Because of the recent precipitation rates of the area the reseeding recommendation would be a mix of 50-50 Buffalo Grass and Blue Grama. At a rate of 4 PLS/ acre of Buffalo Grass to .75 PLS/acre of Blue Grama. NRCS rate recommendations are 8 PLS/ acre for Buffalo Grass and 1.5 PLS/acre for Blue Grama.**

### **Blue Grama**

#### ***Bouteloua gracilis***

**Blue Grama is a commonly found, warm-season, perennial grass. It is likely the most widespread North American grass, growing on a variety of dry and/or warm upland sites from Mexico to Canada. Blue Grama exhibits a variable growth form in the southern states it grows normally as a bunch grass, but in the northern states and in the mountains, or in areas under heavy grazing pressure, it is a sod former. Narrow, bluish-gray leaf fine blades form a dense clump growing 12 to 15 feet tall. It also has an attractive, unique seed head that resembles a brush or eyelash. It is a popular turf grass, widely used for pasture and range, and erosion control. Low maintenance and drought-resistance qualities are what make it so popular. State grass of Colorado and New Mexico.**

---

**Lifespan: perennial**

Season: warm

Uses: excellent pasture and range, hay, erosion control, turfgrass, general use

Native or Introduced: Native

Annual Average Precipitation: 12 inches

### Buffalograss

#### *Bouteloua dactyloides*

Buffalograss is a perennial, warm-season sod forming grass that is native east of the Rocky Mountains and west of the Mississippi River. Grows up to 4 feet tall, and can sprawl 4 feet wide, forming a dense, matted turf. Has fine, grayish-green leaves. Dominant species of the shortgrass prairie, and upland sites on the Great Plains. Used for pasture, forage, and erosion control. It is also widely used as an attractive, low maintenance turf.

---

Lifespan: perennial

Season: warm

Uses: landscaping, erosion control, grazing

Native or Introduced: Native

Annual Average Precipitation: 10 inches

Robin Halley

CSU Extension Director

Agriculture/Youth Development

robin.halley@colostate.edu

719-743-2542 Office 719-480-2525 Cell

## EXHIBIT D

### RECLAMATION PLAN

(a) In this mining operation at any time we will have a significant amount of area open and ready for reclamation.

(b) The slopes in this pit will be on a 3H to 1V or less but never more to help with the seeding process and erosion.

(c) (1) We will reseed the mined to the original plant thickness.

(ii) At any point during the mining process there is a significant amount of area to reclaim it will be reclaimed at that time.

(iii) The seed mixture will consist of Prairie junegrass, little bluestem, sideoats grama, and blue grama at 18 to 20 pounds per acre.

(iv) The seeding will be drilled with a grass drill behind a tractor. If any mulch is used it will be cow manure mixed with some topsoil and tracked in with the dozer.

(v) The only time we will use mulch is in case of the initial seeding does not grow.

(vi) We do not plant any shrubs or trees in our reclamation process .

(d)The Arikaree will remain on the east boundary of the pit where it is located now. We will not disturb the creek.

(e) There will be no rock dumps or ditches in this pit. The boarder fences of this pit will not disturbed during the mining process or reclamation process.

(2) The only cost of the reclamation process to us is the cost of the seed. We use all our own equipment. The cost of the equipment and labor is considered part of the over all cost in the yearly budget.



## Extension of Exhibit D

### Saffer Pit

The cost of reclaiming the pit when it comes time is somewhat hard to figure, with the cost of fuel fluctuating and the price of the seed changing every year. With that being said. We are estimating the costs as follows:

Labor- 2 men x 5 days= \$1600

Machinery x 5 days= \$1500

Trucking x 3 days= \$1440

Seed Cost \$95 an acre= \$627

Total= \$5167

# SAFFER PIT MINING PLAN MAP

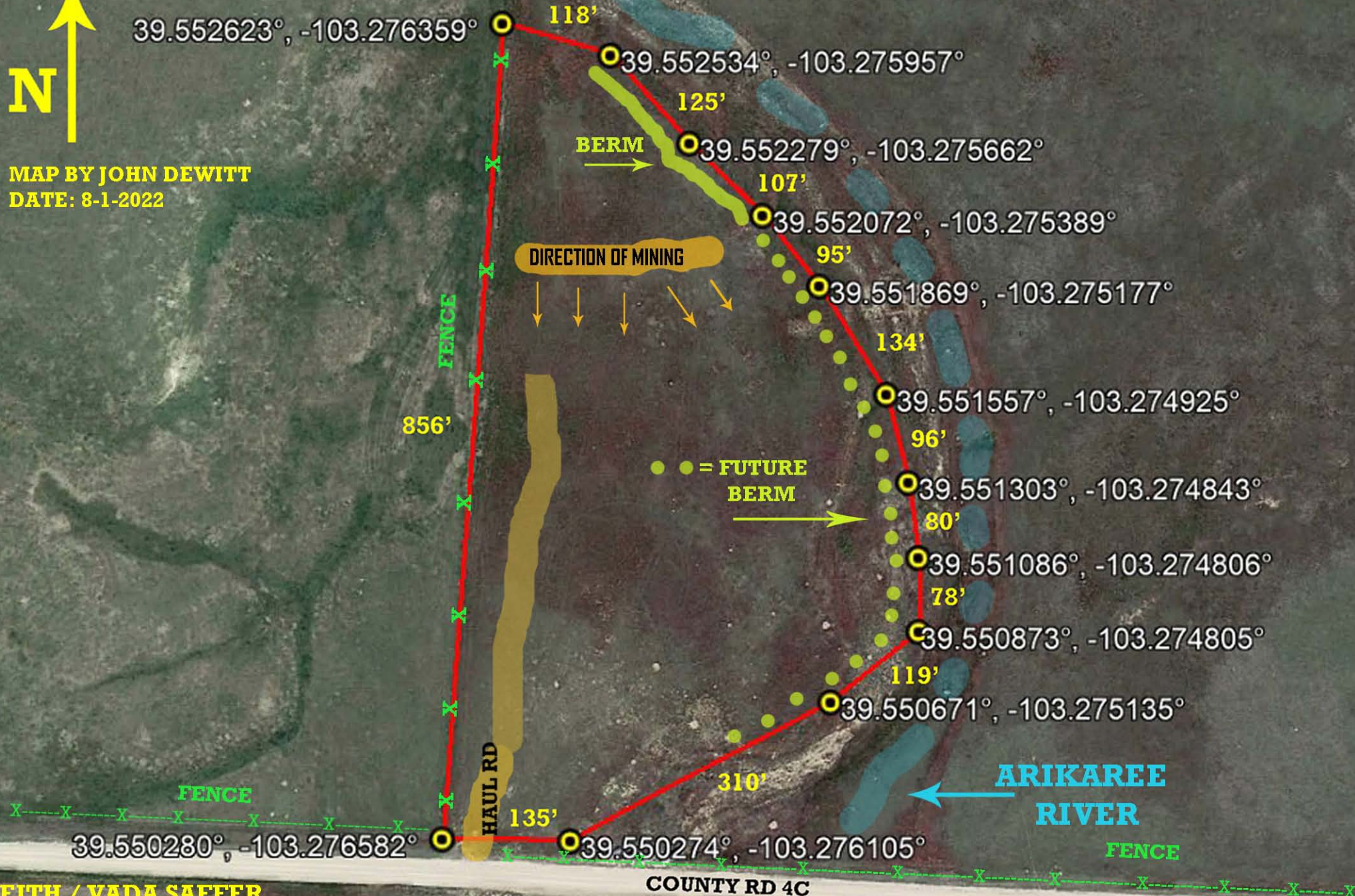
EXHIBIT E (2)

6.67 ACRES SCALE: 1" = 136.96'

OWNER: D. EARL SAFFER TRUST



MAP BY JOHN DEWITT  
DATE: 8-1-2022

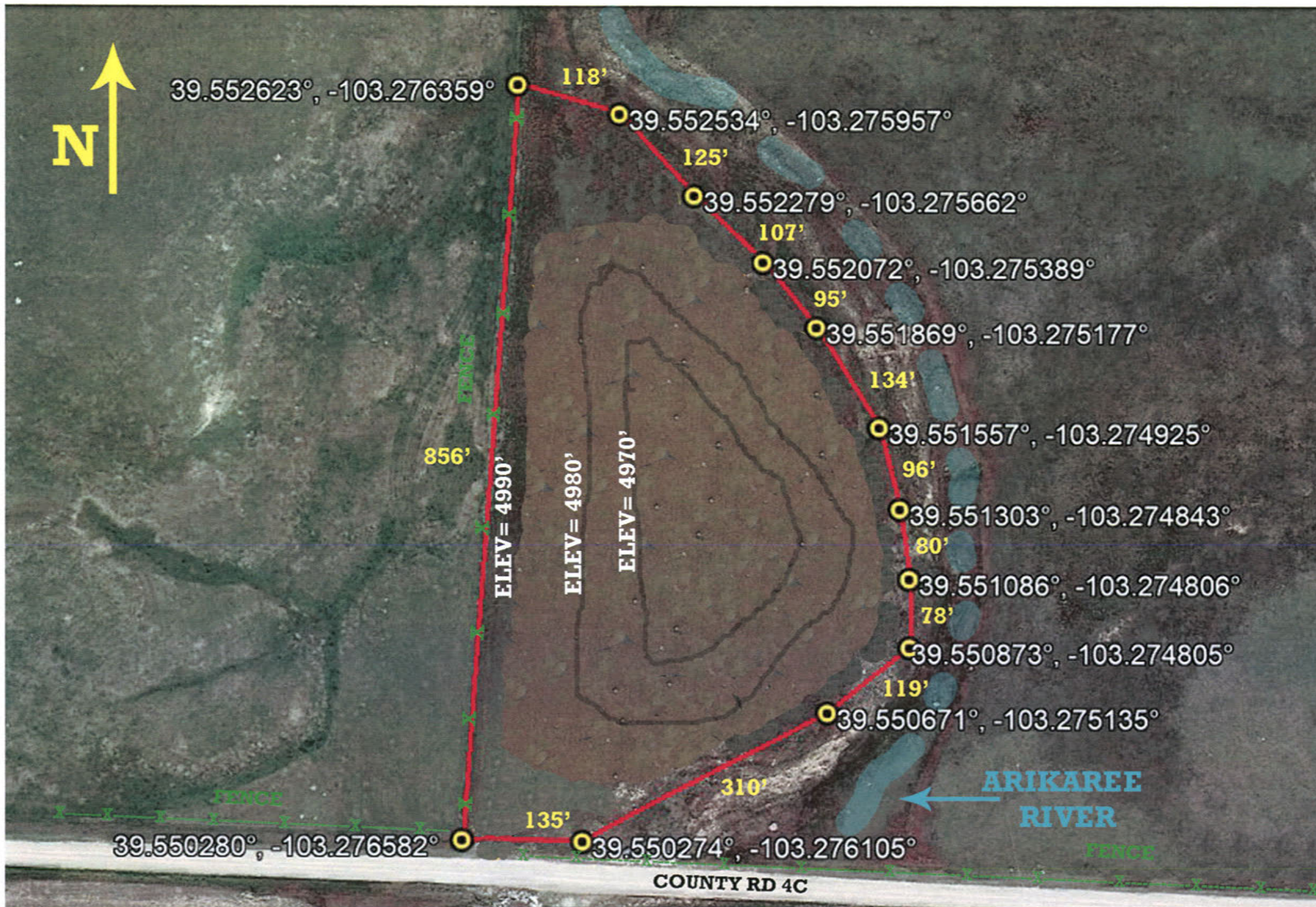




# SAFFER PIT RECLAMATION MAP

EXHIBIT E (3)

6.67 ACRES SCALE: 1" = 136.96'



## EXHIBIT F

### List of other permits and licenses required

We don't have any other permits or licenses that I know of for this application.



## EXHIBIT G

### SAND & GRAVEL LEASE & RIGHT TO ENTER

THIS LEASE AGREEMENT, made this 1<sup>st</sup> day of April 2022  
By and between D. Earl Saffer Trust, Hereinafter called the Lessor, and LINCOLN COUNTY, Hereinafter called the Lessee.

The said Lessor is the owner of the following described real property located in the County of Lincoln, State of Colorado.

**S1/2,S1/2,S1/2,T6,R53W , Saffer Pit**

1. In consideration of the mutual covenants herein contained, the said Lessor does, by these presents lease and let for the purpose hereafter mentioned, under all lawful warranties unto said Lessee the mineral interest described in paragraph 2 hereof.
2. The Lessee shall have the right to mine, extract, remove and take from the above described real property all the **SAND AND GRAVEL**, (hereinafter called minerals), in and under said real property, with the right to remove the topsoil or overburden above said minerals and also Lessee shall have the right to use necessary space for the construction and maintenance of anything required for the extraction and/or processing of minerals and space for stockpiling such minerals on the premises all without any payment in addition to the royalties and other payments herein specifically provided for.
3. The Lessee shall have, during the term of this Lease, the unlimited right of ingress and egress for the removal of said minerals mined, extracted, removed and taken from the premises.
4. This lease shall continue in effect from April 1, 2022 to March 31, 2027. At least 30 days prior to the end of the lease term, the Lessee shall provide the Lessor with the Sand and Gravel Pay Schedule which would apply to any renewal of the lease. If agreeable to the parties, a new Sand and Gravel Lease and Right to Enter shall be signed and entered into by the parties prior to the expiration of the current lease.
5. The Lessee shall pay the Lessor for all minerals mined and taken from the said premises herein leased according to the adopted schedule.
6. The Lessee shall exempt all taxes assessed or that may be assessed against the premises herein leased during the continuances of this Lease.
7. Lessee shall have over the aforesaid property only these rights intimately concerned with the mining and removal of said minerals including, without limitation, the right to stockpile said minerals on the above-described real property or other lands adjacent thereto and owned by the Lessor but within the boundary of the leased area.
8. Lessee will revegetate all damage to the leased area due to the mining operations and upon completion of the operation all affected areas will be reseeded with a native grass seed mixture recommended by the Natural Resources Conservation Service and will have the right to fence the affected area in after revegetation to allow undisturbed growth if needed.
9. The Lessor agrees, upon termination of the Lease Agreement by the Lessee of the property herein above described, to assume full responsibility for the condition of such property, and further agrees to hold harmless from any and all claims by, or liability to, third parties arising after the termination of the Lease Agreement.
10. The Lessee is to provide compensation to the Lessor for any damages to permanent man-made structures, which were the result of mining the affected land.
11. Upon termination of the lease by either the Lessee or the Lessor, the Lessor shall permit access to the property for the purpose of reclamation of said property in accordance with

Lessor:

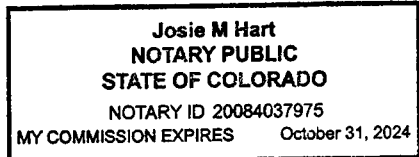
[Signature]

By Josie M. Hart

For the Lessor

The foregoing instrument was acknowledged before me this 26 day of July,  
2022. By D. Earl Saffer

My Commission expires 10-31-2024



Lessee:

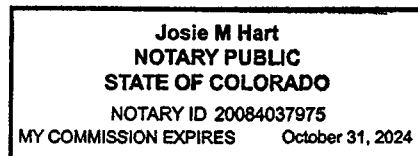
Bruce Walters

By Josie M. Hart

For the Lessee

The foregoing instrument was acknowledged before me this 26 day of July,  
2022. By Bruce Walters

My Commission expires 10-31-2024



## EXHIBIT H

There is no municipalities within a two mile radius of this pit location.

## EXHIBIT I

Written notice to the County Clerk for the new gravel pit application, County Road 4C Lincoln County, Colorado.

S2S2S,S1T6R53W, at 39.550280 ,-103.276582.



County Clerk

Carrie M. Lenz

Land Use Administrator

Ty Bignall



**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner D Earl Saffer Trust Name D Earl Saffer

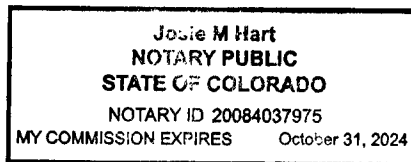
Date 8-9-22 Title Owner

STATE OF Colorado )  
 ) ss.  
COUNTY OF Lincoln )

The foregoing was acknowledged before me this 9 day of August, 2022 by  
D Earl Saffer as owner of Saffer Pit.

Joe M. Zeut  
Notary Public

My Commission Expires: 10-31-2024





HUGO  
422 4TH AVE  
HUGO, CO 80821-9012  
(800)275-8777

08/11/2022 09:41 AM

Product	Qty	Unit Price	Price
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First-Class Mail®	1		\$2.40
Large Envelope			

Hugo, CO 80821  
Weight: 0 lb 5.20 oz  
Estimated Delivery Date  
Sat 08/13/2022

Certified Mail® \$4.00

Tracking #: 70190160000026213840

Return Receipt \$3.25

Tracking #: 9590 9402 7540 2098 2437 34

Total \$9.65

First-Class Mail®	1		\$2.40
Large Envelope			

Hugo, CO 80821  
Weight: 0 lb 5.20 oz  
Estimated Delivery Date  
Sat 08/13/2022

Certified Mail® \$4.00

Tracking #: 70190160000026213857

Return Receipt \$3.25

Tracking #: 9590 9402 7540 2098 2437 41

Total \$9.65

Grand Total: \$19.30

Credit Card Remit \$19.30

Card Name: VISA  
Account #: XXXXXXXXXXXX0088  
Approval #: 110451  
Transaction #: 193  
AID: A0000000031010 Chip  
AL: VISA CREDIT  
PIN: Not Required

\*\*\*\*\*

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Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$7.25
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$2.40

Total Postage and Fees \$9.65

0803  
3

Postmark  
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08/11/2022

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Street and Apt. No., or PO Box No.  
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City, State, ZIP+4®  
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage: \$2.40

Total Postage and Fees \$9.65

0803  
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08/11/2022

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Street and Apt. No., or PO Box No.  
PO Box 127

City, State, ZIP+4®  
Hugo Co. 80821

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Saffer P:t

7019 0160 0000 2621 2959

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Extra Services & Fees (check box, add fee \$0.25 per rate)	\$3.25	01
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Postmark Here 10/28/2022

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Street and Apt. No., or PO Box No. PO Box 39  
City, State, ZIP+4® Hugo Co. 80821  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Arriba, CO 80804

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Sent To: D Earl Saffer  
Street and Apt. No., or PO Box No. 12435 County Hwy 63  
City, State, ZIP+4® Arriba, Co. 80804  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee	\$4.00	0803
Extra Services & Fees (check box, add fee \$0.25 per rate)	\$3.25	01
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Total Postage and Fees	\$8.69	

Postmark Here 10/28/2022

Sent To: High Plains Conservation  
Street and Apt. No., or PO Box No. PO Box 127  
City, State, ZIP+4® Hugo, Co. 80821  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**PUBLIC NOTICES****OFFICE CLOSURE**

Lincoln County Assessor office and Treasurers office will be closed on October 21, 2022.

All Servers will be down in the Assessor's office and the Treasurer's Office until Monday October 24, 2022 and all web services will be down also.

**PUBLIC NOTICE**

Lincoln County, 103 Third Ave, Hugo, CO 80821, 719-743-2337, has filed an application for a Limited Impact (110) Construction Materials Operation with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine will be named the Saffer Pit, and is located at or near S2S2S2, S1,T6S,R53W. The proposed date of commencement is, November 11, 2022, and the proposed date of completion is, September 1, 2037. The proposed future use of the land is agriculture. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567; or at the Lincoln County Clerk and

Recorder's office; 103 Third Ave, Hugo, CO 80821, or the above-named applicant. Comments must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on September 1, 2022. Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.  
Published October 20, 2022  
in The Limon Leader  
Legal No. 107



# History Colorado

Robin A. Reilley, GISP  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

Re: Saffer Pit, File No. M-2022-037 (HC#82115)

Dear Ms. Reilley:

We received your letter dated October 12, 2022 initiating consultation with our office on the subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1 [et.] seq.

A search of our database indicates that the Saffer Farms Centennial Farm site (5LN.582) is located within or adjacent to the permit area. This property has not been assessed to determine eligibility for listing to the National Register of Historic Places. As there are no properties of historical significance included or nominated for inclusion in the state register within the proposed permit area, a finding of no adverse effect is appropriate. As most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

Please note that if the fill or disposal site location is associated with a Federal undertaking, it is the responsibility of the federal agency to meet the requirements of Section 106 as set forth in 36 CFR Part 800 titled “Protection of Historic Properties”. This includes not only reasonable and good faith identification efforts of any historic properties located within the area of potential effects, but determining whether the undertaking will have an effect upon such properties. The State Historic Preservation Office, Native American tribes, representatives of local governments, and applicants for federal permits are entitled to consultative roles in this process.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Holly McKee-Huth, Cultural Resource Information/Section 106 Compliance at (303) 866-4670 or [holly.mckee@state.co.us](mailto:holly.mckee@state.co.us).

Sincerely,

Dawn DiPrince  
State Historic Preservation Officer

**LINCOLN COUNTY**

P.O. BOX 67  
HUGO, CO 80821  
PH. 719-743-2444



Hugo, CO 80821-0158 • Ph. 719-743-2415  
Limon, CO 80828-1270 • Ph. 719-775-8882

82-257/1021

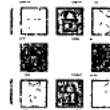
DATE 08/08/2022

AMOUNT 1,258.00

PAY ---One Thousand Two Hundred Fifty Eight Dollars and 00/100 Cents---

TO  
THE  
ORDER  
OF

Division of Reclamation, Mining and Safety  
1313 Sherman Street, Rm 215  
Denver, CO 80203



*James R. Livingston*  
AUTHORIZED SIGNATURE

M-2022-037

Security features. Details on back.

**Division of Reclamation, Mining, and Safety**

**Fee Receipt for M2022037**

**Lincoln County**  
**Ty Stogsdill**  
103 3rd Ave.  
P.O. Box 39  
Hugo

CO 808210000

**Receipt #:** 39560

**Date:** 08/22/2022

**Permit:** M2022037

Payment Method	Revenue Code	Fee Description/Notes	Amount
Check #45839	4300-MAPP	Minerals Application Fees User: AHD	\$1,258.00
Receipt Total:			\$1,258.00

Lincoln County Land Use  
103 3rd Ave  
PO Box 39  
Hugo, CO 80821



7019 0160 0000 2621 3864



1023



80203

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**RECEIVED**

AUG 18 2022

DIVISION OF RECLAMATION  
MINING AND SAFETY

Division of Reclamation, Mining &  
1813 Sherman St. Room  
Denver, Colorado 80202