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## Turkey Canon Ranch Homeowners Association (TCRHOA)

1 message

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**CHRIS & KRISTINE** <KAYCEEBEE@msn.com>

Tue, Dec 12, 2017 at 11:20 AM

To: "amy.eschberger@state.co.us" <amy.eschberger@state.co.us>

Cc: "bwright@fwflegal.com" <bwright@fwflegal.com>, "wnb533@aol.com" <wnb533@aol.com>

Dear Ms Eschberger,

It has come to our attention that our letter of October 10, 2017, responding to the Transit Mix Mining Application (Permit File M2017049), has been recorded by your office as a 'letter of comment'. Perhaps we misunderstood your processes, but we wish to state clearly our Association's absolute objection to the current Application.

Accordingly, we have attached a revised letter that needs to be recorded as a 'letter of objection'. Please let me know that you have received this email and if you need any further clarification on this matter.

Yours Sincerely,  
C. M. Burnell  
President TCRHOA



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Turkey Canon Ranch Homeowners Association  
15440 Henry Ride Heights  
Colorado Springs  
CO 80926

December 12, 2017

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

Dear Ms. Eschberger,

On the 25th September, 2017, a notice was posted on the Hitch Rack Ranch property by Transit Mix Concrete Company informing the public that an application for a Reclamation Permit has been filed with the Colorado Mined Land Reclamation Board (CMLRB). As per the notice, any public comments are to be submitted to the Division of Reclamation, Mining and Safety by October 31, 2017. The Division has now subsequently recorded the application as Permit File M2017049.

This letter constitutes the public comment response and objection from the Turkey Canon Ranch Homeowners Association (TCRHOA).

We are an association of thirty two members who own significant property acreage (approx 1800 acres) along the Front Range, some 2-3 miles to the South of the proposed mining site. We are hosts to an existing mining operation (Menzer Quarry) that utilizes our private roads and infrastructure. Our relationship with the Schmidt Construction Company, that runs the site, has always been amicable and mutually beneficial. We believe that this illustrates that we are in no way anti-mining.

The intent of this letter is to convey our objection to the overall Application and our concerns for issues that we believe will arise from a new mining operation in such close proximity to our properties and those of our neighbors.

As we now understand it, the purpose of the CMLRB is to support the interests of mining corporations to responsibly mine Colorado resources. By imposing safety rules, operating regulations and setting guidelines for reclamation, the CMLRB can endorse any mining application that meets its narrow requirements. Therefore, we acknowledge that our concerns over traffic noise/volume/safety, reduced property values, potential health issues and unsightly scarring are of no interest to you and that they should be left to our County officials to address.

However, we still have concerns that should be considered by the CMLRB.

Firstly, there still exists a legal right of way issue pertaining to the Eagles Nest properties above and to the North of the proposed mining site. The property owners affected are being forced to fight their case in the County courts at considerable expense. Until resolved, we are in total support of their rights to access their properties at any time they see fit to do so. The CLMRB should not proceed with any application approval until this matter is closed.

Secondly, the matter of water contamination and loss in the vicinity of the proposed site is of considerable concern to our neighbors in the Little Turkey Creek and Red Rock Valley areas. As fresh water is such an important aspect of our mountain living, with many of us are entirely dependent upon the fractured underground system, we are totally in support of our neighbors demands for absolute certainty that their water supply will not be affected. If there is any doubt, the CMLRB should not approve this application.

Thirdly, the environmental impacts of the proposed mining operation will be severe. The surrounding area is one of the few remaining Front Range access corridors for wildlife moving between the mountains and the plains. It also contains numerous vegetation types that cannot be easily replaced. It is not coincidence that the lands immediately adjacent to the Hitch Rick Ranch property, upon which the mining site will be situated, are controlled by the Bureau of Land Management, the Nature Conservancy and the Ingersoll Trust/El Pomar Foundation. These reputable organizations, along with the Audubon Society, are all apparently against this application. Even the County of El Paso has already recommended that the lands be designated as a conservation area. We find it unacceptable that a mining company, already with the reputation for failure to adequately reclaim their existing Front Range mines, could be granted the approval to destroy another environment.

Lastly, there are two points of interest that should also be noted. As residents of the State of Colorado, we object to the notion put forward that this application is about the rights of a Colorado company to pursue its normal business interests. Transit Mix is a subsidiary of an out of state entity, the Continental Materials Corporation of Chicago, Illinois. Transit Mix has also stated that there is no viable alternative to the proposed mining site. This is questionable. We are aware of other nearby mining sites, including our own Menzer Quarry, that can easily provide sufficient material, albeit at cost of extraction. Other options include rail delivery of material directly to the Transit Mix current city location. This is a viable alternative that is already practiced by their competitors. Multiple other business solutions are available but are apparently not being seriously considered.

Our association again stresses that we are not against mining and we do recognize the need for reasonable business growth. However, the circumstances of this application for mining are not conducive to this community area. Apart from the mining site, it is now highly likely that Transit Mix will attempt to follow any approval of this application with a request to rezone adjacent property to allow the move of their Batch Plant from North Nevada Avenue in Colorado Springs. This will result in even more environmental issues which will have to be addressed at the County level. The potential for disaster is too high to be ignored and will be irrecoverable, if realized.

We, the TCRHOA, strongly object to the revised Transit Mix Application (Permit File M2017049) and recommend that the CMLRB again deny it.

Sincerely,

C.M. Burnell, President