



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

April 08, 2016

Andre LaRoche  
Transit Mix Concrete Co.  
444 E. Costilla St.  
Colorado Springs, CO 80903

**RE: Objections and Comments to 112c Reclamation Permit Application  
Hitch Rack Ranch Quarry; DRMS File No. M-2016-010**

Mr. LaRoche:

The Division has received timely objections and comments to the Hitch Rack Ranch Quarry application. The objections and comments were received within the public comment period that began when the application was called complete for the purposes of filing on March 8, 2016, and before the public comment period ends on April 19, 2016.

Timely objections received:

- 1) On March 15, 2016, the Division received an objection from William and Marion Baker, dated March 10, 2016
- 2) On March 18, 2016, the Division received an objection from Chelsea Luttrall, dated March 18, 2016. Ms. Luttrall sent her mailing address via email on March 22, 2016
- 3) On March 22, 2016, the Division received an objection from Robert A. Nathan of Asthma & Allergy Associates, PC and Research Center, dated March 15, 2016
- 4) On March 25, 2016, the Division received an objection from Sara Harper and Kathie Rawson of Red Rock Valley Estates Neighborhood Association, dated March 15, 2016
- 5) On March 25, 2016, the Division received an objection from Chris Burnell of Turkey Cañon Ranch Homeowners Association, dated March 21, 2016
- 6) On March 25, 2016, the Division received an objection from Mark McClurg of Highlands of Turkey Cañon Ranch Homeowners Association, dated March 22, 2016
- 7) On March 29, 2016, the Division received an objection from James H. Enderson, dated March 17, 2016
- 8) On March 31, 2016, the Division received an objection from Steve Firks of The Piñons of Turkey Cañon Ranch Homeowners' Association, dated March 29, 2016



- 9) On April 1, 2016, the Division received an objection from William and Marion Baker, dated March 28, 2016

Timely agency comments received:

- 10) On March 22, 2016, the Division received a comment from History Colorado, dated March 17, 2016

Copies of the recently received objections and/or comments are enclosed for your records. Please inform the Division of how the Applicant intends to address the jurisdictional issues raised by the objectors.

If you have any questions, please contact me by telephone at 303-866-3567, ext. 8129, or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,



Amy Eschberger  
Environmental Protection Specialist

Enclosure(s): Objection letters as listed above, items no. 8 and 9

CC: Paul Kos, Norwest Corporation (via email)  
Wally Erickson, DRMS



AME

FR:

**The Piñons of Turkey Cañon Ranch Homeowners' Association**  
15580 Cala Rojo Drive  
Colorado Springs, Colorado 80926-9303

**RECEIVED**

March 29, 2016

✓ MAR 31 2016

Colorado Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

✓ Re: Transit Mix Concrete Company application for Reclamation Permit, Hitch Rack Ranch Quarry  
(# M2016010)

Dear Madam or Sir;

I am pleased to submit this letter on behalf of the 58 property owners within the The Piñons of Turkey Cañon Ranch ("the Piñons"). The Piñons is located along Highway 115, just south of the proposed Hitch Rack Ranch Quarry operation.

We hereby request the study period be extended prior to considering the Transit Mix application. Transit Mix has been studying this project for two and one-half years, yet we were only made aware of their permit application in early March of this year. We are at a clear disadvantage in that we have had just five weeks to study the 809 page Transit Mix permit application, consult with stakeholders and subject matter experts to analyze the potential impacts, and work with various regulatory agencies involved in the review and approval process.

The owners and residents within the Piñons are unanimously opposed to yet another large-scale aggregate mining operation a short distance from our community, in addition to the three quarries already in service along a five mile stretch of Highway 115. Significant constraints to additional quarry development exist in the area, including limited water supplies, a fragile groundwater system, rich wildlife and vegetation resources, public health and safety, air and noise contamination, compromised transportation within the community, traffic hazards along Highway 115, existing quarries that satisfy the demand, violation of current development plans for the area, proximity to local residents, and limited or no alternatives for residents.

**Water Supply.** All residents along the Highway 115 corridor depend on ground water for their domestic water supply. Three communities are on central well systems and the remaining residents are served by individual wells. These wells likely depend on the fracture system within the granitic rock for water supply, while wells in the adjacent upturned sedimentary rocks may depend upon both these fracture systems and infiltration along the granite-sedimentary rock boundary for recharge. This situation makes such wells dependent on the quality of the recharging surface water and makes them highly susceptible to contamination. Contamination from mining operations can travel very quickly through the fracture system to affect domestic wells. The geology and topography of the proposed Hitch Rack Ranch Quarry site makes such effects exceedingly difficult to predict. Further, the effect from blasting operations, which Transit Mix proposes to conduct two or three times each week, on the fracture system will likely exacerbate the problem and is equally difficult to predict.

**Wildlife.** An independent and objective wildlife study needs to be performed, rather than accept questionable statements by the applicant. The proposed quarry site is adjacent to and contiguous with the Aiken Canyon Preserve (managed by the Nature Conservancy of Colorado), and is a part of the Aiken Canyon Potential Conservation Area. This area is identified by the Colorado Natural Heritage Program as a B2 site – one with Very High significance. It should be noted that the Nature Conservancy shares our opposition to the quarry permit. The quarry site is an area rich in wildlife. It lies between large concentrations of wildlife in the federal lands to the west and Fort Carson to the east, and serves as a major migration route between the two ecotypes. It is inhabited by a great diversity and in some cases high density of wildlife. Most notably, the site is mapped by the US Fish and Wildlife Service as Critical Potential Conservation Habitat for the Mexican Spotted Owl, a federally listed threatened species. The Mexican Spotted Owl has been documented in the immediate area. The applicant's statement that "turkeys are not common in the mining area" casts doubt on the credibility of their survey. Residents know it harbors one of the largest concentrations of turkeys in this part of Colorado, with sightings of turkeys an almost daily occurrence. Turkeys, in particular, are intolerant of industrial operations such as mining. Colorado Parks and Wildlife identifies the proposed quarry site as a primary elk residence and migration area. More than 100 species of birds have been documented in the area, and stream corridors are known to be important transit areas for wide-ranging animals such as mountain lions, black bear, mule deer, and elk. There are unconfirmed reports of the presence of Canada Lynx, an endangered species recently reintroduced into Colorado in the area. The proposed mining plan does not appear to provide an adequate buffer to protect the use of intermittent stream corridors by these sensitive species.

**Vegetation.** The vegetation analysis sections of the application are particularly poorly done. The quarry site provides high quality foothills plant communities that are rapidly being converted to development north and south of this area. The dry (xeric) tallgrass sites along the Front Range are also rarely found in the high quality condition in evidence at this site. It contains excellent examples of globally-imperiled mountain mahogany and needlegrass community, an excellent occurrence of globally vulnerable piñon pine and Scribner needlegrass community, as well as an excellent occurrence of mesic oak thicket community. The lodgepole pine and blue spruce mentioned repeatedly in the application do not appear in significant numbers, while the white pine, which is very common at the site, is not mentioned at all.

**Noise and Air Contamination.** Quarrying requires drilling and blasting with explosives, which create vibrations, noise, and dust. Once this process is completed, rock crushing machines crush the rock, conveyor belt machines move the rock around the processing plant; trucks are loaded and unloaded. The processing and heavy machinery required to mine, is intrusive and creates significant noise and air pollution; thus having a direct impact on the surrounding areas and community. Air quality is compromised and diminished by the fugitive dust associated with aggregate mining. Dust generated by mining often contains silica, a common naturally occurring crystal found in most rock beds. Prolonged exposure to silica may result in silicosis. According the Centers for Disease Control, "silicosis is a disabling, nonreversible and sometimes fatal lung disease caused by over exposure to respirable crystalline silica. Overexposure to dust that contains microscopic particles of crystalline silica can cause scar tissue to form in the lungs, which reduces the lung's ability to extract oxygen from the air we breathe." In addition to silicosis, inhalation of crystalline silica particles has been associated with other diseases, such as bronchitis and tuberculosis. This is a health issue for the abutting and nearby residential home owners and their livestock.

**Transportation.** Transportation along the Highway 115 corridor is unique in that the normal hierarchy of roads do not exist. Highway 115 is the lifeline upon which residents depend. It is the only means of transportation into, out of, and within the community. There are no other alternatives, and residents cannot avoid using Highway 115 for life-sustaining transportation needs. Thus, the condition and safety of Highway 115 are primary concerns of all residents. According to the El Paso County Major Transportation Corridors Plan (MTCP), Highway 115 south of Fort Carson's main gate is functionally classified as "congested". Major sections of the highway are two lane, including the point at which Transit Mix proposes to access the highway. The proposed highway access point is also located at a historically dangerous place, with multiple fatal traffic accidents in recent years. Unfortunately, the MTCP Roadway Plan does not call for any improvements to Highway 115 through the year 2040, so the highway we have now is what we will live with for many years to come. If the Hitch Rack Ranch Quarry is allowed to proceed, an already congested highway, currently bearing truck traffic from three active quarries, will be burdened by as many as 624 additional trucks per day when the quarry is at full production. This additional traffic will exacerbate traffic hazards not only for the local residents, and also for the many commuters who use this major thoroughfare to Colorado Springs, as well as the many tourists, bicyclists, and motorcycle clubs who frequent the area for its unique geographic and aesthetic appeal.

**Existing Quarries.** There are currently three quarries operating within a five mile stretch along Highway 115, the nearest less than three miles from the proposed Hitch Rack Ranch Quarry site. The quarry operators report they are currently operating at roughly half their capacity. When questioned why such low production, the response is "insufficient demand". This calls into question the need for yet another quarry on the backs of the already burdened local residents.

**Proximity to Local Residents.** There are more than 140 properties within two miles of the proposed quarry site, some as close as 1200 feet and with direct line-of-sight to the quarry operations. The vast majority, if not all, of these property owners are vehemently opposed to the applicant's quarry plans. The policies incorporated in the El Paso County Southwestern Highway 115 Comprehensive Plan (see below) state "any resource extraction operation should be located a minimum of two miles distant from any dissenting residents".

**Comprehensive Development Plan.** This application for permit is in clear violation of the current Southwestern (Highway 115) Comprehensive Plan. This is a plan commissioned and adopted by the El Paso County Board of County Commissioners for the Highway 115 area. This comprehensive plan foresaw the potential for future demands for mineral resource extraction in the area, and adopted specific policies to address it. The Hitch Rack Ranch Quarry application is in specific violation of the following policies in this plan:

1. The entire burden of proof for demonstrating the existence of extractable mineral resources should lie with the applicant. Designation of potentially extractable mineral resources in the Master Plan for the Extraction of Commercial Mineral Deposits should in no way be seen as a justification or an implied right for mining.
2. Resource extraction operations in general are not supported in the planning area. However, the presence of existing operations is recognized, and if future conditions dictate the necessity for additional supplies of aggregate, the expansion of existing operations is preferred over new quarries.
3. At no time during their operations should resource extraction affect the quantity, quality, or dependability of residents' existing water supplies or result in the diversion of existing water supplies. The full burden of proof for assuring this will lie with the applicant.
4. Access from Highway 115 to any resource extraction operation should not affect the quality of the existing access to area residents.

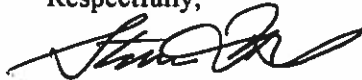
5. Unless it can be demonstrated that topography will shield existing residents from visual, noise, and dust impacts, all resource extraction operations should be located a minimum of two miles distant from any dissenting residents.
6. Wildlife and wildlife protection routes should be protected through the development of a wildlife overlay zone, addressing the need for protecting critical habitat areas.
7. Development should not be allowed in riparian areas, both because the hazard of flooding and because of their exceptionally high wildlife values. Any drainage improvements undertaken in the area should be treated in the most natural way possible to minimize any impacts on riparian areas.
8. The specific area of Aiken Canyon is identified as a unique and significant biological resource of state-wide significance that should continue to be preserved. Preservation is not compatible with most public access, and management should maximize wildlife and scientific values.

**No Alternatives.** Residents in close proximity to the proposed quarry have no other alternatives but their status quo. They have but one source of water, individual wells. They have but one route of ingress and egress to their properties, Little Turkey Creek Road. They have but one transportation corridor into and out of the community, Highway 115. Even routine operations of a Hitch Rack Ranch Quarry will have a significant impact on residents. For example, blasting operations, which Transit Mix proposes to conduct two or three times each week, will require closing Little Turkey Creek Road, precluding the owners and residents of 43 lots from leaving or returning to their properties. More severe occurrences run the risk of closing the only highway and/or effectively sealing off access to properties in the area.

The objections addressed above should be considered representative, but incomplete due to the limited time frame available to us for review, research and analyze. We reiterate our request that the study period be extended to give us a reasonable amount of time to conduct a thorough and meaningful study.

Thank you for your time and consideration.

Respectfully,



Steve Firks

President

The Piñons of Turkey Cañon Ranch Homeowners' Association

Copy to:

Congressman Doug Lamborn, U.S. House of Representatives, Colorado's Fifth District  
1125 Kelly Johnson Blvd., #330, Colorado Springs, CO 80920

Senator Kevin Grantham, Colorado State Senator, District 2  
200 E. Colfax Ave., Denver, CO 80203

Representative Lois Landgraf, Colorado State Representative, District 21  
200 E. Colfax Ave., Denver, CO 80203

AME

FR:  
**William & Marion Baker**  
**3375 Turkey Canon Ranch Road**  
**Colorado Springs, Colorado**  
**80926**

**RECEIVED**

✓ APR 01 2016

DIVISION OF RECLAMATION  
MINING AND SAFETY

March 28, 2016

Colorado Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

✓ Re: Transit Mix Concrete Company application for Reclamation Permit, Hitch Rack Ranch Quarry  
(# M2016010)

Dear Madam or Sir,

✓ We hereby request the study period be extended, prior to considering the Transit Mix application. While Transit Mix has been studying this project for two and one-half years, we were only made aware of their permit application in early March of this year. We are at a clear disadvantage in that we have only five weeks to study the 809 page Transit Mix permit application, consult with stakeholders and subject matter experts to analyze the potential impacts, and work with the various regulatory agencies involved in the review and approval process.

That said, based on our investigations thus far, the owners and residents within the general area are unanimously opposed to bringing yet another large-scale aggregate mining operation to our community, in addition to the three quarries already in service along a five mile stretch of Highway 115. Significant constraints to additional quarry development exist in the area, including limited water supplies, a fragile groundwater system, rich wildlife and vegetation resources, public health and safety, air and noise contamination, compromised transportation within the community, traffic hazards along Highway 115, existing quarries that satisfy the demand, violation of current development plans for the area, proximity to local residents, and limited or no alternatives for residents.

**Water Supply.** All residents along the Highway 115 corridor depend on ground water for their domestic water supply. With the exception of Red Rock Valley, Rock Creek Mesa and the Pinons of Turkey Canon Ranch (which are on central well systems), residents are served by individual wells. These wells likely depend on the fracture system within the granitic rock for water supply, while wells in the adjacent upturned sedimentary rocks may depend upon both these fracture systems and infiltration along the granite-sedimentary rock boundary for recharge. This situation makes such wells dependent on the quality of the recharging surface water and highly susceptible to contamination. Contamination from mining operations can travel very quickly through the fracture system to affect domestic wells. The very geology and topography of the proposed Hitch Rack Ranch Quarry site makes such effects exceedingly difficult to predict. Further, the effect from blasting operations (which Transit Mix proposes to conduct two or three times each week) on the fracture system will likely exacerbate the problem, and is equally difficult to predict.

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**Vegetation.** Whoever prepared the vegetation analysis sections of the application apparently didn't spend much time on the site. The quarry site provides high quality foothills plant communities that are rapidly being converted to development north and south of this area. The dry (xeric) tallgrass sites along the Front Range are also rarely found in the high quality condition in evidence at this site. It contains excellent to good examples of globally-imperiled mountain mahogany/needlegrass community, an excellent occurrence of globally vulnerable piñon pine/Scribner needlegrass community, as well as an excellent occurrence of mesic oak thicket community. The lodgepole pine and blue spruce mentioned repeatedly in the application do not appear in significant numbers, while the white pine, which is very common at the site, is not mentioned at all.

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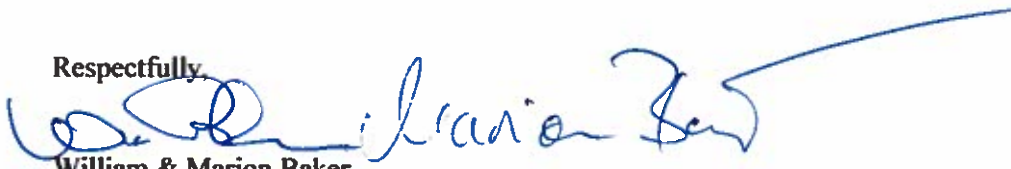
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Respectfully,



William & Marion Baker

Copy to:

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1125 Kelly Johnson Blvd., #330, Colorado Springs, CO 80920

Senator Kevin Grantham, Colorado State Senator, District 2  
200 E. Colfax Ave., Denver, CO 80203

Representative Lois Landgraf, Colorado State Representative, District 21  
200 E. Colfax Ave., Denver, CO 80203