

August 16, 2016

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

**RE: Fifth Letter Regarding Objections Received;
Pueblo County Aggregate Project; DRMS File No. M-2016-009;
112 Construction Materials Reclamation Permit Application**

Dear Mr. Ary:

On February 26, 2016, the Division of Reclamation, Mining and Safety (Division) determined that the 112 Construction Materials Reclamation Permit Application for the Pueblo County Aggregate Project was complete for the purposes of filing. On June 14, 2016, the Division received the amendment application to the 112 Construction Materials Reclamation Permit Application in review. On June 14, 2016, the Division determined that the Amendment to the 112 Construction Materials Reclamation Permit Application was complete for the purposes of filing. Therefore, the public comment period for the Pueblo County Aggregate Project reopened on June 14, 2016. On August 4, 2016, the public comment period for the Pueblo County Aggregate Project will close. During the public comment period for the original application the Division received the timely objections, which have already been forwarded to the Operator from the following parties and/or interested persons:

- 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) Ryan Froman, letter dated April 13, 2016, received April 14, 2016
- 5) David Cockrell, letter dated April 15, 2016, received April 15, 2016
- 6) Sierra Club - Sangre De Cristo Group, received April 15, 2016, signed by: Charlotte Tournay
- 7) Dan Henrichs, received April 14, 2016
- 8) Kelly G. Bond, received April 15, 2016



- 9) Pisciotta Farms and Produce Marketing, letter dated April 12, 2016, received April 15, 2016, signed by: Joe P. Pisciotta

During the public comment period for the amendment to the application in review the Division received the enclosed timely objection, from the following party and/or interested person:

- 10) State Senator Larry Crowder, letter dated July 17, 2016, received July 21, 2016, signed by: Larry Crowder
- 11) Hobbs Family Farm, letter dated July 31, 2016, received August 1, 2016, plus August 4, 2016 Addendum, received August 4, 2016, signed by: Daniel G. Hobbs
- 12) Dionisio Produce, letter dated July 27, 2016, received August 2, 2016, signed by: Russ Dionisio
- 13) Rocky Mountain Farmers Union, letter dated August 4, 2016, received August 2, 2016, signed by: Ben Rainbolt
- 14) Pueblo Rural Fire Protection District, letter dated July 28, 2016, received August 2, 2016, signed by: Bret Marascola
- 15) Innovative Conservation Solutions, Inc., letter date August 2, 2016, received August 2, 2016, signed by: Scoot A. Campbell
- 16) XCEL Energy, letter dated July 27, 2016, received August 2, 2016, signed by: James Craig
- 17) Rusler Produce, Inc., letter dated July 31, 2016, received August 3, 2016, signed by: Thomas S. Rusler, M. Lynn Rusler, Thomas W. Rusler, and Nicholas S. Rusler
- 18) Jose Munoz, received August 3, 2016
- 19) Altman, Keilbach, Lytle, Parlapiano & Ware, P.C. on behalf of Bessemer Irrigating Ditch Company, letter dated August 3, 2016, received August 3, 2016, signed by John J. Keilbach
- 20) Ryan Froman, letter dated July 31, 2016, received August 3, 2016
- 21) Jason and Tina Potestio, received August 4, 2016
- 22) Fred Bregar, letter dated August 1, 2016, received August 4, 2016
- 23) Michael and Velma Rinks, letter dated July 31, 2016, received August 4, 2016
- 24) Provost Family, letter dated July 31, 2016, received August 4, 2016, signed by: Vesta and Melvin Provost, Mary and Tim Provost, and Tom Provost
- 25) Larga Vista Ranch, letter dated August 4, 2016, received August 4, 2016, signed by: Doug and Kim Wiley

Please find the enclosed copy of the written objection identified above as items 11-25. Copies of all other written Objections have been previously forwarded. **Please inform the Division how the Applicant intends to address the jurisdictional issues raised by the Objectors.**

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell

Environmental Protection Specialist

Enclosure: 11. Second Objection Letter and Addendum from Hobbs Family Farm, received August 1, 2016 and August 4, 2016
12. Objection Letter from Dionisio Produce, received August 2, 2016
13. Objection Letter from Rocky Mountain Farmers Union, received August 2, 2016
14. Objection Letter from Pueblo Rural Fire Protection District, received August 2, 2016
15. Objection Letter from Innovative Conservation Solutions, Inc., received August 2, 2016
16. Objection Letter from XCEL Energy, received August 2, 2016
17. Second Objection Letter from Rusler Produce, Inc., received August 3, 2016
18. Objection Letter from Jose Munoz, received August 3, 2016
19. Objection Letter from Altman, Keilbach, Lytle, Parlapiano & Ware, P.C. on behalf of Bessemer Irrigating Ditch Company, received August 3, 2016
20. Second Objection Letter from Ryan Froman, received August 3, 2016
21. Objection Letter from Jason and Tina Potestio, received August 4, 2016
22. Objection Letter from Fred Bregar, received August 4, 2016
23. Objection Letter from Michael and Velma Rinks, received August 4, 2016
24. Objection Letter from Provost Family, received August 4, 2016
25. Objection Letter from Larga Vista Ranch, received August 4, 2016

EC: Wally Erickson; Division of Reclamation, Mining & Safety

CC: Angela M. Bellantoni; Environmental Alternatives Inc.
1107 Main Street, Cañon City, CO 81212

Daniel G. Hobbs
PO Box 411 Avondale, Colorado 81022

July 31, 2016

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

RECEIVED

AUG 01 2016

**DIVISION OF RECLAMATION
MINING AND SAFETY**

RE: Pueblo County Aggregate Project Amended Permit Application Objection

To Whom it may concern:

Through this letter I am submitting my objection to Fremont Paving and Redi-Mix Inc's application for a regular (112) Construction Materials Operation Reclamation Permit for extraction of construction materials in Pueblo County, Colorado.

I live and farm at 46000 Olson Road in Avondale, near the proposed permit site. I attended a public meeting in 2012 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. (Please see attached letter to Pueblo County Commissioners regarding incompatibility of production agriculture and industrial land uses).

I understand 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 re-vegetation 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 damaged 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. Attached please see photo of a 3" rainfall event in May of 2015 taken from my farm. The flood waters in this image originate in the Badger hills and are moving through the heart of the area's farmland and straight into the village of Avondale. In the past four years we have have had at least two rainfall events of 4" and 5" as well. The damage from these types of rains would undoubtedly be exacerbated coming from disturbed soils at the proposed mining site.

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. Likewise, seepage from the ditch into gravel pits would also constitute an injury to our senior water rights.

Finally, there is naturally occurring listeria and anthrax buried in the Badger Hills. Once the grama grass is disturbed, there will be no practical way to contain these pathogens. As a food-producing agricultural community, this is cause for major concern. The federal Food Safety and Modernization act went into effect in 2016 and it raises the standards of care and prevention to avoid food contamination incidents. Gravel mining could expose our business and customers to life-threatening illnesses.

Given the agricultural sensitivity of the proposed project, I sincerely hope that the Division of Reclamation, Mining and Safety will use all available agricultural and water resources and expertise of the State of Colorado to carefully evaluate this application.

If a permit is granted to Freemont Paving and Redi-Mix, Inc 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,

A handwritten signature in black ink, appearing to read 'DGH' with a stylized flourish at the end.

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

Exhibit A: Photo of Avondale Flood 5.15.15

Exhibit B: Farmer Letter to Pueblo County Commissioners 7.22.16

July 22, 2016

Pueblo Board of County Commissioners
Pueblo Planning and Zoning Commission
215 W 10th St.
Pueblo, CO 81003

Dear Commissioners,

We are a group of independent and family farmers located in eastern Pueblo County in the communities of Vineland, Avondale, and Boone. Many of us are multi-generational and centennial farms and members of the Pueblo Chil  Growers Association and the Arkansas Valley Organic Growers.

We are writing to request a cessation of new industrial commercial activities on or close to prime agricultural lands, immediately adjacent rangeland, and the Bessemer Ditch until a thorough agricultural assessment can be conducted, an updated Pueblo Comprehensive Plan is in place, and rural zoning regulations are reviewed for appropriate protections and preservation of local agriculture.

Dr. Michael Bartolo of Colorado State University has often stated that Pueblo County contains some of the best agricultural land in the western United States. Our agricultural resources of clean water, good soils, hot days and cool nights are the reasons our Pueblo Chil , produce, and livestock products taste as good as they do. Much of our farmland is classified as "prime irrigated soils of national importance". The economic impact of agriculture in Pueblo County is significant: crop and livestock sales in 2012, were \$51,091,000 (U.S. Census of Agriculture, 2012). Hundreds of long-term, sustainable jobs and family incomes are tied to our farming activities.

But our communities are changing fast and premium food production land is increasingly vulnerable to water sales, development, heavy rainfall/flooding events, and impacts from commercial industrial activities. In the last fifteen years, for example, there have been three permit applications for large gravel mining operations, a nuclear power plant, and contamination of wells from the Pueblo Chemical Depot. These types of land uses represent significant threats to food production and our agricultural resources of soil and water.

We are concerned about spending our time and resources fighting off corporations and industrial interests year-in and year-out to secure our on-going farming activities. We need new solutions and leadership to address this situation. The last Pueblo Comprehensive plan was published fourteen years ago and contains limited treatment of production agriculture.

In December of 2015 a 25-member working group of farmers, community leaders, government and non-profit agencies was formed to address the future of the Bessemer Ditch and the farmland it irrigates. Numerous strategies and plans have been set in motion by this group, prominently including an agricultural landscape analysis for the County. This analysis has been fully funded and will be initiated later this summer by the Rocky

Mountain Farmers Union and the Palmer Land Trust. The results of the study will be available for forming agricultural conservation and economic development strategies and informing planning and zoning priorities and regulations. We also expect this work to provide useful information for other communities attempting to implement the priorities identified in the Colorado Water Plan.

We respectfully request our County Commissioners place an immediate moratorium on any permits for non-agricultural, commercial-scale industrial activities on or in close proximity to irrigated farmland, immediately adjacent rangeland, and the Bessemer Ditch in the Vineland, Avondale and Boone area.

The undersigned support this request and we can provide a more comprehensive list of others who do as well.

If you wish to meet with us to discuss this request please contact Dan Hobbs at danhobbs@gmail.com or 719-250-9835 and/or Tom Rusler at tom@ruslerproduce.com 719-671-2333.

Thank you for your consideration.

Sincerely,

Robert & Ruth Beamon, Beamon Farms
Kelly & Jody Bond, K & J Farms
Continental Tree Farms
Bryan Crites, Crites Produce
Albert & Jennifer Dionisio, Dionisio's Boone Farm
Russ Dionisio, Dionisio Produce
Jimmy & Anette Hanratty, Hanratty Farms
Dan Hobbs & Jamie Dunston, Hobbs Family Farm
Brad & Michelle Lisac Farms
Patricia & David Luby, Luby Farms
Dana Mauro Farms
Vic Mauro Produce
Larry and Kathleen McIntyre, McIntyre Farm
Jose Muñoz, Muñoz Farms
Joe Pisciotta, Pisciotta Farms
Burt Potestio Farms
Jason & Tina Potestio Farms
Viki Potestio Farms
RB LAND, LLC
Tom, Tommy, & Nick Rusler, Rusler Produce
Praxie Vigil, Vigil Land and Cattle
Tom Vigil, Vigil Farms
Blair Wells, Wells Farms
Doug & Kim Wiley, Larga Vista Ranch





Objection Letter attached

Dan Hobbs <danghobbs@gmail.com>
To: tyler.odonnell@state.co.us

Mon, Aug 1, 2016 at 7:00 AM

Dear Mr Odonnell,

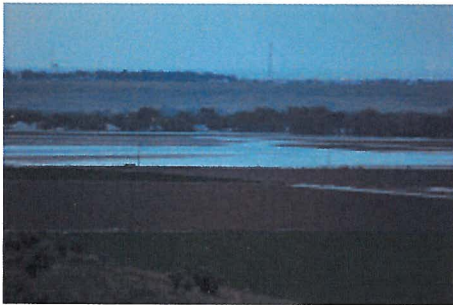
Attached please find letter with exhibit regarding Pueblo County Aggregate project.

Can you please confirm you received this?

Thanks very much, Dan

--
Dan Hobbs
[719-250-9835](tel:719-250-9835)

3 attachments



BadgerHillsFlood5.15.jpg
205K

 **HobbsObjectionLtr_7.31.16.docx**
161K

 **PuebloCty_7.22.16_Fnl.docx**
147K

Bessemer Ditch farms

CHIEFTAIN EDITORIAL

Published August 2, 2016, Last modified August 3, 2016 10:07AM

BESSEMER DITCH farmers have adopted a very worthy cause in actively promoting policies and regulations that recognize the paramount importance of irrigated farming all along the ditch.

Spurred by a proposed gravel mining operation in the Avondale area, 25 farmers said enough is enough. They recently wrote a letter to the Pueblo County commissioners asking for a moratorium on such commercial enterprises that would threaten agriculture along or near the Bessemer Ditch.

Of immediate concern is the proposed Fremont Paving gravel pit that would mine 1,500 acres in an area south of Olson Road and east of 40th Lane. Neighbors of the area known as Badger Hills have filed letters of opposition with the state Mined Land Reclamation Board, which oversees mining applications. We hope the neighbors succeed in getting the state board to reject the application.

Of far broader importance is the efforts of the 25 Bessemer Ditch farmers to persuade Pueblo County to stop development that ultimately could do permanent harm to the historically and economically important business of agriculture.

"A lot of us are tired of having to fight to protect our land," said Dan Hobbs, speaking for the 25 farmers who ask the commissioners for a moratorium on commercial enterprises affecting the Bessemer Ditch. "It seems like an ongoing challenge. It's really the culmination of 15 years of trying to defend our interests."

Tom Rusler, a fourth-generation Avondale farmer, said, "This is the third shot at building a gravel pit in the same area and we've had enough. We're farmers out here and this is like an invasion."

Rusler said other threats to the ecosystem have included Pueblo Chemical Depot contamination of groundwater and a proposed nuclear power plant that was subsequently rejected by the county commissioners.

The farmers want time to develop changes to Pueblo County's comprehensive land-use plan that would protect farmland.

With help from the Rocky Mountain Farmers Union and Palmer Land Trust, the farmers plan an agricultural landscape analysis for the county.

We applaud these farmers' crusade to save Bessemer Ditch farmland, considered some of the best in the Western United States. It's a worthy cause.



STATE OF
COLORADO

O'Donnell - DNR, Tyler <tyler.odonnell@state.co.us>

Please add this addendum to my 8/4 objection Letter

Dan Hobbs <danghobbs@gmail.com>
To: tyler.odonnell@state.co.us

Thu, Aug 4, 2016 at 7:05 PM

Thanks very much

--
Dan Hobbs
719-250-9835

 **Scan 62.pdf**
691K

RECEIVED

AUG 04 2016

**DIVISION OF RECLAMATION
MINING AND SAFETY**

TOD

RECEIVED

✓ AUG 02 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

July 27, 2016

Division of Reclamation, Mining, and Safety

1313 Sherman Street Room 215

Denver, CO. 80203

m-2016-009

To Whom It May Concern:

I wish to strongly oppose the proposed gravel pit known as the "Pueblo County Aggregate 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.

I grow melons, pumpkins, cabbage, onions, Pueblo Chile, parsnips, pinto beans and hemp in Avondale and Vineland, from Avondale Blvd to 35th Lane, all just north of the Bessemer Ditch. There are many issues we have with this, but this letter will pertain only to the threat to the Bessemer Ditch itself and that no one has ever re-established and maintained a stand of grass in these Badger Hills that I know of.

The proposed site sits approximately ½ mile from one of our farms. Our main source of water is the Bessemer Ditch. I employ both flood and drip irrigation on my fields. Food safety rules require all of us that grow vegetables to test our irrigation water quality several times monthly. When we get a big rain over the proposed site, the excess dirt and fines WILL wash into the Bessemer, and even if there isn't enough to plug the whole ditch, it will plug up my irrigation systems.

No matter the drainage plan proposed, it will negatively affect all of our farms. We count on the run-off from the Badger Hills to increase our flows during and after rain events.

Please consider these facts and understand the harm this proposal will cause to my farms along with all my neighbor's farms. This project is not viable in this area.

Russ Dionisio

Dionisio Produce

Division of Reclamation
38546 Old Hwy 50 East
Pueblo CO 81006



29 JUL 2016 PM 5:1

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

RECEIVED

AUG 02 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

60203-224365





Rocky Mountain Farmers Union

7900 E. Union Ave., Suite 200 • Denver CO 80237
303.752.5800 • 1.800.373.7638 • rmfu.org

RECEIVED

AUG 02 2016

**DIVISION OF RECLAMATION
MINING AND SAFETY**

August 4, 2016

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

August 4, 2016

To whom it may concern,

We are contacting you on behalf of our members in Pueblo County, Colorado to register our objection to the amended permit application submitted by Fremont Paving and Redi-mix, Inc. for the so-called Pueblo County Aggregate Project.

RMFU is a 100 year-old membership organization comprised of family farmers and ranchers throughout Colorado, New Mexico and Wyoming. Leadership from our Pueblo and Fremont County Chapter, which represents 105 members, have requested our support to oppose this permit application in an effort to protect their farming operations, irrigation ditches and laterals, and personal health and safety from the proposed gravel mining operation in eastern Pueblo County.

Pueblo is one of the finest agricultural regions in Colorado and we hope that it will remain that way. Industrial activities such as gravel mining are not compatible with family farming. Our primary concerns include difficulty of reclaiming land in an extremely arid region, accelerated erosion into irrigations ditches and laterals, blowing dust, insufficient infrastructure to support heavy truck traffic (such as narrow farm roads with steep bar ditches), disruption of farming activities and rural lifestyle, and health and safety of farm families and other rural residents.

We look forward to further opportunities to advocate for our members interests and speak against this permit application.

Sincerely,

Ben Rainbolt
Executive Director



STATE OF
COLORADO

Cunningham - DNR, Michael <michaela.cunningham@state.co.us>

Request for extension of review period, RE: July 29th DRMS letter RE: Private Reserves; DRMS File No. M-2014-044; Preliminary Adequacy Review

1 message

Trustee GPOC <gpoctrustee1yr@gmail.com>

Thu, Aug 4, 2016 at 11:58 AM

To: michaela.cunningham@state.co.us

Cc: Richard Cook <recook51@yahoo.com>, GPOC Vice President <gpocvicepresident@gmail.com>, GPOC President <gpocpresident@gmail.com>, 2 Year Trustee GPOC <gpoctrustee2yr@gmail.com>, tony.waldron@state.co.us, GPOC Treasurer <gpoctreasurer@gmail.com>, wally.erickson@state.co.us

Mr. Cunningham,

Thank you for assisting us in this application process.

Gold Prospectors of Colorado (GPOC) hereby requests an extension of the review period, also know as the "decision date" for the application referenced in the subject line, from Sunday, August 7 to Monday, August 29, 2016. This request is pursuant to our telephone conversation on July 25th establishing the last day for Public Comment as August 8, 2016 and noting that the "decision date" of August 7 would need to be moved, your DRMS Preliminary Adequacy Review letter dated July 29th and our telephone conversation on August 4th at approximately 08:20 AM clarifying that GPOC needed to initiate the change in date via a request to DRMS.

It is my understanding that this e-mail will suffice as the formal request for extension of the application review period and a formal letter is not required. Please advise to all addressed at the earliest if that is not the case.

Additionally, GPOC understands that you are willing to clarify for us any questions we have regarding the Adequacy Review letter items GPOC needs to address. Also, that your preference is to meet via telephone conference. I will work with you and the other members of the GPOC committee addressing this reclamation permit application to coordinate, schedule and conduct a teleconference sometime during the week of August 8-12.

Thank you again for your willingness to work with GPOC on this matter.

Regards,

Calvin Johnson

GPOC Private Reserve Committee member

GPOC 1 Year Trustee

toD



Pueblo Rural Fire Protection District
29912 US Hwy 50 East, Pueblo, CO 81006



(719) 948-4646

Chief Bret Marascola

FAX: (719) 948-3390

BOARD MEMBERS

John A. Musso, Chairman
Joe Andenocio, Vice Chair
C. Ted Hall, Treasurer
George Mraovich
Mary Macaluso-Ikelman

Jack Martin—Assistant Chief
Conrad Orndoff—Assistant Chief

Attorney
Patrick Garcia

Board Secretary
Tomma Parco

7-28-2016

m-2016-009

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

RECEIVED

✓ AUG 02 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

Dear Sirs,

I am writing this letter in response to the proposed gravel pit in the area south of the 46000 block of Olsen Road. This proposed gravel pit has been rejected locally in the past by the County Commissioners. My concerns as Fire Chief in the Pueblo Rural Fire District are many. Olsen road is a main route for Fire and EMS in the Avondale area. The added traffic on the road combined with the heavy agricultural traffic could become problematic for emergency response by our Agency, and by The Pueblo County Sherriff's office. We pride ourselves in the rapid response we provide to that area The last thing I would want to see is a delayed response because of the additional truck and heavy equipment traffic. The other main concern is what will mining that area do to the erosion of the foothills that drain to Olsen road right now. As I have stated Olsen road provides the only access east to the Avondale area when natural disaster strikes. The 1996 Blizzard, the 1998 flooding, 2015 and 2016 Heavy rain storms and most recently

heavy rain producing over 4 inches of rain in that area. Olsen was the only means of travel to reach Avondale as both HI way 50 east and HI way 50 Bypass were impassable. The PRFD also has to deal with hazard mitigation as stated above. The Pueblo County Emergency Response Program has issues with this area specifically this area and HI way 50 east. The Pueblo County Roads and Bridges can confirm what happens when natural disaster strikes this area, making it impassable. What will happen to the large amount of water that drains now in the area, will it wash out a major irrigation ditch (Bessemer Ditch) and flood the area north of Olsen Road all the way to Avondale? What about the large amount of mud that is left on Olsen road making it impassable for days.? 1 inch of rain on 1 acre will produce around 28,000 gallons of water. Is there a drainage study that supports the mining in this area? And a traffic study for the proposed number of trucks entering and exiting the Proposed roadway. The final concern is the proposed roadway. Will it be paved? This could have an impact on the ability of the PRFD to respond to Emergency situations. Please review and consider my concerns as a Public safety issue that can have a direct impact on the way of life and the preservation of lives

If you have any questions, please feel free to contact me anytime concerning this response at 719 948-4646.

Sincerely,

A handwritten signature in black ink that reads "Bret Marascola". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

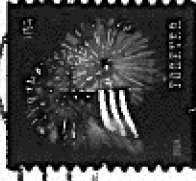
Bret Marascola Chief Pueblo Rural Fire District.



Pueblo Rural Fire Protection District
29912 Highway 50 East
Pueblo, CO 81006

DENVER CO 802

AUG 02 2016



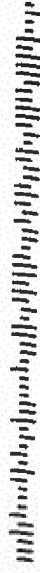
RECEIVED

AUG 02 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

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

80203-224365





August 2, 2016

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

RECEIVED

AUG 02 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

RE: Opposition Letter—Permit Number M2016009

To Whom It May Concern:

Pueblo County zoning districts A-1 and A-2 are “designed to retain and promote the appropriate use of dry range and irrigated lands and encourage open use of the land in keeping with its natural characteristics and agricultural functions.” Fremont Paving and Redi-Mix Inc.’s application for a construction materials operation reclamation permit for a surface mine on 44th Lane in Pueblo County, Colorado—previous versions of which have been denied on two separate occasions—is inconsistent with this purpose. The proposal substantially modifies the land use plan, creates discordant activities across surrounding properties and communities, and potentially poses threats to the public health, safety, and welfare of the region’s citizens—conditions not supported by Pueblo County Code 17.140.050 Special Use Permit Standards.

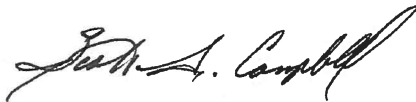
My opposition is based upon more than a decade of land use and economic planning engagements in Pueblo County—first as staff at the Office of Economic Development and International Trade during the Owens administration; then for seven years as the Executive Director of the Palmer Land Trust, which during my tenure produced *Our Land, Our Water, Our Future: A Conservation Plan for the Western Lower Arkansas Valley* (developed with support from a broad group of Pueblo County stakeholders, including county commissioners, the plan identifies agricultural and natural land conservation priorities in Pueblo County, of which these lands are a part); then as the Lincoln Loeb Fellow at Harvard University’s Graduate School of Design and the Lincoln Institute of Land Policy, a land-use and taxation policy foundation; and, finally, as the owner and principal of Innovative Conservation Solutions, LLC, which is engaged in land use planning activities in the immediate vicinity of the proposed surface mine.

The economic impact of agriculture in Pueblo County is significant: crop and livestock sales in 2012 were \$51,091,000 according to the U.S. Census of Agriculture. Redi-Mix Inc.’s application fails to examine the true costs of heavy industrial activity to farmers, county government, and the regional agricultural economy, of which the Bessemer Ditch and the lands surrounding it are the epicenter. Agricultural land conversion, especially at this scale, frequently precipitates other forms of land conversion, exit from the marketplace by producers, and a decline in agricultural jobs, revenue, and related industries. It disincentivizes new agricultural investments in the region. Reclamation activities, especially the reestablishment of grasslands at the end of the project, have a high

probability of being unsuccessful, creating additional hardships beyond the life of the project. Transit impacts are substantial.

The proposed land use activities possess inherent potential to adversely impact people, the regional economy, and environmental quality. Allowing this permit application to move forward in light of existing zoning regulations, county-supported conservation plans, the presence of prime soils of national significance in the immediate area, the adjacency of the Bessemer Ditch (the most senior, valuable water source in the Arkansas River Basin), and the existing economic infrastructure would be an arbitrary and capricious decision. There are appropriate places for gravel mining operations. This is not one of them. As such, this permit should be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Campbell". The signature is fluid and cursive, with a large, sweeping initial "S".

Scott A. Campbell
Owner and Principal



Public Input Letter, Permit No M2016009

Scott Campbell <scott@innovativeconservationsolutions.com>
To: tyler.odonnell@state.co.us

Tue, Aug 2, 2016 at 10:00 AM

Dear Mr. O'Donnell:

Please find attached a letter of public input concerning the proposed Fremont Paving and Redi-Mix application for a Regular Construction Materials Operation Reclamation Permit currently before the Colorado Mined Land Reclamation Board. I understand all public comments are due by August 4. Would you please enter this letter into the public record and confirm receipt?

Thank you for your consideration.

Sincerely,

Scott Campbell

Scott A. Campbell, Principal
[303.981.8015](tel:303.981.8015)
innovativeconservation.org

2 attachments



INNOVATIVE
CONSERVATION
SOLUTIONS, LLC

ICSLOGO_signature_JAN72016.jpg
29K



Letter_ICS TO DRMS_2016_08_02.pdf
1541K

TOD



1800 Larimer Street
Denver, Colorado 80202

RECEIVED

July 27, 2016

✓ AUG 02 2016

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

DIVISION OF RECLAMATION
MINING AND SAFETY

171-2016-009

Re: Freemont Paving & Redi-Mix
Amendment to Application for Regular Construction Materials Operation Reclamation
Permit

To Whom It May Concern:

Xcel Energy operates an overhead electric transmission line in Section 19, Township 21 South, Range 62 West, at or near where the proposed mine is. As long as all mining activities occur outside of the transmission line easement, Xcel Energy takes no position on the proposed amendment.

If you have any question please contact me at 303-571-7291 or james.e.craig@xcelenergy.com.

Best regards,

James Craig
Contract Agent for Public Service Company of Colorado

cc: Freemont Paving & Redi-Mix

TOD



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



July 31, 2016

Division of Reclamation, Mining, and Safety

1313 Sherman Street Room 215

Denver, CO 80203

✓ M-2016-009
✓ Comments Received
Objection letter

Dear Sirs/Madams,

We wish to ardently oppose the proposed gravel pit known as the "Pueblo County Aggregate 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, Permit No. M2016009.

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.

There is no way that anyone can do the damage to the hills proposed here and both keep foreign materials from the Bessemer Ditch and preserve the historic flows from rain events that downstream shareholders have utilized since the inception of the Bessemer Ditch.

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.



"For the Health of It!"

Rusler Produce, Inc.

Number of Pages Including Title Page 3

Attn: Tyler O'Donnell

*Rusler Produce letter of objection to the
amended "Pueblo County Aggregate Project",
Permit No: M2016009.*

Please acknowledge receipt.

Thank you.

FAX

✓ M-2016-009
 ✓ Comments Received
 Objection letter

Public Notice

Fremont Paving & Redi-Mix, Inc., P.O. Box 841, Canon City, CO 81215; 719-275-1280 has filed an amendment to an application for a Regular (112) Construction Materials Operation Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Pueblo County Aggregate Project, and is located at or near Section 19, Township 21 South, Range 62 West, 6th Prime Meridian.

The proposed date of commencement is November 1, 2016, and the proposed date of completion is undetermined. The proposed future use of the land is rangeland. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3367, or at the Pueblo County Clerk and Recorder's office, 215 W. 10th Street, Pueblo, CO, or the above-named applicant.

Comments must be in writing and must be received by the Division of Reclamation, Mining and Safety by 4:00 p.m. on August 4, 2016.

CIVIL SERVICE COMMISSION OF THE CITY OF PUEBLO
 NOTICE OF ADMINISTRATIVE HEARING

The notice from the Chieftain

Please state that this is a "letter of opposition". The main things to touch on are the huge danger to the Bessemer Ditch plugging up and being contaminated, the flooding danger presented to farms and houses all the way to Avondale and the impossibility of re-vegging the hills. Those are the main things the DRMS focuses on, as opposed to quality of life, traffic, etc. If this gets to the County level, that is when we will focus on those issues. But any other info you can put in there will be awesome! Just write what feels right.

If you have any questions about anything, I'm always available.

Thank you!

ATTN: TO Tyler O'Donnell

FOR OUR SAFETY IN THE LIVING AREA.

Jose Munoz
 47300 OLSON Rd.
 Avondale, CO 81022
 719-947-9831



JOHN J. KEILBACH
WM. DAVID LYTLE

ALTMAN, KEILBACH, LYTLE, PARLAPIANO & WARE, P. C.

ATTORNEYS AT LAW
229 COLORADO AVENUE
P. O. Box 333
PUEBLO, COLORADO 81002
(719) 545-7325
FAX NO. 719-545-9437
E-MAIL ADDRESS:

August 3, 2016

JAMES W. PRESTON (1878-1968)
DAVID A. PRESTON (1914-1973)
LEO S. ALTMAN (1911-2001)
DAVID C. PARLAPIANO (1830-2008)

Colorado Division of Reclamation
Mining & Safety
Department of Natural Resources
1313 Sherman Street, # 215
Denver, CO 80203

Faxed to (303) 832-8106

Pueblo County Planning and Development
229 W 12th Street
Pueblo, Colorado 81003

Board of Pueblo County Commissioners
215 W. 10th Street
Pueblo, Colorado 81003

RECEIVED

AUG 04 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

Ladies and Gentlemen:

Comments Received

✓ Re: Fremont Paving Proposed Gravel Mining Operations, Permit No.
M2016009

Our office represents the Bessemer Irrigating Ditch Company which has asked us to write you to outline the Ditch Company's concerns respecting Fremont Paving's proposed gravel operation and haul route in the area of 44th Lane in Pueblo County.

As you are aware, the Ditch carries water from the Pueblo Reservoir to its shareholders east of Pueblo. The water is used by area farmers as well as the St. Charles Mesa Water District. The Board of Directors is justifiably concerned over maintaining the quality of the water as it passes through the Ditch to its ultimate users, insuring that all available water is transported through the Ditch unimpeded, and insuring the continued structural viability of the Ditch itself.

Accordingly, the Board respectfully requests that each of you carefully evaluate the application and monitor the actual operation of the gravel extraction and transportation with specific attention to the haul route in the vicinity of the Ditch and where the haul route actually does cross the Ditch, to insure as much as is reasonably possible that no harm comes to the Ditch or the delivery of the water in the Ditch as a result of any truck accident, any gravel spill, or any other

Page 2
Colorado Division of Reclamation
Mining & Safety
Pueblo County Planning and Development
Board of Pueblo County Commissioners
August 3, 2016


event which may occur in the vicinity of the Ditch. Likewise, we urge you to insure that no drainage constructed along the haul route or from the gravel pits will result in any runoff into the Ditch. If you approve this gravel mining project, we also urge you to include a condition that no mining activity or material stockpiles are allowed within 1,000 feet of the centerline of the Ditch.

Your careful attention to the design and construction of the proposed bridge across the Ditch will likewise be most appreciated. Again, the Board does not want to expose its maintenance personnel to any safety hazards, nor does it wish to expose the Ditch to any structural damage or pollution, any of which could occur in the event of a bridge failure and/or a truck going into the Ditch.

These concerns are expressed in accord with the Board's fiduciary responsibilities to the Company and its shareholders. The Board takes no position either in favor of or opposed to the ultimate granting or denying of Permit No. M2016009.

On behalf of the Board of Directors, we thank you for your time, attention and consideration in this matter.

Sincerely,



John J. Keilbach

ALTMAN, KEILBACH, LYTLE, PARLAPIANO & WARE, P.C.

ATTORNEYS AT LAW
229 COLORADO AVENUE
P.O. Box 333
Pueblo, Colorado 81002
(719) 545-7325

John J. Keilbach
Wm. David Lytle
David E. Ware

Fax No. 719-545-9437
E-Mail Address
office@altman-keilbach.com

James W. Preston (1876-1966)
David A. Preston (1914-1973)
Leo S. Altman (1911-2001)
David C. Parlapiano (1930-2008)

Date: August 3, 2016

Please deliver the following fax transmission:

COMPANY: Colorado Division of Reclamation Mining & Safety

FAX NO.: (303) 832-8106

FROM: Sean T. Wolff, for John J. Keilbach

MESSAGE:

A total of 3 page(s) including this cover sheet is being transmitted.

If any part of this transmission is missing or unreadable, please call (719) 545-7325.

NOTICE

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the US postal service.

RECEIVED

AUG 04 2016

July 31, 2016

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

DIVISION OF RECLAMATION
MINING AND SAFETY

M-2016-009
Comments Received
Objection letter

RE: "Pueblo County Aggregate Project" at or near Section 19, Township 21 South, Range 62 West,
6th Prime Meridian, Permit No. M2016009

Sear Sirs/Madams,

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

I am 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 "Pueblo County Aggregate Project" is situated in an ecologically fragile area, which is highly susceptible to erosion. I am 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 the farmers of Pueblo County, I 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.

Neither this letter, nor my previous letter were written at the recommendation of the Board of SPSCD, but I signed both letters with my position on the Board to give credence to my knowledge of the subject.

Thank you for your consideration,

Ryan Froman
President, South Pueblo Soil Conservation District

July 31, 2016

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

RE: "Pueblo County Aggregate Project" at or near Section 19, Township 21 South, Range 62 West,
6th Prime Meridian, Permit No. M2016009

Sear Sirs/Madams,

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

I am 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 "Pueblo County Aggregate Project" is situated in an ecologically fragile area, which is highly susceptible to erosion. I am 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 the farmers of Pueblo County, I 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.

Neither this letter, nor my previous letter were written at the recommendation of the Board of SPSCD, but I signed both letters with my position on the Board to give credence to my knowledge of the subject.

Thank you for your consideration,

Ryan Froman
President, South Pueblo Soil Conservation District

FAX

Date 08/04/2016

Number of pages including cover sheet: 3

To:

Phone

Fax Phone +1 (303) 8328106

From:

Kristi Craig

All Seasons Dental, Inc

2208 Thatcher Ave

Pueblo

CO

81004

Phone 17195453838

Fax Phone (719) 545-0255

REMARKS:

Attn Tyler Donnelo

TOD

RECEIVED

✓ AUG 04 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

✓ FR:

Jason and Tina Potestio

41305 Olson Rd

Avondale, CO 81022

Division of Reclamation, Mining and Safety

1313 Sherman Street, Room 215

Denver, CO 80203

✓ M-2016-009
Comments Received
Objection letter

To Whom It May Concern,

The rural community is not in support of the proposed Pueblo County Aggregate Project. The main reason we are not in support of this is because of its environmental impact. We are a farming and ranching community and rely on our environment for our livelihoods. In a case study done in New Mexico in 2004 it was shown that the primary impacts of aggregate, stone, and industrial mines are degraded air quality, disturbed areas on the mine and groundwater usage. Surface and groundwater impacts related to mining have a large impact on our farming and ranching operations. There is often a large amount of sediment left in the water around these stone and aggregate mines. This causes significant degradation to the water supplies. We rely on both irrigation from ditch water shares, rain and groundwater for our crops to flourish. Our livestock rely on the ponds, streams, and aquaducts for their drinking water. Poor water quality leads to poor crops, poor health in our livestock, which in turn affects our way of living. Other impacts on the environment are increased traffic on new or existing roads. Heavy materials being hauled in and out at a very constant rate causes breakdown on these roadways. This also causes aesthetic degradation caused by both active and abandoned mines. This has a trickle-down effect of lowering the real estate value of our properties. Let's face it people move to the country to see the country, not to see a hole in the ground that has been stripped of its minerals and forestation. Very few of these mines become reclaimed or re-vegetated after they have been used up and abandoned. It is often the promise to the people in these areas that the gravel pits will be reclaimed and that is meant to put our minds at ease, however, if you take a drive across any rural community in the US that has had a mining operation you can see that this is rarely the case. Natural re-forestation may occur in some of these places once the groundwater has had time to return to quality enough to grow vegetation again, but this does nothing to fill in the large open areas remaining of the pits. Air quality is another issue with these operations. It is often regulated that the air quality only be tested once every 7 days, which would mean that the air quality at any given mine is only tested 14% of the time it is operating. Mines can often choose what days they want to do this testing, which means they can avoid windy days and can test on calm days when the quality will rate higher due to the particulates settling to the ground.

To summarize the many reasons we are not in support, I have put together a list of the negative impacts related to aggregate mining.

- Increased dust/diesel fumes on the haul road in and out of the mine
- Dust from non-compliant crushing operations
- Dust and sediment from the piles of gravel and sand at the site

- Increased traffic and air pollution from the increase in vehicles on the rural roads
- Increased in disturbed or claimed farm land related to construction at the site
- Increased sediment and air pollution even after the mines are abandoned until they are eventually reclaimed or natural re-vegetation occurs
- Poor water quality due to sediment and pollution and usage of our groundwater resources.

In the big scheme of things these may seem like small problems for a large mining company, however to a small farming/ranching community these effects can be life changing.

Thank you for taking the time to read our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tina Potestio', written over a horizontal line.

Tina Potestio

FAX

Date 08/04/2016

Number of pages including cover sheet: 3

To:

Phone

Fax Phone +1 (303) 8328106

From:

Kristi Craig

All Seasons Dental, Inc

2208 Thatcher Ave

Pueblo

CO

81004

Phone 17195453838

Fax Phone (719) 545-0255

REMARKS:

Attn Tyler Donnelo

August 1, 2016

RECEIVED

✓ AUG 04 2016

**DIVISION OF RECLAMATION
MINING AND SAFETY**

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

RE: Fremont Paving & Redi-Mix
Permit# M2016009 ✓

Comments Received
Opposition letter

I have just learned of Fremont Paving & Ready Mix intention of mining gravel on the Badger Hill project. I want to go on record of OPPOSING this project.

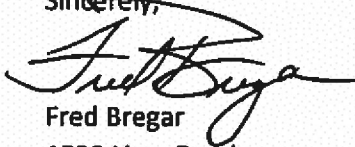
I own 620 acres that borders the state land south of Badger Hill, east of 44th lane to Fields Rd. in Avondale, Colorado. I have leased the Huerfano Lake Ranch, south of Badger Hill, adjoining my land for 14 years for cattle grazing. Even through the drought, this property up to the state land was able to sustain 75 head of cattle.

I am greatly concerned the impact this proposed project will have both on my grazing land and on my cattle. For years we have had problems with strong wind and blowing dirt in this area. This project will compound the problem even worse. Land that was once grassland now where people have overgrazed their "40 acres" causing further blowing dirt and spread of weeds is an example of what happens when this soil is disturbed without irrigation. Many have tried to plant grass but have found it takes years for it to be reestablished.

The health of my cattle is of utmost important to me. Cattle are very susceptible to dust pneumonia. With the winds and blowing dirt, my cattle are at risk. This is my livelihood. I do not feel after all these years I should have to relocate due to the state allowing gravel mining on land next to me.

I am OPPOSED to this permit being issued.

Sincerely,



Fred Bregar
1530 Lime Road
Pueblo, Colorado 81006

Xc: Pueblo County Commissioners

Fred Bregar
1530 Lime Road
Pueblo, CO 81002

RECEIVED

AUG 03 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

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



Flat Rate Envelope

Apply Priority Mail Postage Here

TRUCK



USPS TRACKING NUMBER

Expected Delivery Day: 08/03/2016

9505 5104 7362 6215 0140 46



1006



80203

U.S. POSTAGE
PAID
PUEBLO, CO
81008
AUG 02 16
AMOUNT

\$6.45

R2304W121698-14



AUG 04 2016

DIVISION OF REGULATION
MINING AND SAFETY

EP14H JAN 2011 Outer Dimension: 10 x 5

RECEIVED

July 31, 2016

✓AUG 04 2016

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

DIVISION OF RECLAMATION
MINING AND SAFETY

RE: Fremont Paving & Redi-Mix
Permit # M2016009 ✓

Comments Received
Opposition letter

We have just learned about the Badger Hill gravel mining project. We want to go on record as **OPPOSING THIS PROJECT.**

We own the Huerfano Lake Ranch. Our ranch is cut into by Fields Road and we have 1000 acres directly south bordering the state land where Badger Hill (the 44th Lane Project) lies, which is approximately ¼ miles away. This thousand acres have some of the best cattle grazing on our ranch.

Our greatest concern is the fragile soil that is in our area. You may have many reports from officials but unless you have lived in this area for 70 years like I have, you have no idea of dirt storms. We have been in a drought for many years now and still this year as usual the rain continues to go around us. The winds are strong out here, frequently 50 to 70 miles an hour, and blows almost every day, mostly from the north, northwest, occasionally east and south. We are burning up out here. We have had problems with 40 acre parcels being overgrazed and then dirt blows burying grass land, fences, etc.. When CIG put their gas line through this area and re-vegetated it according to plan, the dirt blew causing blackouts. It was on more than one occasion that we had to stop on 40th Lane because the dirt was blowing so bad we couldn't see.

Now Fremont Paving and Redi-Mix wants to excavate 40 acres at a time plus heavy truck traffic within a short distance of our grazing land. The wind blowing dirt will impact our grazing land plus cause problems for the cattle. It should be further noted that surrounding this 1400 acre parcel are homes almost every 40 acres located near this project that will be impacted also and most residents are unaware this gravel project is happening. Conveniently Fremont Paving and Redi-Mix posted the notices by the power lines leading everyone to believe it was regarding the power lines.

Another issue is on occasion we get heavy rains. The water drains quickly off state ground carrying sediment through our north pasture, flooding Fields Road, settling in our south pasture, and into the Huerfano Lake which we have kept as a wild life and bird sanctuary for the past 20 years, no hunting. What impact will this have on our pasture and the Huerfano Lake? You may want to contact Pueblo Road and Bridges regarding the water issues on Field Road.

WE OBJECT TO THIS PROJECT.

Michael + Velma Rinks
Michael and Velma Rinks
41901 Bush Rd.
Avondale, Colorado 81022
719-948-3977

Xc: Pueblo County Commissioners

Huerfano Lake Ranch
41901 Bush Road
Avondale, Colorado 81022

RECEIVED

AUG 03 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

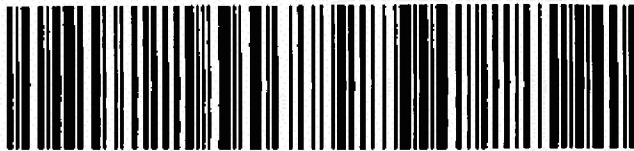
Division of Reclamation
Mining and Safety
1313 Sherman St., Room 215
Denver, Colorado 80203



Flat Rate Envelope

RVCE

Apply Priority Mail Postage Here



USPS TRACKING NUMBER

Expected Delivery Day: 08/03/2016

9505 5104 7362 6215 0140 46



80203



1006

U.S. POSTAGE
PAID
PUERTO RICO
51008
AUG 02, 16
AMOUNT

\$6.45

R2304W121688-14



AUG 04 2016

DIVISION OF REGULATION
MINING AND SAFETY

EP14H JAN 2011 Outer Dimension: 10 x 5

July 31, 2016

RECEIVED

✓ AUG 04 2016

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

**DIVISION OF RECLAMATION
MINING AND SAFETY**

RE: Fremont Paving & Redi-Mix
Permit # M2016009 ✓

Comments Received
Opposition letter

We have just learned about the Badger Hill gravel mining project. We want to go on record as opposing this project. Our property and homes are located south of Olsen Road at the end of 41 ½ Lane. The Bessemer Ditch is approximately 200 feet from our home. The proposed mining will include land directly across the Bessemer Ditch. We have lived quietly on this property for fifty years. Our son has built a home on this property also. We have enjoyed sitting on our porch watching the wildlife; antelope, occasional deer, fox, coyotes, etc. Now in our declining years, we have health problems.

If this project is approved, we will be impacted by 1) dust and pollution, 2) noise from equipment, trucks, etc. The impact on our lives will be great. We live here because of the solitude.

Nature is bad enough with the wind and dust without compounding it by disturbing the soil. The soil south of the Bessemer Ditch is very fragile. If disturbed it will cause dirt to blow. When CIG put the gas line through south of the Bessemer ditch, even though they "revegetated it", it caused dust black outs blowing through our yards. This continued for several years. The winds in this area shift directions constantly. This will impact our health greatly.

Now, after 50 years, we may be forced to move for health reasons due to the dust and noise pollution caused by excavation gravel in our back yard. Please stop this project.

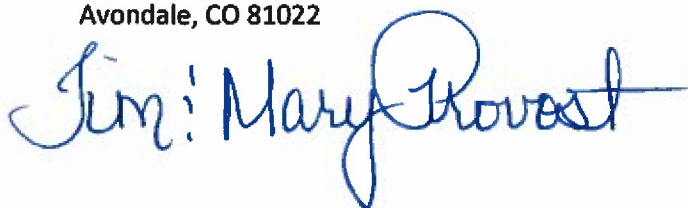
Sincerely,



Vesta and Melvin Provost
2227 41 ½ Lane
Avondale, CO 81022



Mary and Tim Provost
2227 41 ½ Lane
Avondale, CO 81022



Tom Provost
2227 41 ½ Lane
Avondale, CO 81022



V & M Provost
2227 41 1/2 Lane
Avondale, CO 81022

RECEIVED

AUG 03 2010

DIVISION OF RECLAMATION
MINING AND SAFETY

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



Flat Rate Envelope

Apply Priority Mail Postage Here

RVKE



USPS TRACKING NUMBER

Expected Delivery Day: 08/03/2016

9505 5104 7362 6215 0140 46



1006



80203

U.S. POSTAGE
PAID
PUERTO RICO
81000
AUG 02, 16
AMOUNT

\$6.45

R2304W121698-14



AUG 04 2016

DIVISION OF INVESTIGATION
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

EP14H JAN 2011 Outer Dimension: 10 x 5



STATE OF
COLORADO

O'Donnell - DNR, Tyler <tyler.odonnell@state.co.us>

Fwd: 44th Lane Project n Pueblo County

DRMS - DNR, DMGweb <dnr_dmg_web@state.co.us>
To: Tyler O'Donnell - DNR <tyler.odonnell@state.co.us>

Thu, Aug 4, 2016 at 2:50 PM

Thank you,
Johnie Abad
Division of Reclamation, Mining and Safety
303-866-3567 xt 8136

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

From: **Kim Wiley** <farmerswiley@gmail.com>
Date: Thu, Aug 4, 2016 at 12:36 PM
Subject: 44th Lane Project n Pueblo County
To: DMG_web@state.co.us

RECEIVED

AUG 04 2016

**DIVISION OF RECLAMATION
MINING AND SAFETY**

August 4, 2016

Division of Reclamation, Mining, and safety

1313 Sherman St., Room 215

Denver, CO, 80203

Dear Sirs/Madams,

We would like to express our strong opposition to the approval of 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.

Our family has farmed in this area for over 100 years. Our ability to produce high quality milk, meat, and produce is reliant on the quality of water and dependability of delivery of such by the Bessemer Irrigation Ditch Company. This ditch allows food production on some of the most fertile soils in the Western U.S. by a community of multi-generation family farmers.

The continued viability of our farms is threatened by the proposed gravel mine, which is located at the top of the Green drainage above the Bessemer. The mine would drain storm water, sand, and contaminants into the ditch causing excess flooding and damage to the canal, as well as, our farms below it. An interruption of water delivery to our farms at critical periods would cause millions of dollars in crop losses.

The proposed gravel mine is incompatible with the high value crop production in the area and does not follow our Pueblo County Comprehensive Plan. If approved, this mine will make it more difficult for our sons to continue farming into the future!

We respectfully request that you deny this permit, as the potential for damage to our community far outweighs the value of the gravel.

Doug and Kim Wiley
Larga Vista Ranch

--

Doug and Kim Wiley
Larga Vista Ranch
719-947-0982
www.largavistaranch.com
facebook.com/LargaVistaRanch

Celebrating Larga Vista's 100th year!!