



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

July 08, 2016

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

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

Mr. LaRoche:

The Division of Reclamation, Mining and Safety (Division) has received additional timely objections to the Hitch Rack Ranch Quarry application. The objections were received within the second public comment period that began on June 16, 2016 with your mailed notice to property owners in the Eagles Nest and Bauer Ranch subdivisions (per the Division's request), and before the comment period ended on July 08, 2016.

Additional timely objections received:

- 1) On June 29, 2016, the Division received an objection from Michael Spoor, dated June 29, 2016.
- 2) On July 02, 2016, the Division received an objection from Nancy Reed, dated July 02, 2016.
- 3) On July 05, 2016, the Division received an objection from Barbara L. Hughes and Judy Kline, dated July 03, 2016.
- 4) On July 06, 2016, the Division received an objection from Jean A. Miller, not dated.
- 5) On July 06, 2016, the Division received an objection from Matthew D. Cook, dated June 23, 2016.
- 6) On July 06, 2016, the Division received an objection from Dan Murphy and Jodi Murphy, dated April 11, 2016.
- 7) On July 07, 2016, the Division received an objection from Lawrence Decker, trustee of L.D. and D.L. Decker Trust, dated June 06, 2016.
- 8) On July 07, 2016, the Division received an objection from Cheryl L. Kimble, dated July 06, 2016.
- 9) On July 08, 2016, the Division received an objection from Benjamin Andrew Simmons and Stacy Simmons, dated July 01, 2016.



Copies of the recently received objections 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. 1-9

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





STATE OF  
COLORADO

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

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## Eagles Nest Quarry Petition

1 message

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**Michael Spoor** <michaelspoor83@gmail.com>  
To: amy.eschberger@state.co.us

Wed, Jun 29, 2016 at 6:48 PM

Ms. Eschberger,

I am a Eagles Nest landowner and would like to file the attached petition in opposition to a proposed quarry project.


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**Quarry petition.pdf**  
334K

**A PETITION TO DENY OR OPPOSE TRANSIT MIX CONCRETE COMPANY'S PROPOSAL  
TO OPEN AND OPERATE A QUARRY ON HITCH RACK RANCH NEAR COLORADO SPRINGS, CO  
FOR THE FOLLOWING REASONS:**

- There are already three quarries in operation along a five mile stretch of Highway 115. The Transit Mix proposal would make it four quarries within eight miles of roadway that provides no alternative routes for residents and commuters. **Traffic safety will be compromised.**
- Transit Mix Company's proposal to open and operate a quarry in this area does not comply with El Paso County's Southwest Highway 115 Development Plan. The Development Plan states the following:
  - A quarry should be a minimum of two miles distant from any dissenting resident.
  - Expansion of existing quarries is preferred over new quarries.
- The location of the quarry requires the home and property owners in the Eagle's Nest development and former Bauer Ranch area to drive through the quarry to access their properties. **This is not only unconscionable but, it also violates Colorado easement law.**
- Blasting operations and excavation will generate rockslides affecting access along Little Turkey Creek Road and promote contaminate runoff into the creek. **Long term blasting operations may impact residential wells, the underlying water table, and established water district sources.**
- The proposed quarry area is a part of The Nature Conservancy of Colorado's *Aiken Canyon Potential Conservation Area* and identified by the Colorado Natural Heritage Program as a B2 site (Very high significance). The site is mapped by the US Fish and Wildlife Service as Critical Habitat for the Mexican Spotted Owl, a federal and state listed threatened species.

*We, the concerned and affected parties, petition the Colorado Mined Land Reclamation Board to deny permit # M-2016-010. We petition the El Paso County (EPC) Planning Commission and the EPC Commissioners to deny Transit Mix Concrete Company's request (and any future requests) for a special use permit that allows Transit Mix Concrete Company to open and operate a quarry on Hitch Rack Ranch near Colorado Springs, CO. We petition Congressman Doug Lamborn, Senator Kevin Grantham and Representative Lois Landgraf to oppose Transit Mix Concrete Company's efforts to open and operate a quarry on Hitch Rack Ranch.*

Printed Name (Last, First)	Signature	Address	Reg. Voter (Yes/No)	CO Land Owner (Yes/No)
Spoor, Michael		2838 Tenderfoot Hill Colorado Springs, CO 80906	Yes	Yes

The names and addresses on this petition will not be used for any marketing purposes; it will be solely utilized by the Hwy 115 Citizens Advisory Committee, to petition elected officials in opposition to the HRR Quarry proposed by Transit Mix Concrete Company.





STATE OF  
COLORADO

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

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## Objection Letter for permit M2016010

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**Nancy Reed** <ncr.turkeycreek@gmail.com>  
To: amy.eschberger@state.co.us

Sat, Jul 2, 2016 at 1:05 PM

Amy:

As one of the property owners within Eagles Nest, I have decided to submit an additional objection letter with information I have learned since my last letters were filed in April.

I am attaching the letter to this email, but am also placing the letter in the US Mail.

Nancy Reed



**Objection letter - Easement Road.pdf**  
2590K

2 July 2016

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

Ms. Amy Eschberger:

Subject: Letter of Objection related to Mining Permit M2016010

As a homeowner within the Eagles Nest subdivision, I am writing yet another letter of objection to the proposed quarry. With information gathered over the past few months, I am more concerned than ever that quarry operations will block or damage our ingress/egress easement road:

- We have been told by Transit Mix that our road WILL BE CLOSED during blasting operations, once regular quarry operations commence.
- If Transit Mix uses blasting to build the new quarry road, we believe that our road WILL BE CLOSED, at times, because at least portions of that new road are in very close proximity to our existing road.
- We believe that our road MAY BE BLOCKED or DAMAGED by fly rock from blasting.
- We believe that our road MAY BE BLOCKED or DAMAGED by landslides within the quarry pits
- We believe that our road MAY BE BLOCKED or DAMAGED by rockslides caused by vibrations from blasting or heavy vehicle traffic within the quarry pits and along the quarry haul roads.
- We believe that our road MAY BE BLOCKED or DAMAGED by more frequent and severe flooding caused by the permanent change in vegetation cover within the quarry area.

In 1968, the El Paso County District Court declared that Little Turkey Creek Road is a private road to provide the only means of ingress and egress to the properties within the Eagles Nest subdivision, including our property. That court decree was included with the 18 April letter of objection from Carrie Bernstein. Our property deed specifically includes the private road easement and demonstrates that the private road easement runs with the land. Our property can ONLY be accessed by way of Little Turkey Creek Road, which runs from Highway 115 right through the middle of the proposed quarry operations area.

The 30 June meeting included an extensive discussion about what property owners would have to do to get compensated for damage to property caused by quarry operations. The discussion focused on damage to wells, but I am assuming that a similar process would be involved for other man-made structures, including our road and culverts. Those discussions confirmed that we, as one of the owners of the easement, will bear the increased risk associated with future blockage and damage to our easement road as well as the increased financial burden of proving that quarry operations did, indeed, cause the problem.

I was also deeply dismayed as we discussed the enforcement process at the 30 June meeting, particularly the amount of time it takes to investigate whether the operator caused the damage and for the mining board to determine what actions, if any, the operator will be required to take to rectify the problem. We were told at the meeting that the enforcement process may take weeks or even months. In reviewing enforcement actions for other permits related to water damage, I saw at least one permit where the enforcement and subsequent process to remedy the problem took YEARS. We may be forced to leave our road in an unrepaired, or even a blocked, condition for at least some period of time so that the investigators could see what damage had occurred. Furthermore, it was unclear what obligation the

operator would have to remove the blockage and/or repair the damage during the period that this lengthy investigation and enforcement process is underway. During an extended period of time, our road might be obstructed or unsafe to use.

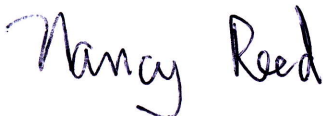
I understand from reviewing mining law that Transit Mix will be required to get structure agreements from the owners of the easement for the portion of the road and the culverts that lie within 200 feet of the affected lands. In the future, Transit Mix would be required to compensate us for damage to the road if we can prove that their operations caused the damage. However, being forced to prove that the operator is responsible for the damage will place a huge financial burden on the easement owners for legal expenses and, possibly, technical experts. Furthermore, a portion of the easement road within Section 16 downstream of the quarry is outside of that 200 foot area and would not be covered by those structure agreements. That portion of the road is particularly vulnerable to flood damage because the canyon narrows dramatically below the proposed quarry operations area and some portions of the road run just a few feet above the creek bed.

Since my previous objection letters, I have also talked with the civil engineer who designed the culverts that the easement owners installed in the four stream crossings within Section 16. I understand from that conversation that the vegetation cover within the quarry operations area will be permanently altered by the quarry operations and subsequent reclamation. During the period that the quarry pits have bare rock exposed, the amount of run-off from storms will be significantly increased. Water management structures may somewhat mitigate the run-off, but MAY also fail if they are inadequately designed. Furthermore, those water management structures will be removed during reclamation. Vegetation proposed for reclamation will be less absorbent than current vegetation, as suggested by the vegetation curve numbers that Transit Mix used for its design of the water management structures. As a result, the expected amount of flood run-off will be increased within the quarry operations area even after the area is reclaimed, which will therefore increase the risk of blockage or damage to our easement road FOREVER.

Transit Mix may agree to assume responsibility for repairing damage to the road and culverts during the life of the quarry. However, Transit Mix is only leasing the land and will therefore be out of the picture after the quarry closes. At that point, who will assume responsibility for repairing flood damage to the road caused by the permanent alteration of the quarry area? The land owner? The easement owners have had an ongoing battle with the owners of Hitch Rack Ranch for the past forty years as we have attempted to maintain and improve our easement road. Blockage and maintenance of the easement road could become an absolute nightmare for the easement owners, not just during the proposed 55 year life of the mine, but FOREVER.

Granting the application would clearly violate the express language in the 1968 court decree and long standing Colorado easement law. If the application is approved, we and other property owners within the Eagles Nest subdivision will almost certainly proceed with legal action

Sincerely,



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>

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**Fwd:**

1 message

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**BARBARA** <granbryson@comcast.net>

Tue, Jul 5, 2016 at 8:55 PM

To: amy.eschberger@state.co.us, granbryson@comcast.net

From barbara hughes and judy kline re turkey creek mining proposal

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Morrissey, Diane UTAS" <[Diane.Morrissey@utas.utc.com](mailto:Diane.Morrissey@utas.utc.com)>

Date: 07/05/2016 4:51 PM (GMT-07:00)

To: [PMBSOLUTIONS@comcast.net](mailto:PMBSOLUTIONS@comcast.net), "Barb ([granbryson@comcast.net](mailto:granbryson@comcast.net))" <[granbryson@comcast.net](mailto:granbryson@comcast.net)>

Subject:

**Diane Morrissey** - Materials Manager, Operations - Interiors

**UTC AEROSPACE SYSTEMS**

1275 N. Newport Road, Colorado Springs, CO. 80916 U.S.A

**Tel:** +1 719 638 5512 **Mobile:** +1 719 963 8431

[diane.morrissey@utas.utc.com](mailto:diane.morrissey@utas.utc.com) [www.utcaerospacesystems.com](http://www.utcaerospacesystems.com)



**TurkeyCreek.pdf**

9K





STATE OF  
COLORADO

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

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**Fwd:**

1 message

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**BARBARA** <granbryson@comcast.net>

Tue, Jul 5, 2016 at 9:00 PM

To: amy.eschberger@state.co.us, granbryson@comcast.net

Please see attached on behalf of Barbara Hughes and Judy Kline

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Morrissey, Diane UTAS" <[Diane.Morrissey@utas.utc.com](mailto:Diane.Morrissey@utas.utc.com)>

Date: 07/05/2016 4:51 PM (GMT-07:00)

To: [PMBSOLUTIONS@comcast.net](mailto:PMBSOLUTIONS@comcast.net), "Barb ([granbryson@comcast.net](mailto:granbryson@comcast.net))" <[granbryson@comcast.net](mailto:granbryson@comcast.net)>

Subject:



**TurkeyCreek.pdf**

27K

Date: July 3, 2016

Re: Comments/Objections Hitch Rack Quarry application: Mining Permit M2016010

To: *Colorado Division of Reclamation, Mining and Safety*

*1313 Sherman Street, Room 215*

*Denver, CO 80203*

To Whom It May Concern/ Ms. Eschberger:

The undersigned are homeowners within the Eagles Nest Subdivision. . Our home and property is located at 2140 Little Turkey Creek Road - one of the properties directly contiguous to the proposed quarry. This letter constitutes an objection to the proposed quarry; specifically the proposed Reclamation and Mining Development at Hitch Rack Ranch, submitted by Transit Mix Concrete Company, Permit No. M2016010. Though we are not members in the Eagles Nest Association we incorporate by reference the objections raised by the Eagles Nest Association to the proposed quarry as well as the objections filed by Charles and Nancy Reed. Though we have myriad objections to the proposed quarry, given the apparent parochial jurisdiction of the Division of Reclamation, Mining and Safety, a paramount concern is damage to our persons and property ranging from at minimum disruption/contamination of nearby wells to possible permanent loss of water; safety to property and persons given the blasting operations. It is also a concern about environmental impact including, but not limited to, possible toxins or other waste materials from the mining operation that may leech into contiguous properties. There is an easement for Little Turkey Creek that traverses the proposed quarry that will be disturb if not impede safe ingress and egress to our property.

Please notify the undersigned of any scheduled meetings or other developments concerning the proposed quarry application.

Sincerely,



Barbara L. Hughes and Judy Kline



3011 Springridge Drive, Colorado Springs Colorado 80906

Ph. (719) 963-2961 (cell)

Joan Mueller  
12025 Collo Cove & Bauer Ranch  
C/S Co 80926  
Little Turkey Rd  
C/S Co 80926

WINE  
WHITE

"Objector Letter"

I live in Red Rock Valley  
I have four acres and 4700 sq ft  
home that we'll maintain

I have lots large trees a great  
view of the Mt range

But your going to take care  
of that

M: 2016.01.10

no water

mt that are scared

heavy traffic

blasting that will damage my home

that's just a few thing your going  
to do

I also own a cabin on Bauer  
ranch on 40 acres. It is  
also very peaceful lot  
trees & wildlife.

Before I bought the land my  
attorney wanted to make sure  
I had easement rights. I do  
So your on telling me when  
I can hike or drive to my  
cabin. NO

So now I can't really sell  
my home or my cabin if  
I wanted the value is

Zero



Leand Miller  
12025 Collo Covo  
Colo Spgs Co 80926

Leand Miller  
Bauer Ranch  
Little Turkey road  
Lot 13

MLEAN9271@gmail.com  
719-527-9817

719 888-0517





# Transit Mix Concrete Co.

444 East Costilla Street Colorado Springs, Colorado 80903-3761 Phone: (719) 475-0700

June 16, 2016

Jean A. Miller  
12025 Calle Corvo  
Colorado Springs, CO 80926-9634

M 7/20/16 10:10

RECEIVED

JUL 08 2016

SENT VIA UNITED STATES POSTAL SERVICE - CERTIFIED MAIL

DIVISION OF RECLAMATION  
MINING & SAFETY

## NOTICE TO LAND OWNERS

Transit Mix Concrete Company, 444 East Costilla, Colorado Springs, CO 80903-3761, (719-475-0700), has filed an application for a quarry to their Regular (112) Reclamation Operation Permit with the Colorado Mined Land Reclamation Board under the provisions of the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Hitch Rack Ranch Quarry and is located predominantly in Section 16, Township 16 South, Range 67 West, 6<sup>th</sup> Prime Meridian. The quarry entrance will be located near the intersection of Highway 115 and Little Turkey Creek Road, approximately 10 miles south of Academy Boulevard on Highway 115.

The proposed date of commencement is January 1, 2017, and the proposed date of completion is December 31, 2070. The proposed future use of the land is wildlife habitat. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the El Paso County Clerk and Recorder's Office, Chuck Broerman, County Clerk and Recorder, 1675 West Garden of the Gods, Colorado Springs, CO 80907, (719) 520-6202, or the above-named applicant.

Upon further review of the Hitch Rack Ranch Quarry application that was filed with the Division of Reclamation, Mining and Safety (Division) on March 8, 2016, the Division has determined that the applicant shall mail a copy of the public newspaper notice via Certified Mail to property owners in the Eagles Nest and Bauer Ranch subdivisions.

Any written comments and/or objections to the application must be mailed to the Division of Reclamation, Mining and Safety at 1313 Sherman Street, Room 215, Denver, CO 80203 within 20 days of the date of this Notice. **Comments must be received by 4:00 P.M. on July 8, 2016.**

During this 20-day public comment period, the Division will only accept written objections/comments from the property owners noticed by this letter. Please be advised that if you have already submitted a timely objection/comment to the application, you are already considered a party to the matter.



envelope shipping

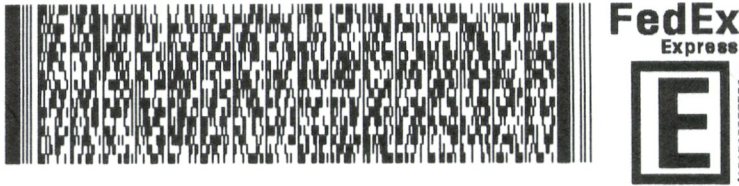
UNITED STATES US 00000

TO

**DIV OF RECLAMATION, MINING & SAFETY**  
**1313 N SHERMAN ST STE 215**

**DENVER CO 80203**

(719) 527-9817 REF: JEAN MILLER  
INV: PKG ID: 269659 PO: DEPT:

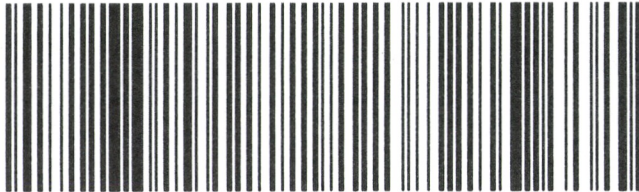



**WED - 06 JUL 4:30P**  
**\*\* 2DAY \*\***

**TRK# 7835 0037 9170**  
**0201**

**ST DENA**

**80203**  
**CO-US DEN**



 SEE NOTICE ON REVERSE regarding UPS Terms, and notice of limitation of liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodities, technology or software were exported from the US in accordance with the Export Administration Regulations. Diversion contrary to law is prohibited. RRD R 0416

**RT 418**  
**ST 68.2**

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**A 9170 07.05**

Align bottom of peel-and-stick airbill or pouch here.

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23 June 2016

RECEIVED

JUL 06 2016

DIVISION OF RECLAMATION  
MINING & SAFETY

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

Dear CDRMS:

This letter is in response to the "Notice to Land Owners" letter dated June 16<sup>th</sup>, 2016 regarding proposed Reclamation and Mining development at Hitch Rack Ranch, submitted by Transit Mix Concrete Company, Permit No. M2016010. I own property within the Eagles Nest development, which is located on Little Turkey Creek Road to the west of the proposed quarry. While I do not have an address assigned, my property schedule #'s with El Paso County are 7600000286, 7600000287, and 7600000288.

I object to the application as currently written for the following reasons. I have highlighted the first two as I believe they make the intended operation of the quarry an illegal infringement on the easement rights I (and all owners in the Eagles Nest subdivision) own on Little Turkey Creek Road:

- 1) Quarry operations will block Little Turkey Creek Road, which is my ingress/egress easement road and provides the only means I have to access our property.
- 2) Quarry operations will cause more frequent and more severe flooding and landslides within the Little Turkey Creek watershed, which will obstruct access on Little Turkey Creek Road and place a financial burden on affected landowners to repair the road.
- 3) Quarry operations may have an adverse impact on nearby water wells and may impact water rights within the Little Turkey Creek watershed
- 4) Quarry operations will adversely affect the safety and security of Eagles Nest landowners and their guests
- 5) Quarry operations will adversely impact the environment and quality of life within Little Turkey Creek canyon
- 6) Quarry operations within Little Turkey Creek canyon will adversely impact property values within Eagles Nest.

Please notify me of any scheduled meetings concerning the quarry application.

Sincerely,

Matthew D Cook



355 Oakhurst Ln, Colorado Springs, CO 80906

708-287-2037 // mdc\_sjc@yahoo.com

Q

Q

Cook  
355 Oakhurst Ln  
Colorado Springs, CO  
80906

CO 802  
01 JUL '16  
FM 5 L



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

RECEIVED

JUL 06 2016

DIVISION OF  
MINING AND SAFETY

80203-224365





11 April 2016

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

RECEIVED  
JUL 06 2016  
DIVISION OF RECLAMATION  
MINING & SAFETY

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. We own property within the Eagles Nest development, which is located on Little Turkey Creek Road to the west of the proposed quarry.

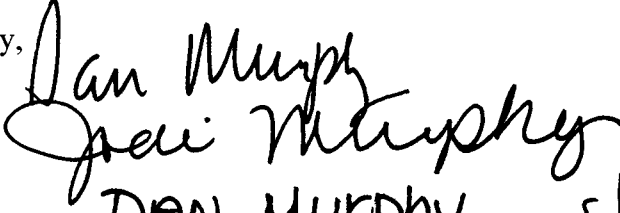
We object to the application as currently written for the following reasons:

- 1) Quarry operations within Little Turkey Creek canyon will adversely impact property values within Eagles Nest.
- 2) Quarry operations will block Little Turkey Creek Road, which is our ingress/egress easement road and provides the only means we have to access our property.
- 3) Quarry operations will cause more frequent and more severe flooding and landslides within the Little Turkey Creek watershed, which will place a financial burden on affected landowners to repair the road.
- 4) Quarry operations may have an adverse impact on nearby water wells and may impact water rights within the Little Turkey Creek watershed
- 5) Quarry operations will adversely affect the safety and security of Eagles Nest landowners and their guests
- 6) Quarry operations will adversely impact the environment and quality of life within Little Turkey Creek canyon

We agree with the detailed concerns expressed in the report sent to you by Charles and Nancy Reed.

Please notify us of any scheduled meetings concerning the quarry application.

Sincerely,

  
Name: DAN MURPHY - JODI MURPHY  
Address: 3150 Slocum Rd Peyton, CO 80831  
Phone: 719-683-2749



Dan & Jodi Murphy  
3150 Slocum Rd  
Peyton CO 80831-7226

DENVER CO 80203  
02 JUL 2016 PM 8 L



**RECEIVED**

JUL 06 2016

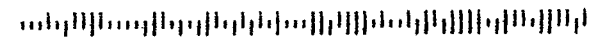
DIVISION OF RECLAMATION  
MINING AND SAFETY

Colorado Division of Reclamation,  
Mining + Safety

1313 Sherman Street, Room 215

Denver, Co 80203

80203-224365



# Fwd: Hitch Rack Ranch Quarry - Opposition - amy.eschberger@state.co.us

Inbox | x



**DRMS - DNR, DMGweb (sent by johnie.a.abad@state.co.us)**

3:34 PM (10 minutes ago)

to me

Thank you,

Johnie Abad

Division of Reclamation, Mining and Safety

----- Forwarded message -----

From: [deckerfamily@q.com](mailto:deckerfamily@q.com) <[deckerfamily@q.com](mailto:deckerfamily@q.com)>

Date: Thu, Jul 7, 2016 at 8:32 AM

Subject: Re: Hitch Rack Ranch Quarry - Opposition

To: [DMG\\_web@state.co.us](mailto:DMG_web@state.co.us)

Leigh

----- Original message -----

From: "Decker, Leigh" <[Leigh\\_Decker@troweprice.com](mailto:Leigh_Decker@troweprice.com)>

Date: 07/07/2016 8:19 AM (GMT-07:00)

To: ""[deckerfamily@q.com](mailto:deckerfamily@q.com)"" <[deckerfamily@q.com](mailto:deckerfamily@q.com)>

Subject: Re: Hitch Rack Ranch Quarry - Opposition

T. Rowe Price (including T. Rowe Price Group, Inc. and its affiliates) and its associates do not provide legal or tax advice. Any tax-related discussion contained in this e-mail, including any attachments, is not intended or

written to be used, and cannot be used, for the purpose of (i) avoiding any tax penalties or (ii) promoting, marketing, or recommending to any other party any transaction or matter addressed herein. Please consult your independent legal counsel and/or professional tax advisor regarding any legal or tax issues raised in this e-mail.

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Attachments area



June 6, 2016

RECEIVED

JUL 07 2016

DIVISION OF RECLAMATION  
MINING AND SAFETY

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

Re: Proposed Mine: Hitch Rack Ranch Quarry

To Whom It May Concern:

We just received this notification from Transit Mix Concrete Company today, July 6 and are writing and mailing our objection today.

The quarry would increase the traffic, noise and pollution in this area. The property values would drop as a result of having this in our back yard. I am opposed to this mine. It may be proposed as a wildlife habitat in the future, but will drive out the wild life we have now.

Sincerely,

*LAWRENCE DECKER*  
Lawrence Decker, Trustee



# Transit Mix Concrete Co.

444 East Costilla Street Colorado Springs, Colorado 80903-3761 Phone: (719) 475-0700

June 16, 2016

L.D. Decker &  
D.L. Trust  
2803 N. Chelton Road  
Colorado Springs, CO 80909-1009

**RECEIVED**  
JUL 07 2016  
DIVISION OF RECLAMATION  
MINING AND SAFETY

SENT VIA UNITED STATES POSTAL SERVICE - CERTIFIED MAIL

## NOTICE TO LAND OWNERS

Transit Mix Concrete Company, 444 East Costilla, Colorado Springs, CO 80903-3761, (719-475-0700), has filed an application for a quarry to their Regular (112) Reclamation Operation Permit with the Colorado Mined Land Reclamation Board under the provisions of the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Hitch Rack Ranch Quarry and is located predominantly in Section 16, Township 16 South, Range 67 West, 6<sup>th</sup> Prime Meridian. The quarry entrance will be located near the intersection of Highway 115 and Little Turkey Creek Road, approximately 10 miles south of Academy Boulevard on Highway 115.

The proposed date of commencement is January 1, 2017, and the proposed date of completion is December 31, 2070. The proposed future use of the land is wildlife habitat. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the El Paso County Clerk and Recorder's Office, Chuck Broerman, County Clerk and Recorder, 1675 West Garden of the Gods, Colorado Springs, CO 80907, (719) 520-6202, or the above-named applicant.

Upon further review of the Hitch Rack Ranch Quarry application that was filed with the Division of Reclamation, Mining and Safety (Division) on March 8, 2016, the Division has determined that the applicant shall mail a copy of the public newspaper notice via Certified Mail to property owners in the Eagles Nest and Bauer Ranch subdivisions.

Any written comments and/or objections to the application must be mailed to the Division of Reclamation, Mining and Safety at 1313 Sherman Street, Room 215, Denver, CO 80203 within 20 days of the date of this Notice. **Comments must be received by 4:00 P.M. on July 8, 2016.**

During this 20-day public comment period, the Division will only accept written objections/comments from the property owners noticed by this letter. Please be advised that if you have already submitted a timely objection/comment to the application, you are already considered a party to the matter.



# Transit Mix Concrete Co.

444 East Costilla Street Colorado Springs, Colorado 80903-3761 Phone: (719) 475-0700

Regards,

Jerald Schnabel, President  
Transit Mix Concrete Company

RECEIVED  
JUL 07 2016  
DIVISION OF RECLAMATION  
MINING AND SAFETY

## Public Notice and Notice to Landowners

Transit Mix Concrete Company, 444 East Costilla, Colorado Springs, CO 80903-3761, (719) 475-0700, has filed an application for a quarry to their Regular (112) Reclamation Operation Permit with the Colorado Mined Land Reclamation Board under the provisions of the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Hitch Rack Ranch Quarry and is located predominantly in Section 16, Township 16 South, Range 67 West, 6th Prime Meridian. The quarry entrance will be located near the intersection of Highway 115 and Little Turkey Creek Road, approximately 10 miles south of Academy Boulevard on Highway 115.

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Comments must be in writing and must be received by the Division of Reclamation, Mining and Safety by 4:00 P.M. on April 19, 2016.

Published in the Colorado Springs Gazette, March 9-16-23-30, 2016

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**Cheryl L. Kimble**

(owner of affected properties, 4747 Little Turkey Creek Rd. and adjoining parcel 08-16-67, 7600000079 parcel, El Paso County Assessor)

Contact Information:

683 Grey Eagle Cir. S.

Colorado Springs, CO 80919

Phone: 719-210-9932

E-mail: [g.kimble@pcisys.net](mailto:g.kimble@pcisys.net)

**RECEIVED**

JUL 07 2016

**DIVISION OF RECLAMATION  
MINING & SAFETY**

July 6, 2016

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

**RE: Permit No. M2016010**

Ms. Amy Eschberger;

In the matter of Permit No. M2016010 for Transit Mix, currently before the Colorado Division of Reclamation, Mining and Safety, I am **already a party** with Carrie Bernstein of Alderman Bernstein as my attorney. I received a certified letter from Transit Mix, dated June 16<sup>th</sup> 2016, stating that the CDRMS had required that I be sent a copy of the public newspaper notice as a **property owner in Eagles Nest**. It further stated that I was allowed to submit further comments or objections to CDRMS by **July 8<sup>th</sup> 2016 at 4 P.M.**

In addition to the previous objections submitted by myself and my attorney, I have the following additional objections:

A substantive blasting plan was missing in the application. My concerns arise about the blasting and it's potential damage to Little Turkey Creek Rd. and to my properties in Eagles Nest to the West of the quarry. My properties are well within a one mile radius of the affected lands as is Little Turkey Creek Rd (from google earth likely about 0.4 mile).

- 1) The application indicates that the mining operation will not use Little Turkey Creek Rd., but how will they get to the points at which it will be blocked during blasting without using the road? Will they also use the road to patrol the affected lands? How will they block residents from ingress and egress for their property? How long, best case and worst case, will they block property owners? What other mining uses will they put the road to?
- 2) How will they maintain safety on Little Turkey Creek Rd. from rock slides in the several areas in and adjacent to the affected lands that are likely rock slide areas. How will they maintain safety if massive erosion occurs frequently because of removal of vegetation including

offsite damage 3.1.9(1) to the road beyond 200 feet of the affected lands. How will the stability of the road be maintained throughout the mining/reclamation phase and beyond especially if reclamation is done with less absorbent vegetation 6.4.3(e)? Making the road unstable, less useable, and unsafe is an ongoing half century plus burden to the easement owners. How will emergency services be provided when the road (only access) is blocked given there is no helicopter service possible.

- 3) No setbacks for the road were discussed in the diagrams or blasting plan to protect the stability of the road.
- 4) No safety zone for blasting was specified and it is documented that flyrock can travel a mile or more. What is the radius of the flyrock zone and the safety zone? What are the vibration standards and flyrock standards that must be met? Even using a ½ mile radius for safety, the road is always impacted and often homes including mine are at risk. Using a 1 mile radius is even more pervasive.
- 5) There is no evidence that a pre-blasting baseline will be made for properties within a mile radius of the affected lands concerning the structure and foundations of homes, the viability of existing or future wells, or the risk of flyrock. There is also no evidence that there will be monitoring of vibration or flyrock that will protect properties that are in the mile radius of affected lands. My home is highly subject to damage as it is made with styrofoam blocks filled with cement (basement and two stories). It will not do well with blasting vibrations. I also in the future may need to dig a deep well instead of the current shallow well.

Additionally, it appears from the DWR letter (dated April 21, 2016 from Caleb Foy, P.E.) to CDRMS that **no water detention facilities are allowed in the Fountain Creek Watershed without a permit** and must not cause material injury. **Deadman Creek is in the Fountain Creek Watershed** and there are two municipalities or quasi-municipalities relying on water from wells close to the affected lands. These are **Red Rock Valley Water and the City of Fountain** (which gets 30% of its summer water from wells on Keeton Road close to Red Rock Valley Water wells). Red Rock Valley Water supplies 83 homes and Fountain serves over 27,000 residents. As happened in the blasting of NORAD, the JL Ranch lost all water and it has never recovered. This is a concerning issue for all the water users including the almost 200 property owners within 2 miles like myself that could experience a similar situation with no feasible remedy. Was the city of Fountain contacted that it might experience de-watering or contamination with its wells?

I intend to remain a party.

Sincerely,



Cheryl L. Kimble

cc:

Carrie S. Bernstein, 101 University Boulevard, Suite 350, Denver, CO 80206

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

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

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

Board of County Commissioners, El Paso County, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903



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JUL 07 2016

DIVISION OF RECLAMATION  
MINING AND SAFETY

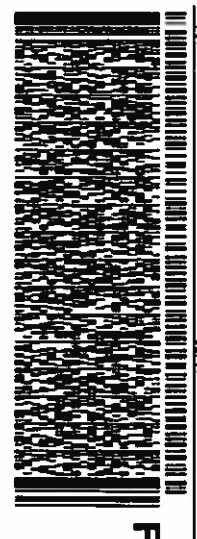


ORIGIN ID: 1009A (719) 210-8932  
CHERIL KIRBLE  
663 GREY EAGLE CIR S  
COLORADO SPRINGS, CO 80919  
UNITED STATES US

SHIP DATE: 06 JUL 11  
ACTIVITY: 10 JUL 13  
CNDT: 008683532/SSI  
BILL CREDIT CARD

TO AMY ESCHBERGER  
CO. DIV OF REC MINING & SAFETY  
1313 SHERMAN ST STE 216

DENVER CO 80203  
(313) 666-3667  
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STATE OF  
COLORADO

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

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## Objection Letter Permit No. M2016010

1 message

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**Andrew Simmons** <andrew@grcexcavating.com>  
To: Amy.Eschberger@state.co.us

Fri, Jul 8, 2016 at 11:43 AM



**Doc Jul 08, 2016, 11:35.pdf**  
1158K



1 July

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. We are currently in the process of purchasing property within the Eagles Nest development, which is located on Little Turkey Creek Road to the west of the proposed quarry. Our closing date on Lot 0003 Little Turkey Creek Road is July 15, 2016. We formally request to be considered as an aggrieved party in this matter, as we will be Eagles Nest development property owners at the time of the Pre-Hearing Conference and Board Hearing.

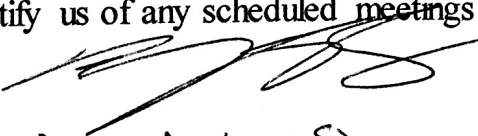
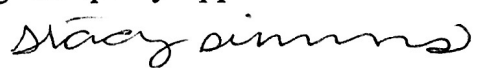
We object to the application as currently written for the following reasons:

- 1) Quarry operations within Little Turkey Creek canyon will adversely impact property values within Eagles Nest.
- 2) Quarry operations will block Little Turkey Creek Road, which is our ingress/egress easement road and provides the only means we have to access our property.
- 3) Quarry operations will cause more frequent and more severe flooding and landslides within the Little Turkey Creek watershed, which will place a financial burden on affected landowners to repair the road.
- 4) Quarry operations may have an adverse impact on nearby water wells and may impact water rights within the Little Turkey Creek watershed
- 5) Quarry operations will adversely affect the safety and security of Eagles Nest landowners and their guests
- 6) Quarry operations will adversely impact the environment and quality of life within Little Turkey Creek canyon

We agree with the detailed concerns expressed in the report sent to you by Charles and Nancy Reed.

Please notify us of any scheduled meetings concerning the quarry application.

Sincerely,

   
Name: Benjamin Andrew Simmons, Stacy Simmons

Address: 965 Bayfield Dr Colorado Springs CO 80906

Phone: 361-876-7620, 361-945-2730