



March 28, 2024

Blake Tope  
Hill Top Gravel LLC  
21225 Scott Rd  
Calhan, CO 80808

**RE: Simla Highway Pit, File No. M-1995-095, Application for 110 Conversion to a 112c Operation (CN-1), Adequacy Review #1**

Blake Tope,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the Hill Top Gravel LLC Application for Conversion of the Simla Highway Pit from a 110 to a 112c operation. The application was called complete for review on March 11, 2024. The Division submits the following comments. Comments received from other agencies regarding this proposed permit renewal are attached to this letter. The Division is required to make an approval or denial decision no later than June 10, 2024; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

1. The Division found the application for CN-1 complete on March 11, 2024. Pursuant to Rule 1.6.2(1)(d), upon completeness Hill Top Gravel LLC is required to publish a Public Notice for four consecutive weeks which will initiate a 20-day comment period from the date of the last publication. As of the date of this letter, the Division has yet to receive a proof of publication of the public notice for CN-1. Please provide the Division with a copy of the public notice to ensure that the Public Notice was published as required.
2. Pursuant to Rule 3.1.12(2), boundaries of the affected area will be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries. Please provide the Division with GPS locations for each of these boundary markers and a .kmz or shape file which outlines the exact permit boundary.

**EXHIBIT A – Legal Description**

3. Legal Description Maps (A 1-3) only show the currently affected acreage boundary. These maps should be updated to show the entire proposed permit area boundary of 40 acres.

**EXHIBIT B – Index Map**

4. Similar to the above Item No. 4, the submitted Index Maps will need to be updated to



show the entirety of the proposed 40 acre permit boundary.

#### **EXHIBIT C – Pre-mining and Mining Plan Maps**

5. Map C(a), showing all adjoining surface owners of record, is missing from the Application Package. Please provide this map, as referenced in the Exhibit C narrative, to the Division.

#### **EXHIBIT D –Mining Plan**

6. For the purpose of bonding, the Division requests clarification of the Mining Plan. The Mining Plan repeatedly states that a maximum of 10 acres will be disturbed at any one time throughout the life of mine. It also states that contemporaneous reclamation will occur. Exhibit L states that the submitted bond estimate accounts for a maximum of 15 acres of unreclaimed disturbance at one time. Pursuant to the Division's definitions under Rule 1.1, any acreage which has been affected by the mining operation and/or reclaimed but has not yet been formally released is still considered disturbed acreage and must be appropriately bonded for.
  - a) Considering this definition, how does this change the Operator's commitment to having a maximum of 10 acres of disturbance occurring at one time?
  - b) Does the Operator intend to apply for release of fully reclaimed acreage as mining progresses through additional phases? If not, the Division will require the bond amount to include reclamation work (maintenance and revegetation tasks) for all acreage undergoing contemporaneous reclamation until such area has been formally released by the Division.
  - c) If the Operator intends to commit to a phased operation and only wishes to be bonded for a portion of those phases at one time, the Division will require a commitment from the Operator to alert the Division when such new phase has been entered by the Operator. Thus, prompting a revaluation of the bond.
7. Please give an estimate for the size (in acres) of temporary stormwater impoundment to be constructed at the site.

#### **EXHIBIT E - Reclamation Plan**

8. Please provide a signed statement from the landowner(s) which gives approval / permission for the access road to remain post reclamation.

#### **EXHIBIT G - Water Information**

9. Please provide the Division with a copy of the CDPHE Stormwater Permit referenced in Section 6.4.7(2)(c).

#### **EXHIBIT N – Source of Legal Right to Enter**

10. The El Paso County Assessor (screenshot below) shows that the southeastern corner of the permit boundary is owned by a Morris D. Ververs. Please submit proof that Legal Right of Entry has been obtained from this entity.

#### **EXHIBIT O – Owners of Record of Affected Land (surface Area) and Owners of Substance to be Mined**

11. The El Paso County Assessor (screenshot below) shows that the southeastern corner of the permit boundary is owned by a Morris D. Ververs. This entity has already been notified pursuant to Rule 1.6.2(1)(g). However, as an owner of record of affected land, they must also be listed under Exhibit O. Please revise and resubmit Exhibit O with this updated information.

#### **EXHIBIT S - Permanent Man-made Structures**

12. The Division was able to locate a previously signed structures agreement for Simla Hwy aka CR 125 but could not locate a structures agreement for the two fence lines south and east of the affected area, owned by West Wood LLC. Although West Wood LLC has given legal right of entry to Hill Top Gravel LLC to conduct mining operations, an agreement still needs to be in place to insure the fence structures owned by West Wood LLC. Please submit a signed structures agreement for the two fence lines with the submission of your adequacy response.

#### **EXHIBIT L - Reclamation Costs**

13. The Division is currently calculating a reclamation cost estimate for the Simla Highway Pit. This estimate will be provided to Hill Top Gravel LLC upon completion and may be revised based on adequacy responses provided through this review process.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on **June 10, 2024**, unless the above

mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by June 10, 2024, and the request for additional time. This must be received no later than the deadline date.

If you have any questions, please contact me by email at [hunter.ridley@state.co.us](mailto:hunter.ridley@state.co.us) or by phone at (720)868-7757.

Sincerely,  
Hunter C. Ridley



Environmental Protection Specialist

CC: Zach Trujillo, DRMS

Results

Schedule / Parcel Number, Address, Owner Name

All



(0)

Print

100000354

40425 E COUNTY LINE RD

Total Market Value

\$315,174



- [Overview](#)[Land Details](#)[Buildings Details](#)[Appeals](#)[My Community](#)[Comper](#)[Deeds](#)[More](#)

OVERVIEW

Owner:	VERVERS MORRIS D
Mailing Address:	31550 COUNTY ROAD 74 SIMLA CO, 80835-9500
Location:	40425 E COUNTY LINE RD
Tax Status:	Taxable
Zoning:	A35
Plat No:	-
Legal Description:	ALL SEC 2-11-60 L M/R, EX 1 ACRE FOR CEMETARY IN E2, EX N 627.00 FT OF W 413.00 FT OF GOVT LOT 4 SUBJ TO R/W BK 290-236 ALL SEC 11-11-60 L M/R SW4 L M/R SEC 12-11-60 NE4 L M/R SEC

MARKET & ASSESSMENT DETAILS ?

	Market Value	Assessed Value
Land	\$63,597	\$15,810
Improvement	\$251,577	\$21,780
Total	\$315,174	\$37,590