



12 October 2023

Hunter Ridley
Division of Reclamation, Mining and Safety
1001 E 62nd Ave, Rm 215
Denver, CO 80216
Submitted via email to hunter.ridley@state.co.us

RE: Incompleteness Notice - Clear Spring Ranch Pit; DRMS File No. M-1992-074; Receipt of 112 Construction Materials Reclamation Permit Amendment Package (AM-01)

Dear Ms. Ridley,

In response to your Incompleteness Notice dated September 29, 2023, enclosed are updated application pages (1,2,3,6,8 and Exhibit A) for the Permit Amendment Package for Permit M-1992-074. Responses to your comments are provided in red below and reflected in the attached document.

Application Form

1. The written response to Item No. 1 on page 1 of the Application Form must match the Applicant/operator name associated with all other permitting actions for the Clear Spring Ranch Pit. In this case, 'City of Colorado Springs Utilities' needs to be updated to 'City of Colorado Springs'. **Item has been updated.**

In addition, please update the following sections of the Application to reflect this correction of operator name to 'City of Colorado Springs':

- a. Applicant/Operator company name under item No. 11 **Item has been updated.**
- b. Certification document on page 8 **Item has been updated.**
- c. Please also ensure that the newspaper publication to be posted after the date of completeness lists the applicant/operator as 'City of Colorado Springs'. **Noted. Publication will list applicant as City of Colorado Springs.**

Responsibilities as a Permittee

2. Item No. 10 under this subsection of the Application Form on page 6 is initialed to indicate that this operation represents a joint venture/partnership. If this item was initialed in error, please submit a revised page 6 of the application which does not have Item No. 10 initialed.

121 South Tejon Street, Fourth Floor
P.O. Box 1103, Mail Code 940
Colorado Springs, CO 80903-2187

Phone 719-668-3744
Fax 719-668-8666
<http://www.csu.org>



Colorado Springs Utilities

It's how we're all connected

If No. 10 was not initialed in error, please submit with a revised Application Form, the appropriate power of attorney document which authorizes the signature of joint operators. **Item No. 10 was initialed in error. The initials have been removed from the updated application page.**

Certification

3. A company seal must be present on the Application Form. If no company seal exists, please write 'no seal' on a revised page 8 of the Application Form under the company seal section. **No company seal exists, so "no seal" has been added to page 8.**

General Exhibit Requirements

6.4.1 Exhibit A – Legal Description

4. The Applicant has submitted a legal description of the property which does not include the location of the main entrance to the site reported in latitude and longitude or Universal Transverse Mercator (UTM) as required by Rule 6.4.1(1) and Rule 6.4.1(2). Please provide this information in a revised 'Exhibit A' attachment. **The location of primary mine entrance in latitude and longitude has been added to the end of the written legal description in a revised Exhibit A. The latitude and longitude listed on page 2 of the application has been updated on a revised page 2.**

Please reach out with any questions or requests for information at the numbers and address below.

Thank you,

Joseph Houghton
Environmental Engineer
719-668-3744
jphoughton@csu.org

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

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

Permit # M - 1992 - 074 (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 1992 - 074 - _____ (provide for **Amendments** and **Conversions** of existing permits)

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

GENERAL OPERATION INFORMATION

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

1. **Applicant/operator or company name (name to be used on permit):** City of Colorado Springs
 - 1.1 Type of organization (corporation, partnership, etc.): Municipality
2. **Operation name (pit, mine or site name):** Clear Spring Ranch Gravel Pit
3. **Permitted acreage (new or existing site):** 50.7 permitted acres
 - 3.1 Change in acreage (+) 31.4 acres
 - 3.2 Total acreage in Permit area 82.1 acres
4. **Fees:**

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	<u>\$3,342.00</u>	quarry application
4.4 Amendment Fee	<u>\$2,229.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,696.00</u>	conversion fee
5. **Primary commoditie(s) to be mined:**

<u>Sand</u>	<u>Gravel</u>	<u>Clay</u>
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 - 5.1 Incidental commoditie(s) to be mined:

1. <u>-</u> lbs/Tons/yr	2. <u>/</u> lbs/Tons/yr
3. <u>/</u> lbs/Tons/yr	4. <u>/</u> lbs/Tons/yr
 - 5.2 Anticipated end use of primary commoditie(s) to be mined: Utility Trench Fill
 - 5.3 Anticipated end use of incidental commoditie(s) to be mined: _____

6. **Name of owner of subsurface rights of affected land:** City of Colorado Springs
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** City of Colorado Springs

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: El Paso

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

SECTION (write number): S 20

TOWNSHIP (write number and check direction): T 16 ☐ North ☒ South

RANGE (write number and check direction): R 65 ☐ 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): _____
Approximately 2 miles south of the developed portions of the City of Fountain, approximate elevation=5560

10. **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) 38.63594 (5 decimal places)

Longitude(W) -104.69885 (5 decimal places)

OR

Universal Tranverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13

Easting _____

Northing _____

11. **Correspondence Information:**

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

Contact's Name: **Carlos Wright** Title: **Water& Wastewater Construction & Maintenance Manager**
Company Name: **City of Colorado Springs**
Street/P.O. Box: **1521 S. Hancock Expressway MC:1816** P.O. Box: _____
City: **Colorado Springs**
State: **Colorado** Zip Code: **80903**
Telephone Number: **(Mobile: (719)) - 660-0523 Office: (719) 668-5447**
Fax Number: **() -** _____

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: **Joseph Houghton** Title: **Environmental Engineer**
Company Name: **Colorado Springs Utilities**
Street/P.O. Box: **121 S. Tejon St., 4th Floor, Mail Code 940** P.O. Box: _____
City: **Colorado Springs**
State: **Colorado** Zip Code: **80903**
Telephone Number: **(719) - 313-8472 Office: (719)668-3744**
Fax Number: **() -** _____

INSPECTION CONTACT

Contact's Name: **Joseph Houghton (See Above)** Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: **() -** _____
Fax Number: **() -** _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: **() -** _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: **() -** _____

CW

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;

CW

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;

CW

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;

CW

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

CW

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.

CW

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.

CW

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

CW

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.

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

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. 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.).
2. 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.;
3. As the applicant/operator, I do not have any extraction/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.) as determined through a Board finding.
4. 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.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, 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 20th day of September, 2023.

City of Colorado Springs

Applicant/Operator or Company Name

If Corporation Attest (Seal)

NO SEAL

Signed: Carlos Wright

Carlos Wright

Water & Wastewater Construction &

Title: Maintenance Manager

Signed: _____

Corporate Secretary or Equivalent

Town/City/County Clerk

State of Colorado)

) ss.

County of El Paso)

The foregoing instrument was acknowledged before me this 20th day of September, 2023, by Carlos Wright as Manager of Colo Spgs Utilites

Amber Lemarr Hinton

NOTARY PUBLIC

STATE OF COLORADO

NOTARY ID# 20184024041

MY COMMISSION EXPIRES JUNE 8, 2026

Amber Lemarr Hinton
Notary Public

My Commission expires: June 8, 2026

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a



Gary S. Rust, PLS

Colorado Springs Utilities – Advanced Geomatics
1521 Hancock Expressway - Colorado Springs, CO 80947

Work (719) 668-8753 Mobile (719) 499-0401
grust@csu.org | www.csu.org

Exhibit A – Legal Description Mine Expansion Permit

A PORTION of a tract of land located in the northwest quarter of Section 20, Township 16 South, Range 65 West, of the 6th P. M., City of Fountain, El Paso County, Colorado. Said tract described in the Warranty Deed at Book 2550 Page 782 of said county. Said PORTION being more particularly described as follows:

Basis of Bearings: The line between the northwest corner and west one-quarter corner of said Section 20, monumented on the north by a 2-inch diameter aluminum cap, marked “Berge Brewer PLS 13830”, flush with ground; and a 3-inch capped galvanized gas pipe marked with township and range and dated 1920, 6-inches above the ground. Said line is assumed to bear S 00° 54’ 56” E, a distance of 2622.68 feet.

Commencing at said west quarter-corner;

Thence N 00° 54’ 56” W, a distance of 500.00 feet, along the west boundary of said tract to the

Point of Beginning;

Thence N 88° 49’ 02” E, departing said west boundary, a distance of 1314.81 feet;

Thence S 00° 54’ 48” E, a distance of 249.17 feet;

Thence N 60° 43’ 07” E, a distance of 242.53 feet;

Thence N 17° 53' 50" W, a distance of 351.07 feet;
Thence N 70° 25' 01" W, a distance of 258.88 feet;
Thence N 45° 23' 38" W, a distance of 720.37 feet;
Thence N 12° 08' 26" W, a distance of 310.18 feet;
Thence N 37° 48' 50" W, a distance of 760.32 feet;
Thence S 88° 41' 04" W, a distance of 161.58 feet, to the west boundary of said tract;
Thence S 00° 54' 56" E, a distance of 1723.75 feet, along said west boundary feet,
to the **Point of Beginning**, and containing 31.381 acres of land, more or less.

The Primary Mine Entrance Location (in Latitude/Longitude, Decimal Degrees):

Latitude (N) 38.63594°
Longitude (W) -104.69885°

The above statement is neither a warranty or guarantee, either expressed or implied.

Legal Description Statement:

I, Gary S. Rust, a Professional Land Surveyor in the State of Colorado, do hereby state that the above legal description and attached exhibit were prepared under my responsible charge and on the basis of my knowledge, information and belief are correct.



Gary S. Rust, Professional Land Surveyor
Colorado P.L.S. No. 38319
For and on behalf of Colorado Springs Utilities

COPART Inc
Warranty Deed at
Reception No. 222144952

Fountain Colony 1933 No II LLC
Reception No. 220161291

NW Cor S20

S 88° 41' 04" W
161.58'

Amendment to Revocable
Easement Agreement
Reception No. 202176081

City of Colorado Springs
Warranty Deed at
Book 2550 Page 782

350 0 350
SCALE: 1" = 350'

Basis of Bearings
S 00° 54' 56" E 2622.68'

N 37° 48' 50" W
760.32'

N 12° 08' 26" W
310.16'

N 45° 23' 38" W
720.37'

Mining Expansion
Permit Area

N 70° 25' 01" W
258.88'

Interstate Highway 25

P.O.B.

N 88° 49' 02" E
1314.81'

S 00° 54' 48" E
249.17'

N 60° 43' 07" E
242.53'

N 17° 53' 50" W
351.07'

P.O.C.

W4 Cor S20

S 00° 54' 56" E
500.00'

City of Colorado Springs
TSN: 5600000178

Current Permitted Area



Colorado Springs Utilities

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Advanced Geomatics

1521 Hancock Expressway

Colorado Springs, Colorado 80947

Exhibit A - Legal Description Sketch Mining Expansion Permit

Drawn by: Gary S. Rust, PLS August 17, 2023

THIS SKETCH DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND
IS ONLY INTENDED TO DEPICT THE LEGAL DESCRIPTION.