



Transit Mix application M2017049

1 message

Martin Harper <martin@harpercpa.com>
To: amy.eschberger@state.co.us

Thu, Dec 7, 2017 at 10:37 AM

Letter of objection attached <<...>>

Martin Harper, PC

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

December 6, 2017

Re: Objection to Transit Mix 112c Reclamation Permit Application M-2017-049

Dear Amy:

The Division should cease processing Transit Mix's permit application referenced above. Transit Mix's original application was denied by the Division's board. That application is still under judicial review. Until there is a final decision on the original application, it presents an undue burden on the State and opponents of the original application to begin the process of a new application. There is no provision in the Mineral Rules and Regulations which allows two applications for the same property to be active at the same time.

Additionally, the application should not have been accepted by the Division because Transit Mix has not provided documentation of a legal right to enter as required by Construction Materials Rule 6. During the hearing for the original license application, Transit Mix was instructed that the Division would not have the authority to determine legal right to enter in regard to the dominant easement of property owners adjacent to the permit; that matter has to be determined in court. Processing a new application when this issue has not been decided presents an undue burden on objectors as well as the State. At the very least staff should recommend denial of the application in accordance with Rule 1.4.9(2)(c).

Transit Mix has mounted a rather disingenuous campaign to feign public support for the project. The bulk of the "letters of support" of the application consist of the same form letter from the "Transit Mix Family" (i.e. employees). The letters (some unsigned) seem to have been run through Transit Mix's postage meter, so these "supporters" have no investment in the project, not even the cost of a postage stamp. Transit Mix has not claimed that jobs are in jeopardy if the quarry is not approved. Letters from Colorado State Representatives and a Colorado Springs City Councilman were all mailed in envelopes with the return address of Transit Mix's public relations firm, Cole Communications. The Division should disregard "support" of the project from these sources. There are dozens of objectors who actually know the issues and have legitimate concerns; these "supporters" are spurious and do not address any of the issues before the Division.

All of the above is not to say there are not additional legitimate concerns about environmental issues, noise, pollution, wildlife, water, and traffic, which the Division was sufficiently concerned about to deny the first application. Transit Mix made their ultimate plans known in their original application which was denied. The current application is a foot in the door, should this application be approved they will likely apply to expand the quarry to the original parameters.

Sincerely,



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