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## Letter of Objection Transit Mix 112c Reclamation Permit Application No. M2017-49

1 message

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**Sara Harper** <sara@harpercpa.com>  
To: amy.eschberger@state.co.us

Tue, Dec 19, 2017 at 10:35 AM

Amy,

Attached is my Letter of Objection, Transit Mix 112c Reclamation Permit Application No. M2017-49.

Thank you, Sara Harper




3 East Ramona Avenue  
Colorado Springs CO 80905  
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December 15, 2017

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

RE: LETTER OF OBJECTION - Transit Mix 112c Reclamation Permit Application No. M2017-049

Ms. Eschberger,

I object to Transit Mix 112c Reclamation Permit Application No. M2017-049. The proposed Hitch Rack Ranch Quarry proposes to place a large-scale, industrial aggregate mining development into an existing neighborhood zoned A5 Agricultural, and block access to their homes during blasting for up to one and a half hours, three times per week for the next 30+ years.

The destruction inside a quarry site is extensive - blasting, drilling, silica dust flumes, fly-rock, rock crushing, equipment diesel leaks/contamination, and the rumblings of heavy equipment across the landscape. This is in stark contrast to an area of unparalleled natural beauty, abundant wildlife, wildlife habitats, and wildlife migratory trails known as the Hitch Rack Ranch and surrounding properties. We know the byproducts of quarry operations cannot be completely removed, only mitigated. That is why quarry development is the most highly contested type of development and why great care should be taken in choosing site locations and the need to balance impacts vs. need is ever important. Placement of quarries is acceptable in areas with minimal impacts because we all agree quarries are a necessary part of our modern-day lives. The Colorado Mined Land Reclamation Board (the "Board") exists to manage just that, and that is why the Board's decision to deny the first application concurred with our arguments; the applicants, Transit Mix, failed on several key issues, to demonstrate that it minimized the impacts to the area's wildlife, hydrological balance, property rights, and easement rights, thus tipping the "economies of scale" out of balance, and therefore, not a suitable quarry site. The current application presents the same issues as the old application. The only difference is it is being disguised as "smaller thus less impacts". Once Transit Mix gets their foot in the door we will all be doing this again for the new application to expand.

The proposed quarry will directly threaten and negatively impact the historic Hitch Rack Ranch and most notably, the Aiken Canyon Preserve's 1,600 acres, the Beaver Creek Wilderness study area, and the Ingersoll Ranch. The Aiken Canyon Preserve is protected by the Nature Conservancy due to its high-quality foothills ecosystem. This rare combination of plant and wildlife lead to the Colorado Natural Heritage Program to deem the Aiken Canyon Preserve as "B2 Significance". The abutting and surrounding area of the quarry is not the only affected area, quarry impacts do not stay within the quarry site, they drive off the site with the trucks, winds blow the silica for miles, and sound reverberates throughout the canyon for miles, water contamination seeps through to Little Turkey Creek and beyond.

As a neighborhood, we depend solely on wells for our water supply. Our wells are part of a "fractured water system", in simple terms, this means that blasting and drilling is detrimental because these fractures are permanently disrupted during the blasting, drilling, and dirt/rock removal process, thus potentially destroying our water supply permanently - forever. There is substantial, scientific evidence to support this claim. This was presented at the first hearing and the Board concurred, nothing about this application minimizes the threat to our water supply, or the threat to Little Turkey Creek contamination from runoff, or spilled contaminants. Any drop in our water table could be detrimental to our water supply.

Before the Colorado Division of Reclamation, Mining and Safety (the "CDRMS") wastes man-hours, resources, and taxpayer money, or wastes the resources of the objectors, the *Right of Entry* needs to be proven by the applicant. The Dominant Easement holder is superior to all other "easements, leases, etc." All of the above objections to this application are a moot point, the applicant does not have the legal right to enter; therefore, the CDRMS should **not** recommend Permit Application No. M2017-049 for approval. The *Right of Entry* should be resolved immediately and before we are dragged through any more unnecessary motions, filings, applications, or reviews.

Sincerely,



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