

Nancy Reed

Rec: 4/15/16

(57)

15 April 2016

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

Ms. Amy Eschberger:

This letter is in response to the proposed Reclamation and Mining development at Hitch Rack Ranch, submitted by Transit Mix Concrete Company, Permit No. M2016010. After reviewing Colorado Title 34 Mineral Resources, Article 32.5 Colorado Land Reclamation Act for the Extraction of Construction Materials, the list below identifies objections to the application. The bullets refer to the relevant section of that law. The rules mentioned are those within the MINERAL RULES AND REGULATIONS OF THE COLORADO MINED LAND RECLAMATION BOARD FOR THE EXTRACTION OF CONSTRUCTION MATERIALS.

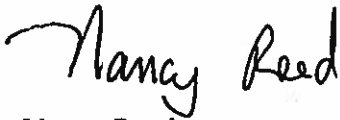
- 109 (3) The mining operation does not comply with the SW Highway Development Plan.
- 112 (3) The map within the Reclamation Plan does NOT show adjoining surface owners of record.
- 112 (e) The map within the Reclamation Plan does NOT show the name of Little Turkey Creek Road, which traverses right through the middle of affected land.
- 115 (4) (a) The application is incomplete:
 - Little Turkey Creek Road is an ingress/egress easement located within the affected land. Owners of that easement are not included in the list of affected land owners.
 - Exhibit B – Index Map: Does not adequately show all roads that provide access to the area, as required by Rule 6.4.2. Little Turkey Creek Road runs from Highway 115, through the quarry operations area and on up to Eagles Nest. It would provide access to the quarry area.
 - Exhibit C: Maps do not show the name of Little Turkey Creek Road, as required by Rule 6.4.3 (b).
 - Exhibit C does not adequately show the existence of the Little Turkey Creek Road ingress/egress easement which is owned by landowners within Eagles Nest, as required by Rule 6.4.3 (g)
 - Exhibit D has not adequately demonstrated that offsite areas will NOT be adversely affected by blasting, as required by Rule 6.4.4 (i) and Rule 6.5 (4).
 - Exhibit G does not adequately address whether the impoundment ponds will comply with Colorado water laws related to existing water rights, as required by Rule 1.6 (1) (a).
 - Exhibit L does not include estimates for reclamation of ALL affected land.
 - Exhibit S fails to identify Little Turkey Creek Road as a permanent, manmade structure within 200 feet of the affected lands.

- Exhibit T does NOT adequately document what needs to be done in the event of a spill of a toxic or hazardous substance, as required by Rule 3.1.13.
 - Exhibit T does not address the required emergency notification of a failure or imminent failure of any impoundment, embankment, stockpile or slope, as required by Rule 8. Failure of an impoundment pond will pose a significant potential for danger to persons or properties in the Little Turkey Creek watershed below the quarry operations area .
 - Exhibit 6.5 did NOT provide a geotechnical evaluation of the geologic hazards in the vicinity of the affected lands to show that these areas would not be de-stabilized or exacerbated by mining or reclamation areas, as required by Rule 6.5 (1).
 - A number of reports from consultants indicate various actions that SHOULD be taken by Transit Mix or are RECOMMENDED to be taken by Transit Mix. However, the application does not clearly specify that these actions WILL be taken by Transit Mix.
- 115 (4) (d) The proposed mining operation is contrary to the following laws or regulations of the State of Colorado:
 - The proposed mining operations will obstruct Little Turkey Creek Road, which is an ingress/egress easement for property owners within Eagles Nest. This contradicts Colorado law related to ingress/egress easements.
 - The proposed impoundment of water in sediment ponds may be contrary to Colorado water rights laws related to the impoundment of water within the Little Turkey Creek watershed.
 - The proposed access point of the new quarry road at Highway 115 is within a few hundred feet of Little Turkey Creek Road, which contradicts regulations of the state highway department related to distance between access points on Highway 115.
- 115 (4) (e) The proposed mining operation will adversely affect the stability of Little Turkey Creek Road, which is a significant, valuable, and permanent manmade structure located within two hundred feet of the affected land.
- 115 (4) (g) The proposed reclamation plan does not conform to the requirements of section 34-32.5-116 (see items below).
- 116 (a) Exhibit G does not adequately demonstrate that the water management structures, as currently designed, will prevent unauthorized release of pollutants to the surface drainage system. Test bores did not identify the presence of heavy metals within the proposed quarry area. However, test of a water well near the proposed quarry pits identified significant levels of lead. Lead and other heavy metals MAY therefore be present in the quarry area and would be excavated during mining operations. Release of these heavy metals into the watershed would pollute the surface drainage system. Nothing is mentioned in the application about testing of quarry material to confirm that no heavy metals are found during future excavation.
- 116 (b) Exhibit G has not adequately demonstrated that there will be no unauthorized release of pollutants to groundwater from fines stored within the quarry operation area, from fuel oils stored in the quarry operations area or from materials such as hydraulic fluids in vehicles used within the quarry operations area.
- 116 (c) Exhibits D and G have not adequately shown that all refuse will be disposed of in a manner that controls unsightliness or the deleterious effects of such refuse. The fines pile will be stored within the quarry operations area and will be clearly visible from properties within Eagles Nest. The failure of the impoundment pond associated with the fines pile may release

large amounts of material into the Little Turkey Creek watershed, damaging Little Turkey Creek Road and properties below the quarry operations area.

- 116 (d) Exhibit E has not adequately demonstrated that the proposed revegetation will be at least equal, with respect to the extent of cover, to the natural vegetation of the surrounding area and that it will be of adequate diversity to establish successful reclamation.
- 116 (h) Exhibit G does not adequately demonstrate that disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area will be minimized. See the objection letter prepared by Jerry Moore, a retired geologist.
- 116 (i) Exhibits D and 6.5 have not adequately demonstrated that areas outside of the affected land will be protected from slides or damage occurring during the mining operation and reclamation. Blasting operations may trigger rockfalls or landslides that damage Little Turkey Creek Road or structures within Eagles Nest. Even if the vibrations from the blasting do not directly trigger rockfalls, the vibrations from blasting may destabilize rock outcroppings, and subsequent rains may then trigger rockfalls.

Sincerely,

A handwritten signature in black ink that reads "Nancy Reed". The signature is written in a cursive, flowing style.

Nancy Reed
4848 Little Turkey Creek Road
Colorado Springs, CO 80926
Phone: 719-445-2030



STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Additional Letter of Objections to Permit M2016-010

1 message

Nancy Reed <ncr.turkeycreek@gmail.com>

Fri, Apr 15, 2016 at 9:45 AM

To: amy.eschberger@state.co.us, wally.erickson@state.co.us

Dear Amy and Wally:

After reviewing Colorado Article 34, I had additional objections to the application for Permit M2016-010, the proposed Hitch Rack Ranch Quarry.

I have attached my letter identifying those objections and have also placed a copy of that letter in the US Mail.

Nancy Reed



Signed Letter to State Article 34 Review.pdf
2895K