



STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Fw: RE:Jemadojin sand mine in SE EPC TC status til 2028 or 2029 identical to CRDMS State Mining permit Owner: Maria Jindra.

1 message

Maria Jindra <mjindra2002@yahoo.com>

Wed, Jul 26, 2023 at 2:10 PM

To: "tim.cazier@state.co.us" <tim.cazier@state.co.us>, Maria Jindra <mjindra2002@yahoo.com>

Tim,

Here is Justin Kilgore's contact info and recent email. This is in regards to EPC Special Use Permit. Justin is the man in charge and to whom you contact on your filings.

Many Thanks,
Maria Jindra

----- Forwarded Message -----

From: Justin Kilgore <justinkilgore@elpasoco.com>

To: Maria Jindra <mjindra2002@yahoo.com>

Cc: Meggan Herington <megganherington@elpasoco.com>

Sent: Monday, July 24, 2023, 04:48:43 PM MDT

Subject: RE: RE:Jemadojin sand mine in SE EPC TC status til 2028 or 2029 identical to CRDMS State Mining permit Owner: Maria Jindra.

Hi Maria,

I have attached a copy of the relevant files as per our conversation today. It includes the Special use file (AL-06-002), the modification resolution 08-16 (AL-07-012), and the notice from the Colorado Division of Reclamation, Mining and Safety regarding the Temporary Cessation of the Jemadojin Sand Mine (Permit M-2006-017).

We would not regard this as a closure as long as the appropriate documentation is kept on file with the state. Please keep the department updated as you update the state.

Regarding the note in our system (EDARP), this is an older file and since it was imported from a previous system it was "approved" and the project "closed." That is where the note comes from. I have created a new file regarding our conversation for future planners. (PS2353)

Please let me know if you have any further questions or concerns.

Regards,

Justin Kilgore
Planning Review Manager
Planning and Community Development
719-520-6313
Office hours: Monday- Friday 7:30am-4:30pm
<https://planningdevelopment.elpasoco.com>

-----Original Message-----

From: Maria Jindra <mjindra2002@yahoo.com>

Sent: Monday, July 24, 2023 4:24 PM

To: Justin Kilgore <JustinKilgore@elpasoco.com>

Cc: Maria Jindra <mjindra2002@yahoo.com>

Subject: RE:Jemadojin sand mine in SE EPC TC status til 2028 or 2029 identical to CRDMS State Mining permit Owner: Maria Jindra.

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Thank You Justin for keeping the EPC Special Use Permit in TC Status in conjunction with the State Mining Permit. Next year, the state will extend the TC Status 5 additional years.

Many Thanks,

Maria Jindra, Owner of the sand Mine

Sent from my iPhone



0945_001.pdf

576K



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

March 9, 2022

County Commissioner
El Paso County Commissioners
Centennial Hall
200 South Cascade Avenue, Suite 100
Colorado Springs, Colorado 80903

Re: Jemadojin Sand Mine, Permit No. M-2006-017;
Notice of Request for Temporary Cessation, Initial Period (Revision ID TC3)

Dear County Commissioners:

This letter is to inform Counties and Municipalities within two miles of a mining operation of the intent of Operator to put their mining operation into a state of temporary cessation. This letter is sent pursuant to the requirement of Rule 1.13.6 of the Rules and Regulations of the Colorado Mined Land Reclamation Board.

Please be advised that Operator, whose address and telephone number are Hourglass Sands LLC, 1183 E. Canvasback Dr., Terre Haute, IN 47802; (812) 299-2800, has filed a Notice of Temporary Cessation with the Division of Reclamation, Mining and Safety for the Site mining operation. The mining operation is located at or near Section 34, Township 16S, Range 62W, sixth Principle Meridian, in El Paso County.

The receipt of the Notice of Temporary Cessation will be acknowledged in the monthly activity report attached to the agenda for the April 2022 meeting of the Mined Land Reclamation Board unless one or more of the following conditions occurs:

1. Reclamation or performance standard issues are indicated in the Notice of Temporary Cessation.
2. Such issues are indicated by a field inspection of the mine site.
3. Such issues are indicated by a review of the mining operation file.
4. Concerns are expressed about the Notice of Temporary Cessation by interested persons.



El Paso County Commissioners

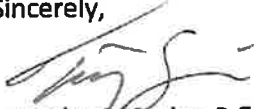
March 9, 2022

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If one or more of the above conditions occurs, the Division will place the Notice of Temporary Cessation on the agenda for the April 2022 meeting of the Mined Land Reclamation Board. During that meeting, the Board will consider whether or not to accept the Notice.

If you have any questions, please contact me at (303) 328-5229.

Sincerely,



Timothy A. Cazier, P.E.

Environmental Protection Specialist

ec: Michael, Cunningham, DRMS
DRMS file

YJE
EL PASO

COMMISSIONERS:
SALLIE CLARK (CHAIR)
DENNIS HISEY (VICE CHAIR)



COUNTY

JIM BENSBURG
DOUGLAS BRUCE
WAYNE WILLIAMS

DEVELOPMENT SERVICES DEPARTMENT

DICK ANDERWALD, AICP, DIRECTOR

July 17, 2006

Jemadojin, LLC
Jeffrey and Maria Jindra
16449 Dearing Road
Colorado Springs, Colorado 80928

Oglebay Norton Industrial Sands, Inc.
Michael Miclette
3250 Drennan Industrial Loop
Colorado Springs, Colorado 80935

RE: Use Subject to Special Review – Mineral and Natural Resource Extraction (AL-06-002)

This is to inform you that the above-referenced request by Michael Miclette as applicant / owner of Oglebay Norton Industrial Sands, and Jemadojin, LLC as property owner request a Use Subject to Special Review for Mineral and Natural Resource Extraction to conduct sand mining activities for silica sand as preference was heard and approved by the Board of County Commissioners on July 13, 2006. The proposed 421.01 acre site is in the A-35 (Agricultural) zone district. The property (Schedule No. 26000-00-029) is located at 15420 Dearing Road approximately 300' north of Myers Road.

This approval is subject to the following:

CONDITIONS OF APPROVAL

1. Prior to beginning operations at the site, copies of all permits shall be provided to the Development Services Department, including a Fugitive Dust Permit.
2. The operations shall be conducted in accordance with the documents submitted for, and the approval conditions of, the State of Colorado Division of Minerals and Geology approval of the Permit No. M-2006-017.
3. The operations shall be conducted in accordance with the documents/reports, including but not limited to the mining operations report dated February 2, 2006, submitted for this special use application (AL-06-002).
4. All trucks carrying a load leaving the property should be properly loaded, swept and secured in a manner which reasonably limits the possibility that any of the load will escape.
5. Hours of operation shall be limited from sun-up to sun-down. No operations shall commence during non day-light hours, allowing only maintenance work emergencies at night, if necessary.



6. This mining operation shall be subject to an annual review by the Development Services Department to determine compliance with all applicable requirements and standards of the El Paso County Zoning Regulations, and the conditions and safeguards imposed upon the special use by the Board of County Commissioners. The initial review shall be not more than one (1) year from the date of the special use approval unless specified otherwise by the Board of County Commissioners. Upon completion of each periodic review, the Development Services Department shall forward its report and any recommendations to the Board of County Commissioners and the holder of the subject special use.
7. The applicant shall provide the Development Services Department a copy of the annual report and revised mining map provided to the State of Colorado, Division of Minerals and Geology, a copy of the State inspection report, and a report on dust control and weed management.
8. The operator of this site shall make exclusive use of a designated haul route for all loaded trucks leaving the site and all empty trucks returning to the site. The haul route shall be from the site access, west along Dearing Road, then north and west along Squirrel Creek Road into Fountain, then north to an existing processing plant located at 15420 Dearing Road.
9. The operator shall pay a Road Use / Road Impact Fee of \$0.2000 (twenty cents) per ton of material extracted from the site and transported onto public roads. Payment shall be made no later than January 31st of each calendar year to El Paso County and shall be for the amount of material removed during the previous calendar year. The rate of \$0.2000 per ton shall apply to all material removed during the 2006 calendar year. To account for inflation, the rate shall be adjusted for each subsequent calendar year, beginning in 2007. The index to be used for adjustment shall be the Producers Price Index for Industrial Sand Mining, Primary Products, as published by the U.S. Bureau of Labor Statistics (Industry Code 212322, Product Code 212322-P). The fee rate may also be adjusted if it is determined to be insufficient to cover the impacts to the haul route road. This adjustment will be based on evaluation and criteria to be established via joint inspections of the road between the operator and County Department of Transportation staff. The total adjusted rate shall never exceed 125% of the rate as indexed for inflation (e.g. – no more than twenty five cents in 2006). The operator shall furnish an annual report to the Development Services Department showing the amount of material removed, the adjusted fee rate, and the total amount to be paid for the calendar year. The County shall use these funds for maintenance purposes along the designated haul route, but shall not be limited to any specific types of maintenance activity.
10. The applicant shall comply with all applicable local, state, federal laws, and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous waste on and off site.

Jemadojin, LLC
Oglebay Norton Industrial Sands, Inc.
July 17, 2006
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11. Any new signage must be approved in accordance to Section 35.4 of the El Paso County Land Development Code.
12. The reclamation plan currently submitted to the El Paso County Development Services Department to restore this land back to a similar condition once the sand mining operations have ceased must be adhered to.
13. Prior to commencement of operations on the site, the applicant shall address any remaining engineering concerns as noted in the memo from engineering staff dated June 13, 2006, and shall provide a drainage letter, grading and erosion control plan, and storm water management plan that are acceptable to County staff.

NOTATIONS

1. Special Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Special Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Special Use is discontinued or abandoned for three (3) years or longer, the Special Use shall be deemed abandoned and of no further force and effect.

The above notations 1 - 3 are abbreviated; they have the same force and effect as the items found within their entirety in Section 35.8 C.1., C.3., D., E., and F of the El Paso County Land Development Code.

This represents the Development Services Department's understanding of the action taken by the Board of County Commissioners. A copy of their Resolution will be forwarded to you, once that document is available.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,



Carol Weber, Project Manager II

Jemadojin, LLC
Oglebay Norton Industrial Sands, Inc.
July 17, 2006
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cc: Paul Banks
Banks and Gesso, LLC
720 Kipling Street, Suite 117
Lakewood, Colorado 80215

File: Prompt/ AL-06-002

ec: Eileen Wheeler, Deputy Clerk to the Board



RESOLUTION NO. 08-16

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE AMENDED USE SUBJECT TO SPECIAL REVIEW FOR MINERAL AND NATURAL RESOURCE EXTRACTION WITHIN THE A-35 ZONE DISTRICT (AL-07-012)-MICHAEL MICLETTE, OWNER OF OGLEBY NORTON INDUSTRIAL SANDS AND JEMADOJIN, LLC

WHEREAS, Michael Miclette, owner of Ogleby Norton Industrial Sands, and Jemadojin, LLC, did file an application with the Development Services Department of El Paso County for approval of an Amended Use Subject to Special Review to allow an increased volume of truck traffic for mineral and natural resource extraction within the A-35 (Agricultural) Zone District; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on December 4, 2008, upon which did the Planning Commission did by formal resolution recommend approval of the subject application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on January 10, 2008; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations for the El Paso County Planning Commission, comments of the El Paso County Development Services Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper posting, publication and public notice was provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County, Colorado.
2. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That the proposed special use conforms to Chapter 5, Use and Dimensional Standards, Section 5.3.2, Special Use, of the El Paso County Zoning Resolutions.
4. The special use is consistent with the applicable Master Plan.

5. That the special use is consistent with the intent and purposes of the zoning district where the use is proposed to be located or conforms to the approved development plan.
6. The special use will be in harmony with the character of the neighborhood, and compatible with the existing and allowable land uses in the surrounding area.
7. That the special use will not result in an over-intensive use of land.
8. The impact of the special use does not overburden or exceed the capacity of public facilities and services or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner.
9. That the special use will not create undue traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access.
10. That the special use will not cause significant air, water, light, or noise pollution.
11. That the special use will not be otherwise detrimental to the public health, safety and welfare of the present or future residents of El Paso County.
12. That the special use conforms or will conform to all other applicable County rules, regulations or ordinances.
13. That the proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
14. That for the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of El Paso County, Colorado, hereby approves the petition of Michael Mickle, owner of Ogleby Norton Industrial Sands, and Jemadojin, LLC, for an Amended Use Subject to Special Review to allow an increased volume of truck traffic for mineral and natural resource extraction within the A-35 (Agricultural) Zone District for property located within the unincorporated area of El Paso County more particularly described in Exhibit A, which is attached hereto and incorporated by reference;

AND BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

CONDITIONS:

1. The operations shall be conducted in accordance with the documents submitted for, and the approval conditions of, the State of Colorado Division of Minerals and Geology approval of the Permit No. M-2006-017.
2. The operations shall be conducted in accordance with the documents/reports, including all documents submitted for the prior approved Special Use application (AL-06-002), and this Amended Special Use application (AL-07-012).
3. All trucks carrying a load leaving the property should be properly loaded, swept and secured in a manner which reasonably limits the possibility that any of the load will escape.
4. Hours of operation shall be limited from sun-up to sun-down. No operations shall commence during non day-light hours.
5. This mining operation shall be subject to an annual review by the Development Services Department to determine compliance with all applicable requirements and standards of the El Paso County Zoning Regulations, and the conditions and safeguards imposed upon the special use by the Board of County Commissioners. Upon completion of each periodic review, the Development Services Department shall forward its report and any recommendations to the Board of County Commissioners and the holder of the subject Special Use.
6. The applicant shall provide Development Services Department a copy of the annual report and revised mining map provided to the State of Colorado, Division of Minerals and Geology, a copy of the State inspection report, and a report on dust control and weed management.
7. The operator of this site shall make exclusive use of a designated haul route for all loaded trucks leaving the site and all empty trucks returning to the site. The haul route shall be from the site access, west along Dearing Road, then north and west along Squirrel Creek Road into Fountain, and then north to an existing processing plant located at 3250 Drennan Industrial Loop.

8. The operator shall pay a Road Use/Road Impact Fee of \$0.2000 (twenty cents) per ton of material extracted from the site and transported onto public roads. Payment shall be made no later than January 31st of each calendar year and shall be for the amount of material removed during the previous calendar year. The rate of \$0.2000 per ton shall apply to all material removed during each calendar year. To account for inflation, the rate shall be adjusted for each subsequent calendar year, beginning in 2007. The index to be used for adjustment shall be the Producers Price Index for Industrial Sand Mining, Primary Products, as published by the U.S. Bureau of Labor Statistics (Industry Code 212322, Product Code 212322-P). The fee rate may also be adjusted if it is determined to be insufficient to cover the impacts to the haul route road. This adjustment will be based on evaluation and criteria to be established via joint inspections of the road between the operator and County Department of Transportation staff. The total adjusted rate shall never exceed 125% of the rate as indexed for inflation. The operator shall furnish an annual report to the Development Services Department showing the amount of material removed, the adjusted fee rate, and the total amount to be paid for the calendar year. The County shall use these funds for maintenance purposes along the designated haul route, but shall not be limited to any specific types of maintenance activity.
9. The applicant shall comply with all applicable local, state, federal laws, and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous waste on and off site.
10. Any new signage must be approved in accordance to Section 35.4 of the El Paso County Land Development Code.
11. If El Paso County or the applicant receive complaints regarding noise, the applicant shall immediately notify the Development Services Department. The County may require that the applicant conduct additional testing to determine if the facility or associated vehicle traffic complies with the County Noise Ordinance. If it does not comply, the haul route, other aspects, or hours of operation may need to be changed (which may require amendment to the special use permit), or noise controls will need to be installed to achieve acceptable levels.
12. All conditions of approval placed on the original Use by Special Review shall remain in effect for the Amended Use, with the exception of Condition Number 2 which shall be revised to read as follows: "The operations shall be conducted in accordance with the documents/reports,

including but not limited to the *Revised Mining Operation Plan and Traffic Impact Analysis* dated June 20, 2006, submitted for this Special Use application (AL-06-002) *with the exception of section "d" of the Traffic Impact Analysis section which is hereby amended to allow a maximum of 56 vehicle-truck trips per day (28 round trips by haul trucks).*"

NOTATIONS:

1. Special Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Special Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Special Use is discontinued or abandoned for three (3) years or longer, the Special Use shall be deemed abandoned and of no further force and effect.

The above Notations 1 - 3 are abbreviated; they have the same force and effect as the items found within their entirety in Chapter 5 Section 5.3.2 J and K of the El Paso County Land Development Code.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 10th day of January 2008, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO



By: _____

Chair

Resolution No. 08-16
Exhibit A

A parcel of land situated in the south one-half of Section 34, Township 16 South, and the Northwest Quarter of Section 3, Township 17 South, all in Range 62 West of the Sixth Principal Meridian, County of El Paso, State of Colorado, to wit:

Beginning at the Northwest Corner of said Section 3, the said point being coincidental with the Southwest Corner of the said Section 34; THENCE, N 90°00'00" E, along the South line of the said Section 34, with all bearings contained herein relative thereto, a distance of 200.00 feet; THENCE, N 01°34'34" E, departing from the aforesaid section line, a distance of 4750.75 feet; THENCE, S 02°03'23" E, a distance of 2525.90 feet to a point on the South line of the said Section 34 from whence the Southeast Corner thereof bears N 90°00'00" E, a distance of 200.00 feet; THENCE, N 90°00'00" W, along the South line of the said Section 34, a distance of 4060.38 feet, to a point from whence the point of beginning bears N 90°00'00" W, 1050.00 feet; THENCE, S 00°16'50" W, departing from the aforesaid section line, a distance of 650.00 feet, THENCE, N 90°00'00" W, a distance of 650.00 feet; THENCE, S 00°16'50" W, a distance of 550.00 feet; THENCE, N 90°00'00" W, a distance of 400.00 feet to a point on the West line of the said Section 3 from whence the West Quarter corner thereof bears S 00°16'50" W, a distance of 1434.67 feet; THENCE, N 00°16'50" E, along the West line of the Northwest Quarter of the said Section 3, a distance of 1200.00 feet to the Point of Beginning.

The said parcel contains 13,058,549 sq. ft. (299.78 acres) more or less.