

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Letter about LRM mine

4 messages

Jayme Patrick Tilley <jayme8704@gmail.com>

Mon, Aug 13, 2018 at 10:16 AM

To: Stephanie Fancher <stephanieh@lrnconcrete.com>

Cc: Rob Helmick <helmicrp@co.larimer.co.us>, "Ebert - DNR, Jared" <jared.ebert@state.co.us>, "Brucker - DNR, Sarah" <sarah.brucker@state.co.us>, Lea Schneider <schneils@co.larimer.co.us>

Hi-

Please see the attached letter. Thank you.

Jayme

**LRM-Letter-June-27.pages**

399K

Jayme Patrick Tilley <jayme8704@gmail.com>

Mon, Aug 13, 2018 at 10:18 AM

To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>

Hi- If you can reply when you have read this and filed it I would really appreciate it! Thank you!

Jayme

Begin forwarded message:

From: Jayme Patrick Tilley <jayme8704@gmail.com>**Subject:** Letter about LRM mine**Date:** August 13, 2018 at 10:16:58 AM MDT**To:** Stephanie Fancher <stephanieh@lrnconcrete.com>**Cc:** Rob Helmick <helmicrp@co.larimer.co.us>, "Ebert - DNR, Jared" <jared.ebert@state.co.us>, "Brucker - DNR, Sarah" <sarah.brucker@state.co.us>, Lea Schneider <schneils@co.larimer.co.us>

Hi-

Please see the attached letter. Thank you.

Jayme

**LRM-Letter-June-27.pages**

399K

Ebert - DNR, Jared <jared.ebert@state.co.us>

Mon, Aug 13, 2018 at 12:52 PM

To: Jayme Patrick Tilley <jayme8704@gmail.com>

Hello Jayme,

I tried to download the letter, however the file is of unknown type and I cannot open it. Is there anyway you could either send me a pdf or word document?

Thanks,

Jared

[Quoted text hidden]

--

Jared Ebert

Environmental Protection Specialist III



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 ext. 8120 | F 303.832.8106 |

1313 Sherman St., Room 215, Denver, CO 80203

jared.ebert@state.co.us | mining.state.co.us

Jayme Patrick Tilley <jayme8704@gmail.com>

Wed, Aug 15, 2018 at 11:31 AM

To: Stephanie Fancher <stephanieh@lrmconcrete.com>

Cc: Rob Helmick <helmicrp@co.larimer.co.us>, "Ebert - DNR, Jared" <jared.ebert@state.co.us>, "Brucker - DNR, Sarah" <sarah.brucker@state.co.us>, Lea Schneider <schneils@co.larimer.co.us>

Geez, I'm sorry. Here is the correct attachment. Thank so much.

Jayme

[Quoted text hidden]

> <LRM-Letter-June-27.pages>



LRM-Letter-Aug13.pdf
56K

Jayme Patrick Tilley
PO Box 657
LaPorte, CO 80535
jayme8704@gmail.com

Via email to
Stephanie Fancher, Loveland Ready-Mix Concrete stephanieh@lrnconcrete.com

August 13, 2018

Mrs. Fancher-English,

I am writing regarding the impacts that your proposed Knox Pit project would impose upon my family and property. Few others live as close as we do, and with this much exposure to your mining activities, the pollution, nuisance and degradation will create an intolerable situation for us. Also your plans and studies predict a number of actual damages that we can't accept or afford. I appreciate that the lines of communication have been open thus far, so I hope we can discuss this.

Regarding noise, dust, herbicide, and other pollutants:

Noise and dust exposure cause and exacerbate risk for a large number of serious health conditions including heart disease, hypertension, learning and attention disorders, PTSD and anxiety disorders, migraine, asthma, and more. For these reasons, there are noise standards which set limits for general noise and for construction noise. For your project, noise at high levels will be long term and will include overburden removal, then mining, and then the later reclamation work (liner, grading etc), which my family would have to endure for years. Overnight noise will also include CNG compressors, generators, etc. We already have a berm which does little to muffle occasional noise from the east.

LRM has an excellent safety record which includes high quality personal protective gear and equipment to protect your employees from noise and air pollution exposures. Employee shifts and work schedules also limit their noise exposure. But my family will be exposed to up to 50-80 decibels for 12 hours per day and up to six days a week, and potentially periods of 24/ 7 exposure, all within just a few feet of our property line without the benefit of protective equipment.

Your project predicts dust pollution, and a fugitive dust control plan was required to address this pollutant, one which is known to cause a number of lung conditions. Dust generation by the pit operation, by rock crushing, by trucks driving on your roads, and by wind erosion will create a major source of large and small particle pollution within 50 feet of our property. We are concerned that the standards set in your control plan are to protect citizens from pollution sources over the general area, but that the proposed control measures may not adequately protect us because of the level of exposure we face.

Herbicides will be used, according to your reclamation plan. Spot spraying of noxious weeds will occur through the reclamation process which could last for years. Currently, noxious weed control is not required on the property, and weeds are naturally controlled by grazing and haying. Our young children would be exposed to herbicide blow-over and contamination on our property from this pollution source. Additionally, we may be exposed to detrimental levels of selenium from water-spray dust suppression on the road along our fence line.

We will be exposed for many years, against our will and on our property, to these new pollutants which were not present before and which would put our health and well being at great risk.

Regarding long-term nuisance and degradation:

We invested in our property as a long term investment, and we continually work to improve it so we can raise our kids and build returns on our own timeline. We did our research too. Gravel mining is not an allowed use in Open Zoning and in the LaPorte Area Plan. We have the right to peaceful enjoyment of our property. The pollutants, noise, nuisance, traffic, damage and sheer existence of your industrial mine so close to us detracts from the use, value, and enjoyment of our property, and it reduces the income potential that the property's resources offer. And this is not a short-term problem; this will endure for many years and will exceed our timeline to raise our kids and for our investment to pay off.

Again, most importantly, your mine, right next to my children's yard, would be there for the rest of their childhoods. For them, it is practically a permanent impact.

Actual damage is predicted to occur on my property:

Evidence was presented at the MLRB hearing that your project will substantially lower water levels in my monitoring wells indicative of damaging groundwater loss. Dewatering was predicted as a certainty to happen during initial construction dewatering, and continuing through the mining phases. Maximum dewatering rates are predicted at the beginning of Phase 1, starting adjacent to our property, so we will experience drastic dewatering as soon as the project starts.

Dewatering on our property will persist through Phases 2 and 3 which would last several years. We have 50+ large healthy trees on our property which shade and cool our house and reduce our lawn watering needs. As Dr. Calvin Miller, P.E. testified during the MLRB hearing, "I saw that she has large cottonwood trees, and I have personally seen dewatering from gravel mines kill cottonwood trees. It's not just an aesthetics issue, it would be a very large expense to remove dead trees." The threat of trees falling on our residences is also a serious safety issue. Further, Dr. Miller testified that "there is a high risk of strong changes on her property" lasting years. In one scenario in the groundwater study, possible drawdown would be 13 feet when the normal groundwater level is 4 feet below the surface. This would most certainly damage the natural landscape for the long term and degrade my property's potential. Understanding that I don't have a "water right" to the groundwater under my property, it is clear that your water consumption will cause irreversible damage to my property. The testimony you provided to the MLRB that you would run water, create a hydrodam, and therefore recharge my wells, is vague. There is no plan or mechanism in place to protect us from your dewatering.

During reclamation after the pit is lined, groundwater mounding is predicted by your modeling as a possibility on my property, with a two foot rise being a value of significance and action. The water is 40 inches (3.3 feet) below the surface during irrigation season. Dr. Miller testified that "It's clear that a two foot rise would not be acceptable on her property. It would saturate the soils." The foundations of my buildings would be flooded by a 2 foot rise, and the sewer line could be disturbed. Flooding rises quickly, and major damage would occur before anything could be done. Dr. Miller testified that a proposed solution of using valves and pumps and perimeter drains, even if they work initially, would require long-term monitoring and perpetual maintenance to prevent mounding at our property. Said by Mr. Machado in the hearing, "They've proposed some engineering fixes but we don't know if they are going to work. The solutions they've proposed are not meeting the standard. They are a workaround. This thing needs to work in perpetuity."

Your studies predict that structural damage WILL occur to my buildings and structures within 200 feet of your property. I have 16 permanent structures on my 2.25 acre property, 13 of which are within 200 feet of your project site: 2 homes, 3 outbuildings, 3 wells, 2 roads, fences, 2 ditches, 2 telecommunications lines, and a sewer line. The geotechnical study is limited to potential damage caused by highwall failures and associated setbacks, and the study's own limitations describe the potential for localized failures. Damage would be caused also by slope failures, vibration, damage to ditches, tree death from dewatering, flooding due to groundwater mounding, and potentially other causes. There are no studies

on these damages. There are no studies that evaluate all the potential causes of structural damage scaled to my 2.25 acre property and its unique variables. Also there is a high-line power pole/ cell tower in close proximity to my property and to ditches and other structures. With all of these variables I have no assurance that pole won't fall. It would cause catastrophic damage and danger. By easement the owners of the ditches and utilities would be in charge of making their own repairs, which exposes me to major disruptions, and potential remaining or incidental damages, caused by the utility owners or their contractors. Mr. Matt Machado said so well in the MLRB hearing, "We have all these unknowns right now. There's just not enough assurance and I think the potential for injury to Ms. Tilley's property is high."

All of these concerns tie directly with the permits you are required to obtain and comply with.

I appreciate that the permitting agencies recognize the damages we are facing. I respectfully request that this letter be added to the various permit files. Thanks in advance to the staff copied on this letter.

Larimer County Planning Dept: Please add this letter to the **Special Use Permit application 17ZONE2113**. This project does not meet the criteria for Special Review. The project is **not** compatible or in harmony with the neighborhood, and, it **will** result in a substantial adverse impact on our property. Gravel mining is not allowed in the LaPorte Area Plan (LAP); the plan mentions the Timberline project which was approved at the time the LAP was being written, to state that the mine was to be temporary and limited in scope. More than 3,000 citizen signatures have been collected opposing this project. Noise impacts would be unacceptable. This project would substantially and detrimentally impact our community, home, and family.

CO DRMS and MLRB: Please add to the **mining permit M-2017-036**. It appears that an error was made in compiling the Board Order. Item 58 (e) was not met because neither an agreement for compensation nor an engineering evaluation demonstrating that my structures won't be damaged has been developed. I testified to the location of my structures and to the damages I am concerned about in the hearing.

Division of Water Resources: Please add this letter to the **Dewatering and Gravel Pit Well Application files dated 2/6/18 and 10/30/17**. DWR rules require that the applicant prove you will not cause damage to wells within 600 feet. DRMS rules also require that disturbance to the prevailing hydrologic balance be minimized. I have described in this letter the dramatic disturbance to hydrologic balance, and the permanent damage you will cause by dewatering my land and wells (which are within 600 feet).

Larimer County Department of Health and Environment: Please add this to the **APEN Construction Permit 17LR0912F** file. This project/ permit would cause and increase serious health risks for us, and would present a situation that is detrimental to our health and well being.

Mrs. Fancher-English, you can see large number of concerns and the unique set of risks we have to face because of your project. I appreciate your time and consideration, so please call me at (970) 231-1948 to discuss.

Sincerely,

//Signed//

Jayme L. Patrick for the Tilley Family

cc: Rob Helmick, Jared Ebert, Sarah Brucker, and Lea Schneider