



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

April 3, 2018

**RE: Recommendation to Approve a 112c Permit Application with Objections,
Transit Mix Concrete Co., Hitch Rack Ranch Quarry, File No. M-2017-049**

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) hereby issues its recommendation for approval of the 112c permit application (Application) for the Hitch Rack Ranch Quarry, File No. M-2017-049, submitted by Transit Mix Concrete Co. (Applicant).

This recommendation is based on the Division's determination that the Application satisfied the requirements of Section 34-32.5-115(4) of the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 *et seq.*, C.R.S (Act). The Applicant addressed all adequacy issues which were identified by the Division during the adequacy review process to the Division's satisfaction. Therefore, on April 3, 2018, the Division determined the Application satisfied the requirements of C.R.S. 34-32.5-115(4) and issued its recommendation to approve the Application over objections. The Division's rationale for approval (Rationale) identifies the jurisdictional issues raised by objecting parties and commenting agencies, and groups them into the following seven broad categories:

- 1) Hydrology (including concerns regarding impacts to groundwater and surface water quantity and quality)
- 2) Wildlife (including concerns regarding impacts to wildlife, wildlife habitat, migratory paths, and wildlife diversity, uniqueness of the area, and the area's conservation/preservation potential)
- 3) Little Turkey Creek Road (including concerns regarding the Applicant's failure to protect easement rights and demonstrate legal right of entry, access on the road, and potential impacts to the road)
- 4) Reclamation Plan (including concerns regarding adequacy of the reclamation plan, and reclamation of the Applicant's other permitted mine sites)
- 5) Blasting (including concerns regarding blasting, and potential for adverse impact to man-made structures and public safety from the use of explosives)
- 6) Geotechnical Stability (including concerns regarding the stability of stockpiles and pit highwalls)
- 7) Application/Permitting Details (including various concerns regarding application procedures and details of the permit application)

The Division's Rationale provides a full and thorough analysis of the above mentioned seven broad categorical issues raised by objecting parties. A copy of the Division's unabridged Rationale is available for public review on the Division's website at www.mining.state.co.us, by clicking on the "Hitch Rack Ranch Quarry" weblink from the homepage. The Division's Rationale is also available through the



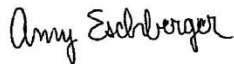
Laserfiche system (Permit No. M-2017-049), which can be accessed from the Division's website via the "Imaged Document Data" link under "Reports and Data".

The Division's recommendation to approve the Application is to the Colorado Mined Land Reclamation Board (Board). The Application with objections will be considered by the Board during a formal hearing, scheduled for the **April 25-26, 2018** Board meeting. This meeting will occur at Hotel Elegante Conference and Event Center, 2886 S. Circle Dr., Colorado Springs, CO 80906 (in the Summit Ballroom), beginning at 9:00 a.m. Pursuant to Rule 2.8.1(1) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules), any party who does not attend the Board hearing forfeits its party status and all associated rights and privileges.

A live audio broadcast of the formal Board hearing can be found at the Division's website at www.mining.state.co.us. Please be aware that the audio stream service may be temporarily unavailable or limited due to technical difficulties and bandwidth limitation, and could result in loss of audio signals or in the impairment of the quality of the transmission.

All parties and interested persons who intend to participate in the Board hearing are strongly encouraged to attend the Pre-hearing Conference. Pursuant to Rule 2.7.3(4), any party who does not attend the Pre-hearing Conference forfeits its party status and all associated rights and privileges, unless such party provides a fully executed proxy authorization form to the Pre-hearing Conference Officer and the party's authorized representative is present. The Pre-hearing Conference is scheduled to occur on **April 9, 2018**, at the Centennial Hall Auditorium at 200 South Cascade Avenue, Colorado Springs, Colorado 80903, beginning at 1:00 p.m., and terminating at or before 4:00 p.m. Mr. Jeff Graves will preside as the Pre-hearing Conference Officer. Copies of the Division's recommendation and unabridged Rationale will be available at the Pre-hearing Conference, and can also be picked up at the Division's Office.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Ec: Andre LaRoche, Transit Mix Concrete Co. at: andre_laroche@transitmix.com
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Division of Reclamation,
Mining and Safety

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

Date: April 3, 2018

**RE: Rationale for Recommendation to Approve a 112c Permit Application with Objections,
Transit Mix Concrete Co., Hitch Rack Ranch Quarry, File No. M-2017-049**

Introduction

Herein, all references to the Act and Rules refer to the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 *et seq.*, C.R.S. (Act), and to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (the Rules or Rule). Copy of the Act and Rules are available through the Division's web site at www.mining.state.co.us.

On April 3, 2018, the Division of Reclamation, Mining and Safety (Division or Office) issued its recommendation to approve, over objections, the permit application for the Hitch Rack Ranch Quarry, File No. M-2017-049 (Application). This document is intended to explain the process by which the Division arrived at its recommendation to approve the Application over objections, and respond to the issues raised by the objecting parties and commenting agencies. The Division reserves the right to further supplement, amend, modify, or clarify this document and recommendation with additional details as necessary.

Summary of the Review Process

Transit Mix Concrete Co. (Applicant) filed the Application with the Division on November 9, 2017. The Application describes a granite quarry operation with on-site processing of mined materials to include crushing, screening, washing, and production of aggregate products. The permit area includes 398.88 acres, with 239.03 acres to be affected by the operation. The quarry operation will develop one large excavation area with highwalls maintained at a benched configuration. The quarry operation will advance through six mining phases with reclamation of affected lands occurring concurrently as the operation progresses, thereby minimizing the extent of the unreclaimed disturbance. Given the nature of the phased mining plan with contemporaneous reclamation, the Division requires a financial warranty in the amount of \$3,549,294.00, to address the cost of reclamation through the development of the third mining phase. Affected lands will be reclaimed to support wildlife habitat post-mining land use.

Pursuant to Rule 1.4.1(7), the Division deemed the Application "complex", and extended the typical 90-day decision deadline by 60 days, from February 7, 2018, to April 8, 2018. A technical review team composed of five Environmental Protection Specialists with the Division reviewed the Application for adequacy.

Notice of the filing occurred in accordance with the requirements of the Act and Rules. The public comment period closed on December 21, 2017. During the comment period, the Division received 568 letters of objection, 155 letters of support, and agency comments from History Colorado, Office of Archaeology and



Historic Preservation, Colorado State Land Board, Colorado Division of Water Resources, and Colorado Division of Parks and Wildlife. A detailed list of all comment letters is included as Appendix A.

The Division forwarded copies of all timely comments to the Applicant, pursuant to Rule 1.7.1(3). The Division scheduled the Application for consideration by the Mined Land Reclamation Board (Board), to occur during the April 25-26, 2018 Board meeting, and a Pre-hearing Conference for April 9, 2018. The Division provided notice of the scheduled Board hearing and Pre-hearing Conference to all parties and interested persons in accordance with Rule 1.4.9(2)(b).

On February 26, 2018, the Division hosted an informal public meeting in Colorado Springs, during which the Division explained the application review process, issues under the Board's jurisdiction, party status, and the processes of the Pre-hearing Conference and formal Board hearing. Parties and interested persons were informed of the informal public meeting by written notice, provided on January 12, 2018. Approximately 70 people attended the informal meeting.

During the review period, the Division considered all comments received from the public and agencies, as listed in Appendix A. During the review period, the Division generated ten adequacy letters and/or review memorandums, enumerating all adequacy issues for the Application. The Applicant responded to the issues raised by the objecting parties and addressed all adequacy items to the Division's satisfaction. Therefore, on April 3, 2018, the Division determined the Application satisfied the requirements of C.R.S. 34-32.5-115(4) and issued its recommendation to approve the Application. On April 3, 2018, the Division forwarded a copy of its recommendation to all parties and interested persons in accordance with Rule 1.4.9(2)(c), and in accordance with the Board's Order regarding service of the rationale, made the rationale document available to the public through the Division's website.

Issues Raised by Objecting Parties and Commenting Agencies

The jurisdictional issues raised by objecting parties and commenting agencies have been grouped into seven broad categories, including, Hydrology, Wildlife, Little Turkey Creek Road, Reclamation Plan, Blasting, Geotechnical Stability, and Application/Permitting Details. The categories are listed below in bold font. Under each category, objector concerns are summarized in underlined text, with specific issues related to that subcategory listed afterward in italic font. The number of parties who raised a particular issue are indicated at the end of each issue. The Division's response follows the issue(s) in standard font.

1. Hydrology

A. Concerns regarding impacts to groundwater quantity and/or quality:

- 1) *The application fails to protect water resources for local residents. The proposed operation may damage the fragile aquifers that supply our already scarce water supply. (532) The application fails to adequately demonstrate that disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area will be minimized per C.R.S. 34-32.5-116(4)(h). (12) The proposed operation introduces significant unmitigated risk to the Red Rock Valley Estates Water District's ability to provide uninterrupted domestic use groundwater to their approximately 200 constituents. (28) The application fails to adequately demonstrate there will*



be no unauthorized release of pollutants to groundwater from any material mined, stored, or disposed of within the permit area, per C.R.S. 34-32.5-116(4)(d). (5) Ultimately, the burden and expense to prove the operator's actions damaged a well will be borne by the well owner. The operator would deny all responsibility should a well be impacted. As a homeowner, we would not be able financially to go against the operator and prove liability. The operator is causing all residents to bear risk to their water resources in order for the operator to expand their business into our existing communities. (4) Potential fuel spills or leaks, the use of herbicides to clear noxious weeds, and other contaminate runoff may impact wells located downstream. The Applicant has already been fined for intentionally contaminating water. (4) It only takes a tiny disruption in the delivery system to have a profound impact on nearby wells, as was demonstrated by the disruption of water supplied to wells on the nearby ranch during construction of NORAD. (1)

Pursuant to C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6(1)(a), the Application must demonstrate compliance with Colorado water laws and regulations governing injury to existing water rights. The Division of Water Resources (DWR) is the State authority for interpretation and enforcement of Colorado water laws and regulations governing injury to existing water rights. DWR reviewed the Application and provided its conditions for approval of the proposed mining operation. DWR determined a well permit and substitute water supply plan, or plan for augmentation, would be unnecessary given the incidental amount of water encountered during the mining process.

The Applicant commits to comply with all DWR requirements. The Application further demonstrates compliance with Rule 3.1.6(1)(a) by the following:

- The operation will purchase water from Colorado Springs Utilities and will not consume water from local and/or unauthorized resources;
- Any water encountered during the operation will be directed to Little Turkey Creek or returned to the groundwater system located within the permit area, immediately and without consumption;
- Stormwater control and detention structures will comply with DWR requirements; and
- Throughout the life of mine, the operation will consult with local Water Commissioners regarding any activity which might affect the flow of water to any stream and/or ditch.

The proposed quarry operation has been designed to minimize potential impacts, both to surface water and groundwater systems. Based on the planned mitigation measures, the Applicant does not anticipate any impacts beyond a *de minimis* impact to the prevailing hydrology or quality and quantity of surface water and groundwater systems at the proposed site and surrounding area.

The quarry excavation will occur south of and above Little Turkey Creek. The excavation will remain at least 100 feet from the creek, and at least 10 feet above the elevation of the creek. As the most active groundwater flow in the granitic rocks is located within the highly fractured zone underlying Little Turkey Creek, the proposed 100-foot horizontal and 10-foot vertical buffer from the creek reduces the potential for impacts to groundwater flow and creek flow in the area.



Local groundwater and surface water resources will not be utilized for operational or reclamation water usage. All water used by the operation will be purchased from Colorado Springs Utilities and trucked to the site. Any groundwater that seeps into the quarry and any stormwater that contacts disturbed areas will be collected and directed to sediment detention basins before being released into Little Turkey Creek. Little Turkey Creek is the ultimate discharge point for stormwater in the area. Any seeps that remain post-mining will flow to Little Turkey Creek via the reclaimed surface topography. From a water balance perspective, there will be no net loss to the water resources of the Little Turkey Creek watershed during active mining or post-mining periods.

All waters discharged from the site will be regulated by a National Pollutant Discharge Elimination System (NPDES) permit obtained from the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD). The discharge permit will have specific effluent limitations and monitoring requirements. Therefore, the Application demonstrates compliance with the requirements of Rule 3.1.6(1)(b) and C.R.S. 34-32.5-116(4)(h) regarding compliance with applicable federal and Colorado water quality laws and regulations.

There are no domestic or community groundwater wells located within the proposed affected lands, or within 600 feet of the proposed quarry area (DWR typically considers wells within 600 feet to be potentially impacted). The closest upstream domestic well is located approximately 1,400 feet west of the proposed quarry area, and is completed in the fractured granitic rocks in the valley bottom of Little Turkey Creek. All of the domestic water supply wells completed in the granitic rocks and west (upgradient) of the proposed quarry are proximal to the Little Turkey Creek fracture zone, and tend to be very low yielding. The proposed quarry operation will maintain a 100-foot horizontal and 10-foot vertical buffer above Little Turkey Creek, thereby avoiding the fracture zone and minimizing potential impacts to the existing hydrologic balance.

The closest downstream well is located approximately 2,500 feet from the proposed quarry area, and is completed in the sandstone strata located east of the East Fault Zone. This fault zone separates granitic rocks to the west from sedimentary rocks to the east, and alters groundwater flow between the separate and distinct geologic settings. Several water supply wells exist to the east (downgradient) of the East Fault Zone and produce water from the intergranular pores and secondary fracturing of the sandstone bedrock. Static groundwater levels on the sandstone side of the East Fault Zone vary from 70 feet to several hundred feet below surface. The proposed quarry will not mine the sandstone or alter the East Fault Zone, thereby minimizing potential impacts to the existing hydrologic balance.

During 2017, the Applicant conducted a drilling and multi-level groundwater monitoring program to further characterize the groundwater resources in the quarry area. Seven groundwater monitoring structures were installed to establish pre-mining groundwater conditions in the quarry area, and for long-term monitoring of groundwater conditions throughout the life of mine. Six of the installations were completed as monitoring wells with multiple completions in each boring. The seventh location was completed with vibrating wire piezometers to monitor groundwater pore pressures.

The groundwater monitoring systems are designed to measure potentiometric head (water levels) and water quality at multiple depths at each location. This data reflects groundwater conditions in the



vicinity of the monitoring installation and is not dependent on the interconnection of the monitoring installation with any specific fractures, but rather the fracture system as a whole. Groundwater flow within the south ridge, where the quarry will be located, occurs through a network of tight fractures within the granite bedrock. The fracture system within the granite bedrock of the south ridge is ubiquitous, and exhibits low transmissivity due to the tight nature and narrow aperture of the fractures. The characterization of low bulk transmissivity is supported by multiple lines of evidence.

Exhibit G of the Application includes a Hydrogeology and Impact Analysis for the site, prepared by Hydro-Logic Solutions, Inc. This report describes the climatological, hydrologic, and geologic setting of the site. The report also details the hydrogeology of the site, including groundwater level information, potentiometric distribution and hydraulic gradients, influence of fault zones, groundwater recharge and discharge, hydraulic parameters, and groundwater chemistry based on site specific data and currently available information. The report includes a groundwater impact analysis based on modeled projections of mine inflow and potentiometric drawdown, describes the modeled impacts which might occur to domestic and community wells, and discusses any potential impacts from blasting activities.

The Hydrogeology and Impact Analysis modeling projects groundwater seepage into the quarry ranging from 20 gallons per minute (gpm) to 50 gpm for the majority of the mine life, with a maximum of approximately 100 gpm during Phase 4 of mining operations. Projected seepage into the reclaimed quarry will decline over time and return to steady state conditions at around 20 gpm – roughly equal to pre-mining inflow. This inflow will gravity drain to Little Turkey Creek via a constructed channel to ensure water will not accumulate in the final quarry configuration.

Projections of post-mining, long-term seepage rates indicate the 20 gpm of groundwater from the proposed quarry area will be routed to the creek via the reclaimed mine drainage system. The projections demonstrate that mine impacts to the groundwater system will be minimized and there will be no net loss of flow to Little Turkey Creek.

The modeling provided in the Application indicates the mine operation will intercept minor groundwater flows, located in the highlands south of Little Turkey Creek, which may result in a localized drawdown of potentiometric levels in the fractured granite. Due to the low hydraulic conductivity of the fractured rock, the extent of the drawdown is limited to the quarry area and to a small area west of the permit boundary. The model indicates a possible drawdown of 1 to 5 feet at well permit numbers 173310, 185992, and 185659, located within ½ mile of the west permit boundary and south of Little Turkey Creek. The Application indicates this potential drawdown would have a negligible impact on productivity of the domestic supply wells identified. The modeling predicts no potential impacts to wells located north of Little Turkey Creek and/or east of the East Fault Zone. Community wells are located outside of the Little Turkey Creek watershed and will not be impacted by the mine operation.

The quarry will be developed within a deposit of inert granitic rock. No acid-forming or toxic-producing materials were identified during the exploratory drilling and sampling program. No designated chemicals will be used or stored on site. Therefore, no release of pollutants to groundwater



is expected. Regardless, as detailed below, the Applicant provides a robust groundwater monitoring program that not only characterizes the pre-mining hydrologic resources, but will verify protection of the hydrologic resources throughout the life of mine.

The Application includes a groundwater monitoring plan sufficient to characterize pre-mining water quantity and quality, and for continued monitoring through life of mine. The groundwater monitoring plan includes the six groundwater monitoring wells and one piezometer, as discussed above, which were installed with three completion zones targeting the alluvium, shallow bedrock formations, and deep bedrock formations. Two of the wells are proposed for compliance monitoring, one located upgradient of the proposed quarry area (LTC-GW-1), and the other (LTC-GW-2) located downgradient of the proposed quarry area, but upgradient of the East Fault Zone. Both of the proposed compliance wells are located within the permit boundary. The middle completion zone will be used for compliance monitoring (to minimize direct impact from stream flows, as the surface water monitoring captures water quality in the stream). Groundwater monitoring will include the collection of water samples for laboratory analysis, field parameters, and water elevations. Water quality samples will be collected from all completion zones once to establish baseline conditions. Thereafter, monitoring will continue from the two compliance wells on a quarterly basis. Water levels will be measured at least monthly from all zones. Most of the zones are equipped with pressure transducers to record water levels, and the data loggers will be downloaded on a quarterly basis. The permit area does not lie within a classified groundwater area. Groundwater quality data collected from the site shall comply with the CDPHE Water Quality Control Commission's (WQCC's) Interim Narrative Standards, established in Regulation No. 41 – The Basic Standards for Groundwater.

After the 15 months of baseline groundwater data has been collected, the Applicant will submit a final report to the Division in the form of a Technical Revision. This Technical Revision will include the results of the baseline study, and propose a compliance monitoring plan for the operation based on those results. Mining activities will not commence at the site (with the exception of access road construction located primarily in Section 22) until the final groundwater characterization report has been submitted and a compliance monitoring plan has been approved.

The operation will follow the guidelines established in the Hazardous Materials Management Plan, included in Exhibit T of the Application, to prevent any unauthorized release of pollutants from non-designated chemicals stored and used on site. This plan describes facility operations, a list of typical hazardous materials to be used and/or stored on site, controlling authorities, containment structures, inspection procedures, spill reporting procedures, and emergency contact information. Hazardous materials used at the quarry are limited to fuel, oil, grease, and other petroleum products, and explosive materials. Any release of petroleum products would be detected by the Total Petroleum Hydrocarbons (TPH) parameter in the water monitoring plan, and/or through visual observations. Explosives will be delivered on the day of a blast and will not be stored on site. Any release of pollutants due to the use of explosives would be detected by the Nitrates + Nitrites parameter in the groundwater monitoring plan.

According to the pre-blast survey plan provided in Exhibit D of the Application, the operation will offer pre-blast surveys to all landowners with structures located within three-quarters (3/4) of a mile



from the permit boundary, north and west of the scale house. (Note: this exceeds the industry standard for pre-blast surveys to be conducted at ½ mile radius from the blast site, as set by the Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior.) The survey will include an evaluation of groundwater wells for water quality, water elevation, and flow rate. Should a well owner participate in the pre-blast survey, the information collected from their well would represent pre-blast conditions in the event there is a marked change in water quality, water elevation, and/or flow rate during the mining operation.

Exhibit D includes a mitigation plan for groundwater well owners who suspect adverse impacts have occurred. If a well owner located nearby the quarry notices an issue with their well water in terms of quality or quantity, the owner should immediately notify the Applicant. The Applicant will visit the well and commence an investigation typically within 24 hours. In the event that a well is determined to be damaged or “dry”, the Applicant, at their cost, will install a cistern and transport potable water from a source in Colorado Springs to the property. The Applicant will begin this process upon notification of the complaint and continue to transport water to the property for the duration of the investigation. If the Division determines well impacts occurred as a result of the quarry operation, the Applicant has committed to drilling a new well at no cost to the well owner. The new well will be installed to produce water quantity and quality at the historic level as determined by the results of the pre-blast survey, drill logs, or other existing documents.

If it is determined that the Applicant is not at fault, resolution of the issues will continue at the well owner’s expense. However, the Applicant will leave the temporary cistern and supply in place and available to the homeowner for 60 days or until the repairs/replacement have been completed. In the event of a suspected change in water quality, the same consulting firm that completed the pre-blast surveys will be contracted to complete a follow up survey and take water samples with the Applicant and the well owner in attendance. The water sample will be sent to the same laboratory which analyzed the water samples for the pre-blast survey. The well owner may request a split sample for independent analysis but at the cost of the well owner.

For the time period that it takes the water sample to be analyzed, the Applicant will supply household water to the neighbor. If the water sample comes back at the same quality of the sample taken during the pre-blast survey, no further action will be taken by the Applicant. If the sample returns degraded water quality, the Applicant will conduct a regimented weekly water sampling program, for an eight week duration at the subject well and continue to provide potable water to the neighbor during the course of the investigation. Copies of the results of this monitoring will be provided to the homeowner on a weekly basis. The results of this monitoring and investigation will be used to determine any future action and/or closure of the claim. If it is determined the operation caused the degraded water quality, and the quality never returns to the same level of the pre-blast survey, the Applicant will, at their cost, drill a new well which produces a similar or greater quantity and quality of water as the original well. Throughout this process, the Applicant will review operating practices and complete an internal investigation to determine if any operating practices could be the source of the degraded water quality. If the internal investigation reveals practices or incidents which caused the change in water quality, new practices will be adopted to ensure no further water quality degradation occurs. It should



be noted, the Division considers any impacts to domestic wells outside of the affected land as offsite damage pursuant to C.R.S. 34-32.5-116(4)(i).

Several of the objectors expressed concerns regarding impacts to groundwater similar to those associated with the construction of the NORAD Command Operations Center in Cheyenne Mountain, which occurred during the early 1960's. The Applicant addressed this concern in their March 9, 2018 adequacy review response, detailed below.

A comparison between the proposed mine operation and the NORAD project is inappropriate, as the two operations differ in several key respects that significantly influence their hydrogeologic impacts. The NORAD construction included excavation of tunnels that undermine the watersheds and the drainage channels of two unnamed tributaries to Fountain Creek that feed the downgradient JL Ranch (now part of Cheyenne Mountain State Park). Excavating underneath the creek beds allowed drainage of groundwater and surface water into the tunnels. Surface water flows provide the majority of the recharge to the sedimentary units east and downgradient of the NORAD complex. Any significant diminution of creek flows by this process would have the potential of reducing recharge and, in turn, reducing spring discharges in the sedimentary units.

Unlike the NORAD project, the proposed mining excavation and operational protocols operate within one closed watershed system and are designed to minimize disturbance to the hydrologic system. The proposed mine operation will operate at least 10 feet above, and 100 feet away from the adjacent Little Turkey Creek channel. This approach is fundamentally different from the undermining and tunneling that occurred at NORAD.

In the NORAD project, water that drains into the underground excavation is stored in several reservoirs within the facility and consumptively used on site, with excess flows either routed to the sanitary sewer system at nearby Fort Carson via a buried pipeline or discharged, under the provisions of an NPDES permit, to an unnamed tributary of Fountain Creek. The discharge is thus away from and external to two unnamed tributaries that are undermined. As a result, any diverted groundwater or water from the tributaries that previously flowed to the JL Ranch is permanently removed to a different watershed basin, thus permanently changing the water balance.

In stark contrast to the NORAD project, none of the water used in the proposed mine operation will originate from the Little Turkey Creek watershed. All operational water consumed by the operation will be purchased from Colorado Springs Utilities and trucked to the site as needed. Local groundwater and surface water sources will not be developed or consumed in any way for water supply at the mine. Any groundwater that seeps into the quarry incidentally will be collected in ditches and directed to sediment detention basins before being released into Little Turkey Creek. Post-mining groundwater seeps, if any, will flow to Little Turkey Creek via the post-mining reclaimed drainage topography. Thus, from a water balance perspective, there will be no net loss to the water resources of the Little Turkey Creek watershed during or after the quarry operation.

In summary, the proposed mine operation differs significantly from the NORAD project because it does not undermine the surface water drainages, it does not consumptively use groundwater inflow



into the quarry, and it preserves the water balance within the watershed by immediately returning all diverted water back to Little Turkey Creek (where such water currently flows). Unlike the NORAD project, the proposed quarry excavation and operational protocols are designed to minimize disturbance to the surface water and groundwater systems, and to preserve the existing water balance within the Little Turkey Creek drainage basin.

The Division determined the Application adequately demonstrated that disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quality and quantity of water in surface and groundwater systems both during and after the mining operation and during reclamation will be minimized, as required under C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6. Additionally, the Application addressed all requirements of Rule 6.4.7, regarding the identification and protection of hydrologic resources, and the reclamation performance standards of Rule 3.1.

- 2) *The Applicant has not engaged our Red Rock Valley Estates Water District to propose or jointly work to devise a solution that mitigates risk of the proposed mining and blasting activities adjacent to our groundwater (under the influence of surface water) wells. (1)*

The Act and Rules do not require an Applicant to engage with local water districts. However, pursuant to Rule 3.1.6 (a) and (b), the Applicant is required to comply with applicable Colorado water laws and regulations governing injury to existing water rights, and to comply with applicable federal and Colorado water quality laws and regulations, including statewide water quality standards and site-specific classifications and standards adopted by the Water Quality Control Commission.

- 3) *When the application discusses groundwater, the solution of groundwater entering the mine area is to simply dump it into the stream. No consideration is provided for water quality (of the discharge) such as changes in pH, temperature, chemistry, and/or sediment. (1)*

All waters discharged from the site will be regulated by a National Pollutant Discharge Elimination System (NPDES) permit obtained from the Colorado Department of Public Health and Environment, Water Quality Control Division. The discharge permit will have specific effluent limitations and monitoring requirements.

- 4) *The proposed mitigation plan to offer cisterns is a flawed and irrational option that should not be considered. Along with the known property value loss, having a cistern almost eliminates the ability to mortgage properties, along with the bacteria, and many other issues. (1)*

The mitigation plan includes temporarily installing a cistern and transporting potable water from a source in Colorado Springs to the property in the event a well is determined to be damaged or “dry”. The Applicant would continue transporting water to the property for the duration of the investigation. If it is determined the operation is at fault, a new well will be drilled at the Applicant’s cost. The new well will produce water quantity and quality at the historic level or greater. If it is determined the Applicant is not at fault, resolution of the issues will continue at the well owner’s expense. However, the Applicant will leave the temporary cistern and supply in place and available to the homeowner for 60 days, or until the repairs/replacement have been completed.



The temporary installation of a cistern would provide potable water to residents while an investigation is conducted to determine the cause and severity of impacts to the resident's well water. The mitigation plan does not propose offering cisterns as a long-term solution for potentially impacted wells.

- 5) *The application offered to drill a new well if the well owner can prove damage to the well was caused by the quarry. The source of water for most nearby wells is a fragile water supply fed by granite fractures. Given the fragility of the fracture system, it may be impossible to successfully drill a new well that reaches the historic production level and water quality of current wells. If the operator is unable to drill adequate wells, those properties would have been permanently damaged by the loss of their water supply. (1) The Applicant's promise to dig a replacement well if damage occurs is not acceptable. Evidence shows digging wells in this area is a very uncertain endeavor today and would be made even less certain if the granite deposit which is the water collection and delivery system was permanently removed. (1)*

The proposed mining plan was designed to minimize any disturbances to the hydrologic balance, including to any nearby wells. The Applicant will collect 15 months of baseline groundwater data for the site, and continue to monitor groundwater quality and quantity during operations. The Application includes an acceptable mitigation plan in the event that a neighbor believes their well water quality and/or quantity has been impacted.

The Division determined the Application adequately demonstrated that disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quality and quantity of water in surface and groundwater systems both during and after the mining operation and during reclamation will be minimized, per C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6.

- 6) *Future groundwater wells are not even addressed in the application. (1)*

Rule 6.4.7(2)(a) requires the Applicant to locate on a map any tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations. The Applicant provided the required information on maps submitted in Exhibit C and G, including locations of existing wells in the vicinity of the proposed quarry area, and locations of community wells within five miles of the proposed mine site. The Applicant's Hydrogeology and Impact Analysis accounted for all existing (registered) wells in the area of the proposed mine site.

The Act and Rules do not specifically address wells that are not currently installed but that might be installed in the future. However, C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6 require the Applicant to demonstrate that disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quality and quantity of water in surface and groundwater systems both during and after the mining operation and during reclamation will be minimized. The Division determined the Application met these requirements.



- 7) *The Applicant asserts the Colorado Division of Water Resources calls the daylighting of water to be “de minimis” and that they do not need a water augmentation or replacement plan. This is contrary to Colorado water law. Taking away water from persons and sending it downstream to others is just wrong. It is a disturbance of the watershed that cannot be minimized, and is permanent. (1)*

The Division of Water Resources (DWR) is the State authority for interpretation and enforcement of Colorado water laws and regulations governing injury to existing water rights. DWR reviewed the Application and provided its conditions for approval of the proposed mining operation. DWR determined a well permit and substitute water supply plan, or plan for augmentation, would be unnecessary given the incidental amounts of water to be encountered during the mining process.

The proposed operation meets DWR’s conditions for approval, as it will not consume any groundwater or surface water from the Little Turkey Creek watershed. Water for the operation will be purchased from Colorado Springs Utilities and trucked to the site. All stormwater runoff and groundwater inflow captured by the operation will be returned to the natural groundwater and surface water systems immediately without consumption.

B. Concerns regarding impacts to surface water quantity and/or quality:

The proposed operation would seriously disturb and compromise surface water, a critical resource. Moving dirt and rock from the ground alters the flow of water runoff. Mining runoff into Little Turkey Creek could create serious issues for wildlife. (8) The application fails to adequately demonstrate that material disposed of within the affected land will not result in any unauthorized release of pollutants to the surface drainage system per C.R.S. 34-32.5-116(4)(c). (5) Airborne silica dust from quarry operations and fines piles may be blown down canyon by frequent high winds and pollute the Little Turkey Creek watershed. Stormwater management structures associated with the fines pile may release large amounts of material into the Little Turkey Creek watershed. (5) Excavation and removal of vegetation in the quarry area will exacerbate flash flooding. The proposed operation will leave bare rock, removing the underground fracture infrastructure, thus increasing the amount of runoff that will flow out of the quarry during heavy rains. So water will move through the quarry and stormwater management structures in a matter of hours rather than weeks or months, like before. In some locations within the canyon, Little Turkey Creek Road runs directly beside the creek, and the elevation of the road surface is barely above the top of the creek channel. Therefore, any increase in the amount of water flowing down creek could increase the risk of damage to those sections of the road and to existing culverts. (3) The fines pile will be stored in an existing ravine. This location guarantees fines washing into the stream even under normal rainfall conditions. (1)

The Application demonstrates compliance with the requirements of C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6, which require mine operations be conducted in a manner which minimizes disturbances to the existing hydrologic balance. The Application includes a surface water monitoring plan to verify compliance with the Act and Rules. This plan includes two monitoring stations on Little Turkey Creek, one located upstream of the proposed quarry area (LTC-2), and the other located downstream



of the proposed quarry area (LTC-1). Surface water monitoring will include the collection of water samples for laboratory analysis, field parameters, and measurement of streamflow. Water quality samples will be collected monthly, and flow measurements will be collected at least monthly. The locations will be instrumented with a pressure transducer to record flow levels, and these flow levels will be calibrated to the monthly flow measurements. Surface water is classified for Little Turkey Creek. Surface water quality data collected from the site shall comply with the CDPHE, WQCC's Regulation No. 32 – Classifications and Numeric Standards for Arkansas River Basin – Appendix 32-1 – Stream Classifications and Water Quality Standards Tables, Stream Section 14d (COARUA14D).

After the 15 months of surface water baseline data has been collected, the Applicant will submit a final report to the Division in the form of a Technical Revision. This Technical Revision will include the results of the baseline study, and propose a compliance monitoring plan for the operation based on those results. Mining activities will not commence at the site (with the exception of access road construction primarily in Section 22) until the final characterization report has been submitted and a compliance monitoring plan has been approved.

Additionally, the Applicant has developed a stormwater management plan which shows how stormwater runoff from disturbed areas, stockpiled material, and operating surfaces will be managed to protect against pollution of both surface and groundwater, during and after the operation. The Division determined the stormwater management plan satisfied the requirements of Rule 6.4.7(2)(c), and the applicable performance standards of Rule 3.1.

Precipitation data used for the design of stormwater structures were determined from the National Oceanographic and Atmospheric Administration (NOAA) annual maximum point frequency estimates for the site area. The NOAA precipitation values were acquired for a point near the center of the proposed operation as is standard practice. The intensity-duration-frequency values for the 100 year storm were calculated using equations that consider the travel time/time of concentration duration. These relationships were used in the peak flow determination spreadsheet to determine the precipitation intensities for each watershed based on the time of concentration values. A Natural Resources Conservation Service (NRCS) Type II rainfall distribution was applied to the 24-hour storm. The Type II distribution applies to mid-continent locations where there are intense localized storms. The 100-year, 24-hour storm event was modeled for the design of all culverts, ditches, and sediment detention basins in accordance with state and county regulations.

All stormwater structures are designed using the most conservative site conditions, typically the greatest disturbance area. The sediment detention basins have been designed to comply with the stringent El Paso County Drainage Criteria Manual (EPCDCM) standards and regulations, which require storage of the 100-year storm event with discharge flow rates limited by an orifice plate at the outlet so that the total creek flow remains similar to pre-development flows. These designs and regulations were established to avoid the flooding of and reduce sediment discharge to receiving streams such as Little Turkey Creek. The Applicant has incorporated these requirements into the design of stormwater structures. The discharge from the detention basins is set to drain the basin over a 72-hour period in accordance with DWR's requirements, allowing sediment to be retained in the detention basin and reduce the peak flows from the disturbed areas. The peak flow in the creek will have passed before the



detention basins reach their peak outflow. This drainage system is specific to the affected area around the quarry and is separate from any drainage along Little Turkey Creek Road. Therefore, no waters from developed quarry areas will reach the existing road surface, and there will be no increase in erosion from the proposed mine on Little Turkey Creek Road.

The Applicant further addressed concerns regarding the proposed stormwater management plan in the adequacy responses submitted on March 9, 14, and 20, 2018. The Applicant describes how the operation will not impact Little Turkey Creek or the riparian corridor. The quarry will remain a minimum of 100 feet from the creek, and at least 10 feet above the creek elevation. These mining buffers result in the quarry being entirely outside the floodplain and riparian corridor, which protects the creek from impacts to water quantity or quality. These buffers will also protect the riparian corridor, which is important to wildlife in the area. The creekbed in the vicinity has been significantly disturbed by prior ranching operations, including a dam that was constructed adjacent to the project area in the 1900's. This dam was subsequently breached in the flood of 1921. Areas downstream from the dam breach were significantly impacted by the failure of this structure. There is also a water diversion structure immediately downstream from the quarry area which has impacted stream flows for over a century.

The Applicant further demonstrates there will be minimal impacts to the watershed as the quarry area is a small portion of the Little Turkey Creek watershed, and runoff from affected areas is routed to the creek at limited flow rates. Water will continue to flow unimpeded in the creek, and sediment will be removed from runoff waters, thus minimizing the impacts to the watershed. All water currently captured in the Little Turkey Creek watershed will continue to flow into Little Turkey Creek. The operation will not consume any water from the watershed. All water used for the operation will be purchased from Colorado Springs Utilities and trucked to the site.

The Division determined that the stormwater management plan satisfied the requirements of Rule 3.1.5(10) and (11), Rule 3.1.6, and Rule 6.4.7. As the quarry advances, the stormwater management plan will be periodically reviewed. Modifications to the stormwater management plan will be submitted for Division review and approval through either the Technical Revision or Amendment process prior to implementation.

Prior to regrading and revegetating affected areas, bare cover material surfaces are potential sources of high sediment loads in surface runoff. As a result, sediment control measures constitute the major water management control measure for non-reclaimed areas. Proposed sediment control measures for the operation include: clean water diversion ditches designed to minimize contact water volumes, wherein runoff of sediment-laden water from the affected areas will be collected on terraces and routed to sediment detention basins using down drain ditches; sediment detention basins designed with forebays and sediment controlling outlets; and Best Management Practices (BMPs) will be utilized to limit sediment contributions from bare soils until stabilizing vegetation is established. Contemporaneous reclamation will be employed to reduce the extent of non-reclaimed areas at any time, thereby reducing erosion and sediment-laden water volumes.

The utilization of BMPs for sediment control is a standard practice on construction sites. Unlike the primary water management structures, which are designed to remove silt-sized particles from runoff,



BMPs are most effective for settling out fine sand and coarser material. Some examples of BMPs to be utilized at the site include: sediment barriers such as straw/hay bales, silt fences, earthen berms, and rock check structures. Sediment barriers are placed below affected areas subject to sheet and rill erosion, below toes of exposed and erodible slopes, and along the toes of streams and channel banks. Check structures are small temporary structures constructed across a swale, gully, or small drainage to reduce gully erosion until stabilization occurs. Check structures reduce flow velocities and trap and store larger-size sediment. Maintenance of sediment deposited in the detention basins is considered another BMP. Sediment levels should be examined annually following the highest runoff season (i.e., summer), and sediment removal should be undertaken in the fall to prepare the sediment basin for the next rainy season. This is a critical element of the successful operation of the water management plan. For effective use of BMPs, regular inspection and maintenance of the structures must occur. Specific BMP layouts will be required as part of the detailed drainage design.

The proposed access road to be constructed across the flatter eastern portion of the permit area, will cross Little Turkey Creek at one location, close to the site entrance off of Hwy 115. This culvert crossing will be located along the current creek alignment and will match the existing channel grade. The length of the culverts to be installed will be minimized to reduce the area of the channel that will be affected. Vehicles crossing this channel will operate at low speeds, thus reducing potential material loss to the road and/or creek. Sediment control will be utilized at this location as with the rest of the affected lands, with collection and diversion ditches, a sediment detention basin, culverts, and BMPs as needed. It should be noted that the portion of Little Turkey Creek to be crossed by the access road does not flow year-round as it mostly does in Section 16.

Topsoil stockpiles will be stored in places and configurations to minimize erosion, and located in areas where disturbance by ongoing mining operations will be minimized pursuant to Rule 3.1.9(3). Topsoil stockpiles will be surrounded by a berm to prevent topsoil loss. Additionally, stockpiled topsoil will be seeded with a temporary seed mixture selected to establish quickly and prevent topsoil loss due to wind and water erosion pursuant to Rule 3.1.9(1).

Pursuant to Rule 6.4.7(5) and Rule 6.4.13, the Application states that a National Pollutant Discharge Elimination System (NPDES) permit from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division will be obtained in order to conduct the proposed mining and reclamation operations. All waters discharged from the site will be regulated by the NPDES permit, which will have specific effluent limitations and monitoring requirements.

The operation will follow the guidelines established in the Hazardous Materials Management Plan, included in Exhibit T of the Application, to prevent any unauthorized release of pollutants from non-designated chemicals stored and used on site. This plan describes facility operations, a list of typical hazardous materials to be used and/or stored on site, controlling authorities, containment structures, inspection procedures, spill reporting procedures, and emergency contact information. Hazardous materials used at the quarry are limited to fuel, oil, grease, and other petroleum products, and explosive materials. Any release of petroleum products would be detected by the Total Petroleum Hydrocarbons (TPH) parameter in the water monitoring plan, and/or through visual observations. Explosives will be



delivered on the day of a blast and will not be stored on site. Any release of pollutants due to the use of explosives would be detected by the Nitrates + Nitrites parameter in the water monitoring plan.

The engineering evaluation submitted in Exhibit S sufficiently demonstrates that flooding on Little Turkey Creek Road will not increase due to quarry development. The geotechnical stability report submitted in Exhibit 6.5 includes stability analyses of the fines/overburden stockpiles which demonstrate how the stability of the stockpiles will be maintained to ensure Little Turkey Creek will not be impacted by stockpile failure and/or excessive sedimentation resulting from erosion of the affected lands. The analyses found the Factor of Safety (FOS) for proposed operational and closure conditions meets the design criteria.

On November 9, 2017, the Division provided notice of the permit Application to DWR and CDPHE, WQCD. No comments or recommendations for protection of surface water were submitted by CDPHE, WQCD. The Division did receive a comment from DWR on January 4, 2018 outlining its conditions for approval of the permit Application. The proposed operation complies with DWR's conditions by committing to return any water incidentally encountered by the operation to Little Turkey Creek, or the groundwater system within the permit area, immediately without consumption; by importing a legal supply of water provided by Colorado Springs Utilities for the operation's water needs; by designing the stormwater detention structures to meet DWR's requirements; by committing to consult with the local Water Commissioner regarding any activity that might affect the flow of water to any stream system and/or ditch, and to complying with all applicable rules and regulations regarding water use. DWR determined that a well permit and substitute water supply plan or augmentation plan would not be necessary for the proposed operation.

The Division determined the Application adequately demonstrates that disturbances to surface water quantity and quality will be minimized by the proposed operation. Additionally, the Application addressed all requirements of Rule 6.4.7 and the applicable performance standards of Rule 3.1. The proposed surface water monitoring plan will help verify compliance with C.R.S. 34-32-116(4)(h) and Rules 3.1.5(10) and 3.1.6.

2. Wildlife

A. Concerns regarding impacts to wildlife, wildlife habitat, migratory paths, and wildlife diversity:

The application fails to protect wildlife (i.e., elk, black bears, mountain lions, bobcats, mule deer, raptors, birds, Mexican Spotted Owl, butterflies, trout and other aquatic wildlife), critical wildlife habitat, wildlife migratory paths/corridors, and/or wildlife diversity. (543) The application does not "conserve natural resources" or "aid in the protection of aquatic resources". The quarry will not protect wildlife habitat or the riparian area around Little Turkey Creek; rather, it will destroy it. (1) The area is mapped by the U.S. Fish and Wildlife Service as Critical Habitat for the Mexican Spotted Owl (MSO), a federal and state listed threatened species. According to The Nature Conservancy, "the quarry site is entirely in Critical Habitat for the MSO". MSO nests sparingly in this region, and anything we can do to conserve this species should be given special attention. (8)



The Application provided all wildlife information required under Rule 6.4.8, addressed the safety and protection of wildlife as required under Rule 3.1.8(1), and provided for the management and creation of habitat as required under Rule 3.1.8(2). The Application demonstrated compliance with the requirements of C.R.S. 34-32.5-102 and 116(4)(m). The Application exceeded the minimum requirements of the Act and Rules regarding the identification and protection of wildlife resources.

Exhibit H includes the results of two raptor surveys (conducted in 2016 and 2017), and results of three Mexican Spotted Owl (MSO) surveys [conducted in 2015, 2016, and 2017 in accordance with U.S. Fish and Wildlife Service (USFWS) protocol for MSO]. These surveys were conducted by BIO-Logic, Inc., whom indicate that a meeting of project planners was held with a USFWS biologist and a Colorado Parks and Wildlife (CPW) District Wildlife Manager in 2015, at which the agencies identified the species of concern and any studies to be conducted. The nesting raptor surveys covered the entire proposed affected land plus a half mile buffer. No active nests were found in the 2016 survey. In the 2017 survey, a long-eared owl was found on a nest in an intermittent drainage south of Little Turkey Creek. The Applicant has committed to coordinating with CPW and USFWS on conducting future surveys and mitigating impacts to species of concern, including this long-eared owl and nest. Results from the MSO surveys indicate that no MSO were detected at the site. BIO-logic, Inc. concluded that it is very unlikely that territorial breeding MSO were present on the survey area during the 2015, 2016, or 2017 breeding seasons, and that it is unlikely that any non-territorial, non-breeding MSO occurred within the survey area during the same period. Additionally, Exhibit H includes information that MSO surveys were conducted during the summer months along Little Turkey Creek in 1993, 1994, and 1995 by the Bureau of Land Management, and no MSOs were recorded during those surveys.

Exhibit H includes a report prepared by Stantec Consulting Services, Inc. that evaluates the potential use and habitat of the MSO within and near the project area. This report found that suitable breeding habitat may be a limiting factor for the MSO population in the project area. A habitat model was developed to identify potential breeding habitat for MSO within 3 miles of the project area. Based on the results of the model, no MSO breeding habitat was identified within the project area. Stantec Consulting Services, Inc. conducted a site visit to ground-truth habitat conditions within the project area, and confirmed the project area does not contain suitable MSO breeding habitat based on the lack of narrow, steep-walled rocky canyons typical of MSO breeding habitat in Colorado. The report also indicated that, based on the location of the project area, and the level of existing disturbance through development of residential communities and road systems, the proposed project would result in an incremental increase in the overall habitat fragmentation effects to the study area. Use of the project area by MSOs, if it occurs, would be limited to roosting and foraging activities by transient, dispersing, and wintering individual MSOs (inter-seasonal habitat). While suitable breeding habitat appears to be a limiting factor to MSO population growth in the project area, inter-seasonal habitat appears to be more abundant. However, the report states it is unlikely the project would result in adverse effects to the MSO. Exhibit H includes information that the area of transient foraging habitat affected would be less than 0.2% of the estimated extent of potential MSO foraging habitat in the region.

Exhibit H also includes a Hitch Rack Ranch Quarry Fragmentation Analysis prepared by Ensign, LLC. The analysis was conducted to quantify the existing and reasonably foreseeable wildlife habitat fragmentation effects from future residential development and aggregate mining in the project area. The



purpose of the analysis was to quantify the extent and magnitude of habitat fragmentation within the project area. The study area for the analysis was defined as the area between Hwy 115 and the US Forest Service, Bureau of Land Management, and State of Colorado managed lands located to the northwest. To the northeast and southwest, the study area is defined as a 4-mile distance from the proposed quarry area. In total, the study area encompassed a total of 13,139 acres. The Hitch Rack Ranch property is located near the center of the study area and occupies 1,432 acres. The analysis described existing residential and mining development and associated road networks in the study area. The results of the analysis show that existing and future human developments and their associated activities result in habitat fragmentation for wildlife species. Currently, 49% of the study area is already fragmented. Future residential development is expected to add 1.0% of additional fragmentation, and the proposed quarry will add, at maximum development, 3.3% of additional fragmentation. These future residential developments and proposed quarry will incrementally increase the amount of total fragmentation to an already fragmented landscape, bringing the total fragmentation to 53% within the study area.

Pursuant to Rule 3.1.8(1), all aspects of the mining and reclamation plan shall take into account the safety and protection of wildlife on the mine site, at processing sites, and along all access roads to the mine site with special attention given to critical periods in the life cycle of those species which require special consideration (e.g., elk calving, migration routes, peregrine falcon nesting, grouse strutting grounds). Pursuant to Rule 3.1.8(2), habitat management and creation, if part of the reclamation plan, shall be directed toward encouraging the diversity of both game and non-game species, and shall provide protection, rehabilitation or improvement of wildlife habitat. Operators are encouraged to contact CPW and/or federal agencies with wildlife responsibilities to see if any unique opportunities are available to enhance habitat and/or benefit wildlife which could be accomplished within the framework of the reclamation plan and costs.

The Division received comments on the Application from CPW on January 22, 2018. This letter included the comments submitted for a previous application at the same general area (File No. M-2016-010), and some additional comments for this new application specifically regarding migratory birds and raptors. CPW's comments confirm the Applicant met with CPW and USFWS to discuss the proposed mine operation. The letter states that CPW and USFWS instructed the Applicant to perform surveys for the federally and state threatened MSO since the area is a known habitat for the species. The Applicant has incorporated all of CPW's recommendations into the permit, including committing to conduct pre-construction migratory bird and raptor nest surveys in coordination with CPW and USFWS prior to starting a new mining phase. Although not specifically addressed by CPW, the Applicant also committed to monitoring for MSOs prior to starting each mining phase, as an extension of the migratory bird and raptor surveys. The results of the surveys will be submitted to the Division. The Applicant committed to coordinating with CPW and USFWS should any species of concern or their nests be identified. In their comment letter, CPW did not express significant concern over impacts to big game species and movement corridors.

Exhibit H includes mitigation measures (developed in consultation with CPW and USFWS) to protect wildlife and provide protection or improvement to wildlife habitat. Some of the mitigation measures include the following:



- A noise study was completed to measure ambient noise and predict project noise levels and attenuation distances. The study found that no disturbance effects would occur to the nearby MSO Potential Activity Center (PAC) as the PAC is approximately 1.8 miles to the north, which provides significant noise attenuation to below background noise levels. The noise study also specifies that noise levels generally would not affect noise-sensitive wildlife such as nesting raptors beyond the permit area due to noise being attenuated to baseline levels. The noise study was prepared to estimate noise levels at the property boundary, and the results demonstrate that noise is limited to the areas of disturbance. Noise levels attenuate to permissible levels under Colorado Noise Law and El Paso County Ordinances within approximately 100 feet of running equipment. The site topography contains ridgelines near the property boundary, and these provide significant noise attenuation. The Applicant plans to prevent the use of engine brakes without mufflers, and to use low-impact backup alarms to limit noise from the operation.
- Nesting raptor surveys conducted in 2016 and 2017 covered the entire permit area plus a ½ mile buffer on the property. No active nests of diurnal raptors were found. During the 2017 survey, one long-eared owl nest was found.
- No mining will occur within 100 feet of Little Turkey Creek besides construction necessary to create the reclamation channel discussed in Exhibits F and G. The only disturbances within the 100-foot setback are the discharge pipe from the plant sediment detention basin and the reclamation channel. The pipe and channel will have the same alignment and discharge to Little Turkey Creek in the same location to minimize disturbances in this area. No other surface disturbances are planned within this 100-foot setback. However, should a disturbance be required, it will be minimized to the extent possible and will only occur where necessary to support mining operations. Thus, there will be little to no effect on wildlife migration within proximity to Little Turkey Creek. The project has been designed to not impede hydrologic flows that support wetlands and riparian areas.
- Natural vegetation will not be altered except for purposes necessary to the mining operation. Native grasses and forbs will be maintained and mowing will be strongly discouraged except as required around the immediate areas of buildings and mining operations.
- Noxious weeds will be actively controlled using methods such as mowing and spraying as detailed in the noxious weed plan submitted. Species-specific control measures will be used when pesticides are felt necessary for the control of noxious weeds. All equipment that is entering the site from a different location to perform work in vegetated areas will be cleaned of all soil and vegetation to help prevent the spread of noxious weeds.
- If fencing is to be used, CPW-recommended wildlife-friendly fencing will be utilized.
- Due to the presence of black bears on the property, the Applicant will use bear-proof trash containers. Trash containers will be stored in a garage or in a solid locked storage shed until the morning of trash collection during those months when bears are most active (April – November).



- Feeding of big game species is illegal in Colorado, so the Applicant will not leave out salt blocks, hay, grain, or other items that attract big game.
- Once mining is complete, in order to achieve the final land use of wildlife habitat, the area will be reclaimed and revegetated according to the reclamation plan in Exhibit E. Planting of trees and shrubs attractive to wildlife will be implemented. Reseeding of grasses and forbs over large areas includes a mix of warm and cool season plants that are palatable and attractive to wildlife. All vegetation used in reclamation will be species that are native to Colorado and present in the region.

There are significant lands in the permit area that will continue to serve as wildlife habitat during the mining operation. The Little Turkey Creek corridor, ridgelines north and south of the creek, and the entire north half of the valley are outside of the affected lands boundary, and these lands will not be impacted by quarry operations. The proposed mining and reclamation plans are designed to backfill the mined pit to the maximum extent practical in order to reduce the remaining highwalls and to account for wildlife safety. The proposed reclamation plan is based on vegetation sampling conducted by BIO-Logic, Inc. and input received from NRCS, USFS, USFWS, CPW, Colorado State Forest Service (CSFS), El Paso County, Wildlife Habitat Council (WHC), and on technical mining industry documents. The proposed reclamation plan was designed to encourage the diversity of wildlife species, protect wildlife against short-term disturbance to existing or potential wildlife habitat, and to maximize and improve the long-term amount and quality of wildlife habitat.

The reclamation plan includes planting north facing slopes and highwall benches with Douglas fir and Ponderosa pine; planting south and east facing slopes with a Mountain Shrubland mixture; and revegetating flat areas with a Grassland mixture. These areas are currently north-facing with a conifer plant community, so the reclamation plan proposes to increase the total area of these important mountain shrubland and grassland plant communities. The areas with mountain shrubland on the south-facing slopes outside of the affected area provide winter habitat for elk and other wildlife. Therefore, increasing the area of mountain shrubland and grassland and thinning the conifer forested areas will improve elk habitat. Much of the proposed access road has been located to follow existing ranch roads through grassland areas. This greatly reduces new disturbances and further protects shrublands and grasslands on the lower ranch area.

The Hitch Rack Ranch area is included in the CPW mapped “Overall Range” and “Winter Range” for elk, but is not within a mapped winter concentration area or severe winter range. The Overall Range for elk extends throughout all of western Colorado, and the Winter Range in the DAU E-23 mapped area includes an area over 200,000 acres. The quarry area is also not a production area or resident population area. These areas critical to elk survivability all occur to the southeast of the quarry area on Fort Carson, or west-southwest of the quarry area on the Beaver Creek Wilderness Study Area. None of the quarry area or the Little Turkey Creek drainage upstream from the quarry area is included in these areas. These important ungulate ranges and population/production areas do not exist in the project area and will not be impacted by quarry development.

The Application included an independent conservation context assessment for the proposed operation, prepared by the WHC. This assessment includes five recommendations for the reclamation plan to



enhance biodiversity and broaden the reclamation approach by providing property-wide consideration. The assessment provided suggested modifications for the proposed reclamation grading, revegetation, and soil preparation. The Applicant incorporated many of the WHC's recommendations and modifications into the reclamation plan. The assessment also provided recommended species for the permanent grass seed mixture and the Riparian revegetation plan. The Applicant combined the WHC's suggested grass species with the seed mixture initially provided by the NRCS for the project area which was combined with the CPW seed mixture for tallgrass prairie. The grass seed mixture was further revised to only include species available from local seed distributors. The Applicant also incorporated most of the plant species recommended by WHC into the Riparian revegetation mixture.

In the Applicant's adequacy response submitted on March 9, 2018, Exhibit H was revised to provide additional information on aquatic species. The Application describes the significantly different hydrologic conditions that Little Turkey Creek has across the project area, and how these different conditions affect aquatic species. The upstream portion of Little Turkey Creek present north of the quarry area exhibits perennial flow where aquatic species exist, while the downstream channel east of the East Fault Zone is dry much of the year. Aquifer recharge and upstream diversions result in consistently dry conditions at the access road crossing location, and these conditions preclude the existence of aquatic species. Aquatic species in the upper channel are isolated from downstream populations by multiple fish barriers. The Applicant reviewed the USFWS Information, Planning and Conservation (IPaC) System to provide information regarding federally listed threatened and endangered species (TES) on the property. A total of two fish species were flagged in the IPaC query, including the Arkansas darter and greenback cutthroat trout. Both of these species were eliminated from investigation since the species' requisite water features are not present on the site. Water discharged from the site to Little Turkey Creek will be regulated by a NPDES permit obtained from the CDPHE, WQCD. The discharge permit will have specific effluent limitations and monitoring requirements to protect aquatic wildlife.

The Division determined the permit Application satisfied the requirements of Rules 6.4.8 and 3.1.8, regarding wildlife and wildlife habitat.

B. Concerns regarding the uniqueness of the area, and its conservation/preservation potential:

The Nature Conservancy identified the proposed quarry area as "one of the last high-quality examples of southern Front Range foothills ecosystems". (2) The proposed quarry area lies due north of and adjacent to The Nature Conservancy's Aiken Canyon Preserve and lease properties, which has long been a prime birding destination and hosts over 100 species of birds. It is part of a nearly contiguous migration corridor including the Bureau of Land Management's Beaver Creek Wilderness Study Area, Aiken Canyon and Little Turkey Creek, and Fort Carson. Aiken Canyon needs to stay contiguous to maintain its biological integrity. (6) Because habitat loss and fragmentation from development are the principal cause of bird population declines, it is essential to guide new development away from the most important habitat areas. Impacts to these critical habitats should be avoided due to their ecological value. Given the high level of development pressure in the area, important wildlife areas such as the proposed quarry area should be treated



as a priority in decision-making. Cumulative impacts which take into account other disturbances in the area should be considered. (1)

Pursuant to Rule 6.4.8, the Application included a description of the game and non-game resources on and in the vicinity of the affected area. Pursuant to Rule 6.4.10, the Application included descriptions of present vegetation types, relationships of present vegetation types to soil types, and showed the relation of the types of vegetation to existing topography on a map. The Application also met the requirements of Rule 3.1 reclamation performance standards. The Applicant has proposed a post-mining land use of wildlife habitat. The proposed mining plan includes measures to minimize impacts to wildlife and wildlife habitat. The proposed reclamation plan was developed in consultation with NRCS, CPW, USFWS, WHC, and CSFS to enhance wildlife habitat and benefit wildlife, in support of the post-mining land use.

The Division sent notice of the Application to El Paso County, CPW, USFWS, and the two Soil Conservation Districts (SCDs) for the site (Turkey Creek Conservation District and El Paso County Conservation District). CPW provided comments on the Application, submitted January 22, 2018. The Applicant has incorporated all of CPW's recommendations into the permit. The county, USFWS, and the SCDs did not submit comments on the Application.

The Act and Rules do not specifically address cumulative impacts in the area of a proposed mine site due to development pressures. Such concerns relate to land use and zoning and should be directed to the El Paso County permitting process. Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain a Special Use Permit from El Paso County prior to conducting the proposed mining and reclamation operations.

The Act and Rules do not prohibit mining activities from unique ecosystems, except to the extent such areas are located on lands identified under C.R.S. 34-32-115(4)(f). The site of the Hitch Rack Ranch Quarry is not a location prohibited by the Act and Rules.

3. Little Turkey Creek Road

A. Concerns regarding the Applicant's failure to protect easement rights and demonstrate legal right of entry for Little Turkey Creek Road:

The application fails to protect easement rights of several property owners along Little Turkey Creek Road (right of entry not obtained; access will be restricted; road to be closed for blasting; change in use of servient estate is prohibited under language of 1968 Decree because it restricts unobstructed passage by way of Little Turkey Creek Road of dominant estate holders to their properties; any blockage of Little Turkey Creek Road for any amount of time is prohibited). Little Turkey Creek Road is the only right of ingress/egress to Eagles Nest properties. The application should not have been accepted by the Division because the Applicant has not provided documentation of its legal right to enter as required by Rule 6 and the 2016 Board Order. (517) The proposed mine operation will obstruct the Little Turkey Creek Road easement, and therefore, it is contrary to Colorado easement law per C.R.S. 34-32.5-115(4)(d). (6) The oral testimony provided



by Scott Schultz on October 26, 2016 during the Mined Land Reclamation Board (Board) hearing, and the written Board Order dated December 20, 2016, clearly indicate neither the Division nor the Board have jurisdictional authority to resolve the legal dispute. To date, this issue has not been brought before the El Paso County District Court, and therefore, the Applicant still has not met its burden to demonstrate it has obtained legal right to enter to initiate a mining operation. (4) Per C.R.S. 34-32.5-103(1), Little Turkey Creek Road and the recorded easement through the quarry area in Section 16 by properties in Sections 7, 8, 17, 9, and 4 constitute "affected land". (1)

According to C.R.S. 34-32.5-103(1), "Affected Land" means the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of an operation. Affected lands include, but shall not be limited to, private ways, roads (except those roads excluded by this subsection (1)); land excavations; exploration sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; work, parking, storage, or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools, or other materials or property that result from or are used in such operations are situated. "Affected land" does not include land that has been reclaimed pursuant to an approved plan or otherwise, as may be approved by the Board, or off-site roads that were constructed for purposes unrelated to the proposed operation, were in existence before a permit application was filed with the office, and will not be substantially upgraded to support the operation or off-site groundwater monitoring wells.

The Application proposes an affected area of 239.03 acres that does not include any portion of Little Turkey Creek Road. The proposed affected land boundary is located a minimum of 10 feet south of the road centerline, to match the road easement.

In accordance with C.R.S. 34-32.5-112(1)(c)(IV), the Application included the source of the Applicant's legal right to enter and initiate a mining operation on the affected land. Rule 6.4.14 (and Rule 6.3.7) require the Applicant to provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation for all owners of record of the surface and mineral rights of the affected land. This may be a copy of access lease, deed, abstract of title, or a current tax receipt. A signed statement by the landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter and mine is also acceptable.

The surface owners of the affected lands for this Application include RMBC Group, LLC, and the State of Colorado (for a small portion of the eastern edge of affected lands, near Hwy 115). The owner of mineral rights for the affected lands is the State of Colorado. The Applicant submitted in Exhibit N its mining lease granted by the State of Colorado, and a related land patent granted by the State, which reserves surface access for mining the property as the source of its legal right to enter and initiate a mining operation on the property (including the affected lands). Additionally, the Applicant submitted a Memorandum of Royalty Including Right of First Offer (Memorandum) executed by the surface owner of the property, RMBC Group, LLC. This separate agreement expressly provides the Applicant with the right to use the surface estate (including the affected lands) for mining. The Memorandum is a signed statement executed by RMBC Group, LLC, acknowledged by a Notary Public, and is recorded in the real property records of El Paso County. These documents satisfied the requirements of C.R.S. 34-32.5-112(1)(c)(IV) and Rule 6.4.14 for the Application.



Little Turkey Creek Road is not affected land. Therefore, the Applicant is not required to include their source of the legal right to enter Little Turkey Creek Road.

B. Concerns regarding access on Little Turkey Creek Road:

The Southwestern Highway 115 Fire Protection District must have access to the 36 properties located above the quarry without delay, 24/7. The proposed operation will shut down the only access road to these properties "without notice, whenever they see a need, at any time of day, for a minimum of one hour up to 24 hours" for blasting. The decision to reopen the road will be solely at the discretion of the Master Blaster on site, not the Applicant. This would deny existing residents access to basic fire and emergency services. There are 8-10 full-time residents that live above the proposed quarry site, of which 90% are above age 50, so are at a higher risk for suffering a potentially life threatening medical emergency. There is only one way into the canyon. It may not be possible to use a medical helicopter due to the quarry. (1) This entire area of the Front Range has been determined to be in the "extreme fire danger" category by Colorado State Forest Service. The site sits in the mouth of a very steep canyon, making access difficult and the potential for fire spread significant. There are no good water sources for an initial fire attack, so any fire in the area would become unmanageable by ground forces in a very short time. The Southwestern Highway 115 Fire Protection District must have access to the area without delay, 24/7, to deliver fire services if needed. (1)

The Applicant's March 9, 2018 adequacy response addresses objector concerns regarding access on Little Turkey Creek Road for emergency services. The Applicant notes that details of the blasting plan (submitted in Exhibit D) have been revised to more clearly address emergency service access through the quarry area. The Applicant will work with the emergency service providers by opening gates, securing the road, and halting nearby operations so that emergency crews could pass through the area unimpeded, which will only improve response time. The blasting plan specifies that emergency service providers will be notified the day of a blast, and if there is an emergency, the Applicant has committed to delaying the blast so that emergency providers can pass through the area unimpeded. In this case, the operation would refrain from blasting until the emergency situation has come to complete resolution.

Regarding potential wildfires in the area, the Applicant states they will have water tanks and earthmoving equipment on site, which could be used to support firefighting efforts, if needed. The plant and other areas of the quarry would have sufficient topography and space for a medical helicopter to land, thus improving the potential for transport of a patient by helicopter.

The Act and Rules do not specifically address issues of emergency service access near or through a mine site. Therefore, these concerns are not within the purview of the Division's jurisdiction and are not a basis to deny the permit. These issues are typically addressed at the local government level and not at the State government level. Pursuant to Rule 6.4.13, the Applicant has affirmatively stated that the proposed mine operation will obtain a Special Use Permit and Construction Permits from El Paso County prior to conducting the proposed mining and reclamation operations. The Applicant has



indicated that emergency response aspects of the operation will be addressed in more depth during the Special Use Permit process.

C. Concerns regarding potential impacts to Little Turkey Creek Road:

Dominant estate holders of Little Turkey Creek Road have historically fully maintained and improved the road without assistance from the servient estate holder. Dominant estate holders completed extensive repairs, especially after severe flooding, close to \$100,000 over the past ten years. The quarry will likely result in further erosion and damage to Little Turkey Creek Road at huge costs to the dominant estate holders. The application does not explain if and how the servient estate holder will compensate the dominant estate holders for impacts to Little Turkey Creek Road as a result of the change in use of the servient estate, Hitch Rack Ranch, into a granite quarry operation. (1) The engineering assessment of Little Turkey Creek Road fails to prove that mining operations shall not damage the road per C.R.S. 34-32.5-115(4)(e). Little Turkey Creek Road is within the range of flyrock from blasting, so to prove the road will not be damaged, the Applicant would have to prove that flyrock could never hit the road. Also, the stormwater management structures lack sufficient detail to support the claim that no water will reach (and damage) the road. The test is not whether the Applicant agrees to repair the road if it is damaged, but that operations shall not damage the road. The Applicant admitted in the last application that Little Turkey Creek Road will be damaged. (8)

Pursuant to C.R.S. 34-32.5-115(4)(e), the Board or Office may deny a permit application if the proposed operation will adversely affect the stability of any significant, valuable, and permanent man-made structure located within 200 feet of the affected land; except the permit shall not be denied if there is an agreement between the operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the operator or, where such an agreement cannot be reached, the Applicant provides an appropriate engineering evaluation which demonstrates such structure shall not be damaged by the proposed mining operation.

The Application identified seven structure owners for several permanent and valuable man-made structures located within 200 feet of the affected lands. The majority of structures are owned by the surface owner of the property, RMBC Group, LLC. The seven monitoring installations on the property are owned by the Applicant. Structures identified near the proposed access road are owned by the State of Colorado, Fort Carson, and three separate utility companies.

Little Turkey Creek Road is one of the structures identified by the Application as being a significant, valuable, and permanent man-made structure located within 200 feet of the affected land. The Application lists RMBC Group, LLC as the owner of the portion of this road that crosses the Hitch Rack Ranch property. The Application also included a list of the 30 easement owners for the portion of the road located within 200 feet of the affected land.

Pursuant to Rule 6.4.19(a), the Applicant provided damage compensation agreements to the seven structure owners. The Applicant also provided damage compensation agreements to the 30 easement owners as having an interest in Little Turkey Creek Road. The proposed damage compensation



agreements were accepted and executed by three of the six structure owners, including: RMBC Group, LLC, State of Colorado, and Black Hills Energy. None of the 30 easement owners accepted and executed damage compensation agreements for their interest in Little Turkey Creek Road.

The damage compensation agreements have been attempted for all structure owners, but attained only for the three listed above. Therefore, pursuant to Rule 6.4.19(b), the Division was authorized to accept the engineering evaluation provided in Exhibit S of the Application. The engineering evaluation was prepared and certified by a Colorado licensed professional engineer. The engineering evaluation demonstrated to the Division's satisfaction that no structure located within the boundary of affected lands or within 200 feet of the affected lands, including Little Turkey Creek Road, would be damaged by the proposed operation. Therefore, the Division is not authorized to deny the permit Application pursuant to C.R.S. 34-32.5-115(4)(e).

Additional measures of the proposed operation to protect the stability of Little Turkey Creek Road are included in the blasting plan, submitted in Exhibit D; the stormwater management plan, submitted in Exhibit G; and the geotechnical stability assessments, submitted in Exhibit 6.5.

Little Turkey Creek Road is not included in the affected area for the operation. The Applicant proposes constructing a separate access road off of Hwy 115 for use by the mine operation. The Application affirmatively stated the mine operation will obtain a Hwy 115 access permit from CDOT for construction of the access road. Traffic on Little Turkey Creek Road will be limited to light vehicles (i.e., one-ton or less pickup trucks).

4. Reclamation Plan

A. Concerns regarding adequacy of the reclamation plan:

- 1) *The reclamation plan must ensure the area's natural resources are protected in perpetuity. Quarry impacts are forever, and cannot be undone or truly reclaimed. The Applicant cannot protect Little Turkey Creek or recreate the vital fully evolved riparian corridor which supports a large diverse wildlife population and migratory corridors. It may not be possible to put Humpty Dumpty back together again. The reclamation plan does not propose to return the site to the unique environment that exists today. It appears the proposal would provide some generic revegetation and not provide for the diverse and unique species that exist and make the area special. (8) The reclamation plan proposed generally ignores the destruction of habitat and its consequences, especially the potential for irreparable damage to Little Turkey Creek, one of the few perennial streams and riparian habitats along this section of the Front Range. Little Turkey Creek canyon is exceptional to many species of plants and wildlife precisely and simply because it is not a dry corridor. (9) The proposed quarry site is home to a rapidly-declining Pinon-Juniper community. (3)*

According to C.R.S. 34-32.5-116(4)(f), reclamation plans and their implementation are required on all affected lands. Proposed reclamation plans must comply with Rules 6.4.5, 6.4.6, and all reclamation performance standards of Rule 3.1.



The Applicant proposes a post-mining land use of wildlife habitat for the affected lands. The proposed reclamation plan is based on input received from BIO-Logic, Inc., NRCS, USFWS, USFS, CPW, CSFS, WHC, the City of Colorado Springs, El Paso County, and on technical mining industry documents. The proposed reclamation plan was designed to encourage the diversity of wildlife species, protect wildlife against short-term disturbance to existing or potential wildlife habitat, and to maximize and improve the long-term amount and quality of wildlife habitat in accordance with the proposed post-mining land use.

Pursuant to Rule 3.1.9(1), topsoil will be removed and segregated from other materials. The Applicant used NRCS soil resource data to estimate the depth of salvageable topsoil that will be stockpiled for use in reclamation. Salvaged topsoil will be stored in locations and configurations designed to minimize erosion and disturbance. Topsoil stockpiles will be seeded following initial removal with a temporary seed mixture recommended by the NRCS that will establish quickly and prevent topsoil loss due to wind and water erosion. Topsoil will be rehandled as little as possible until final placement on regraded areas. Where practicable, woody vegetation present at the site will be removed from or appropriately incorporated into the existing topsoil prior to excavation within the affected areas.

Pursuant to Rule 3.1.5(1), grading will occur to create a final topography appropriate to the final land use. All affected lands will be graded in a manner to control erosion and siltation to protect areas outside the affected land from slides and other damage. Compacted areas, including the access road, haul roads, plant site, and pit floor, will be ripped with a dozer to break up compacted materials so they provide a suitable subgrade. The proposed mining and reclamation plans are designed to backfill the mined pit to the maximum extent practical in order to reduce the remaining highwalls and to account for wildlife safety. Maximum final slopes including highwalls have been designed to be compatible with the configuration of surrounding conditions and the final land use. Affected areas will be graded to a final reclamation slope gradient of 3H:1V or flatter. Approximately one foot of subsoil composed of fines and overburden will be spread across regraded stockpile slopes, highwall benches, pit floors, and roads. This material will be used as a plant growth material in combination with the six inches of topsoil that will be spread across subsoiled areas. Seeding will occur shortly after spreading the topsoil. It is expected that with time, some of the topsoil material will migrate into the subsoil, enhancing its ability to store moisture from precipitation, and enhancing root development.

Drilling and blasting operations will create a series of final benches that are 20 feet wide, with highwalls at 40 feet high. These highwalls will have a 63-degree angle between benches, with an overall slope of 1H:1V. Blasting operations are designed to leave smooth highwalls, and pre-split blasting techniques will be used if necessary to form smooth walls. A large portion of the pit highwalls will be backfilled with fines/overburden material with reclamation slopes of 3H:1V. This will minimize the amount of highwalls remaining at the site, and provide additional protection for wildlife.

In Exhibit J, the Applicant describes seven vegetation communities that exist on the Hitch Rack Ranch property which are commonly associated with the foothills and/or piedmont of eastern Colorado. The proposed affected land is located within the property boundaries, but does not cover the entire property. The seven vegetation communities identified include, Mountain Shrubland (39% of property), Grassland (22% of property), Montane Mixed Conifer Forest (18% of property), Pinyon-Juniper



Woodland (13% of property), Ponderosa Pine Woodland (6% of property), Riparian Woodland (1% of property), and Herbaceous Wetland (< 1% of property).

The primary vegetation communities present in the proposed mining area, south of Little Turkey Creek, include primarily Montane Mixed Conifer Forest and Mountain Shrubland, with smaller areas of Pinyon-Juniper Woodland and Ponderosa Pine Woodland. The primary vegetation community present along Little Turkey Creek (not in the affected area) is Riparian Woodland. In the eastern, flatter portion of the property where the proposed access road would be located, the primary vegetation communities include primarily Grassland, with areas of Mountain Shrubland, and Ponderosa Pine Woodland. The portion of Little Turkey Creek that would be crossed by the proposed access road consists of Riparian Woodland.

The proposed revegetation plan provided in Exhibits E and F takes into consideration the variations in slope, aspect, and elevation in different portions of the proposed affected land, and existing vegetation communities. Proposed proportions of plant species are based on vegetation sampling conducted on site by BIO-Logic, Inc., and on input received from the NRCS, USFS, USFWS, CPW, the WHC, and the City of Colorado Springs. Additional species were included to specifically encourage elk and turkey habitat. The reclamation plan includes four primary revegetation plans, including Mixed Conifer, Mountain Shrubland, Riparian, and Grassland. The Mixed Conifer revegetation plan consists of Douglas fir (85%) and Ponderosa pine (15%), and will be planted on north facing slopes and highwall benches. The Mountain Shrubland revegetation plan consists mainly of Gambel oak (85%) and Mountain mahogany (15%), and will be planted along eastern and southern facing slopes and along the upper portion of the access road. The Mountain Shrubland mixture will be supplemented by additional species at a rate of 100 stems/acre, which vary depending on whether they are part of the Wet Shrubland Mixture or the Dry Shrubland Mixture. Areas adjacent to Riparian planting zones and upland drainages should have sufficient water available for the Wet Shrubland Mixture. The Dry Shrubland Mixture will be planted in dry, upland areas, and include drought tolerant rhizomatous perennials that currently grow in existing mountain shrubland in the project area.

The Riparian revegetation plan will be implemented at the Little Turkey Creek crossing on the access road, along the drainage to remain across the quarry area, and along the drainage to remain adjacent to the F1 fines stockpile area. The predominant native cottonwood found on site is Narrowleaf cottonwood, and the most common willow is Bluestem willow. These existing species at the site will be included in the Riparian mixtures to yield the greatest reclamation success. Additional Riparian shrubs will be planted for a greater diversity of species, and the species selected are recommended by the City of Colorado Springs and El Paso County Stream Design Guidelines. A Wet Riparian Mixture will be planted at the Little Turkey Creek crossing and other areas with sufficient water. However, there may not be sufficient water available to sustain these species in the drainages across the quarry area and adjacent to the F1 fines stockpile area. Therefore, these areas may be planted with the Dry Riparian Mixture which consists primarily of aspen trees, with five shrub species planted at lower rates.

All disturbed areas will be revegetated with a permanent native grass seed mixture, which was initially provided by NRCS, then revised with recommended species by CPW and WHC. The permanent grass seed mixture is composed of cool and warm season grasses, legumes, and forbs specifically chosen for



their expected success at the proposed site. The majority of the access road and flatter portions of the quarry area will be revegetated specifically as Grassland. Areas to receive shrub and/or tree plantings will first be planted with an additional ground cover of grasses. Once the grasses are established, the areas will be planted with the appropriate shrub and tree mixtures.

Noxious weed management will be performed to adequately protect developing vegetation. A comprehensive Noxious Weed Management Plan prepared by CORE Consultants, Inc. was submitted for the site in Exhibit E.

Stormwater management structures on site will be managed throughout both mining and reclamation. Sediment detention basins will remain in place during the initial reclamation period to capture sediment until vegetation is established. Once sediment levels reach permissible standards, the sediment detention basins will be removed and the areas reclaimed by filling in the basin, placing topsoil, and revegetating the location. The reclamation drainage network will route runoff and seepage waters from affected areas to Little Turkey Creek via open, free-flowing channels. No pumping will be required. Channel segments with flat gradients (~2%) will be vegetation channels, and channels with steeper gradients will be armored with riprap or excavated into bedrock.

The proposed mine site is located within the boundaries of two Soil Conservation Districts, including the El Paso County Soil Conservation District and the Turkey Creek Soil Conservation District. The Division sent notice of the permit Application to both districts on November 9, 2017, and received no comments or recommendations for the proposed revegetation plan.

The Division determined the proposed reclamation plan is appropriate to the type of reclamation necessary to achieve the proposed post-mining land use of wildlife habitat, and satisfied the requirements of C.R.S. 34-32.5-116, Rules 6.4.5 and 6.4.6, and the reclamation performance standards of Rule 3.1.

2) The application is proposing a 50 year mine plan so none of us will be here to hold this company responsible to the damage they are sure to cause. (1)

The Division issues reclamation permits and regulates mining and reclamation activities throughout Colorado. The Division's primary objective is to review mining and reclamation permit applications and to inspect permitted mining operations to verify compliance with the conditions of the permits and applicable requirements of the Act and Rules. These responsibilities are mandated by statute.

According to C.R.S. 34-32.5-116(4), reclamation plans and their implementation are required on all affected lands. Proposed reclamation plans must comply with C.R.S. 34-32.5-116, Rules 6.4.5 and 6.4.6, and with the reclamation performance standards of Rule 3.1. The Division determined the proposed reclamation plan for this Application met these requirements.

B. Concerns regarding reclamation of the Applicant's other permitted mine sites:



The Applicant is the same company that created the Pikeview Quarry "scar", which is not a good example of reclamation by the Applicant. The Pikeview scar shows how little the Applicant cares about their operations. The Applicant has a reputation for failure to adequately reclaim their existing mines, so it is unacceptable they could be granted approval to destroy another environment.
(36)

The Applicant, Transit Mix Concrete Co., currently holds no active mining permits in Colorado. Pikeview Quarry, Permit No. M-1977-211 is permitted by Continental Materials Corporation. The Applicant does refer to Pikeview Quarry in the Application, as Transit Mix Concrete Co. is a subsidiary of Continental Materials Corporation. There are no outstanding violations for any of the seven active permits held by Continental Materials Corporation, including for Pikeview Quarry.

Because the Applicant holds no active mining permits with the Division, and thus, does not have any outstanding violations, the Division is not authorized to deny the Application pursuant to C.R.S. 34-32.5-120.

It should be noted that Pikeview Quarry is an active operation with mineable reserves remaining. Portions of the site have been reclaimed. Other areas remain active and have not been reclaimed. Pursuant to C.R.S. 34-32.5-116(4), all affected lands will require reclamation in accordance with the approved plan.

5. Blasting

Concerns regarding blasting, and potential for adverse impact to man-made structures and public safety from the use of explosives:

It takes a tremendous force to separate hundreds of cubic yards of rock from a canyon wall. Shock waves do not stop at the property line. Blasting may cause damage to water wells and house foundations. Far more details are needed in the blasting plan. (4) In the engineering assessment for Little Turkey Creek Road, the Applicant admits that blasting operations may cause premature rock falls onto the road, which may damage the road. Even if vibrations from blasting do not directly trigger rock falls, vibrations from blasting may destabilize rock outcrops, and subsequent rains may then trigger rock falls. (1) There is potential for flying loose rock when blasting occurs. (5) Blasting activities will cause danger to myself, family, and friends from potential flyrock and rockfall on Little Turkey Creek Road. (1)

The Application clarifies explosives will be used in conjunction with the mining operation, and all blasting will be conducted by trained, experienced, and competent persons who understand the hazards involved with a blasting operation. Explosives and primers/boosters will be delivered by a blasting contractor on the day of a blast and will not be stored on site. The Application includes a blasting plan, prepared in accordance with *MSHA CFR 30 Part 56 Section 63: Control of blasting operations*, which details proposed blasting procedures, a flyrock control plan, documentation protocols, and a pre-blast survey plan.



According to the pre-blast survey plan provided in Exhibit D, the operation will offer pre-blast surveys to all landowners with structures located within three-quarters (3/4) of a mile from the proposed permit boundary, north and west of the scale house (where blasting will occur). This distance exceeds the protocols established by the U.S. Department of the Interior, Office of Surface Mining, Reclamation, and Enforcement (OSMRE) by 50%. The surveys will include photographic and video documentation of the condition of existing structures. As part of the survey, groundwater wells will also be evaluated for water quality, water level, and flow rate. The Applicant will provide a copy of the comprehensive pre-blast survey report to all participating structure owners and to the Division.

The blasting plan provided in Exhibit D indicates blasting will occur between the hours of 10:00 a.m. and 4:00 p.m., not to exceed a maximum of three blasts per week. Blasts will be primarily scheduled for Monday through Friday. Blasting schedules will be maintained and made available to the public. The primary notification regarding planned dates and times for blasting will be signs posted at each entrance to the property. There will be a total of three signs, posted 24 hours before a blast, which will be updated as necessary if the blast is delayed. The signs will state whether a blast is scheduled for the day, and if so, the scheduled time. These signs will also communicate the blasting audible signal guide, including length of signal relating to the timeline before and after the blast. The Applicant will notify emergency service providers on the day of the blast, and will coordinate with them as needed to ensure emergency vehicles can pass through the quarry area unimpeded.

Prior to a blast being initiated, access corridors will be secured for the length of time needed to successfully complete the blast. Blast guards will be posted at all entrances to the property to ensure the access corridors through the active mining area are secure during the blasting process. Pre-blast procedures will include audible blast signals, originating from a vehicle mounted siren that will be utilized according to the following schedule: two minutes before the blast – 15 second audible siren; and 30 seconds before the blast – 30 second audible siren. Federal regulations [30 CFR 816.66(b)] require such signals be audible within a range of one-half (1/2) mile from the point of the blast. Blast guards will be in contact with the lead blaster via CB radio on a channel to be determined at the time the site begins construction. Blast guards will have the authority to stop the blast at any time, up to the time when the blast is initiated. In the case of an emergency, blast guards will notify the lead blaster and stop the blast until the emergency situation is resolved. A typical length of time for a blast is less than 30 minutes. Once the blaster has checked the blast site and determined the area to be safe, an all-clear audible signal of three short siren blasts will be sounded. Afterward, blast guards will release their blocks, and the access corridors will be re-opened for travel.

Although misfires rarely occur, in the event of a misfire, the access corridors may be secured for longer than 30 minutes. If a misfire were to occur, the lead blaster, at his discretion, can choose to open Little Turkey Creek Road and allow traffic to proceed until the cause of the misfire has been identified. Thereafter, the lead blaster may secure the access road again for successful completion of the blast.

All blasts will be monitored. The blast monitoring procedures will include seismic monitoring to measure ground vibration and peak particle velocity. The proposed maximum peak particle velocity will be one-half (1/2) inch per second, measured at the seismic instrument set up nearest to the closest non-Transit Mix owned structure. Peak particle velocities will be maintained below the proposed



maximum allowable limits. Microphones will be used to measure air over pressure (air blast) and noise. The proposed maximum decibel level for air blasts will be 130 decibels, measured at the seismic instrument set up nearest to the closest non-Transit Mix owned structure. The industry standard for air blast level is 133 decibels. Air blast levels will be maintained below the maximum allowable limits.

All blasts will be monitored with three separate monitoring units made up of a seismograph, a geophone (seismic unit), and a microphone. One stationary unit will be located at the western edge of the property near the western gate off of Little Turkey Creek Road. The second unit will be located on the eastern edge of the property, adjacent to the eastern gate along Little Turkey Creek Road, or on the quarry access road. The location of this unit will be determined based on the closest structure to the blast. The final unit will be placed perpendicular to each blast at or near the nearest property line.

All monitoring will be performed by a blasting consulting firm, and records for all blasts will be maintained on site. A third party blasting contractor will prepare a paper record of each blast completed at the quarry. Copies of each blast report will be kept on file in the scale house/office building for reference. All records, including blast statistics and blast monitoring, will be kept on file for a minimum of three years.

Exhibit D includes a mitigation plan, describing how the operation will respond to complaints from surrounding structure and groundwater well owners regarding potential impacts from blasting activities. The mitigation plan details the measures to be implemented and their associated timeframes. The operation will typically begin a site investigation within 24 hours. Based on the results of the site investigation, the operation will make arrangements for additional data collection with the consulting firm who completed the original pre-blast survey. The new survey will be recorded in the same fashion as it was for the initial pre-blast survey. The new survey will be compared to the original survey to identify any new features. During the course of the investigation, the blast monitoring results will be reviewed. Other data and reports may be reviewed as necessary to help determine the cause of the damage. If the damage is determined to have likely resulted from blasting, the operation will review the blasting log of the recent blasting activity and make modifications to future blasting to reduce ground vibration and air over pressure instances. The damaged structure will be monitored over the course of 30 days (or longer if necessary) to determine if further damage occurs and to determine the proper course of repairs to the structure and the responsibility for any repairs. During this monitoring period, the operation will place a blast monitoring device on the property of the concerned neighbor to log vibration and air over pressure near their structure.

It should be noted, if a structure located outside of the affected land is damaged by blasting activities occurring at the mine site, the Division would consider this to be offsite damage pursuant to C.R.S 34-32.5-116(4)(i).

The Division determined the blasting plan and pre-blast survey plan submitted in Exhibit D, and the geotechnical assessment submitted in Exhibit 6.5, sufficiently demonstrate that off-site areas will not be adversely affected by blasting, as required by Rule 6.5(4) and Rule 6.4.4(i).



6. Geotechnical Stability

A. Concerns regarding the stability of stockpiles:

Figures C-9b and C-9c depict the lower ends of the F1 and F2 fines piles as being very close to Little Turkey Creek, with depths of over 100 feet and over 200 feet respectively. Given the proximity to the creek and the depth of the piles, stability will be critical to preventing landslides into the creek. Stability analyses for the fines piles are questionable since the Pikeview Quarry stability analyses performed by the Applicant's engineers were wrong. Failure of the piles could block and/or damage the creek and the road. (1)

The Application proposes six stockpiles planned for the operation, including four topsoil stockpiles, and three fines stockpiles. Two of the topsoil stockpiles and one of the fines stockpiles will be located west of the open pit. The other stockpiles will be stored inside the mined out pit. The stockpiles will be constructed in five to ten foot lifts based on the proposed equipment sizes. The edges of the stockpiles will be dumped or pushed to form angle of repose slopes. Several lifts will be placed before a bench is established. The proposed bench heights are less than 160 feet, which are well within general mining practice. The inter-bench slope will be monitored during mining operations where bench clean up and maintenance are expected to occur. Benches will be constructed as designed and maintained during operations. The operational inter-bench slope angle for topsoil and fines stockpiles will be 1.7H:1V, and the final closure slope angle for remaining fines stockpiles will be 3H:1V. Closure analyses were not carried out for topsoil stockpiles, as this material will be consumed for reclamation purposes.

The stability analysis models were evaluated under static and pseudo-static conditions, with horizontal ground acceleration, for proposed operational and closure configurations of the stockpiles. Cross-sections were analyzed for the stockpiles to further evaluate slope stabilities. The calculated Factor of Safety (FoS) for proposed operational and closure configurations ranges from 1.5 (pseudo-static condition) to 2.1 (static condition). These FoS values meet or exceed industry standards for stability of waste stockpiles.

For the stability analysis models, the phreatic surface was set at the top of the overburden at the bedrock contact, at the bottom of the stockpiles. Generally, the phreatic level is not anticipated to be elevated to be within the stockpiles as the fines and overburden material are considered to be well-drained material. One specific scenario where the phreatic surface is anticipated to be slightly elevated at the downstream toe of the F2 fines stockpile (located inside the pit) is due to the shape of the mined-out pit.

The stability analyses found the FoS for the proposed operational and closure condition meets the proposed design criteria. Minor sloughing and erosion is expected on the inter-bench slopes during operations. Sloughed and eroded materials are expected to be contained by the benches and to be addressed with regular monitoring and maintenance.

Portions of the fines stockpiles will be reclaimed during mining operations. After slopes have been graded to the final reclamation configuration, they will be topsoiled and seeded. The stormwater management plan for the site includes a series of collection ditches, culverts, and sediment detention



basins designed for the 100-year, 24-hour storm event. These structures will be constructed in the areas of the fines and topsoil stockpiles, and will help protect stockpiles from erosion, and control sediment.

The Division verified and accepted the stability analysis models for the fines stockpile cross-sections located within the open pit and west of the open pit for the proposed operation. The Applicant committed to collecting and testing the topsoil, fine reject, and compacted engineered sand and gravel and revising the geotechnical assessment with the site-specific information.

The Applicant made several other enforceable commitments in Exhibit 6.5 for additional sampling and testing to supplement and/or revise the stability analyses as needed. The data and results of these additional studies will be submitted to the Division for review.

The Application includes engineering stability analyses for proposed operational and reclaimed slopes and waste stockpiles, in accordance with Rule 6.5(2). The Application demonstrates, through geotechnical and stability analyses, off-site areas will be protected with appropriate factors of safety incorporated into the analysis, in accordance with the requirements of Rule 6.5(3) and C.R.S. 34-32.5-116(4)(i).

In reference to the Pikeview Quarry comparison, as the Applicant pointed out in their adequacy response submitted on March 9, 2018, the engineers that performed the stability analyses for Pikeview Quarry are not working on the Hitch Rack Ranch Quarry Application. Additionally, it should be noted the geology at, and the mining and reclamation plans for Pikeview Quarry are substantially different than for the proposed operation.

B. Concerns regarding the stability of pit highwalls:

The stability of pit walls will be critical to ensuring the safety of people driving near the quarry pits and ensuring Little Turkey Creek and Little Turkey Creek Road are not damaged by rockfalls or landslides. The Applicant is owned by the same company as the operator of Pikeview Quarry, where numerous landslides have occurred over the past ten years. (1) The geotechnical study in Exhibit 6.5 solely addresses overburden and soil, not the underlying bedrock. The geotechnical study is inadequate for addressing very real geologic hazards in the area. Michele White, Vice President of Government Affairs for Pikes Peak Unlimited and Certified Professional Geologist, conducted an analysis of the core data. Ms. White found the degree of intense fracturing, brecciation, and faulting of rock in the core indicates the area is highly likely to experience significant failure of the highwall over time if the area is mined by open pit. (1)

The Application includes engineering stability analyses for proposed operational and reclaimed slopes and highwalls, in accordance with Rule 6.5(2).

The geotechnical assessment for proposed highwalls submitted in Exhibit 6.5 includes available geotechnical information, the development of geotechnical strength parameters, and guidelines for bench and overall pit slopes for the proposed operation. Information used in the geotechnical assessment is based on the site investigations conducted in 2015 (including seven boreholes advanced to depths of



200-800 feet below existing grade), and in 2014 (including six boreholes, advanced to depths of 150-250 feet below existing grade). The geotechnical assessment also considered information collected from six new boreholes drilled in 2017 for groundwater monitoring installations. From this borehole data, major rock types at the site are estimated to consist primarily of granite and granite gneiss (81% of all rock encountered). Detailed borehole logs were included with the Application as Attachment A. Twenty-one representative samples were selected from the 2015 drill core and submitted for laboratory testing to determine intact rock strength and physical properties. The full laboratory report was included with the Application as Attachment B.

Downhole logging and geophysical testing was completed on six of the 2015 boreholes. Optical and acoustic televiwer logging was completed at six of the 2017 boreholes. The testing completed included optical televiwer, acoustic televiwer, caliper, natural gamma, normal resistivity, and density surveys. Logs of the geotechnical testing were included with the Application as Attachment C.

Rock mass characterization was conducted for each rock type found at the site. This included assessments of uniaxial compressive strength of intact rock, rock quality designation, spacing of discontinuities in rock core, condition of discontinuities, groundwater conditions, rock mass rating classification, and structure (jointing and faulting). Major rock types encountered were generally described as Fair Rock to Good Rock (well suited to function as pit wall material). The most commonly encountered rock types at the site, granite and granite gneiss, are both described as Good Rock. Pegmatite is classified as Poor Rock, but was encountered only once during the drilling program, between depths of 99-125 feet below existing grade. Pegmatite is not desirable pit wall material, but consisted of only 1% of rock types encountered at the site.

The recommended bench configuration includes assessments of kinematic analysis, limit equilibrium (L-E) analysis, and rock fall analysis. Factors of safety were calculated for each rock type encountered at the site, based on the proposed 40 foot bench height, 20 foot wide bench, and bench face angle of 63-degrees. The majority of major rock types satisfy the design criteria for saturated static and pseudo-static conditions for the proposed configuration of highwall benches.

The results of the rock fall analysis show the proposed 40 foot high, 20 foot wide bench, with a four foot high catch berm satisfies the design criteria. This shows a four foot high berm placed three feet behind the design crest of the following bench will be sufficient to retain 99% of falling rock.

The limit equilibrium "L-E" analysis was carried out for a cross-section that includes the highest section of the Phase 1 pit wall, which is approximately 330 feet in height. The analysis evaluated the static and pseudo-static Factor of Safety (FoS) for a pit wall constructed from the major rock types based on the block model geology. This analysis conservatively considers saturated groundwater conditions. The results of the analysis show the proposed 45-degree pit slopes for Phase 1 have FoS values greater than 2 for both static and pseudo-static conditions, even assuming fully saturated wall conditions (a conservative groundwater assumption). The current drillhole data supports the development of the Phase 1 pit slopes. Additional drilling and geotechnical assessments are required to allow detailed designs to be completed for the ultimate pit walls, which will be significantly higher than the Phase 1 pit walls.



The stormwater management plan for the site will include a series of collection ditches, culverts, and sediment detention basins. These structures will be designed for the 24-hour, 100-year storm event, and will divert water runoff away from pit walls, collect mine inflow and stormwater, and return all water to the natural groundwater system and/or drainage (Little Turkey Creek).

Throughout mining and reclamation, pit slopes will be monitored for movement with a robotic prism monitoring system, laser scanning, and/or extensometers. A movement monitoring plan will be developed during initial mining, as it will be influenced by wall performance. The plan will be implemented as final highwalls start to be developed.

The Applicant has made several commitments in Exhibit 6.5 for additional inspections, monitoring and mapping to supplement and/or revise the pit wall stability analyses as needed. The data and results of these additional studies will be submitted to the Division for review. As stated above, the Applicant must perform additional investigations and submit the results to the Division for review prior to creating Phase 2 highwalls.

The Applicant responded to concerns regarding faulting in the area in their adequacy response submitted on March 26, 2018. In this response, the Applicant states the current understanding of major fault structures in the area is based on surface mapping, borehole intercepts, and regional information. The Applicant describes the faults in the area, and adds that steeply dipping faults that do not undercut the pit walls are not expected to lead to large scale slope failures. The rock within these fault zones is generally more broken with slickensides and some clay infill present on discontinuity surfaces. The Applicant acknowledges several seams of sand-like material were intercepted at varying depths in one of the boreholes (ranging from 0.2 to 2 feet thickness). However, this borehole was drilled north of Little Turkey Creek where no mining will occur. If similar seams are encountered south of Little Turkey Creek, in the proposed mining area, they could impact interim or overall pit slopes. Therefore, additional mapping and drilling will be required as the quarry advances to confirm the orientation and quality of these seams/potential faults, and their effect on pit wall design through various pit phases. However, given the Phase 1 pit configuration, it is expected adverse dips can be addressed by adjusting the mining sequence and direction.

The Application sufficiently demonstrates, through geotechnical and stability analyses, that off-site areas will be protected with appropriate factors of safety incorporated into the analysis, in accordance with the requirements of Rule 6.5(3) and C.R.S. 34-32.5-116(4)(i).

In accordance with Rule 6.4.19(b), Exhibit S includes an engineering evaluation prepared and certified by a Colorado licensed professional engineer, which demonstrates to the Division's satisfaction all structures located within 200 feet of the affected land, including Little Turkey Creek Road, will not be damaged by the proposed operation.

In reference to the Pikeview Quarry comparison, as the Applicant pointed out in their adequacy response submitted on March 9, 2018, the engineers that performed the stability analyses for Pikeview Quarry are not working on the Hitch Rack Ranch Quarry Application. Additionally, it should be noted the



geology at, and the mining and reclamation plans for Pikeview Quarry are substantially different than for the proposed operation.

7. Application/Permitting Details

A. Concerns regarding the Division's review of this application when the last application submitted for the site was denied by the MLRB, and is under consideration in District Court:

The issue of the denied 2016 permit application by the same Applicant is pending in District Court proceedings. Therefore, it would be inappropriate for the Division to review and issue determinations while that case is pending. (1) The Applicant was denied a similar application for this property, but the same issues exist. Smaller does not mean less invasive nor destructive. (12)

The Act and Rules require the Division to review properly submitted applications. There is no provision in the Act and Rules that limits or restricts the Division's review of an application submitted for a site where a previous application was denied. Each permit application is reviewed according to the specific requirements of the Act and Rules. Pursuant to Rule 1.4.1(10), the Applicant has the burden of demonstrating that the application meets the minimum requirements of the Act, Rules, and Regulations.

B. Concerns regarding completeness and consistency of the application:

1) The application is incomplete per C.R.S. 34-32.5-115(4)(a), because it contains numerous inaccuracies and inconsistencies. (7)

Filing requirements are provided under Rules 1.1(20.1) and 1.4.5(2). The Application submitted to the Division on October 5, 2017 was deemed incomplete. The Division issued a notice of filing deficiencies to the Applicant on October 20, 2017, identifying 25 items that would need to be addressed before the Division could consider the Application complete for filing purposes. The Applicant addressed all filing deficiencies and the Division deemed the Application filed on November 9, 2017.

2) The permit area of 398.88 acres given on the application form is inconsistent with other statements in the application. (1) The 2016 application requested 392.75 acres. On page vii of the current application, the Applicant states they have "re-designed the planned mining operations, and now proposes a significantly reduced mine area". So how can the number of acres of the 2017 application permit area (398.88 acres) be larger than the 2016 application? (3) It seems the Applicant is trying to permit most of Section 16. This is basically the amount of acreage as in the denied application, but without giving any information about half of the land or their plans for it. (1)

The Application proposes a permit area of 398.88 acres, with an affected area of 239.03 acres. The affected area is the proposed maximum disturbance for the entire life of mine. The Application proposes a maximum disturbed area of 159.92 acres through mining phase III, for which the operation will post a reclamation bond in the amount of \$3,549,294.00.



The proposed permit area is slightly greater than the permit area proposed in the permit Application submitted for File No. M-2016-010, as portions of the permit boundary were straightened to allow for easier delineation in the field. However, the proposed affected area of 239.03 acres is significantly less than what was proposed in File No. M-2016-010, which was 392.75 acres. The difference of 153.72 acres is primarily due to the reduction in proposed affected land for Section 16. This Application does not propose affecting lands north of Little Turkey Creek.

- 3) *The Applicant seeks to abuse the DRMS application process for the sole purpose of costing objectors more money and time to argue against an application that is on its face incomplete and contrary to law. (1)*

The Division determined the Application, submitted to the Division on October 5, 2017, to be complete for the purposes of filing on November 9, 2017.

On April 3, 2018, the Division determined the Application satisfied the requirements of the Act and Rules for a 112c reclamation permit application, and issued its recommendation for approval in accordance with Rule 1.4.9(2)(c) and C.R.S. 34-32.5-115(4).

Multiple agencies were noticed of the Application on November 9, 2017, including El Paso County. The Division received comments on the Application from four of the agencies noticed (Division of Water Resources, Colorado Parks and Wildlife, History Colorado, and Colorado State Land Board). The comments received did not indicate the Application is contrary to law. All recommendations made by commenting agencies were incorporated into the permit.

C. Concerns regarding adequacy and accuracy of the application:

- 1) *The application fails to demonstrate that all refuse will be disposed of in a manner that controls unsightliness or deleterious effects of such refuse per C.R.S. 34-32.5-116(4)(e). The fines pile at the western edge will be clearly visible from Eagles Nest properties. (5)*

Following C.R.S. 34-32.5-116(4)(e), reclamation plans and their implementation are required on all affected lands, including that all refuse shall be disposed of in a manner that controls unsightliness or the deleterious effects of such refuse.

In Exhibit E, the Application states that during mining, overburden and fines generated will be direct hauled and placed as backfill in the pit areas as soon as practicable, and as areas become available for reclamation. The subsoil material will be used as a plant growth medium on disturbed areas, including, on highwall benches, pit floors, the F1 fines stockpile area, and roads. At least one foot of fines/overburden will be placed over all disturbed areas for reclamation. Subsequently, a minimum of six inches of topsoil will be placed across disturbed areas over previously placed subsoil. The F1 stockpile area, where fines/overburden will be stored during the mining operation, will be reclaimed to wildlife habitat. Any remaining fines/overburden in the F1 area not used for reclamation of the site will be regraded to 3H:1V slopes, receive a minimum depth of six inches of topsoil, and be revegetated in accordance with the Mixed Conifer, Grassland, and Riparian revegetation plans. The Mixed Conifer



revegetation plan consists of Douglas fir (85%) and Ponderosa pine (15%), and will be planted on north facing slopes. Prior to tree planting, the area will be seeded with a permanent grass seed mixture recommended by the NRCS and revised with input by CPW and WHC. Flatter portions of the reclaimed F1 stockpile area will remain as Grassland. The reclamation drainage area along the western edge of the F1 stockpile area will be revegetated with a Riparian plant mixture.

The Division determined the proposed reclamation plan for the F1 fines stockpile area satisfied the requirements of Rule 6.4.5, Rule 6.4.6, C.R.S. 34-32.5-116, and the applicable reclamation performance standards of Rule 3.1.

- 2) The application fails to adequately demonstrate that areas outside of the affected land will be protected from slides or damage occurring during the mining operation and reclamation per C.R.S. 34-32.5-116(4)(i). (6)*

The Application demonstrates, through geotechnical and stability analyses, that off-site areas will be protected with appropriate factors of safety incorporated into the analysis, in accordance with the requirements of Rule 6.5(3) and C.R.S. 34-32.5-116(4)(i).

In accordance with Rule 6.4.19(b), Exhibit S includes an engineering evaluation prepared and certified by a Colorado licensed professional engineer, that demonstrates to the Division's satisfaction all structures located within two hundred feet of the affected land, including Little Turkey Creek Road, will not be damaged by the proposed operation.

The mining plan and blasting plan, submitted in Exhibit D; the reclamation plan, submitted in Exhibit E; the stormwater management plan, submitted in Exhibit G; and the geotechnical stability assessments, submitted in Exhibit 6.5, adequately demonstrate areas outside of the affected land will be protected from slides or damage occurring during the mining operation and reclamation.

- 3) The application describes an operation that is poorly conceived, insufficiently documented, and inappropriate for the described area. It is a poorly thought out plan. (3)*

The Act and Rules do not specifically address whether a location is appropriate for a mine. The Act and Rules anticipate mining operations will locate wherever mineable resources exist. The Act and Rules provide reclamation requirements to ensure affected lands are reclaimed to a beneficial use. The Act and Rules provide performance standards and environmental protection requirements, which apply throughout the life of mine. Pursuant to Rule 1.4.1(10), each application is reviewed, and ultimately approved or denied, based on the Applicant's ability to demonstrate the application meets the minimum requirements of the Act and Rules.

The Division determined the Application satisfied the requirements of the Act and Rules for a 112c reclamation permit application, and thus issued its recommendation for approval in accordance with Rule 1.4.9(2)(c).



Concerns related to land use and zoning, such as the appropriateness of a location for a mine, should be directed to the El Paso County permitting process.

- 4) *Some of the monitoring well and blast monitoring equipment associated with the proposed operation will be located outside of the proposed affected land boundary. (1)*

Six groundwater monitoring wells and one piezometer were installed at the site in 2017 to begin collecting baseline groundwater data for site characterization. These activities were conducted under a Notice of Intent (NOI) to Conduct Exploration Operations, and include a reclamation bond for associated disturbances.

The blast monitoring equipment discussed in Exhibit D of the Application are mobile monitoring units that will not disturb the surface of the land so that such land would be considered affected land pursuant to C.R.S. 34-32.5-103(1). The three proposed monitoring units will include a seismograph, a geophone (seismic unit), and a microphone. These blast monitoring units will be utilized on the Hitch Rack Ranch property.

- 5) *None of the maps in the application include a line delineating 200 feet from the affected lands (as required by Exhibit C). Little Turkey Creek Road is a valuable man-made structure located within 200 feet of the affected area and may at times be inside the affected area once the maps are made accurate and consistent. (2)*

Pursuant to Rule 6.4.3(b), one or more maps may be necessary to legibly portray in Exhibit C the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of the affected land and within 200 feet of all boundaries of such area. The originally submitted Figure C-2 showed a 200 foot offset from the proposed permit boundary. Accordingly, Figure C-2 showed all structures located within 200 feet of the proposed permit boundary, which exceeded the requirements of Rule 6.4.3(b) due to the proposed affected land boundary being inset from the proposed permit boundary. A revised Figure C-2 was submitted on March 9, 2018, which showed all structures located within 200 feet of the proposed affected land boundary. This figure complies with the requirements of Rule 6.4.3(b).

The proposed affected area does not include Little Turkey Creek Road or the associated easement that exists 10 feet from centerline on either side of the road.

- 6) *Page D-3 indicates there will be a 100 foot buffer from the centerline of Little Turkey Creek. However, none of the maps in the application include a line delineating this offset. (1) Figure C-2 includes two different colors for roads within Section 16 (orange and yellow). However, there are not two roads there. (1) On Figure C-2, several segments of the line depicting the northern permit boundary within Section 16 are missing. Knowing the exact location of the permit boundary with respect to Little Turkey Creek Road is critical to owners of the road easement. (1) On Figure C-2, there are numerous errors in the depiction of locations where Little Turkey Creek Road crosses the creek. (1) On Figure C-2, the four culverts marked as being owned by RMBC Group, LLC were installed in 2013 by the Eagles Nest Association.*



RMBC Group, LLC never contributed any money, work, or materials toward the culverts. The culverts are not permanently attached to the land and are not property of RMBC Group, LLC. The Applicant needs to obtain a structure agreement from the Reeds for the culverts. (2) On Figure C-2, the location and ownership of the gate depicted on the eastern edge of Section 16 are both incorrect. RMBC Group, LLC never contributed any money, work, or materials toward the gates in or out of Section 16. The gates are not even located on RMBC Group, LLC property. (2) On Figure C-2, there are other gates not depicted on this figure. (1) On Figure C-2, the location and ownership of fences are not included in the figure. However, an icon for fences is shown in the legend. (1) There is an inconsistency in the location of the monitoring wells between Figure C-2 and Figure 1-1 of Norwest's Transit Mix Concrete Co. Hitch Rack Ranch Surface Water and Groundwater Monitoring Program. (1) On Figure C-2, the depiction of the Schluckebier Headgate and Ditch is totally inaccurate. (1) On Figure C-2, other water retention and diversion structures within Section 16 are omitted from the figure (dams, pipelines, ditches). (1) Little Turkey Creek Road is not always shown on the maps as required by Exhibit C. Therefore, it is difficult to identify its relationship to the affected lands and permitted lands as well as other items of concern that affect the road. (1)

A revised Figure C-2 was submitted on March 9, 2018 to correct errors, to better depict locations of structures, and to add structure owners where missing. In response to the Division's Item No. 17 in the adequacy review letter dated February 12, 2018, the Applicant also submitted revised Exhibit C figures that more clearly depict the proposed permit boundary and affected land boundary by using solid rather than dashed lines. Additionally, the display orders and line widths on the figures were revised to more clearly present the information.

The originally submitted Figure C-2 showed structures located within 200 feet of the proposed permit boundary. However, the revised Figure C-2 shows all structures located within 200 feet of the proposed affected land boundary, as required by Rule 6.4.3(b). With this revision, some of the structures shown on the originally submitted Figure C-2 were removed on the revised Figure C-2 as they are not located within 200 feet of the proposed affected land boundary. For example, the gates that exist at the entrances to the property along Little Turkey Creek Road are not shown on the revised Figure C-2, as they are not located within 200 feet of the proposed affected land boundary.

A portion of Little Turkey Creek Road and its associated culverts are located within 200 feet of the proposed affected land boundary, as shown on Figure C-2. Pursuant to Rule 6.4.19, the Applicant attempted to obtain structure agreements from the structure owner, RMBC Group, LLC, and from the 30 easement owners that have an interest in the structure. The Applicant was successful in obtaining an executed structure agreement from RMBC Group, LLC. However, the Applicant was unsuccessful in obtaining executed structure agreements from the 30 easement owners. Therefore, pursuant to Rule 6.4.19(b), the Division was authorized to accept the engineering evaluation provided in Exhibit S of the Application. The engineering evaluation was prepared and certified by a Colorado licensed professional engineer. The engineering evaluation demonstrated to the Division's satisfaction that no structure located within the boundary of affected lands or within 200 feet of the affected lands, including Little Turkey Creek Road, would be damaged by the proposed operation. Therefore, the Division is not authorized to deny the permit Application pursuant to C.R.S. 34-32.5-115(4)(e).



Additional measures the Applicant proposes to protect the stability of Little Turkey Creek Road are included in the blasting plan, submitted in Exhibit D; the stormwater management plan, submitted in Exhibit G; and the geotechnical stability assessments, submitted in Exhibit 6.5.

During the pre-operation inspection conducted at the site on January 30, 2018, the Division did not observe any significant, valuable and permanent man-made structures located within 200 feet of the proposed affected land that were unaccounted for in the Application. The Division did observe a gate lying on the ground at the eastern edge of the property, near the creek. The Division does not consider this gate to be a significant, valuable, and permanent structure as described in Rule 6.4.19, which would require a structure agreement.

7) There are inconsistencies in the proposed radius for the Pre-Blast Survey. (1)

This issue was addressed in Item No. 2 of the Division's adequacy review letter by Peter Hays dated December 28, 2017. The Applicant submitted a revised pre-blast survey plan on March 9, 2018 that specified a distance of $\frac{3}{4}$ mile from the permit boundary (north and west of the scale house) for conducting the pre-blast survey.

8) There are inconsistencies between the written text and tables on what species of vegetation will be planted for reclamation. (1)

This issue was addressed in Items No. 53, 57, 58, 92, 95, and 102 of the Division's adequacy review letter dated February 12, 2018, and also by Items No. 8, 9, 10, 11, 12, and 15 of the Division's adequacy review letter dated March 16, 2018. The Applicant submitted revised Exhibits E and L on March 9 and 20, 2018 which corrected any inconsistencies regarding vegetation species.

9) There are inconsistencies in the length of time identified within the document and associated figures on how long it will take to drain the sediment basins. The differences are significant. (1)

This issue was addressed by Item No. 6 of the Division's adequacy review letter by Tim Cazier dated January 26, 2018. The Applicant submitted a revised Exhibit G on March 14, 2018 which clarified the outlet pipe (on sedimentation detention basins) will be controlled by an orifice plate at the pipe inlet, and the orifice plate opening will be sized to drain runoff from the 5-year storm in 72 hours and the 100-year storage volume in less than 120 hours, as required by Colorado Department of Water Resources guidelines.

All stormwater ditches and culverts have been designed to convey runoff from the 100-year, 24-hour storm event. All sediment detention basins are designed to contain runoff from the 100-year, 24-hour storm event.

10) The current County Development Plan for the Hwy 115 corridor protects homeowners from unwarranted business encroachment upon the natural beauty, history, and wildlife. The



proposed quarry does not comply with El Paso County's Southwest Hwy 115 Development Plan.
(9)

According to C.R.S. 34-32.5-115(4)(d), the Board or Office may deny a permit application if the proposed operation is contrary to the laws or regulations of this state or the United States, including but not limited to all federal, state, and local permits, licenses, and approvals, as applicable to the specific operation.

The Division provided El Paso County notice of the Application on November 9, 2017. El Paso County has not indicated any conflict with local zoning, local regulations, or the Master Plan for the proposed mine operation. Therefore, the Division is not authorized to deny the permit pursuant to C.R.S. 34-32.5-115(4)(d).

Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain a Special Use Permit and Construction Permits from El Paso County and a Hwy 115 Access Permit from CDOT.

11) The permitted use for Cheryl Kimble's well (Permit No. 1678757) was incorrectly stated in the application as "household" and is in fact "domestic" as listed in the well search for the Division of Water Resources. (1)

Table 2-3 – Domestic Wells in the Vicinity of the Proposed HRR Quarry, provided with the Hitch Rack Ranch Hydrogeology and Impact Analysis prepared by Hydro-Logic Solutions, Inc., and submitted in Exhibit G of the Application, does not specify “household” use for Well Permit No. 1678757. In fact, the table does not include a well use column. However, the title of the table indicates that all of the wells listed are “domestic wells”.

The Division determined that information provided in Exhibit G satisfied the requirements of Rule 6.4.7, and the applicable performance standards of Rule 3.1.

12) My observations of the habitat of Section 16 in my travels to and from my property for the last 25 years are contrary to those in the application concerning trees and turkeys. (1)

The objector does not specify how the observations are different from those included in the Application.

Exhibit H of the Application describes wild turkey as a small game species that are common throughout the permit area, which is within CPW-mapped wild turkey winter range, winter concentration area, and production area. This exhibit also states that reclaimed Grasslands are expected to provide functional wildlife habitat within a few years, including big game and wild turkey forage. After revegetation is complete, the quarry site may support a greater diversity of wildlife species due to greater habitat diversity, with generalist and habitat “edge” species favored such as elk, mule deer, turkeys, and black bear.



Exhibit J describes seven existing vegetative communities on the entire Hitch Rack Ranch property. Vegetative communities in Section 16 include primarily Montane Mixed Conifer Forest, Mountain Shrubland, and Pinyon-Juniper Woodland, with smaller communities of Ponderosa Pine Woodland, Riparian Woodland, and Grassland. Several tree species were identified on the property, including, Douglas fir, Ponderosa pine, White fir, Rocky Mountain juniper, one-seed juniper, Narrowleaf cottonwood, Alder, River birch, Plains cottonwood, Siberian elm, and Pinyon pine.

The Division sent notice of the Application to CPW, USFWS, and the two Soil Conservation Districts (SCDs) for the site (Turkey Creek Conservation District and El Paso County Conservation District). CPW provided comments on the Application on January 22, 2018 which did not express significant concerns regarding turkeys or trees. The Applicant has incorporated all of CPW's recommendations into the permit. The Division did not receive comments on the Application from USFWS or the SCDs.

The Division determined the Application met the requirements of Rules 6.4.8 and 6.4.10, and the reclamation performance standards of Rule 3.1.

13) No data is provided as to the presence or absence of heavy metals in the mine area. (1)

The Application states that the aggregate operation will be developed within a deposit of inert granitic rock and no acid-forming or toxic producing materials were identified during the exploratory drilling and sampling program. Therefore, no release of pollutants to groundwater from mined material is expected.

As described in Exhibit D, the target of the aggregate resource for the proposed mine operation is basement rock of Precambrian age comprised mostly of igneous and/or metamorphosed granodiorite and Pikes Peak granite. Available literature, surface mapping, and observation of drill core samples on the property did not indicate the presence of any mineralization that could potentially provide a mineral resource that would be in conflict with the objectives of developing a surface mine for aggregate stone. No minerals of economic value were identified. No sulfides or any other water degradation minerals were identified on the property.

The Application includes a surface water and groundwater monitoring plan that includes collecting baseline water quantity and quality data for site characterization and for continued monitoring during operations. Groundwater quality data collected from the site will be compared with the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Commission's (WQCC's) Interim Narrative Standards, established in Regulation No. 41 – The Basic Standards for Groundwater. Surface water quality data collected from the site will be compared with the CDPHE, WQCC's Regulation No. 32 – Classifications and Numeric Standards for Arkansas River Basin – Appendix 32-1 – Stream Classifications and Water Quality Standards Tables – Effective 06/01/2016, Stream Section 14d (COARUA14D). The water monitoring plan includes sampling for heavy metals, and comparing their values to the applicable standards set by CDPHE, WQCC.



The Division accepted the water monitoring plan as sufficient to verify the protection of surface and groundwater resources. The Division determined the permit Application satisfied the requirements of Rule 6.4.7, and the applicable performance standards of Rule 3.1.

14) The maps and drawings in the application appear to be inconsistent with the words of the application in many areas, including with the boundary for the pit relative to Little Turkey Creek. (1)

Inconsistencies in the Application were addressed through the completeness and adequacy review processes. The Division issued a notice of filing deficiencies to the Applicant on October 20, 2017, identifying 25 items that would need to be addressed before the Division could consider the Application complete for filing purposes. The Applicant addressed all filing deficiencies, and therefore, the Application was called complete on November 9, 2017. Division staff issued a total of ten adequacy review letters identifying items that required correction or clarification. The Applicant addressed all adequacy items to the Division's satisfaction in their adequacy responses submitted on March 9, 14, 20, 23, and 26, 2018.

In response to the Division's Item No. 17 in the adequacy review letter dated February 12, 2018, the Applicant submitted revised Exhibit C figures that more clearly depict the proposed permit boundary and affected land boundary by using solid rather than dashed lines. Additionally, the display orders and line widths on the figures were revised to more clearly present the information.

15) Regarding archaeological site 5EP779 which lies in the permit area, I disagree with the field assessment offered by CRA, Inc. I would offer that this site is potentially eligible for the Natural Register of Historic Places, or at least needs archaeological testing to determine its eligibility. The collapsed jorno or Hispanic beehive oven (not identified as such in the CRA, Inc. site form) along with other features and artifacts recorded on site suggest it was perhaps a camp site associated with dam construction (site 5EP7778). This site is intriguing because its location is further north than where we would usually find a jorno. (1)

The Application included in Exhibit M a cultural resource inventory of the Hitch Rack Ranch property, prepared by Cultural Resource Analysts, Inc. This survey identified five historical sites on the property, including an unnamed mica quarry (5EP7777), a breached dam on Little Turkey Creek (5EP7778), a stone fireplace (5EP7779), the Schluckebier Ditch (5EP7780), and the Glencairn Ditch (5EP7781). No prehistoric sites or isolated finds were located. All five recorded sites are recommended as not eligible for inclusion in the National Register of Historic Places.

The Applicant addressed the objector's concerns regarding historical site 5EP7779 in their adequacy response submitted on March 9, 2018. The historical site in question is located near the eastern edge of the proposed affected land boundary for the access road, in Section 16. The Applicant commits to performing all work in the area so that the oven will be preserved.



The Division received comments on the Application from the State Historic Preservation Officer (SHPO) of History Colorado on December 5, 2017. SHPO's comments did not indicate any concerns regarding properties of historical significance at the proposed mine site.

D. Concerns regarding potential future expansion of operation if this application is approved:

The current application is a foot in the door. If approved, the Applicant will likely apply to expand the quarry to the originally proposed parameters. The Division should consider all issues based on the originally proposed larger quarry area north and south of Little Turkey Creek Road. (6)

The Division reviews an application as submitted including the mining and reclamation plans proposed for a specified affected area. In this Application, the proposed affected area is 239.03 acres. The Division determined the Application satisfied the requirements of the Act and Rules for a 112c reclamation permit application, and thus issued its recommendation for approval in accordance with Rule 1.4.9(2)(c).

To expand the operation in the future, the Applicant would be required to submit an Amendment application in accordance with C.R.S. 34-32.5-112(7)(a) and Rule 1.10.1. The submittal requirements and review process for an Amendment application are very similar to submitting a new 112c application, including the same review period, public notice procedures, and public comment period. Therefore, if the Applicant sought to expand the operation, the public would have the opportunity to provide comments and objections on the Amendment application during the public comment period.

E. Concerns regarding length of review period for application:

A quarry of this size requires more long term consideration. (1)

The application review period for a 112c reclamation permit application to which objections have been received is defined by Rule 1.4.9. Pursuant to Rule 1.4.9(1), the Office shall set a date for consideration of the application no more than ninety (90) days after the application is filed with the Office. The date for consideration may be extended pursuant to Rules 1.4.1(7), (9), or (13), or 1.8 (unless any submitted materials satisfy Rule 1.8.1(4)).

The Application was filed with the Office on November 9, 2017. This originally gave a date for consideration of February 7, 2018. However, the Division determined the Application to be "complex" pursuant to Rule 1.1(10). Therefore, in accordance with Rule 1.4.1(7), the date for consideration established by the Division was extended by sixty (60) days beyond the usual maximum limit for an operation of this particular type and size. This extended the date for consideration to April 8, 2018.

Pursuant to Rule 1.4.9(2)(c), the Division's recommendation and rationale for its recommendation shall be sent to the Applicant and to all objectors of record at least three (3) working days prior to the Pre-hearing Conference. The Pre-hearing Conference for this Application is scheduled to occur on April 9, 2018. Thus, in accordance with Rule 1.4.9(2)(c), the Division is required to send the



recommendation and rationale documents no later than April 3, 2018. Therefore, the review period for this Application occurred over a period of 145 days. This amount of time was sufficient to complete the review process and determine the Application met the requirements of the Act and Rules.

F. Concerns regarding lack of notice of application:

The Ingersoll Trust was not provided notice of the new application. (1)

The Division determined the Applicant complied with all notice requirements of Rules 1.6.2 and 1.6.5, including: notice to the local Board of County Commissioners and the Board of Supervisors of the local soil conservation district(s); public notice signs posted at the location of the proposed mine site; notice to the county Clerk or Recorder; newspaper publication of general circulation in the locality of the proposed mining operation, published four times, once a week for four consecutive weeks (for a 112c permit application); and notice of the newspaper notification sent to all Owners of Record of the surface and mineral rights of the affected land and to the Owners of Record of all land surface within 200 feet of the boundary of the affected lands.

Pursuant to Rules 1.6.2 and 1.6.5, the Applicant was not required to send notice specifically to the Ingersoll Trust. However, the public notice signs required by Rule 1.6.2(1)(b) and the newspaper publication notice required by Rule 1.6.2(1)(d) provided notice of the proposed operation to the general public.

8. Non-Jurisdictional Issues

A. Concerns regarding traffic and traffic safety along Hwy 115:

Increased truck traffic on Highway 115 (public safety, wildlife safety, vehicle damage from rocks falling off haul trucks, road damage from haul trucks). (98) The proposed mine access point off Highway 115 is in a dangerous location and would create many vehicle accidents. (9)

The Act and Rules do not specifically address traffic or traffic safety for roads located off-site from a mining operation. Such issues are under the jurisdiction of El Paso County and the Colorado Department of Transportation (CDOT). These issues should be addressed through the permitting processes of El Paso County and CDOT.

Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain a Special Use Permit and Construction Permits from El Paso County and a Hwy 115 Access Permit from CDOT.

B. Concerns regarding adverse impacts to property values, quality of life, civil rights, land use of surrounding areas, preservation and/or conservation potential and uniqueness of the site, and destruction of visually appealing and natural landscape:



The proposed operation would destroy beautiful mountains along the Front Range. (2) The proposed operation would have negative impacts on property values. (25) The proposed operation would forever destroy one of the last high-quality examples of a southern Front Range foothills ecosystem. (28) The location of the proposed mine is too close to residential properties in the area. (15) Negative impacts to quality of life. (9) The quarry proposition is motivated by greed in an attempt to squeeze out the middle man at the expense of residents and parks surrounding it. (3) The quarry will destroy a pristine and unique environment for humans, flora, and fauna. (4) The quarry is in direct violation of my civil rights to Life, Liberty, and the Pursuit of Happiness. (2) Our community was here first. (14) The proposed Hitch Rack Ranch Quarry is an example of where a quarry should never be placed. (1) The proposed quarry area and access road are part of The Nature Conservancy's Aiken Canyon Potential Conservation Area. The area was identified by the Colorado Natural Heritage Program as a site of Very High Significance. The Aiken Canyon Preserve is protected by The Nature Conservancy due to its high quality foothills ecosystem. (12) The invasiveness of a quarry into parts of the Hitch Rack Ranch, the Aiken Canyon Preserve, the Beaver Creek Wilderness Study Area, and the Ingersoll Ranch goes against one of the values I believe to be core to the State of Colorado, conservation. These areas will be directly threatened and negatively impacted by a quarry. This large swath of land is a crucial link between the mountains and prairies as well as providing a north-south course along the Front Range. Mining would damage the conservation values of this vital and unique landscape. Erosion of publicly used land erodes what makes this state a unique place to live. (5) The proposed site is an important part of a unique and small area where "Peaks to Plains" ecosystems come together and overlap. Per The Nature Conservancy and the Colorado Natural Heritage Program, this area "merits the highest standards of inventory and protection". (2) El Paso County, in its 2013 Open Space Master Plan, specifically gave the proposed quarry area and Little Turkey Creek drainage very high open space values. (2) I am concerned that nearby quarrying activities will adversely affect the conservation values and in particular the avifauna and wildlife of The Nature Conservancy's properties. (1) Some of the conservation values on the Aiken Canyon Preserve and the proposed mine site are considered to be irreplaceable by The Nature Conservancy and The Colorado Natural Heritage Program. They therefore merit the highest standards of inventory and protection. Impacts to these conservation values should be avoided. (1) The proposed quarry area is a very special land which deserves to be preserved and not mined. (1) The quarry would have an adverse impact on the adjoining Ingersoll Ranch, and would be destructive to Mr. Ingersoll's plan for perpetual conservation of the Ingersoll Ranch as set forth in Mr. Ingersoll's Trust. (1) Natural resources are not limitless, and we need to consider how this would affect the region. (1)

In these proceedings, the Division's jurisdiction is limited to enforcement of the specific requirements of the Act and Rules. The Division considers all timely submitted comments in its review, but can address only the issues that directly relate to the specific requirements of an application, as stated in the Act and Rules. The Act and Rules do not specifically address impacts to property values, quality of life, civil rights, land use of surrounding areas, preservation and/or conservation potential and uniqueness of a site, or maintenance of visually appealing landscapes. Such concerns primarily relate to land use and zoning and should be directed to the El Paso County permitting process. Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain a Special Use Permit and Construction Permits from El Paso County.



The Act and Rules provide reclamation requirements to ensure affected lands are reclaimed to a beneficial use. The Act and Rules provide performance standards and environmental protection requirements, which apply throughout the life of mine. Pursuant to Rule 1.4.1(10), each application is reviewed, and ultimately approved or denied, based on the Applicant's ability to demonstrate the application meets the minimum requirements of the Act and Rules.

After conducting a comprehensive adequacy review of the Application, the Division determined the Applicant sufficiently demonstrated the Application meets the minimum requirements of the Act and Rules. Therefore, pursuant to C.R.S. 34-32.5-115(4), the Board or Office shall not deny the permit.

On November 9, 2017, the Division provided notice of the permit Application to El Paso County, Colorado Department of Public Health and Environment (Air Pollution Control Division; Water Quality Control Division), Colorado Division of Water Resources, History Colorado, Colorado State Land Board, Colorado Oil and Gas Conservation Commission, Turkey Creek Soil Conservation District, El Paso County Soil Conservation District, Colorado Parks and Wildlife, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers.

The Division received comments on the Application from History Colorado, Colorado State Land Board, Colorado Parks and Wildlife, and Colorado Division of Water Resources. The agencies notified have not indicated any conflict of the proposed operation with laws or regulations of this state or the United States. El Paso County has not indicated any conflict with local zoning, local regulations, or the Master Plan for the proposed mine operation. All recommendations provided by commenting agencies were incorporated into the permit Application.

C. Concerns regarding the concentration of mining operations in the area, the demand for aggregate, and business alternatives that should be pursued by the Applicant:

There is already aggregate available from existing mines in the area. There are already three existing quarries down Highway 115, none of which are working at full capacity. There is enough extraction from the southern Front Range as is. The Applicant is feigning demand where there is none. There is no shortage of gravel now or in the near future in Colorado Springs. (28) The Applicant could pursue alternatives such as rail delivery of material directly to their current plants. There are multiple other business solutions available, but apparently not being seriously considered. The company has many other options. (2)

The Act and Rules do not prohibit the concentration of mining operations and their cumulative impacts. Conversely, the Act and Rules anticipate mining operations will locate wherever mineable resources exist. These concerns relate to land use and zoning and should be directed to the El Paso County permitting process.

The Act and Rules also do not address an Applicant's internal business decisions or market conditions.



D. Concerns regarding dust and noise pollution:

Dust pollution. (24) Noise pollution. (33)

The Division's jurisdictional authority is limited to enforcement of the specific requirements of the Act and Rules. The Act and Rules do not provide jurisdiction over air quality and noise pollution issues. Such issues are under the jurisdiction of El Paso County and the Air Pollution Control Division (APCD) of the CDPHE. These issues should be addressed through the permitting process of El Paso County and the CDPHE, APCD.

Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain a Special Use Permit and Construction Permits from El Paso County and the appropriate air quality permits from the CDPHE, APCD prior to conducting the proposed mining and reclamation operations.

The Act and Rules do not authorize the Division to regulate dust or air pollution issues. However, the protection and preservation of stockpiled topsoil against erosion (wind) is addressed under the reclamation performance standards of Rule 3.1.9. Pursuant to Rule 3.1.9(1), if salvaged topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is protected from erosion, remains free of any contamination by toxic or acid-forming material, and is in a usable condition for reclamation. The Application commits to seeding stockpiled topsoil following initial removal with a temporary seed mixture that will establish quickly and prevent topsoil loss due to wind and water erosion. The Division determined that information submitted in the Application met the requirements of Rule 3.1.9(1). Additional measures the operation will take to control dust on site includes the use of water trucks, a standard practice for construction and mine sites.

The Application states that a noise study was completed to measure ambient noise and predict project noise levels and attenuation distances. The noise study was prepared to estimate noise levels at the property boundary, and the results demonstrate that noise is limited to the areas of disturbance. Noise levels attenuate to permissible levels under Colorado Noise Law and El Paso County Ordinances within approximately 100 feet of running equipment. The site topography contains ridgelines near the property boundary, and these provide significant noise attenuation. The Applicant plans to prevent the use of engine brakes without mufflers, and to use low-impact backup alarms to limit noise from the operation. The Act and Rules do not specify acceptable noise levels for mining operations.

Additional measures the operation will take to limit noise are included in the blasting plan submitted in Exhibit D. As part of the blast monitoring program, microphones will be used to measure air over pressure (air blast) and noise from blasting. The proposed maximum decibel level for air blasts will be 130 decibels, measured at the seismic instrument set up nearest to the closest non-Transit Mix owned structure. The industry standard for air blast level is 133 decibels. Air blast levels will be maintained below the maximum allowable limits. The Act and Rules do not specify noise or air blast standards for blasting operations.



E. Concerns regarding issues at other mine sites in the area:

Complaints about other quarries located in the Hwy 115 area (Red Canyon Quarry, Menzer Quarry) which are not permitted by the Applicant. Complaints include issues with noise pollution, dust pollution, speeding haul trucks through local neighborhoods, dangerous traffic on Highway 115, and no protection from the EPA or any other agency in Colorado. The overall experience of having a quarry next to my house has been awful. A quarry will destroy these folks homes and lives. (2) The Schmidt Quarry (Menzer Quarry) to the south has already cut off Big Turkey Creek's ecosystem and migration routes and thus creates an even greater need to keep the Little Turkey Creek route open and useable. It is a unique, sensitive environment critical to a much larger area. (1)

The existing quarries referenced by objectors are not permitted by the Applicant. The Division is not authorized by the Act and Rules to deny the Application pursuant to C.R.S. 34-32.5-115(4) based on issues occurring at other permitted sites. Any jurisdictional issues observed at permitted mines should be addressed through the corresponding permit, and not through the Application submitted for File No. M-2017-049. Complaints for a mine or prospecting site may be formally submitted via the online complaint form available from the Division's website at www.mining.state.co.us. If the complaint is regarding an existing permitted site, the permit number, if known, should be included on the form.

F. Concerns regarding the Applicant's character and/or business practices:

The Applicant's numerous safety violations and bullying tactics with Highway 115 residents speaks to their lack of ethics. (1) The Applicant's lobbying effects have spread incorrect and misleading information in the process, promising to close Pikeview Quarry early and move the North Batch Station out of the city in a quid pro quo political favor to help the city rid itself of the eyesore known as the North Batch Station. The truth is the Pikeview Quarry is already closed and in the reclamation phase due to unstableness from over-blasting. Also, the Applicant has been planning to move their batch station out of the city regardless of the outcome of the permit application. (1)

In these proceedings, the Division's jurisdiction is limited to enforcement of the specific requirements of the Act and Rules. The Division considers all timely submitted comments in its review, but can address only the issues that directly relate to the specific requirements of an application, as stated in the Act and Rules.

G. Concerns regarding letters of support submitted for the application:

The bulk of support letters consist of the same form letter from the "Transit Mix Family" (i.e. employees). The letters (some unsigned) seem to have been run through the Applicant's postage meter, so the "supporters" have no investment in the project, not even the cost of a postage stamp. (1) Letters from the Colorado State Representatives and Colorado Springs Councilman were all mailed in envelopes with the return address of the Applicant's public relations firm, Cole Communications. Therefore, the Division should disregard "support" of the project from these sources. (1) I suspect none of the supporters live in the affected area and thus, would not be affected



by the operation. (4) Dozens of objectors actually know the issues and have legitimate concerns; whereas "supporters" are spurious and do not address any of the issues before the Division. (1)

In these proceedings, the Division's jurisdiction is limited to enforcement of the specific requirements of the Act and Rules. The Division considers all timely submitted comments in its review, but can address only the issues that directly relate to the specific requirements of an application, as stated in the Act and Rules.

All comment letters received for the Application were added to the public record for File No. M-2017-049, including all objection and support letters. All jurisdictional issues raised by objectors were considered by the Division during its review of the Application. The Applicant addressed all jurisdictional concerns expressed by objectors to the Division's satisfaction, and met the requirements of the Act and Rules for a 112c permit application.

H. Concerns regarding trespass by the Applicant:

The Applicant trespassed on our property to prematurely install a monitoring well a mere 5 feet from our property line. (1)

The Division does not have the jurisdictional authority to investigate claims of trespass. Such claims may be addressed by the local sheriff's department. The Applicant demonstrated its legal right to enter and initiate a mining operation on the proposed affected lands, as required by Rule 6.4.14. The objector that expressed this concern owns property that adjoins the Hitch Rack Ranch property along its eastern boundary in Section 16, and is not included in the proposed affected lands.

The Applicant did install a groundwater monitoring well (LTC-GW-7) on the Hitch Rack Ranch property very near the eastern property boundary. The Division observed the location of well LTC-GW-7 during the pre-operation inspection of the site conducted on January 30, 2018. The well is located within approximately 5-10 feet of the surveyed property line, on the Hitch Rack Ranch property.

I. Concerns regarding potential radon contamination:

The quarry may increase radon contamination to air and water, which may be causal to latent cancer. (1)

The Act and Rules do not specifically address air quality issues. Such issues are under the jurisdiction of El Paso County and the Air Pollution Control Division (APCD) of the CDPHE. These issues should be addressed through the permitting process of El Paso County and the CDPHE, APCD. Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain a Special Use Permit and Construction Permits from El Paso County and the appropriate air quality permits from the CDPHE, APCD prior to conducting the proposed mining and reclamation operations.



Radioactive elements, including radon, are naturally present in a wide range of concentrations in all rocks, soil, and water. The ultimate source of radon is uranium, and most rocks contain some uranium. The Division does not expect the proposed mining operation to increase the amount of radon in local groundwater. However, the baseline groundwater quality data that will be collected over a 15-month period to characterize existing conditions prior to mining will include sampling for Gross Alpha Particle Activity. This sampling parameter would account for existing radon levels in the groundwater. Based on the results of the baseline groundwater study, the compliance groundwater monitoring plan for operations may or may not include continued sampling for Gross Alpha Particle Activity.

J. Concerns regarding transportation of material:

A mining permit should not be approved without due consideration of the extraction and transportation process. If mining safety is part of the consideration process, then transportation of material is an inexorable part of the decision. (1)

The Act and Rules do not specifically address traffic on roads located off-site from a mining operation. Such issues are under the jurisdiction of El Paso County and the Colorado Department of Transportation (CDOT). These issues should be addressed through the permitting processes of El Paso County and CDOT. Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain a Special Use Permit and Construction Permits from El Paso County and a Hwy 115 Access Permit from CDOT.

Pursuant to C.R.S. 34-32.5-103(1), affected land does not include off-site roads that were constructed for purposes unrelated to the proposed operation, were in existence before a permit application was filed with the Office, and will not be substantially upgraded to support the operation or off-site groundwater monitoring wells. Therefore, the transportation of material off site (on Hwy 115), would not be considered affected land.

However, the Division does regulate transportation of material within the affected lands. This activity is covered in the proposed mining and reclamation plans, and must comply with the applicable requirements of the Act and Rules.

K. Concerns regarding access to the Hitch Rack Ranch property:

To better understand the existing hydrologic balance, one of the sources of hydrologic and geologic information would be to study the surface geology and geomorphology. However, objectors were refused access to the property, so we cannot do an independent “boots on the ground” analysis. We want access to the property to provide more detailed information on the proposed land to be mined. (2)

The Division is not authorized to provide lawful access to private property. Anyone wishing to obtain access to the Hitch Rack Ranch property should contact the landowner, RMBC Group LLC.



Division's Recommendation

On April 3, 2018, the Division determined the 112c permit application for the Hitch Rack Ranch Quarry, File No. M-2017-049, satisfied the requirements of C.R.S. 34-32.5-115(4), and issued its recommendation to approve the application over objections.



APPENDIX A

Timely Letters of Objection to File No. M-2017-049:

- 1) November 16, 2017 - Objection received from Monica Loftis, dated November 14, 2017.
- 2) November 21, 2017 – Objection received from Donald Loftis, dated November 15, 2017.
- 3) November 24, 2017 – Objection received from Brian Gardiner, dated November 20, 2017.
- 4) November 24, 2017 – Objection received from Betty Gardiner, dated November 20, 2017.
- 5) November 24, 2017 – Objection received from J.D. Kirkland, dated November 20, 2017.
- 6) November 27, 2017 – Objection received from Nancy Reed, dated November 26, 2017.
- 7) November 28, 2017 – Objection received from Dr. Peg Rooney, dated November 22, 2017.
- 8) November 28, 2017 – Objection received from Ken Bishop, dated November 25, 2017.
- 9) November 28, 2017 – Objection received from Carol Bishop, dated November 25, 2017.
- 10) November 28, 2017 – Objection received from Mark McClurg on behalf of the Highlands of Turkey Canon Ranch Homeowners' Association, dated November 24, 2017.
- 11) November 28, 2017 – Objection received from Kathie Rawson, dated November 25, 2017.
- 12) November 28, 2017 – Objection received from Corey McClurg, dated November 24, 2017.
- 13) November 28, 2017 – Objection received from Susan McClurg, dated November 24, 2017.
- 14) November 28, 2017 – Objection received from Mark McClurg, dated November 24, 2017.
- 15) November 28, 2017 – Objection received from Lindsay McClurg, dated November 24, 2017.
- 16) November 28, 2017 – Objection received from Matthew D. Cook, dated November 27, 2017.
- 17) November 28, 2017 – Objection received from Jana Warner, dated November 24, 2017.
- 18) November 28, 2017 – Objection received from Joseph J. Jones, Jr., dated November 26, 2017.
- 19) November 28, 2017 – Objection received from Stanley Rawson, dated November 27, 2017.
- 20) November 28, 2017 – Objection received from Terri L. Rose, dated November 27, 2017.
- 21) November 28, 2017 – Objection received from Clay Warner, dated November 24, 2017.
- 22) November 28, 2017 – Objection received from Samson Gardiner, dated November 20, 2017.
- 23) November 30, 2017 – Objection received from Claudia J. Jones, dated November 26, 2017.
- 24) November 30, 2017 – Objection received from James T. Rose, dated November 27, 2017.
- 25) November 30, 2017 – Objection received from James Swonger, dated November 25, 2017.
- 26) November 30, 2017 – Objection received from Tina Swonger, dated November 25, 2017.
- 27) November 30, 2017 – Objection received from Farrell and Scott Thompson, dated November 20, 2017.
- 28) December 01, 2017 – Objection received from Kent Allen, dated November 29, 2017.
- 29) December 01, 2017 – Objection received from Lucas Belangee, dated November 28, 2017.
- 30) December 01, 2017 – Objection received from Armond Feffer, not dated.
- 31) December 01, 2017 – Objection received from Sophie Feffer, not dated.
- 32) December 01, 2017 – Objection received from Janet L. Hafer, dated November 25, 2017.
- 33) December 01, 2017 – Objection received from Natalie Porter, dated November 28, 2017.
- 34) December 01, 2017 – Objection received from Paul W. Ragan, dated November 29, 2017.
- 35) December 01, 2017 – Objection received from Cynthia S. Ragan, dated November 29, 2017.
- 36) December 01, 2017 – Objection received from Kristan Rigdon, dated November 27, 2017.

- 37) December 01, 2017 – Objection received from John Rigdon, dated November 27, 2017.
- 38) December 01, 2017 – Objection received from Alane Sheaves, dated November 27, 2017.
- 39) December 01, 2017 – Objection received from Hannah Van Horn, not dated.
- 40) December 01, 2017 – Objection received from Dylan Van Horn, not dated.
- 41) December 01, 2017 – Objection received from Maryann Van Horn, not dated.
- 42) December 01, 2017 – Objection received from Mark Van Horn, not dated.
- 43) December 01, 2017 – Objection received from Noretta Watts, dated November 28, 2017.
- 44) December 04, 2017 – Objection received from Anne and Tom Fellows, dated December 4, 2017.
- 45) December 04, 2017 – Objection received from Malissa Benson, dated December 1, 2017.
- 46) December 04, 2017 – Objection received from Joyce Ford, dated December 1, 2017.
- 47) December 04, 2017 – Objection received from Kurt Kofford, dated November 29, 2017.
- 48) December 04, 2017 – Objection received from Trevor A. Leed, dated November 25, 2017.
- 49) December 04, 2017 – Objection received from Julie Mayberry, dated December 1, 2017.
- 50) December 04, 2017 – Objection received from Caitlin McNeal, dated December 1, 2017.
- 51) December 04, 2017 – Objection received from Charles C. Melber, dated November 28, 2017.
- 52) December 04, 2017 – Objection received from Gloria S. Morris, dated November 28, 2017.
- 53) December 04, 2017 – Objection received from J.R. Porter, dated November 28, 2017.
- 54) December 04, 2017 – Objection received from Angie Porter, dated November 28, 2017.
- 55) December 04, 2017 – Objection received from Joseph Salazar, Jr., dated November 28, 2017.
- 56) December 05, 2017 – Objection received from Kim McBride, dated December 3, 2017.
- 57) December 05, 2017 – Objection received from Daniel Armstrong, dated November 29, 2017.
- 58) December 05, 2017 – Objection received from Mun Choi, dated December 2, 2017.
- 59) December 05, 2017 – Objection received from Weldon W. and Jennifer K. Flaharty, dated December 1, 2017.
- 60) December 05, 2017 – Objection received from Ruth Gissa, dated November 25, 2017.
- 61) December 05, 2017 – Objection received from Edwin B. Griggs, dated November 30, 2017.
- 62) December 05, 2017 – Objection received from Stephanie Halle, dated November 29, 2017.
- 63) December 05, 2017 – Objection received from Dan Harrell, dated December 1, 2017.
- 64) December 05, 2017 – Objection received from Phillip K. Heacock, dated November 26, 2017.
- 65) December 05, 2017 – Objection received from Daryl G. Leed, dated November 25, 2017.
- 66) December 05, 2017 – Objection received from Carol C. Leed, dated November 25, 2017.
- 67) December 05, 2017 – Objection received from Jurgen G. Leiser, dated November 29, 2017.
- 68) December 05, 2017 – Objection received from Margaret B. Leiser, dated November 29, 2017.
- 69) December 05, 2017 – Objection received from David and Donna McGee, dated November 30, 2017.
- 70) December 05, 2017 – Objection received from R. Scott Miller, dated November 30, 2017.
- 71) December 05, 2017 – Objection received from Luree Miller, dated November 30, 2017.
- 72) December 05, 2017 – Objection received from Linda Mitchell, dated November 29, 2017.
- 73) December 05, 2017 – Objection received from Joshua A. Moore, dated November 27, 2017.
- 74) December 05, 2017 – Objection received from Tiffany N. Moore, dated November 27, 2017.
- 75) December 05, 2017 – Objection received from Lisa Pecoraro, dated November 30, 2017.
- 76) December 05, 2017 – Objection received from Thomas M. Phillips, dated November 29, 2017.
- 77) December 05, 2017 – Objection received from Rick Porter, dated November 28, 2017.

- 78) December 05, 2017 – Objection received from Shea Prestwich, dated December 1, 2017.
- 79) December 05, 2017 – Objection received from James Reed, dated November 29, 2017.
- 80) December 05, 2017 – Objection received from Gina T. Reed, dated November 29, 2017.
- 81) December 05, 2017 – Objection received from Harold Tanner, dated November 29, 2017.
- 82) December 05, 2017 – Objection received from Dianne Rizzuto, dated November 30, 2017.
- 83) December 05, 2017 – Objection received from Barbara J. Ryan, dated November 26, 2017.
- 84) December 05, 2017 – Objection received from Su-Lang Sarver, dated November 28, 2017.
- 85) December 05, 2017 – Objection received from Terry Sarver, dated November 28, 2017.
- 86) December 05, 2017 – Objection received from Amber Sheaves, dated November 28, 2017.
- 87) December 05, 2017 – Objection received from Jason Sheaves, dated November 28, 2017.
- 88) December 05, 2017 – Objection received from Terry and Lillian Sideris, dated November 30, 2017.
- 89) December 05, 2017 – Objection received from Julie S. Whitehead, dated December 1, 2017.
- 90) December 05, 2017 – Objection received from Deanne K. Yugovich, dated November 25, 2017.
- 91) December 05, 2017 – Objection received from Michael A. Yugovich, dated November 25, 2017.
- 92) December 06, 2017 – Objection received from Kathleen Gomez, dated December 6, 2017.
- 93) December 06, 2017 – Objection received from Michael R. Heer, dated December 6, 2017.
- 94) December 06, 2017 – Objection received from Cynthia L. Heer, dated December 6, 2017.
- 95) December 06, 2017 – Objection received from Sandra Payas, dated December 6, 2017.
- 96) December 06, 2017 – Objection received from Jim Potts, dated December 6, 2017.
- 97) December 06, 2017 – Objection received from Kathie L. Rawson, dated December 6, 2017.
- 98) December 06, 2017 – Objection received from Rod Tschumper, dated December 6, 2017.
- 99) December 06, 2017 – Objection received from Dee Yugovich, dated December 6, 2017.
- 100) December 06, 2017 – Objection received from Evan Avidor, dated November 27, 2017.
- 101) December 06, 2017 – Objection received from Gabe De La Hoz, dated November 27, 2017.
- 102) December 06, 2017 – Objection received from Beege Delgado, dated December 5, 2017.
- 103) December 06, 2017 – Objection received from Brianna Edwards, dated November 27, 2017.
- 104) December 06, 2017 – Objection received from Kevin Hampton, dated November 27, 2017.
- 105) December 06, 2017 – Objection received from Mary Ann Hartman, dated December 6, 2017.
- 106) December 06, 2017 – Objection received from Chris Jackson, dated November 27, 2017.
- 107) December 06, 2017 – Objection received from Nate Jones, dated November 27, 2017.
- 108) December 06, 2017 – Objection received from Jack Koscove, dated November 27, 2017.
- 109) December 06, 2017 – Objection received from Joe Koscove, dated November 27, 2017.
- 110) December 06, 2017 – Objection received from Suzanne Koscove, dated November 27, 2017.
- 111) December 06, 2017 – Objection received from MaryAnn Koscove, dated November 27, 2017.
- 112) December 06, 2017 – Objection received from Matt Lawonn, dated November 27, 2017.
- 113) December 06, 2017 – Objection received from Elise Richard, dated November 27, 2017.
- 114) December 06, 2017 – Objection received from Marcel White, dated December 6, 2017.
- 115) December 06, 2017 – Objection received from Joseph Cervi, dated December 2, 2017.
- 116) December 06, 2017 – Objection received from Serafina Cervi, dated December 2, 2017.
- 117) December 06, 2017 – Objection received from Beau and Amanda Chandler, dated December 1, 2017.
- 118) December 06, 2017 – Objection received from Martin M. Flores, dated November 28, 2017.
- 119) December 06, 2017 – Objection received from Linda Parillo, dated December 6, 2017.

- 120) December 06, 2017 – Objection received from Geraldine Sovaiko, dated December 6, 2017.
- 121) December 06, 2017 – Objection received from Stephen Sovaiko, dated December 6, 2017.
- 122) December 06, 2017 – Objection received from Ray Whitehead, dated December 1, 2017.
- 123) December 07, 2017 – Objection received from Russell Bailey, dated November 29, 2017.
- 124) December 07, 2017 – Objection received from Karole Campbel, dated December 2, 2017.
- 125) December 07, 2017 – Objection received from Daniel Childers, dated December 1, 2017.
- 126) December 07, 2017 – Objection received from Monique Childers, dated December 1, 2017.
- 127) December 07, 2017 – Objection received from Beverly L. Creswell, dated December 1, 2017.
- 128) December 07, 2017 – Objection received from Lee and Ray Cumba, dated December 3, 2017.
- 129) December 07, 2017 – Objection received from Amy J. Curnow, dated November 29, 2017.
- 130) December 07, 2017 – Objection received from Jesse Curnow, dated November 29, 2017.
- 131) December 07, 2017 – Objection received from Stan Curnow, dated November 29, 2017.
- 132) December 07, 2017 – Objection received from Anne and Tom Fellows, dated December 4, 2017.
- 133) December 07, 2017 – Objection received from Larry Fish, dated November 29, 2017.
- 134) December 07, 2017 – Objection received from Susan Fish, dated November 29, 2017.
- 135) December 07, 2017 – Objection received from Dayna Frei, dated December 7, 2017.
- 136) December 07, 2017 – Objection received from Hughes Hacienda, dated December 7, 2017.
- 137) December 07, 2017 – Objection received from Lynn G. Handford, dated December 7, 2017.
- 138) December 07, 2017 – Objection received from Charles Martin Harper, dated December 6, 2017.
- 139) December 07, 2017 – Objection received from Jane A. Hodges, dated December 7, 2017.
- 140) December 07, 2017 – Objection received from Carol Hughes, dated December 7, 2017.
- 141) December 07, 2017 – Objection received from Sam Johnson, dated November 30, 2017.
- 142) December 07, 2017 – Objection received from Kay Johnson, dated November 30, 2017.
- 143) December 07, 2017 – Objection received from Mandy S. Larsen, dated December 2, 2017.
- 144) December 07, 2017 – Objection received from Richard L. Larsen, dated December 2, 2017.
- 145) December 07, 2017 – Objection received from Susan K. Larsen, dated December 2, 2017.
- 146) December 07, 2017 – Objection received from Robert LaVerne, dated December 1, 2017.
- 147) December 07, 2017 – Objection received from Amy Leed, dated December 8, 2017.
- 148) December 07, 2017 – Objection received from Colin Leed, dated December 8, 2017.
- 149) December 07, 2017 – Objection received from Eric T. Lewis, dated December 2, 2017.
- 150) December 07, 2017 – Objection received from Catherine Luchte, dated December 4, 2017.
- 151) December 07, 2017 – Objection received from Mark Luchte, dated December 4, 2017.
- 152) December 07, 2017 – Objection received from Herbert Marx, dated December 1, 2017.
- 153) December 07, 2017 – Objection received from Shirley McKee Marx, dated December 1, 2017.
- 154) December 07, 2017 – Objection received from G.K. McCowen, dated December 1, 2017.
- 155) December 07, 2017 – Objection received from Millard C. McKee, dated December 1, 2017.
- 156) December 07, 2017 – Objection received from Rhonda McKee, dated December 1, 2017.
- 157) December 07, 2017 – Objection received from Leota M. Newby, dated December 1, 2017.
- 158) December 07, 2017 – Objection received from Lucas Newby, dated December 1, 2017.
- 159) December 07, 2017 – Objection received from Ann Paczolt, dated November 29, 2017.
- 160) December 07, 2017 – Objection received from Lisa Pecoraro, dated December 7, 2017.
- 161) December 07, 2017 – Objection received from John J. and Mary E. Rodney, dated December 2, 2017.

- 162) December 07, 2017 – Objection received from William B. Sheaves, III, dated November 27, 2017.
- 163) December 07, 2017 – Objection received from Anita J. Sickels, dated November 11, 2017.
- 164) December 07, 2017 – Objection received from Aaron Smith, dated December 1, 2017.
- 165) December 07, 2017 – Objection received from Carri Smith, dated December 1, 2017.
- 166) December 07, 2017 – Objection received from Dallin Smith, dated December 1, 2017.
- 167) December 07, 2017 – Objection received from Max Tallent, dated December 7, 2017.
- 168) December 07, 2017 – Objection received from Richard H. and Colleen Tanner, dated November 29, 2017.
- 169) December 07, 2017 – Objection received from Bonnie Jean Thornley, dated December 4, 2017.
- 170) December 07, 2017 – Objection received from Paul D. Thornley, dated December 4, 2017.
- 171) December 07, 2017 – Objection received from Brigitte Trujillo, dated December 1, 2017.
- 172) December 07, 2017 – Objection received from Roger Trujillo, dated December 1, 2017.
- 173) December 07, 2017 – Objection received from Jared P. Ulrich, dated November 29, 2017.
- 174) December 07, 2017 – Objection received from Joe Urban, dated December 1, 2017.
- 175) December 07, 2017 – Objection received from Steven M. Woodcock, dated December 4, 2017.
- 176) December 07, 2017 – Objection received from Mike Yugovich, dated December 7, 2017.
- 177) December 07, 2017 – Objection received from Sally W. Ziegler, dated December 1, 2017.
- 178) December 08, 2017 – Objection received from Heide M. Bell, dated December 4, 2017.
- 179) December 08, 2017 – Objection received from Carl Bennett, dated December 1, 2017.
- 180) December 08, 2017 – Objection received from Karen Blatchford, dated December 8, 2017.
- 181) December 08, 2017 – Objection received from Paul Blatchford, dated December 8, 2017.
- 182) December 08, 2017 – Objection received from Kimberly Bravo, dated December 1, 2017.
- 183) December 08, 2017 – Objection received from Cindy Cockrell, dated December 2, 2017.
- 184) December 08, 2017 – Objection received from Tyson McCracken, dated December 1, 2017.
- 185) December 08, 2017 – Objection received from Sherry Diggs, dated December 6, 2017.
- 186) December 08, 2017 – Objection received from Wayne Diggs, dated December 6, 2017.
- 187) December 08, 2017 – Objection received from Sabine Hight, dated December 10, 2017.
- 188) December 08, 2017 – Objection received from Tom Hight, dated November 30, 2017.
- 189) December 08, 2017 – Objection received from Adam R. Hinsdale, dated December 1, 2017.
- 190) December 08, 2017 – Objection received from Bryce Farr Lawrence, dated November 29, 2017.
- 191) December 08, 2017 – Objection received from Payton Lawrence, dated November 29, 2017.
- 192) December 08, 2017 – Objection received from Stelene Lawrence, dated November 29, 2017.
- 193) December 08, 2017 – Objection received from Stockton Lawrence, dated November 29, 2017.
- 194) December 08, 2017 – Objection received from Susan Lawrence, dated November 29, 2017.
- 195) December 08, 2017 – Objection received from Tyson McCracken, dated December 1, 2017.
- 196) December 08, 2017 – Objection received from Jewell E. Ulrich, dated November 29, 2017.
- 197) December 08, 2017 – Objection received from John J. Ulrich, dated November 29, 2017.
- 198) December 08, 2017 – Objection received from Lane Ulrich, dated November 29, 2017.
- 199) December 08, 2017 – Objection received from David E. Woodward, December 2, 2017.
- 200) December 09, 2017 – Objection received from Bruce Howard Chisnell, dated December 9, 2017.
- 201) December 09, 2017 – Objection received from Daniel Harrell, dated December 9, 2017.
- 202) December 09, 2017 – Objection received from Mark Hodges, dated December 9, 2017.
- 203) December 09, 2017 – Objection received from Michele E. Mukatis, dated December 8, 2017.

- 204) December 09, 2017 – Objection received from Nancy Reed, dated December 9, 2017.
- 205) December 09, 2017 – Objection received from Yong S. Tschumper, dated December 9, 2017.
- 206) December 11, 2017 – Objection received from Daniel Clem, dated December 11, 2017.
- 207) December 11, 2017 – Objection received from Patricia S. Cunningham, dated December 11, 2017.
- 208) December 11, 2017 – Objection received from Joseph Gallucci, dated December 5, 2017.
- 209) December 11, 2017 – Objection received from Sheila W. Griffith, dated December 11, 2017.
- 210) December 11, 2017 – Objection received from Cierra N. Gruen, dated December 5, 2017.
- 211) December 11, 2017 – Objection received from Kody R. Gruen, dated December 5, 2017.
- 212) December 11, 2017 – Objection received from Bernard M. Janusz, dated December 10, 2017.
- 213) December 11, 2017 – Objection received from Bernard M. Janusz, dated December 11, 2017.
- 214) December 11, 2017 – Objection received from Angie Johnson, dated December 11, 2017.
- 215) December 11, 2017 – Objection received from Amber Larsen, dated December 5, 2017.
- 216) December 11, 2017 – Objection received from Dustin Larsen, dated December 5, 2017.
- 217) December 11, 2017 – Objection received from April Lawrence, dated November 29, 2017.
- 218) December 11, 2017 – Objection received from Jagger Braxton Lawrence, dated November 29, 2017.
- 219) December 11, 2017 – Objection received from Dr. Brock Lawrence, dated November 29, 2017.
- 220) December 11, 2017 – Objection received from Bryant R. Lawrence, dated November 29, 2017.
- 221) December 11, 2017 – Objection received from Brynddyn Lawrence, dated November 29, 2017.
- 222) December 11, 2017 – Objection received from Jagger Farr Lawrence, dated November 29, 2017.
- 223) December 11, 2017 – Objection received from Sharon D. Lawrence, dated November 29, 2017.
- 224) December 11, 2017 – Objection received from Jason Mann, dated November 29, 2017.
- 225) December 11, 2017 – Objection received from Lindsay Mann, dated November 29, 2017.
- 226) December 11, 2017 – Objection received from Kacey McGee, dated December 5, 2017.
- 227) December 11, 2017 – Objection received from Jordan Newby, dated December 1, 2017.
- 228) December 11, 2017 – Objection received from Steven Reed, dated December 11, 2017.
- 229) December 11, 2017 – Objection received from Paul T. Reinsma, dated December 11, 2017.
- 230) December 11, 2017 – Objection received from Sharon Reinsma, dated December 11, 2017.
- 231) December 11, 2017 – Objection received from Cathi Swanson, dated November 29, 2017.
- 232) December 11, 2017 – Objection received from Steve Yugovich, dated December 1, 2017.
- 233) December 12, 2017 – Objection received from Stephen Agenbroad, dated November 19, 2017.
- 234) December 12, 2017 – Objection received from Mary L. Anderson, dated November 26, 2017.
- 235) December 12, 2017 – Objection received from Kenneth R. Baird, dated December 8, 2017.
- 236) December 12, 2017 – Objection received from Marion M. Baker, dated November 28, 2017.
- 237) December 12, 2017 – Objection received from William N. Baker, dated November 28, 2017.
- 238) December 12, 2017 – Objection received from Georganne Barnes, dated December 8, 2017.
- 239) December 12, 2017 – Objection received from Bill H. Bash, dated December 8, 2017.
- 240) December 12, 2017 – Objection received from Judy Bash, dated December 7, 2017.
- 241) December 12, 2017 – Objection received from Karen Blatchford, dated December 5, 2017.
- 242) December 12, 2017 – Objection received from Paul Blatchford, dated December 5, 2017.
- 243) December 12, 2017 – Objection received from Richard W. Bryant, dated December 6, 2017.
- 244) December 12, 2017 – Objection received from C.M. Burnell of Turkey Canon Ranch Homeowners Association, dated December 12, 2017.

- 245) December 12, 2017 – Objection received from Christine Cousineau, dated December 6, 2017.
- 246) December 12, 2017 – Objection received from George Cousineau, dated December 6, 2017.
- 247) December 12, 2017 – Objection received from Tami Crisp, dated December 8, 2017.
- 248) December 12, 2017 – Objection received from Anne Cubbage, dated December 8, 2017.
- 249) December 12, 2017 – Objection received from Cheri Cunningham, dated December 12, 2017.
- 250) December 12, 2017 – Objection received from Dave DeVere, dated December 2, 2017.
- 251) December 12, 2017 – Objection received from Phill Emmert, dated 7, 2017 (no month provided).
- 252) December 12, 2017 – Objection received from Sandra Emmert, dated 6, 2017 (no month provided).
- 253) December 12, 2017 – Objection received from Thomas G. Goonan, dated December 6, 2017.
- 254) December 12, 2017 – Objection received from Kenly C. Goonan, dated December 6, 2017.
- 255) December 12, 2017 – Objection received from Angela Griffin, dated December 1, 2017.
- 256) December 12, 2017 – Objection received from David Guthrie, dated November 19, 2017.
- 257) December 12, 2017 – Objection received from Lynn G. Handford, dated December 7, 2017.
- 258) December 12, 2017 – Objection received from Sean M. Harper, dated December 6, 2017.
- 259) December 12, 2017 – Objection received from George A. Hayward, not dated.
- 260) December 12, 2017 – Objection received from Jean R. Hux, dated December 12, 2017.
- 261) December 12, 2017 – Objection received from Vicky M. Kipp, dated December 5, 2017.
- 262) December 12, 2017 – Objection received from Sara LaVerne, dated December 1, 2017.
- 263) December 12, 2017 – Objection received from Kim LeTourneau, dated December 1, 2017.
- 264) December 12, 2017 – Objection received from Dennis Maugherman, dated November 29, 2017.
- 265) December 12, 2017 – Objection received from Shirley A. Maugherman, dated November 29, 2017.
- 266) December 12, 2017 – Objection received from Michael Morris, dated December 1, 2017.
- 267) December 12, 2017 – Objection received from Jessica R. Murray, dated November 19, 2017.
- 268) December 12, 2017 – Objection received from Lynnette M. Murray, dated November 19, 2017.
- 269) December 12, 2017 – Objection received from Sue Narad, dated December 12, 2017.
- 270) December 12, 2017 – Objection received from Cindy Newby, dated December 1, 2017.
- 271) December 12, 2017 – Objection received from Keith Newby, dated December 1, 2017.
- 272) December 12, 2017 – Objection received from Ariel Ortiz, dated December 1, 2017.
- 273) December 12, 2017 – Objection received from Beth Ortiz, dated December 1, 2017.
- 274) December 12, 2017 – Objection received from Shelby Pecoraro, dated December 1, 2017.
- 275) December 12, 2017 – Objection received from Gene J. Pfeffer, dated December 12, 2017.
- 276) December 12, 2017 – Objection received from Shawn Pierce, dated November 19, 2017.
- 277) December 12, 2017 – Objection received from Harry D. Raduege, Jr., dated December 12, 2017.
- 278) December 12, 2017 – Objection received from Julee L. Raduege, dated December 12, 2017.
- 279) December 12, 2017 – Objection received from George Rigdon, dated December 7, 2017.
- 280) December 12, 2017 – Objection received from Marilyn Rigdon, dated December 7, 2017.
- 281) December 12, 2017 – Objection received from Leslie Roberts, dated November 29, 2017.
- 282) December 12, 2017 – Objection received from Carrie Rottenborn, dated December 4, 2017.
- 283) December 12, 2017 – Objection received from James Rottenborn, dated December 4, 2017.
- 284) December 12, 2017 – Objection received from David Schlanser, dated December 12, 2017.
- 285) December 12, 2017 – Objection received from Jill Schlanser, dated December 12, 2017.
- 286) December 12, 2017 – Objection received from Joseph S. Screnci, Jr., dated December 12, 2017.

- 287) December 12, 2017 – Objection received from C. Dennis Shaw and Marilyn White, dated December 4, 2017.
- 288) December 12, 2017 – Objection received from Michael F. Stanley, dated 2017 (no month or day provided).
- 289) December 12, 2017 – Objection received from Lynn Steer, dated December 2, 2017.
- 290) December 12, 2017 – Objection received from Karen Turley, dated 2017 (no month or day provided).
- 291) December 12, 2017 – Objection received from Michael Turley, dated 2017 (no month or day provided).
- 292) December 12, 2017 – Objection received from Jill Welch, dated December 12, 2017.
- 293) December 12, 2017 – Objection received from John R. Welch, dated December 12, 2017.
- 294) December 13, 2017 – Objection received from Kyong S. Baird, dated December 8, 2017.
- 295) December 13, 2017 – Objection received from Carol Lick, dated December 13, 2017.
- 296) December 13, 2017 – Objection received from Dave Lick, dated December 13, 2017.
- 297) December 13, 2017 – Objection received from Amy Newby, dated December 1, 2017.
- 298) December 13, 2017 – Objection received from James Newby, dated December 1, 2017.
- 299) December 13, 2017 – Objection received from Amber Dawn Niskern, dated December 13, 2017.
- 300) December 13, 2017 – Objection received from Jeffrey Niskern, dated December 13, 2017.
- 301) December 13, 2017 – Objection received from Mark Norman, dated December 13, 2017.
- 302) December 14, 2017 – Objection received from Dustin Larsen, dated December 15, 2017.
- 303) December 14, 2017 – Objection received from Jody Hakala, dated December 8, 2017.
- 304) December 14, 2017 – Objection received from Sylvia Hakala, dated December 8, 2017.
- 305) December 14, 2017 – Objection received from Geraldine Murmko, dated December 8, 2017.
- 306) December 14, 2017 – Objection received from James Hakala, dated December 8, 2017.
- 307) December 14, 2017 – Objection received from Aimee Hakala, dated December 8, 2017.
- 308) December 14, 2017 – Objection received from Deborah L. Fox, dated 2017 (no month or day provided).
- 309) December 14, 2017 – Objection received from Kathy Litton, dated 2017 (no month or day provided).
- 310) December 14, 2017 – Objection received from Cy D. Bailey, dated 2017 (no month or day provided).
- 311) December 14, 2017 – Objection received from Jean A. Miller, dated December 10, 2017.
- 312) December 14, 2017 – Objection received from Sue Hofer, dated 2017 (no month or day provided).
- 313) December 14, 2017 – Objection received from Jeannie Cooper, dated December 11, 2017.
- 314) December 14, 2017 – Objection received from Timothy Hall, dated December 5, 2017.
- 315) December 14, 2017 – Objection received from B.H. Trezevant, dated 2017 (no month or day provided).
- 316) December 14, 2017 – Objection received from Pam Holzwarth, dated 2017 (no month or day provided).
- 317) December 14, 2017 – Objection received from Sarah Beaudin, dated 2017 (no month or day provided).
- 318) December 14, 2017 – Objection received from Susan Fox, dated 2017 (no month or day provided).
- 319) December 14, 2017 – Objection received from Chris Beadles, dated 2017 (no month or day provided).
- 320) December 14, 2017 – Objection received from Nancy Aksland, dated 2017 (no month or day provided).
- 321) December 14, 2017 – Objection received from Susan Firks, dated December 8, 2017.
- 322) December 14, 2017 – Objection received from Diane Gordon, dated 2017 (no month or day provided).
- 323) December 14, 2017 – Objection received from Barbara Robinson, dated 2017 (no month or day provided).
- 324) December 14, 2017 – Objection (2 letters) received from Troy T. Davis, dated December 7, 2017.
- 325) December 14, 2017 – Objection received from Michael Gleason, dated December 10, 2017.

- 326) December 14, 2017 – Objection received from Linda Shelley, dated December 10, 2017.
- 327) December 14, 2017 – Objection received from William Lana, dated December 8, 2017.
- 328) December 14, 2017 – Objection received from Frances Durham, dated 2017 (no month or day provided).
- 329) December 14, 2017 – Objection received from Elizabeth Klingensmith, dated 2017 (no month or day provided).
- 330) December 14, 2017 – Objection received from Angela Claman, dated 2017 (no month or day provided).
- 331) December 14, 2017 – Objection received from Mark Cooper, dated December 11, 2017.
- 332) December 14, 2017 – Objection received from Mary Barbara DiVesta, dated December 5, 2017.
- 333) December 14, 2017 – Objection received from Tyrone L. Steen, dated December 8, 2017.
- 334) December 14, 2017 – Objection received from Cathy Cooper, dated December 11, 2017.
- 335) December 14, 2017 – Objection received from Deidra Steen, dated November 9, 2017.
- 336) December 14, 2017 – Objection received from Susan Lana, dated December 8, 2017.
- 337) December 14, 2017 – Objection received from Steven F. Firks, dated December 8, 2017.
- 338) December 15, 2017 – Objection received from Lynna Koehn, dated December 15, 2017.
- 339) December 15, 2017 – Objection received from Carol C. Leed, dated December 15, 2017.
- 340) December 15, 2017 – Objection received from Nadine Vaughan, dated December 8, 2017.
- 341) December 15, 2017 – Objection received from Christina Ramirez, dated November 29, 2017.
- 342) December 15, 2017 – Objection received from Emily Murawski, dated December 8, 2017.
- 343) December 15, 2017 – Objection received from Phillip Decker, dated December 1, 2017.
- 344) December 15, 2017 – Objection received from Heather Decker, dated December 1, 2017.
- 345) December 15, 2017 – Objection received from Eric Decker, dated December 1, 2017.
- 346) December 15, 2017 – Objection received from Leigh Decker, dated December 1, 2017.
- 347) December 15, 2017 – Objection received from Naomi Ens, dated December 4, 2017.
- 348) December 15, 2017 – Objection received from Andrew Scott Bandalos, dated December 15, 2017.
- 349) December 15, 2017 – Objection received from Dana Cisneros, dated December 15, 2017.
- 350) December 15, 2017 – Objection received from Brian C. Sutton, dated December 15, 2017.
- 351) December 16, 2017 – Objection received from Kerri Bierman, dated December 16, 2017.
- 352) December 16, 2017 – Objection received from Tamera L. Clark, dated December 16, 2017.
- 353) December 16, 2017 – Objection received from Bryan Koehn, dated December 16, 2017.
- 354) December 17, 2017 – Objection received from Chelsea Cabanting, dated November 27, 2017.
- 355) December 17, 2017 – Objection received from Darrell G. Cabanting, dated November 27, 2017.
- 356) December 17, 2017 – Objection received from Cory Carter, dated November 27, 2017.
- 357) December 17, 2017 – Objection received from Jennifer Divers Day, dated December 17, 2017.
- 358) December 17, 2017 – Objection received from Troy L. Day, dated December 17, 2017.
- 359) December 17, 2017 – Objection received from Angie Givens, dated December 17, 2017.
- 360) December 17, 2017 – Objection received from Edward Galen Givens III, dated December 17, 2017.
- 361) December 17, 2017 – Objection received from Juan Herrada, dated November 27, 2017.
- 362) December 17, 2017 – Objection received from McKiya Johnston, dated November 27, 2017.
- 363) December 17, 2017 – Objection received from Brendon Loucks, dated November 27, 2017.
- 364) December 17, 2017 – Objection received from Alex Mackenzie, dated November 27, 2017.
- 365) December 17, 2017 – Objection received from Charles F. Reed, dated December 17, 2017.
- 366) December 17, 2017 – Objection received from Ron Tapia Jr., dated November 27, 2017.

- 367) December 18, 2017 – Objection received from Anna Marie Becker, dated December 18, 2017.
- 368) December 18, 2017 – Objection received from Brian Bjornberg, dated December 5, 2017.
- 369) December 18, 2017 – Objection received from Sandra Bjornberg, dated December 5, 2017.
- 370) December 18, 2017 – Objection received from Ron Blair, dated December 18, 2017.
- 371) December 18, 2017 – Objection received from Barbara Corrigan, dated December 18, 2017.
- 372) December 18, 2017 – Objection received from Kasey Cosgrove, dated December 12, 2017.
- 373) December 18, 2017 – Objection received from Laure Cosgrove, dated December 12, 2017.
- 374) December 18, 2017 – Objection received from Warren Blake Cosgrove, dated December 12, 2017.
- 375) December 18, 2017 – Objection received from Elizabeth W. Dean, not dated.
- 376) December 18, 2017 – Objection received from Georgia Dean, dated December 18, 2017.
- 377) December 18, 2017 – Objection received from Lucy Dean, dated December 12, 2017.
- 378) December 18, 2017 – Objection received from Paulina Dean, dated December 16, 2017.
- 379) December 18, 2017 – Objection received from Craig D. Engelage, dated December 17, 2017.
- 380) December 18, 2017 – Objection received from Joleen Fry, dated December 5, 2017.
- 381) December 18, 2017 – Objection received from Hayley Gallucci, dated December 5, 2017.
- 382) December 18, 2017 – Objection received from Susan D. Gueck-Gunn, dated December 18, 2017.
- 383) December 18, 2017 – Objection received from Michael C. Gunn, dated December 18, 2017.
- 384) December 18, 2017 – Objection received from Charles H. Hancock, dated December 12, 2017.
- 385) December 18, 2017 – Objection received from Denise A. Hancock, dated December 12, 2017.
- 386) December 18, 2017 – Objection received from Brandon Kay, dated December 12, 2017.
- 387) December 18, 2017 – Objection received from Charles Kay, dated December 12, 2017.
- 388) December 18, 2017 – Objection received from Mr. and Mrs. C. Scott Kay, dated December 18, 2017.
- 389) December 18, 2017 – Objection received from Taylor Kay, dated December 12, 2017.
- 390) December 18, 2017 – Objection received from Merrilee Killinger, dated December 18, 2017.
- 391) December 18, 2017 – Objection received from Shannon Killinger, dated December 18, 2017.
- 392) December 18, 2017 – Objection received from Daniel Kubitz, dated December 18, 2017.
- 393) December 18, 2017 – Objection received from Barbara B. Lewis, dated December 12, 2017.
- 394) December 18, 2017 – Objection received from Brett A. Lewis, dated December 12, 2017.
- 395) December 18, 2017 – Objection received from Nathan Littlejohn, dated December 16, 2017.
- 396) December 18, 2017 – Objection received from Dana R. Marriott, dated December 18, 2017.
- 397) December 18, 2017 – Objection received from Mary McCrindle, dated December 18, 2017.
- 398) December 18, 2017 – Objection received from Robert McCullough, dated December 9, 2017.
- 399) December 18, 2017 – Objection received from Tamara S. McCullough, dated December 9, 2017.
- 400) December 18, 2017 – Objection received from Peter Morgan, dated December 18, 2017.
- 401) December 18, 2017 – Objection received from Eddie Olsen, dated December 12, 2017.
- 402) December 18, 2017 – Objection received from Christy Cruz-Peeler, dated December 12, 2018.
- 403) December 18, 2017 – Objection received from Chris Peissig, dated December 12, 2017.
- 404) December 18, 2017 – Objection received from Tony L. Peterson, dated December 12, 2017.
- 405) December 18, 2017 – Objection received from Danny Powell, dated December 12, 2017.
- 406) December 18, 2017 – Objection received from Max Schmidt, dated December 12, 2017.
- 407) December 18, 2017 – Objection received from Scott Schmidt, dated December 12, 2017.
- 408) December 18, 2017 – Objection received from Deidra Steen, dated December 18, 2017.

- 409) December 18, 2017 – Objection received from Marie E. and Carroll G. Stom, dated December 8, 2017.
- 410) December 18, 2017 – Objection received from Suzanne Surrena, dated December 18, 2017.
- 411) December 18, 2017 – Objection received from Duane Swanson, dated December 8, 2017.
- 412) December 18, 2017 – Objection received from Julia Swonger, dated December 15, 2017.
- 413) December 18, 2017 – Objection received from Andy Wood, dated December 12, 2017.
- 414) December 18, 2017 – Objection received from Cindee Wood, dated December 9, 2017.
- 415) December 18, 2017 – Objection received from Gayle Wood, dated December 9, 2017.
- 416) December 18, 2017 – Objection received from Vicki Wood, dated December 9, 2017.
- 417) December 18, 2017 – Objection received from Suzan Zurenko, dated December 6, 2017.
- 418) December 19, 2017 – Objection received from Erol L. Agnos, dated 2017 (no month or day provided).
- 419) December 19, 2017 – Objection received from Tanner Ball, dated December 12, 2017.
- 420) December 19, 2017 – Objection received from Vickie Bengston, dated December 15, 2017.
- 421) December 19, 2017 – Objection received from Edwina Bennett, dated 2017 (no month or day provided).
- 422) December 19, 2017 – Objection received from Susan Shapard Biggs, dated 2017 (no month or day provided).
- 423) December 19, 2017 – Objection received from Jennifer Blanco, dated December 13, 2017.
- 424) December 19, 2017 – Objection received from Ty C. Bradley, dated December 18, 2017.
- 425) December 19, 2017 – Objection received from Charlton L. Brice, dated December 19, 2017.
- 426) December 19, 2017 – Objection received from Denise M. Brice, dated December 19, 2017.
- 427) December 19, 2017 – Objection received from William Burcher, dated December 13, 2017.
- 428) December 19, 2017 – Objection received from Delicia Campbell, dated December 12, 2017.
- 429) December 19, 2017 – Objection received from Mary L. Cheek, dated December 15, 2017.
- 430) December 19, 2017 – Objection received from Tim Davis, dated December 19, 2017.
- 431) December 19, 2017 – Objection received from Warren H. Dean, dated December 12, 2017.
- 432) December 19, 2017 – Objection received from Melvin (Butch) E. Denson II, dated December 19, 2017.
- 433) December 19, 2017 – Objection received from Trenton Dimmitt, dated December 12, 2017.
- 434) December 19, 2017 – Objection received from Reece Eddy, Jr., dated December 19, 2017.
- 435) December 19, 2017 – Objection received from Reece M. Eddy, dated December 19, 2017.
- 436) December 19, 2017 – Objection received from Reece M. Eddy on behalf of Ridgewood Estates, dated December 19, 2017.
- 437) December 19, 2017 – Objection received from David Faulkner, dated December 19, 2017.
- 438) December 19, 2017 – Objection received from Marianne Flenniken, dated December 8, 2017.
- 439) December 19, 2017 – Objection received from Andrew C. Fowler, dated December 14, 2017.
- 440) December 19, 2017 – Objection received from Ronald Gallegos, dated December 14, 2017.
- 441) December 19, 2017 – Objection received from Willa Gallegos, dated December 14, 2017.
- 442) December 19, 2017 – Objection received from Dominique Gomez, dated December 9, 2017.
- 443) December 19, 2017 – Objection received from Gary Hand, dated December 19, 2017.
- 444) December 19, 2017 – Objection received from Sara L. Harper, dated December 15, 2017.
- 445) December 19, 2017 – Objection received from Sara Harper and Kathie Rawson on behalf of Red Rock Valley Estates Neighborhood Association, dated December 1, 2017.
- 446) December 19, 2017 – Objection received from Jodie Hight, dated December 12, 2017.
- 447) December 19, 2017 – Objection received from Marlene Hight, dated December 12, 2017.

- 448) December 19, 2017 – Objection received from Melissa Hylton, dated December 8, 2017.
- 449) December 19, 2017 – Objection received from Mark Isaman, dated December 19, 2017.
- 450) December 19, 2017 – Objection received from Susan Renee Isaman, dated December 19, 2017.
- 451) December 19, 2017 – Objection received from Douglas Johnston, dated December 19, 2017.
- 452) December 19, 2017 – Objection received from Marsha G. Jones, dated December 13, 2017.
- 453) December 19, 2017 – Objection received from Randall E. Jones, dated December 13, 2017.
- 454) December 19, 2017 – Objection received from Ted D. Kerr, dated December 19, 2017.
- 455) December 19, 2017 – Objection received from Mary Kirks, dated December 13, 2017.
- 456) December 19, 2017 – Objection received from Don Lamberson, dated December 15, 2017.
- 457) December 19, 2017 – Objection received from Marie Lamberson, dated December 15, 2017.
- 458) December 19, 2017 – Objection received from Anita H. McCowen, dated December 7, 2017.
- 459) December 19, 2017 – Objection received from GK McCowen, dated December 18, 2017.
- 460) December 19, 2017 – Objection received from Mary T. McCowen, dated December 12, 2017.
- 461) December 19, 2017 – Objection received from Brittany O'Rourke, dated December 19, 2017.
- 462) December 19, 2017 – Objection received from Ryan O'Rourke, dated December 19, 2017.
- 463) December 19, 2017 – Objection received from Ann Perramond, dated December 19, 2017.
- 464) December 19, 2017 – Objection received from Eric P. Perramond, dated December 19, 2017.
- 465) December 19, 2017 – Objection received from Sally A. Peterson, dated December 12, 2017.
- 466) December 19, 2017 – Objection received from Caitlyn M. Ragan, dated December 14, 2017.
- 467) December 19, 2017 – Objection received from Daniel C. Ragan, dated December 14, 2017.
- 468) December 19, 2017 – Objection received from Timothy D. Ritschard, dated December 13, 2017.
- 469) December 19, 2017 – Objection received from Baron L. Savage, dated December 19, 2017.
- 470) December 19, 2017 – Objection received from Karen Schaifer, dated December 13, 2017.
- 471) December 19, 2017 – Objection received from William P. Smith, dated December 13, 2017.
- 472) December 19, 2017 – Objection received from Stephen Sovaiko on behalf of Red Rock Valley Estates Water District, dated December 18, 2017.
- 473) December 19, 2017 – Objection received from Mark Van Horn, not dated.
- 474) December 19, 2017 – Objection received from Maryann Van Horn, not dated.
- 475) December 19, 2017 – Objection received from Christopher Vinley, dated December 13, 2017.
- 476) December 19, 2017 – Objection received from Douglas Lee Wekamp, dated December 18, 2017.
- 477) December 19, 2017 – Objection received from Victoria Spengler-Wekamp, dated November 28, 2017.
- 478) December 19, 2017 – Objection received from Paul Welsch, dated December 19, 2017.
- 479) December 19, 2017 – Objection received from Darrell Wilson, dated December 13, 2017.
- 480) December 19, 2017 – Objection received from Mark Wittman, dated December 9, 2017.
- 481) December 19, 2017 – Objection received from Mary Woodcock, dated December 13, 2017.
- 482) December 19, 2017 – Objection received from Jerry Woolfolk, dated December 13, 2017.
- 483) December 19, 2017 – Objection received from Shane Wright, dated December 19, 2017.
- 484) December 19, 2017 – Objection received from Jason Wyatt, dated December 12, 2017.
- 485) December 19, 2017 – Objection received from Rebecca D. Wyatt, dated December 12, 2017.
- 486) December 19, 2017 – Objection received from Jesse Youngwerth, dated 2017 (no month or day provided).
- 487) December 19, 2017 – Objection received from Lisa Youngwerth, dated 2017 (no month or day provided).

- 488) December 19, 2017 – Objection received from Tyler Youngwerth, dated 2017 (no month or day provided).
- 489) December 19, 2017 – Objection received from Adela Zich, dated December 12, 2017.
- 490) December 19, 2017 – Objection received from Jamison Zich, dated December 12, 2017.
- 491) December 20, 2017 – Objection received from Linda Hodges and Rise Foster-Bruder on behalf of the Aiken Audubon Society, dated December 19, 2017.
- 492) December 20, 2017 – Objection received from Amanda A. Bradley of Alderman Bernstein on behalf of Cheryl L. Kimble, dated December 20, 2017.
- 493) December 20, 2017 – Objection received from Tanja Britton, dated December 20, 2017.
- 494) December 20, 2017 – Objection received from Minette C. Church, Associate Professor of Anthropology at the University of Colorado, Colorado Springs, dated December 13, 2017.
- 495) December 20, 2017 – Objection received from Chelsea R. Dykstra, dated December 13, 2017.
- 496) December 20, 2017 – Objection received from James Dykstra, dated December 20, 2017.
- 497) December 20, 2017 – Objection received from Eric R. Eaton, dated December 20, 2017.
- 498) December 20, 2017 – Objection received from Daly Edmunds on behalf of Audubon Rockies, dated December 20, 2017.
- 499) December 20, 2017 – Objection received from Duncan Handford, dated December 20, 2017.
- 500) December 20, 2017 – Objection received from Pete Hanenberg, dated December 20, 2017.
- 501) December 20, 2017 – Objection received from Charles Martin Harper, dated December 20, 2017.
- 502) December 20, 2017 – Objection received from Mackenzie Herrin, dated December 15, 2017.
- 503) December 20, 2017 – Objection received from Jacqueline Heyda, dated December 20, 2017.
- 504) December 20, 2017 – Objection received from Dennis Hisey, dated December 20, 2017.
- 505) December 20, 2017 – Objection received from Christine and Mark Hubbell, dated December 20, 2017.
- 506) December 20, 2017 – Objection received from Edyn Jessup on behalf of The Nature Conservancy in Colorado, dated December 20, 2017.
- 507) December 20, 2017 – Objection received from Greg Johnson, dated December 20, 2017.
- 508) December 20, 2017 – Objection received from Christopher J. Kemp, dated December 15, 2017.
- 509) December 20, 2017 – Objection received from Cheryl L. Kimble, dated December 14, 2017.
- 510) December 20, 2017 – Objection received from Gerry Klein, dated December 20, 2017.
- 511) December 20, 2017 – Objection received from Allyn J. Kratz on behalf of Pikes Peak Chapter of Trout Unlimited, dated December 17, 2017.
- 512) December 20, 2017 – Objection received from Sharon Lerner, dated December 15, 2017.
- 513) December 20, 2017 – Objection received from Jerry P. Moore, not dated.
- 514) December 20, 2017 – Objection received from Raven Betina Rudduck, dated December 20, 2017.
- 515) December 20, 2017 – Objection received from Andrew Simmons, dated December 20, 2017.
- 516) December 20, 2017 – Objection received from Stacy Simmons, dated December 20, 2017.
- 517) December 20, 2017 – Objection received from David A. and Deborah Tomme, dated December 20, 2017.
- 518) December 20, 2017 – Objection received from David Tonnessen, dated December 20, 2017.
- 519) December 20, 2017 – Objection received from Lolita Vega, dated December 20, 2017.
- 520) December 21, 2017 – Objection received from Ron Blair, dated December 18, 2017.
- 521) December 21, 2017 – Objection received from Lou Campbell, dated December 12, 2017.
- 522) December 21, 2017 – Objection received from Ronald Castle, dated December 15, 2017.

- 523) December 21, 2017 – Objection received from David Cheek, dated December 15, 2017.
- 524) December 21, 2017 – Objection received from Kenny and Susan Davidson, dated December 21, 2017.
- 525) December 21, 2017 – Objection received from Elizabeth W. Dean, not dated.
- 526) December 21, 2017 – Objection received from Paul Dellacroce, dated December 1, 2017.
- 527) December 21, 2017 – Objection received from Timothy Devoy, dated December 15, 2017.
- 528) December 21, 2017 – Objection received from Greg Dickey, dated December 21, 2017.
- 529) December 21, 2017 – Objection received from Warren Eddy, dated December 21, 2017.
- 530) December 21, 2017 – Objection received from Joshua Fowler, dated December 21, 2017.
- 531) December 21, 2017 – Objection received from Debbie Gard, dated December 21, 2017.
- 532) December 21, 2017 – Objection received from John Gard, dated December 21, 2017.
- 533) December 21, 2017 – Objection received from Robert L. Gilbert, dated December 21, 2017.
- 534) December 21, 2017 – Objection received from Melissa Hafter, dated December 21, 2017.
- 535) December 21, 2017 – Objection received from Nancy Michelle Heacock-Webster, dated December 21, 2017.
- 536) December 21, 2017 – Objection received from Mark Henslee, dated December 21, 2017.
- 537) December 21, 2017 – Objection received from Richard and Yvonne Holden, dated December 21, 2017.
- 538) December 21, 2017 – Objection received from Philip Holden, dated December 21, 2017.
- 539) December 21, 2017 – Objection received from Barbara Hughes and Judy Kline, dated December 21, 2017.
- 540) December 21, 2017 – Objection received from Alyshia Lana, dated December 21, 2017.
- 541) December 21, 2017 – Objection received from Matthew W. Lana, dated December 21, 2017.
- 542) December 21, 2017 – Objection received from Donald Larrabee, dated December 18, 2017.
- 543) December 21, 2017 – Objection received from Patricia Wall Lovekin and Jonathan Lovekin, dated December 21, 2017.
- 544) December 21, 2017 – Objection received from Sarah McGarry, dated December 12, 2017.
- 545) December 21, 2017 – Objection received from Erik Meyers, dated December 15, 2017.
- 546) December 21, 2017 – Objection received from Kelly Meyers, dated December 15, 2017.
- 547) December 21, 2017 – Objection received from Garry Dykes-Modlens, dated December 21, 2017.
- 548) December 21, 2017 – Objection received from Karen B. Moore, dated December 21, 2017.
- 549) December 21, 2017 – Objection received from Steven K. Mulliken of Mulliken Weiner Berg and Jolivet P.C. on behalf of the Barbara Ingersoll Marital Trust, dated December 19, 2017.
- 550) December 21, 2017 – Objection received from Dan and Jodi Murphy, dated December 12, 2017.
- 551) December 21, 2017 – Objection received from Terri L. Norman, dated December 20, 2017.
- 552) December 21, 2017 – Objection received from Ryan Nupen, dated December 21, 2017.
- 553) December 21, 2017 – Objection received from Sarah Nupen, dated December 21, 2017.
- 554) December 21, 2017 – Objection received from Catherine Olin, dated December 21, 2017.
- 555) December 21, 2017 – Objection received from Steven Firks, William Sheaves, Michael Heer, James Prickett, Wayne Bartley, Phillip Heacock, and Steve Reed on behalf of the Piñons of Turkey Cañon Ranch Homeowners' Association, dated December 10, 2017.
- 556) December 21, 2017 – Objection received from Hannah Rigdon, dated December 21, 2017.
- 557) December 21, 2017 – Objection received from Olivia Rigdon, dated December 20, 2017.
- 558) December 21, 2017 – Objection received from Lauren P. Sieber, dated December 14, 2017.
- 559) December 21, 2017 – Objection received from Patrick Sieber, dated December 14, 2017.

- 560) December 21, 2017 – Objection received from Alexa K. Steed, dated December 14, 2017.
- 561) December 21, 2017 – Objection received from Jeane E. Steed, dated December 11, 2017.
- 562) December 21, 2017 – Objection (2 letters) received from Audrey Thompson, dated December 20, 2017.
- 563) December 21, 2017 – Objection received from Chuck Thompson, dated December 20, 2017.
- 564) December 21, 2017 – Objection received from Kit Thompson, dated December 20, 2017.
- 565) December 21, 2017 – Objection (2 letters) received from Shelby Thompson, dated December 20, 2017.
- 566) December 21, 2017 – Objection received from Kristin Weidner, dated December 21, 2017.
- 567) December 21, 2017 – Objection received from Hartmut Wright on behalf of the Southwestern Highway 115 Fire Protection District, dated December 18, 2017.
- 568) December 21, 2017 – Objection received from Michael D. Young, dated December 15, 2017.

Timely Letters of Support for File No. M-2017-049:

- 1) November 14, 2017 - Letter of support received from Mike and Janet Robinson, dated November 14, 2017.
- 2) November 15, 2017 - Letter of support received from Norma Saint James, not dated.
- 3) November 15, 2017 - Letter of support received from Michael R. McCorkle, not dated.
- 4) November 15, 2017 - Letter of support received from Brad Lehman, not dated.
- 5) November 15, 2017 - Letter of support received from Jerry Schmitz, not dated.
- 6) November 16, 2017 - Letter of support received from Shannon Michael Hurst, not dated.
- 7) November 21, 2017 – Letter of support received from Christopher R. Anderson, dated November 17, 2017.
- 8) November 21, 2017 – Letter of support received from Lois Atwell, not dated.
- 9) November 21, 2017 – Letter of support received from Cindy Moone, not dated.
- 10) November 21, 2017 – Letter of support received from unknown (signature is illegible), not dated.
- 11) November 21, 2017 – Letter of support received from Keith Robertson, not dated.
- 12) November 21, 2017 – Letter of support received from Valerie Rowland, not dated.
- 13) November 21, 2017 – Letter of support received from Steve Sams, not dated.
- 14) November 21, 2017 – Letter of support received from Carl W. Smith, not dated.
- 15) November 21, 2017 – Letter of support received from Randall Stoddard, not dated.
- 16) November 21, 2017 – Letter of support received from Derek Walden, not dated.
- 17) November 24, 2017 – Letter of support received from Joseph and Sandra Herrera, not dated.
- 18) November 24, 2017 – Letter of support received from Daniel J. Walter, not dated.
- 19) November 24, 2017 – Letter of support received from Joseph H. Johnson, not dated.
- 20) November 24, 2017 – Letter of support received from “5 yr employee”, not dated.
- 21) November 24, 2017 – Letter of support received from Mike Sepulveda, dated November 18, 2017.
- 22) November 24, 2017 – Letter of support received from Shane Callan, not dated.
- 23) November 24, 2017 – Letter of support received from Cynthia Moore, not dated.
- 24) November 24, 2017 – Letter of support received from Tom Wisthoff, not dated.
- 25) November 24, 2017 – Letter of support received from Johnny Jones, not dated.
- 26) November 27, 2017 – Letter of support received from Robert L. Montoya, dated November 27, 2017.
- 27) November 27, 2017 – Letter of support received from George Martinez, not dated.

- 28) November 27, 2017 – Letter of support received from John H. Gokey, not dated.
- 29) November 27, 2017 – Letter of support received from Thomas E. Rapprecht, not dated.
- 30) November 27, 2017 – Letter of support received from Skylena Moya, not dated.
- 31) November 27, 2017 – Letter of support received from Brent Bond, not dated.
- 32) November 27, 2017 – Letter of support received from Chris Ferry, not dated.
- 33) November 27, 2017 – Letter of support received from James H. Ulsh, not dated.
- 34) November 27, 2017 – Letter of support received from unknown, not dated.
- 35) November 27, 2017 – Letter of support received from Ryan L. Braunagel, not dated.
- 36) November 27, 2017 – Letter of support received from Matthew L., Marissa(?), Jordan, and Amelia Meyer, not dated.
- 37) November 27, 2017 – Letter of support received from unknown, not dated.
- 38) November 28, 2017 – Letter of support received from State Representative Larry Liston of the Colorado House of Representatives, not dated.
- 39) November 28, 2017 – Letter of support received from Don Knight of the Colorado Springs City Council, District 1, not dated.
- 40) November 28, 2017 – Letter of support received from State Representative Dan Nordberg of the Colorado House of Representatives, not dated.
- 41) November 28, 2017 – Letter of support received from State Representative Paul Lundeen of the Colorado House of Representatives, not dated.
- 42) November 29, 2017 – Letter of support received from Norma Saint James, not dated.
- 43) November 29, 2017 – Letter of support received from Randall C. Symons, not dated.
- 44) November 29, 2017 – Letter of support received from State Representative Dave Williams of the Colorado House of Representatives, not dated.
- 45) December 01, 2017 – Letter of support received from Brandon Heser, dated November 30, 2017.
- 46) December 01, 2017 – Letter of support received from Lisa Atwell, dated November 21, 2017.
- 47) December 01, 2017 – Letter of support received from Diane Corbett, dated November 21, 2017.
- 48) December 01, 2017 – Letter of support received from Larry Cox, dated November 21, 2017.
- 49) December 01, 2017 – Letter of support received from Kielene S. Crowley, dated November 24, 2017.
- 50) December 01, 2017 – Letter of support received from John T. Crowley, dated November 24, 2017.
- 51) December 01, 2017 – Letter of support received from Mary H. Crowley, dated November 24, 2017.
- 52) December 01, 2017 – Letter of support received from John T. (Jack) Crowley, dated November 24, 2017.
- 53) December 01, 2017 – Letter of support received from Tony L. Cuchares III, dated November 15, 2017.
- 54) December 01, 2017 – Letter of support received from John Danielson, dated November 20, 2017.
- 55) December 01, 2017 – Letter of support received from Deborah Decost, dated November 21, 2017.
- 56) December 01, 2017 – Letter of support received from Dean E. Ernie, dated November 22, 2017.
- 57) December 01, 2017 – Letter of support received from Richard Francis, dated November 22, 2017.
- 58) December 01, 2017 – Letter of support received from Jenna Gilliana, dated November 21, 2017.
- 59) December 01, 2017 – Letter of support received from Jose N. Gonzalez, dated November 21, 2017.
- 60) December 01, 2017 – Letter of support received from Francine Joyce Jones, dated November 20, 2017.
- 61) December 01, 2017 – Letter of support received from Larry Lucero, dated November 21, 2017.
- 62) December 01, 2017 – Letter of support received from Tony A. Maldonado, dated November 22, 2017.
- 63) December 01, 2017 – Letter of support received from Sean McMahon, dated November 22, 2017.

- 64) December 01, 2017 – Letter of support received from Edward Newhouse, dated November 22, 2017.
- 65) December 01, 2017 – Letter of support received from Michelle Poundstone, dated November 21, 2017.
- 66) December 01, 2017 – Letter of support received from Ron Richardson, dated November 21, 2017.
- 67) December 01, 2017 – Letter of support received from T. Sawyer, not dated.
- 68) December 01, 2017 – Letter of support received from Jared Schaller, dated November 27, 2017.
- 69) December 01, 2017 – Letter of support received from Joseph Shadden, dated November 22, 2017.
- 70) December 01, 2017 – Letter of support received from Patrick Swift, dated November 22, 2017.
- 71) December 01, 2017 – Letter of support received from Betty White, dated November 21, 2017.
- 72) December 01, 2017 – Letter of support received from William C. Young, not dated.
- 73) December 04, 2017 – Letter of support received from unknown, not dated.
- 74) December 04, 2017 – Letter of support received from Michael Crosby, not dated.
- 75) December 04, 2017 – Letter of support received from Jason Huscher, dated November 27, 2017.
- 76) December 04, 2017 – Letter of support received from Tony Maldonado, dated November 28, 2017.
- 77) December 04, 2017 – Letter of support received from Carol Riese, dated November 29, 2017.
- 78) December 04, 2017 – Letter of support received from Dan Waterman, dated November 27, 2017.
- 79) December 04, 2017 – Letter of support received from unknown, not dated.
- 80) December 05, 2017 – Letter of support received from unknown (signature illegible), not dated.
- 81) December 05, 2017 – Letter of support received from Barry Agnes, dated December 1, 2017.
- 82) December 05, 2017 – Letter of support received from Curtis Hanlon, dated December 2, 2017.
- 83) December 05, 2017 – Letter of support received from Kyle Kaltenbacher, dated November 30, 2017.
- 84) December 05, 2017 – Letter of support received from Steve King, dated November 29, 2017.
- 85) December 05, 2017 – Letter of support received from Caitlyn McNeill, dated December 1, 2017.
- 86) December 05, 2017 – Letter of support received from Deborah McNeill, dated December 1, 2017.
- 87) December 05, 2017 – Letter of support received from Lawrence M. Montoya, dated December 1, 2017.
- 88) December 05, 2017 – Letter of support received from Tyler Nielson, dated December 1, 2017.
- 89) December 05, 2017 – Letter of support received from Michael G. Ortega, dated December 1, 2017.
- 90) December 05, 2017 – Letter of support received from Tyson J. Owens, dated December 1, 2017.
- 91) December 05, 2017 – Letter of support received from Mike Stockton, dated December 1, 2017.
- 92) December 07, 2017 – Letter of support received from Joseph Dobrich, dated December 7, 2017.
- 93) December 07, 2017 – Letter of support received from Robert A. Estrada, dated December 2, 2017.
- 94) December 07, 2017 – Letter of support received from Bradley A. Foster, dated December 7, 2017.
- 95) December 07, 2017 – Letter of support received from Mark Mahler, dated December 6, 2017.
- 96) December 07, 2017 – Letter of support received from George Moulton, dated December 1, 2017.
- 97) December 07, 2017 – Letter of support received from Valerie Rowland, dated December 4, 2017.
- 98) December 07, 2017 – Letter of support received from Jerry Van Horn, dated December 7, 2017.
- 99) December 08, 2017 – Letter of support received from Bonnie Barrios, not dated.
- 100) December 08, 2017 – Letter of support received from Brandon Elrod, dated December 8, 2017.
- 101) December 08, 2017 – Letter of support received from Kenneth A. Howard, not dated.
- 102) December 08, 2017 – Letter of support received from Elizabeth M. Laabs, not dated.
- 103) December 08, 2017 – Letter of support received from Daniel Rial, dated December 7, 2017.
- 104) December 08, 2017 – Letter of support received from Kirk D. Williams, Jr., not dated.
- 105) December 08, 2017 – Letter of support received from Kerry Williams, not dated.

- 106) December 08, 2017 – Letter of support received from Ben Woods, not dated.
- 107) December 08, 2017 – Letter of support received from Tyler Howard, not dated.
- 108) December 11, 2017 – Letter of support received from Bill L. Hendricks, Jr., not dated.
- 109) December 12, 2017 – Letter of support received from Richard Anderson, dated December 7, 2018.
- 110) December 12, 2017 – Letter of support received from Ryan Braunagel, dated December 1, 2017.
- 111) December 12, 2017 – Letter of support received from Lee Cannon, not dated.
- 112) December 12, 2017 – Letter of support received from Carla Fernandez, dated December 7, 2017.
- 113) December 12, 2017 – Letter of support received from Alex Fotenos of Tab Construction, Inc., dated December 7, 2017.
- 114) December 12, 2017 – Letter of support received from John Gokey, dated December 7, 2017.
- 115) December 12, 2017 – Letter of support received from Lawrence L. Hall, dated November 27, 2017.
- 116) December 12, 2017 – Letter of support received from Brad Karrington, dated December 8, 2017.
- 117) December 12, 2017 – Letter of support received from Cristy Leman, dated December 7, 2017.
- 118) December 12, 2017 – Letter of support received from Anne Lloyd, dated December 8, 2017.
- 119) December 12, 2017 – Letter of support received from Clay Lloyd, dated December 8, 2017.
- 120) December 12, 2017 – Letter of support received from James Lolley, dated December 7, 2017.
- 121) December 12, 2017 – Letter of support received from Chris Mazzarelli, dated December 7, 2017.
- 122) December 12, 2017 – Letter of support received from Christine Mazzarelli, dated December 8, 2017.
- 123) December 12, 2017 – Letter of support received from Gerald McGhee, dated December 7, 2017.
- 124) December 12, 2017 – Letter of support received from Andy Palacio, dated December 8, 2017.
- 125) December 12, 2017 – Letter of support received from Thomas Earl Rupprecht, dated December 1, 2017.
- 126) December 12, 2017 – Letter of support received from Michael R. Scott, dated December 7, 2017.
- 127) December 12, 2017 – Letter of support received from Michael Venezio, dated December 8, 2017.
- 128) December 12, 2017 – Letter of support received from Jason Wagers, dated December 2, 2017.
- 129) December 12, 2017 – Letter of support received from Daniel J. Walter, dated December 7, 2017.
- 130) December 12, 2017 – Letter of support received from Mark Weidner, dated December 8, 2017.
- 131) December 12, 2017 – Letter of support received from John L. Williams, dated December 7, 2017.
- 132) December 14, 2017 – Letter of support received from Gary L. Bradley, dated December 13, 2017.
- 133) December 14, 2017 – Letter of support received from Randall Stoddard, dated December 9, 2017.
- 134) December 14, 2017 – Letter of support received from Matthew J. Meyer, dated December 11, 2017.
- 135) December 14, 2017 – Letter of support received from Della Maxine Hummel, not dated.
- 136) December 14, 2017 – Letter of support received from Carl W. Smith, not dated.
- 137) December 14, 2017 – Letter of support received from Shane Callan, dated December 8, 2017.
- 138) December 15, 2017 – Letter of support received from Jesus Maldonado, dated December 5, 2017.
- 139) December 16, 2017 – Letter of support received from Kevin Brooker, dated December 16, 2017.
- 140) December 18, 2017 – Letter of support received from Gary L. Bradley on behalf of the Colorado Mountain Reclamation Foundation, dated December 13, 2017.
- 141) December 18, 2017 – Letter of support received from Susan Hansen, dated December 18, 2017.
- 142) December 19, 2017 – Letter of support received from Josh Adams, dated December 12, 2017.
- 143) December 19, 2017 – Letter of support received from Michelle L. Brooks, dated December 15, 2017.
- 144) December 19, 2017 – Letter of support received from Angelica Gonzalez, dated December 19, 2017.
- 145) December 19, 2017 – Letter of support received from Daniel Link, dated December 14, 2017.

- 146) December 19, 2017 – Letter of support received from Robert Nichol, dated December 12, 2017.
- 147) December 19, 2017 – Letter of support received from Kern Trujillo, dated December 12, 2017.
- 148) December 19, 2017 – Letter of support received from Sarah Watkins, dated December 7, 2017.
- 149) December 21, 2017 – Letter of Support received from Merv Bennett of the Colorado Springs City Council, At-Large, dated December 20, 2017.
- 150) December 21, 2017 – Letter of Support received from Robert Bullard, not dated.
- 151) December 21, 2017 – Letter of Support received from Jill Gaebler of the Colorado Springs City Council, District 5, dated December 18, 2017.
- 152) December 21, 2017 – Letter of Support received from Andre Laroche, dated December 21, 2017.
- 153) December 21, 2017 – Letter of Support received from Pamela P. Mazanec of the Colorado State Board of Education, Congressional District 4, not dated.
- 154) December 21, 2017 – Letter of Support received from Joyce Rankin of the Colorado State Board of Education, Congressional District 3, not dated.
- 155) December 21, 2017 – Letter of Support received from Thomas Strand of the Colorado Springs City Council, At-Large, dated December 20, 2017.

Agency Comments for File No. M-2017-049:

- 1) December 05, 2017 – Comment received from History Colorado, Office of Archaeology and Historic Preservation, dated November 30, 2017.
- 2) December 11, 2017 – Comment received from Colorado State Land Board, dated December 11, 2017.
- 3) January 04, 2018 – Late comment received from Colorado Division of Water Resources, dated January 4, 2018.
- 4) January 22, 2018 – Late comment received from Colorado Parks and Wildlife, dated January 3, 2018.

Late Objections (as of January 22, 2018) to File No. M-2017-049:

- 1) December 22, 2017 – Objection received from Charlton L. Brice, dated December 19, 2017.
- 2) December 22, 2017 – Objection received from Denise M. Brice, dated December 19, 2017.
- 3) December 22, 2017 – Objection received from Paulina Dean, dated December 16, 2017.
- 4) December 22, 2017 – Objection received from Patricia J. Kule, dated December 18, 2017.
- 5) December 22, 2017 – Objection received from Nathan Littlejohn, dated December 16, 2017.
- 6) December 22, 2017 – Objection received from Paul S. Malek, dated December 18, 2017.
- 7) December 22, 2017 – Objection received from Judith Rice-Jones, dated December 22, 2017.
- 8) December 22, 2017 – Objection received from Adrienne Richards, dated December 1, 2017.
- 9) December 22, 2017 – Objection received from Lonnie T. Rogers, dated December 8, 2017.
- 10) December 22, 2017 – Objection received from C. Denise Shaw, dated December 12, 2017.
- 11) December 22, 2017 – Objection received from Elsa Shields, dated November 29, 2017.
- 12) December 22, 2017 – Objection received from Scott Shields, dated November 29, 2017.
- 13) December 22, 2017 – Objection received from Gayle Wentling, dated December 18, 2017.
- 14) December 22, 2017 – Objection received from Su Young, dated December 15, 2017.
- 15) December 26, 2017 – Objection received from Vickie Bengston, dated December 15, 2017.

- 16) December 26, 2017 – Objection received from Lucy Dean, dated December 12, 2017.
- 17) December 26, 2017 – Objection received from Ruth Larsen, dated December 18, 2017.
- 18) December 26, 2017 – Objection received from David Pierce, dated December 20, 2017.
- 19) December 27, 2017 – Objection received from Georgia Dean, dated December 18, 2017.
- 20) December 27, 2017 – Objection received from Edyn Jessup of The Nature Conservancy in Colorado, dated December 20, 2017.
- 21) December 29, 2017 – Objection received from Jeff Anderson, dated December 12, 2017.
- 22) December 29, 2017 – Objection received from Jeffrey Hight, dated December 12, 2017.
- 23) January 02, 2018 – Objection received from Young J. Kaussen, dated December 8, 2017.
- 24) January 11, 2018 – Objection received from Yevonne Conrad, dated December 8, 2017.

Late Letters of Support (as of January 22, 2018) for File No. M-2017-049:

- 1) December 22, 2017 – Letter of support received from Joyce Rankin of the Colorado State Board of Education, Congressional District 3, not dated.
- 2) December 22, 2017 – Letter of support received from Harold Stone, not dated.