



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

August 23, 2016

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

**RE: Sixth 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, email received August 4, 2016, letter received August 16, 2016, signed by: Doug and Kim Wiley

Please find the enclosed copy of the written objection identified above as item 25; this is the hard copy of the original email received August 4, 2016. 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: 25. Objection Letter from Larga Vista Ranch, received August 16, 2016

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

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

TOD
WHE

August 4, 2016

T. Division of Reclamation, Mining, and safety

1313 Sherman St., Room 215

Denver, CO, 80203

M-2016-009

RECEIVED

AUG 16 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

Dear Sirs/Madams,

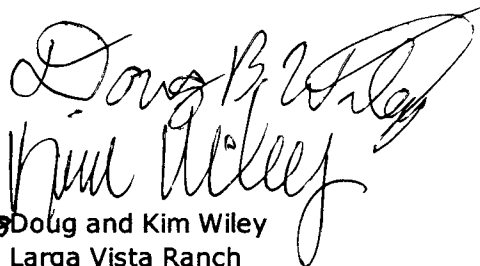
We would like to express our strong opposition to the approval of the proposed gravel pit known as the 44th Lane Project at or near Section 19, Township 21 South, Range 62 West, 6th Prime Meridian in the town of Avondale in Pueblo County.

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 Irrigating 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.



F → Doug and Kim Wiley
Larga Vista Ranch
53505 Olson Road
Boone, CO 81025

To: farmerswiley@gmail.com

Cc: Tyler O'Donnell <tyler.odonnell@state.co.us>, Johnie Abad - DNR <johnie.a.abad@state.co.us>, Tony Waldron - DNR <tony.waldron@state.co.us>

Dear Doug and Kim Wiley:

On August 4, the Division of Reclamation, Mining and Safety received your email. Please note the Division considers email to be informal communication and the receipt of your email might not constitute an official objection to the application. Pursuant to Construction Materials Rule 1.7.1(2)(a), written comments, protests and/or petitions must contain the name, mailing address and phone number of the interested party. Your email communication did not provide a mailing address, a requirement under Rule 1.7.1(2)(a) for official objections. Therefore, please follow-up your email with official correspondence, reiterating your concerns stated in your email, providing the information required under Rule 1.7.1(2)(a), and bearing your signature(s). In your official correspondence, please include a copy of this email train, as reference of the date of receipt of your original email.

The Construction Materials Act and Rules are available through the Division's web site at <http://mining.state.co.us>, and specifically at the following links:

- **Construction Materials Act** at <http://mining.state.co.us/SiteCollectionDocuments/Title%2034%20Article%2032.5%20Certified%202015.pdf>
- **Construction Materials Rules** at <http://mining.state.co.us/SiteCollectionDocuments/Revised-ConstrMatadoptedAug92006indexed.pdf>

The Division will process your email as an objection to the application but as explained above, your email does not satisfy the requirements of Rule and as such may be disqualified. Therefore, if you desire to be counted as an official objector to the application and secure party status in these legal proceedings, please submit an official correspondence, clarifying how you are aggrieved by the proposed mining operations and entitled to legal protection under the Act (see Construction Materials Rule 1.1(34.1)), and providing the information required under Rule 1.7.1(2)(a), and bearing your signature(s).

Please contact me or staff member Tyler O'Donnell if you have additional questions, our contact information is provided below.

Wally Erickson

[Quoted text hidden]

—
Tyler O'Donnell

Environmental Protection Specialist II



COLORADO

Division of Reclamation,
Mining and Safety

Colorado Department of Natural Resources

P 303.866.3567 x 8131 | F 303.832.8106 | C 303.319.5842

1313 Sherman Street, Room 215, Denver, CO 80203

Tyler.ODonnell@state.co.us | <http://mining.state.co.us>

—
Wally Erickson

Senior Environmental Protection Specialist



COLORADO

Division of Reclamation,
Mining and Safety

Colorado Department of Natural Resources

P 303.866.3567 ext. 8176 | F 303.832.8106

1313 Sherman Street, Room 215, Denver, Colorado 80203

wally.erickson@state.co.us | <http://mining.state.co.us>



Kim Wiley <farmerswiley@gmail.com>

44th Lane Project n Pueblo County

2 messages

Kim Wiley <farmerswiley@gmail.com>

Thu, Aug 4, 2016 at 12:36 PM

To: DMG_web@state.co.us

August 4, 2016

Division of Reclamation, Mining, and safety

1313 Sherman St., Room 215

Denver, CO, 80203

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Doug and Kim Wiley
Larga Vista Ranch

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

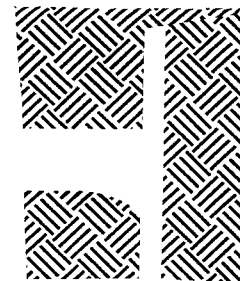
Celebrating Larga Vista's 100th year!!

Erickson - DNR, Wally <wally.erickson@state.co.us>

Thu, Aug 4, 2016 at 6:45 PM



1600 0422360208



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AUG 16 2016

DIVISION OF RECLAMATION
MINING AND SAFETY

Wally Erickson
Colorado Div. of Reclamation
1313 Sherman St., Room 215
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