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## Objection Letter for Permit Number M-2017-049

1 message

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**Jerry P Moore** <jerrypaulmoore@icloud.com>

Wed, Dec 20, 2017 at 3:17 PM

To: Amy Eschberger <amy.eschberger@state.co.us>

Cc: Jerry & Karen Moore <jerrypaulmoore@icloud.com>

Amy,

Attached please find my objection letter for Permit M2017049. Please send confirmation you have received this document.

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**Objection Letter Permit Number M-2017-049.docx**

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**Objections to Permitting Hitch Rack Ranch Quarry  
Permit Number M-2017-049**

TO: Ms. Amy Eschberger Lead Specialist  
Colorado Division Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

FROM: Jerry P. Moore  
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I object to the approval of the application for Permit Number M2017049 for Hitch Rack Ranch Quarry. The application fails to address easement rights of property owners along Little Turkey Creek Road, fails to protect water resources, and fails to protect existing wildlife habitat. I will expand on each of these issues below.

**Legal Right of Entry to Initiate Mining Operations**

The primary objection to this application is that Transit Mix has not and cannot show it has legal right to obstruct and realign an access easement owned by Ms. Kimble and others. The Board denied Transit Mix's first application in part because Transit Mix failed to meet its burden to demonstrate that it has obtained the legal right of entry to initiate mining operations on the Little Turkey Creek Road.

In the previous hearing a letter provided by Assistant Attorney General Scott Shultz stated that "DRMS does not have the jurisdictional authority to adjudicate private property rights". A condition for approval of the application would be to obtain (1) a declaratory judgment order from El Paso County District Court or a legally binding agreement with all owners of Little Turkey Creek Road (2) Modify application to where terms of application do not violate easement.

Transit Mix has clearly failed to meet any of the required conditions to prove that they have obtained the legal right of entry to initiate mining operations on the Little Turkey Creek Road.

This is my number one objection to this permit. Large amounts of citizen dollars were spent in opposing this quarry and larger amounts of taxpayer dollars were spent in the approval process. It did not make logical or financial sense then to start the public process before resolving the issue of legal right of entry. It makes even less sense to consider a second permit application when the original issue has not been resolved.

## **Minimize Disturbances to the Prevailing Hydrologic Balance**

I also object to approval of this permit because quarry operations will in all likelihood significantly disturb the hydrologic balance of the area.

To better understand the existing hydrologic balance, one of the sources of hydrologic and geologic information would be a study of the surface geology and geomorphology. It is difficult to know if anything of significance could be learned with an independent “boots on the ground” analysis of the Transit Mix lease since those opposed to the quarry have been refused access to the property. It seems extremely unreasonable not to allow residents who might be damaged by the quarry to have access to the same information as those applying for the permit.

### **Ground Water**

The only source of household/domestic water in the area is from water wells. The primary aquifer is the Pikes Peak Granite, which produces from fractures in the crystalline rock. The fragility of this hydrologic/geologic system was demonstrated when the NORAD complex was constructed. Located in the same formations and structural and stratigraphic setting as Little Turkey Creek, the granite removal in the NORAD construction stopped the surface and ground water recharge supply to the JL Ranch down gradient. This example demonstrates that an operation involving removal of large amounts of granite from a fractured system can permanently prevent surface and ground waters from reaching surrounding landowners. This would seem to be more than a “**de minimis**” disturbance of the hydrologic balance.

Because of the complex structural geologic setting and the characteristics of the aquifer system, a quarry operation at this location has a significant possibility of disrupting or diverting ground water and surface water. If this happens it is impossible to predict the extent that it would impact the surrounding domestic water wells.

### **Factors Making Aggregate Mining Impact on Hydrologic Balance Impossible to Predict with Accuracy**

#### Aquifer Properties

- Pikes Peak Granite is the primary source of ground water
- The granite is a very fragile and low productive Aquifer
- All Porosity and Permeability result from and are controlled by fracturing
- Precipitation collected in the upper elevations is conducted down gradient in a system of connected fractures in the canyon walls and canyon floor
- Alluvial gravel deposited on the fractured granite surface provides hydraulic

- connections for ground water and surface water
- More than 1.2 billion years of tectonic activity has created a hydraulic fracture system network that is too complex to interpret or predict water movement
  - Many factors **required** to understand how groundwater is stored or transmitted are undeterminable in this area

### Geologic Setting

- Groundwater flowing down gradient MUST cross the intersection of the UTE Thrust Fault Zone, highly faulted/fractured Zones in Little Turkey Creek
- After flowing through this conduit of faults/fractures, the recharge water will be distributed into the alluvial gravels and the Manitou/Fountain Formations
- The Paleozoic rocks' permeability and porosity have been enhanced by unevenly distributed localized faults/fractures
- Because of the billion-plus years of missing rock (unconformity) the fault/fracture recharge conduit may not directly coincide with the surface drainage that is being influenced by surface topography
- Orientation and quantification of the fracture/fault systems will be difficult because of the variable tectonic forces involved over this extreme time period

### Interpretation of Hydrologic System with Existing Data

Hydro-Logic Solutions, Inc. and Transit Mix have stated that they do not anticipate any impacts beyond "de minimis" impacts. Seven monitoring wells were drilled to collect data used to construct the potentiometric surface contour map. With this limited number of control points the map in figure G-6 is only one of MANY valid interpretations that could be drawn.

The numerical model that was generated to predict the changes to the hydrologic balance was based on optimistic estimations of many unknowable parameters. The model parameterization values were not provided in the application and they are essential to determining the validity of the model. It appears that other sources of hydrologic /geologic information were not incorporated in the analysis. If the database of information used to build the model is not adequate to estimate the parameters in the numerical model with sufficient precision, the usefulness of this model to make important decisions is VERY limited.

As the computer scientists say , "GIGO"- garbage in garbage out.

### **Surface Water**

Surface waters and creek flow will be affected by quarry operations.

The concept of “capturing “ water by quarry operations and “returning “ it to the creek is very problematic. Considering the fracture connection of surface water in Little Turkey Creek with the subsurface waters, interception of one could dramatically alter the other.

Implementing sediment control without being able to accurately predict what vegetation removal by mining operations will do to sediment runoff volume could cause serious disruption of subsurface water well recharge. Interception of subsurface water flow could negatively alter amount of water available to the creek and available to wildlife.

### **Wildlife**

I object to the approval of this permit because inserting the quarry in an area which currently provides a large contiguous migration path and riparian habitat would be extremely detrimental to the well-being of many species unique to this area.

### **Summary**

The permit application wants to place the quarry in an area which already has limited precipitation and limited water resources. We are also in a time when dramatic climate change presents very serious risk to the area’s animal and human residents .

It is extremely difficult to believe that the “**de minimis**” impact postulated by Transit Mix will be valid throughout the projected 44 years of mining.

If Transit Mix is wrong, the loss of water supply will be as seen at NORAD -- PERMANENT.

Signed Jerry P Moore

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