



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

April 20, 2016

John P. Ary
Fremont Paving & Redi-Mix, Inc.
839 MacKenzie Avenue
P.O. Box 841
Cañon City, CO 81212

Angela M. Bellantoni Ph.D.
Environmental Alternatives Inc.
1107 Main Street
Cañon City, CO 81212

**Re: 44th Lane Project, DRMS File No. M-2016-009,
112 Construction Materials Reclamation Permit Application,
Objections Received**

Dear Mr. Ary and Ms. Bellantoni:

On February 26, 2016, the Division of Reclamation, Mining and Safety (Division) determined that the 112 Construction Materials Reclamation Permit Application for the 44th lane Project was complete for the purposes of filing. Therefore, the public comment period opened on February 26, 2016. On April 15, 2016, the public comment period closed for the 112c permit application. During the comment period the Division received the enclosed timely objections from the following parties and/or interested persons:

Letter of Objection:

- 1) Karen R. Jones, received March 29, 2016
- 2) Hobbs Family Farm, letter dated April 13, 2016, received April 14, 2016, signed by: Daniel G. Hobbs
- 3) Rusler Produce, Inc., letter dated April 13, 2016, received April 14, 2016, signed by: Thomas S. Rusler, M. Lynn Rusler, Thomas W. Rusler, and Nicholas S. Rusler
- 4) South Pueblo Soil Conservation District, letter dated April 13, 2016, received April 14, 2016, signed by: Ryan Froman
- 5) David Cockrell, letter dated April 15, 2016, received April 15, 2016



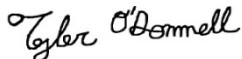
John P. Ary
Fremont Paving & Redi-Mix, Inc.
Page 2
4/20/2016

6) Sierra Club - Sangre De Cristo Group, received April 15, 2016, signed by: Charlotte Tournay

Please inform the Division how the Applicant intends to address the jurisdictional issues raised by the Objectors.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at Tyler.ODonnell@state.co.us.

Sincerely,



Tyler O'Donnell
Environmental Protection Specialist

Enclosure: Objection letter from Karen Jones, received March 29, 2016
 Objection letter from Hobbs Family Farm, letter dated April 13, 2016, received April 14, 2016
 Objection letter from Rusler Produce, Inc., letter dated April 13, 2016, received April 14, 2016
 Objection letter from the South Pueblo Soil Conservation District, letter dated April 13, 2016
 Objection letter from David Cockrell, letter dated April 15, 2016, received April 15, 2016
 Objection letter from the Sierra Club - Sangre De Cristo Group, received April 15, 2016

cc: Wally Erickson, DRMS

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111-2016-009

RECEIVED

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

MAR 29 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

To Whom It May Concern:

I am writing this letter in opposition of the Regular (112) Construction Materials Operation Reclamation Permit requested by Fremont Paving & Redi-Mix, Inc. for a mine known as the 44th Lane Project located at or near Section 19, Township 21 South, Range 62 West, 6th Prime Meridian under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials.

After speaking with representatives of Environmental Alternatives Inc., I understand that adjustments have been made in the design of the mine in order to preserve the visual integrity of the area. I am concerned that this will however, not decrease the amount of dust and dirt that would be created in the area and that the dust and dirt will have a negative impact on surrounding pastures, crops and farm animals. I previously allowed the gas company to insert a pipeline across my property with the agreement that they would reclaim the disturbed land. Unfortunately, the small amount of moisture received in that region does not support reclamation. Even though the company has replanted the disturbed area several times the new grass just doesn't take hold and the land remains barren. The dirt and tumbleweeds that blow from that area of barren land actually beats off the grass in the surrounding area. The same would be true only on a much larger scale as the gravel pit develops and once used areas of land remain barren. It would be a detriment to the pasture in a wide area of surrounding land.

I also believe that the traffic and especially the truck traffic needed to access the mine and remove the extracted materials would be a threat to the farm animals and families that currently reside in the area and those that may reside in that area in the future. Even though it isn't visible, a gravel pit is not something one wishes to have in their backyard.

As an owner of land adjacent to the proposed site, I believe the development of a gravel pit on that property not only would have a detrimental effect on my property, but also on the surrounding ranching and farming community as a whole. This property was previously sold to the current owner, at a very reasonable price, by my father under the belief that he was helping a young man dedicated to ranching and that the land would be utilized as pasture. I understand that it really has no bearing on the decision, but the effort by the current owner to allow the land to be utilized as a gravel pit for his monetary gain really is a betrayal.

I sincerely hope you will consider denying the request for this permit. I understand gravel pits are necessary, but I believe they should be located a greater distance away from homes and active farm or ranching communities.

Respectfully,

Karen R Jones

Karen R Jones

Daniel G. Hobbs
PO Box 411 Avondale, Colorado 81022

April 13, 2016
Division of Reclamation, Mining, and Safety
1313 Sherman Street Room 215
Denver, CO. 80203

RECEIVED

APR 14 2016

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Dear Sir/Madam,

I recently learned that Fremont Paving & Redi-Mix Inc. is seeking a permit for a gravel mining operation in Pueblo County, Colorado known as the "44th Lane Project". This letter is my objection to that permit application.

I live and farm at 46000 Olson Road in Avondale, near the proposed permit site. I attended a public meeting in 2014 when Fremont Paving applied for and was denied a special use permit by Pueblo County. There was wide-spread community opposition at that time and it continues today, mainly because the proposed project location borders prime agricultural land.

I understand that there is high quality, easily accessible aggregate material in the hills where Fremont Paving wishes to set-up operations. But there is also high quality material in other parts of the river valley that is not adjacent to farms, agricultural ditches and laterals, and people's homes. The highest and best land use in the Avondale area is agriculture. Colorado State University Rocky Ford Research Center Director, Dr. Bartolo, recently asserted that farmland in Pueblo County is some of the Best in the western United States (Dr. Michael Bartolo, presentation in Pueblo Colorado, Nov 2015).

I am extremely concerned that any reclamation efforts at the proposed site will be unsuccessful and insufficient due to our arid climate and massive summer flood events that are all too common lately. I am not aware of any successful reclamation efforts in Pueblo or Otero Counties. The pits just outside of Rocky Ford are an example of poor revegetation results in this region.

I also object to the project on the basis that agricultural infrastructure such as ditches, laterals, and even farm fields could be injured during major rain run-off events during operations and after attempted reclamation. The Badger Hills carry a lot of water during big rains, the water has to go somewhere, and there is farmland all around. The thin buffer areas between the site and the Bessemer Ditch represented in Fremont Paving's application appear to be wholly inadequate.

Finally, one of the reasons eastern Pueblo County is such a good farming area is because of the quality of the water in the Bessemer Ditch. Any level of erosive run-off entering the ditch and impacting water quality would be unacceptable.

If a permit is granted to Fremont Paving it will place all the risk and burden of short, medium, and long term damages squarely on the shoulders of the farming community. Short-term economic benefits for a private company, its employees, and customers is simply not worth compromising the viability and future of food production in eastern Pueblo County. Please reject this permit.

Thank you.

Sincerely,



Daniel G. Hobbs, Owner/Operator, Hobbs Family Farm

TOD



April 13, 2016

RUSLER PRODUCE, INC.
GROWER & DISTRIBUTOR OF FINE VEGETABLES
P.O. BOX 69 • (719) 947-3361
AVONDALE, COLORADO 81022



Division of Reclamation, Mining, and Safety

1313 Sherman Street Room 215

Denver, CO. 80203

RECEIVED

✓ APR 14 2016

Division of Reclamation,
Mining & Safety

m-2016-009

Dear Sirs/Madams,

We wish to ardently oppose the proposed gravel pit known as the "44th Lane Project" at or near Section 19, Township 21 South, Range 62 West, 6th Prime Meridian in the town of Avondale in Pueblo County, dated to commence July, 2016.

This proposed site and haul routes sit above and along approximately FOUR MILES of the largest irrigation ditch in Pueblo County, the Bessemer Ditch. We foresee many issues with the dust, sand and the disturbance of the soil along the water delivery system of thousands of acres of farmland. The irrigation practices employed by our farms and by our neighbors require clean, chemical free water. This water can be audited multiple times per month by governmental agencies as well as third party auditors in order to confirm that farms comply with required *Good Agricultural Practices*. The probability of an overturned gravel truck or other mining equipment's raw materials, oils, diesel or other contaminants leaking into our water carries with it significant legal implications. The unintended consequences of a heavy rainstorm washing these materials, let alone the actual mud and earth from the piles of fines and over-burdens potentially blocking up the ditch or plugging up the pipes that deliver the water from the Bessemer to the farms, especially to center-pivot sprinklers and drip irrigation systems is troublesome, to say the least. With the yet undetermined, but extensive duration and huge scope of this project, it is not a matter of "if", but a matter of "when" one of these disasters will happen.

This site and the surrounding area is zoned A-1 for a reason, it is some of the best farm ground in the United States, classified as *Prime Irrigated Soil*. We own and operate a 2750 acre farm, 1600 of which are irrigated and all of which are both downhill and downstream of the proposed site. We clean all water prior to coming on to our farms to keep noxious weed seeds and trash from entering our complex irrigation system. Gravel fines would wreak havoc on this system that we have implemented and perfected over the last 37 years. To have our livelihood and the livelihoods of our neighbors in this agricultural community burdened and challenged by converting it suddenly to an industrial area, complete with not only mining, but processing facilities and with hundreds of semi-trucks per day crossing and/or travelling parallel to the Bessemer Ditch and introducing multiple potential disasters is very counter-productive to the *Pueblo County Comprehensive Plan*, not to mention our way of life.

We respectfully ask that you deny this permit and help defend agriculture in Pueblo County.

Thomas S. Rusler

M. Lynn Rusler

Thomas W. Rusler

Nicholas S. Rusler

Rusler Produce, Inc.

Rusler Produce, Inc.

Rusler Produce, Inc.

Rusler Produce, Inc.

Thomas S. Rusler *M. Lynn Rusler* *Thomas W. Rusler* *Nicholas S. Rusler*

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✓ APR 14 2016

April 13, 2016

Division of Reclamation,
Mining & Safety

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

m-2016-009

RE: "44th Lane Project" at or near Section 19, Township 21 South, Range 62 West, 6th Prime Meridian

Sear Sirs/Madams,

I am contacting you to express my serious concerns over issuance of a Construction Materials Operation Reclamation permit to Fremont Paving and Redi-Mix Inc. of Cañon City (Fremont Paving).

We are familiar with the area--known locally as the Badger Hills--where Fremont Paving wishes to extract gravel. This area is immediately adjacent to a prime agricultural region of eastern Pueblo County. The soils in this area are classified as "prime irrigated soils of national importance". The Bessemer Ditch, which irrigates these lands flows from the Pueblo reservoir nearly 40 miles to the Huerfano River. Approximately 20,000 acres are irrigated by this ditch. The area where Fremont Paving proposes to set up their operation is uphill of and within a couple hundred feet of this irrigation ditch.

In recent years, Pueblo County has had some devastating flood events as a result high rainfall in short periods of time. For example two of the last three years, we had 4-5" of rainfall within a 24 hour period. These events resulted in severe erosion around the County and major issues for the Bessemer Ditch. The location of the "44th Lane Project" is situated in an ecologically fragile area, which is highly susceptible to erosion. We are very concerned that the proposed operation will cause high levels erosion and directly and adversely impact production farmers.

In addition, reclamation in this area will be exceedingly difficult due to scant annual rainfall and the soil type. During dry years we have witnessed first-hand the failed reclamation efforts of other projects in Pueblo County that have resulted in dust-bowl type condition in eastern Pueblo County. Dry years will surely return and a large-scale project such as the "44th Lane Project" will undoubtedly contribute significantly to blowing dust and destructive erosion, both during and after operations conclude.

In summary, this is an arid and ecologically fragile area that contains some of the best irrigated agricultural land in the western United States. On behalf of our clients and the farmers of Pueblo County, we strongly discourage the Division of Reclamation, Mining, and Safety from issuing a permit to Fremont Paving on the basis of unacceptable threats to local farming operations and the extreme difficulty of reclaiming the landscape after proposed mining operations conclude. There are many places where construction materials can be safely extracted with minimal impact to production agriculture, but this proposed site is not one of them.

Thank you for your consideration,



Ryan Froman
Vice President, South Pueblo Soil Conservation District



David Cockrell
225 Midnight Ave.
Pueblo, CO 81005

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APR 15 2016

**DIVISION OF RECLAMATION
MINING AND SAFETY**

April 15, 2016

Colorado Mined Land Reclamation Board
Division of Reclamation, Mining and Safety
1313 Sherman St., Room 215
Denver, CO 80203

Dear Sirs:

I write in opposition to the application of Fremont Paving and Redi-Mix, Inc. for a Construction Materials Operation Reclamation Permit for a surface mine on 44th Lane in Pueblo County, Colorado.

My concerns regarding the proposed mine center on its likely impacts to the surrounding farming operations. These impacts will certainly involve fugitive dust, truck traffic, the loss of organic soil on the site, and subsequent persisting erosion problems. Perhaps most important are the potential impacts of leaching of mine water into the relatively shallow tributary aquifer at this location, both during and subsequent to the mine's operations.

This area of Pueblo County (the St. Charles Mesa) is one of the most fertile and valuable irrigated farming regions in the state. Because of this, the impacts of industrial activities on 1,471 acres adjacent to the Bessemer Ditch in this area are especially detrimental. We urge you to reject this application based on the sensitivity and highest and best use of this land.

Sincerely,

David Cockrell, Ph.D.



Sangre de Cristo Group

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APR 15 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

Reply to:
Sierra Club Sangre de Cristo Group
Return address: PO Box 8821, Pueblo, CO 81008

Colorado Mined Land Reclamation Board
Division of Reclamation, Mining and Safety
1313 Sherman St., Room 215
Denver, CO 80203

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This area of Pueblo County (the St. Charles Mesa) is one of the most fertile and valuable irrigated farming regions in the state. Because of this, the impacts of industrial activities in this area are especially detrimental. We urge you to reject this application based on the sensitivity and highest and best use of this land.

Sincerely,

Charlotte Tournay
Executive Committee
Sierra Club - Sangre de Cristo Group