



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

September 10, 2019

John Kuijvenhoven
6124 County Road 5
Ridgeway, CO 81432

***RE: Horsefly Rock Source, File No.M-2019-010, Construction Material Limited Impact (110) Operation
Reclamation Permit Application, Objection Received***

Dear Mr. Kuijvenhoven:

On September 5, 2019 the Division of Reclamation, Mining and Safety (Division) received an objection (Copy enclosed) to the above listed application from Bruce and Kathy Bergman. The public comment period ended on Monday September 9, 2019 and the objection is considered Timely. Please address and respond to the Division separate from any correspondence, all items contained within the objection.

If you have any questions, concerns or require additional information please feel free to contact me at the Division's Grand Junction Field Office, by phone at (970) 243-6368 or by email at lucas.west@state.co.us.

Sincerely,

Lucas West
Environmental Protection Specialist
Division of Reclamation, Mining and Safety

Enclosure: Objection letter, Bruce and Kathy Bergman

Ec: John Kuijvenhoven
 Zane Luttrell, Rocky Mountain Aggregates



September 3, 2019

Mr. and Mrs. Bruce Bergman
3912 Mariposa Drive
Montrose, CO 81402

RECEIVED

SEP 05 2019

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

**DIVISION OF RECLAMATION
MINING AND SAFETY**

**Re: Application by John Kuijvenhoven/Construction Materials Limited Impact
Reclamation Permit
Legal Notice #984**

To Whom It May Concern:

We are writing regarding the application submitted by John Kuijvenhoven to obtain a Construction Materials Limited Impact Reclamation Permit for his property on Mariposa Drive. Here are some things of which the Div. of Reclamation, M&S may not aware:

1. There is no legal commercial access on Mariposa Drive, which is a Private road maintained solely by residents.
2. Mr. Kuijvenhoven does not have legal deeded access from his lot on Mariposa Drive to Government Springs Road, which is the closest county road to his lot and the main route out of this area.
3. There is no legal access through the Cornerstone development adjacent to Mr. Kuijvenhoven's land. He does not have permission to go through this other development at this time.
4. Our private road is very expensive to maintain. Ouray County has made it very clear they will not supply any money to help maintain this road, even knowing that we have a Volunteer Fire Station on this road.
 - a. Mr. Kuijvenhoven has not offered any future funds to maintain this road, nor has he given funds in the past to keep this road up to the standard required for us to reach our properties.

Because of these concerns, we request that you deny this permit to Mr. Kuijvenhoven. The private landowners on Mariposa Drive do not think that this enterprise is appropriate for this residential area, not only because of the financial impact to us, the private owners of this road, but because of the legal conditions stated above regarding access.

Sincerely,



Bruce and Kathy Bergman

Legal Notice No. 984

PUBLIC NOTICE

John Kuijvenhoven, 6124 County Road 5, 970-417-0177, has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Horsely Rock Source and is located at or near Section 7, Township 46.0, Range 9.0 Prime Meridian.

The proposed date of commencement is September 30th, 2019, and the proposed date of completion is September 30th, 2040. The proposed future use of the land is Range Land.

Additional information and tentative decision draft may be obtained from the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Ouray County Clerk and Recorder's Office, 541 4th Street, Ouray, Colorado, or the above-named applicant. A complete copy of the application is available at the abovenamed County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining and Safety by 4:00 p.m. on September 7th, 2019.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining and Safety or the Mined Land Reclamation Board.

**RESOLUTION OF THE
BOARD OF DIRECTORS OF
CORNERSTONE METROPOLITAN DISTRICT NO. 1**

REGARDING THE USE OF ROADWAYS

WHEREAS, Cornerstone Metropolitan District No. 1 (the **"District"**) is a quasi-municipal corporation and political subdivision of the State of Colorado, and is a duly organized and existing special district pursuant to §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, the District has determined that it is in the best interest of the District and the residents and property owners of the District to adopt rules and regulations in order to preserve and protect public property and facilities owned and/or operated by the District, and prohibit activities that interfere with the use and enjoyment of such property and facilities; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board shall have the management, control and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of the State of Colorado for carrying on the business, objects, and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(n), C.R.S., the Board is authorized to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the District by Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to § 42-4-106(3), C.R.S., local authorities with respect to highways under their jurisdiction, may also, by ordinance or resolution, prohibit the operation of trucks or commercial vehicles on designated highways or may impose limitations as to the weight thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways; and

WHEREAS, the District owns, operates and/or maintains the Cornerstone Trail (the **"Roadway"**) and other such roads which are located within the boundaries of Cornerstone Metropolitan District No. 2; and

WHEREAS, the property within Cornerstone Metropolitan District No. 2 is primarily residential and the regulation of commercial vehicles within the residential community is in the best interest of the residents and taxpayers of Cornerstone Metropolitan District No. 2; and

WHEREAS, the Board of Directors of the District (the **"Board"**) finds adoption of this Resolution Regarding the Use of Roadways (the **"Resolution"**) to be in the best interest of the District and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Necessity. The Board hereby finds, determines, and declares that this Resolution is promulgated for the preservation of public health, welfare, peace, safety and property and that this Resolution is necessary for the protection of public convenience and welfare.

2. Definitions.

- a. **Commercial Vehicles:** every vehicle designed, used or maintained primarily for the transportation of more than eight (8) passengers and/or property.
- b. **School Bus:** every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from any school or privately owned and while being operated primarily for the transportation of children to or from any school.
- c. **Semi-trailer:** Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.
- d. **Truck:** Any motor vehicle which is used for the transportation or delivery of goods with a body built and designed for that purpose.

3. Weight Restrictions. No person shall operate or drive a Bus, Commercial Vehicle, Semi-trailer, or Truck on the Road which has more than twenty thousand (20,000) pound gross weight.

4. Violation and Penalty. Every person found in violation of this Resolution may be fined in accordance with this Resolution.


- a. First Violation: \$500
- b. Second Violation: \$1,000
- c. Third or More Violations: \$2,500 per violation

5. Special Permits. The Board may, in their sole discretion, grant special permits for a Bus, Commercial Vehicle, Semi-trailer, or Truck which exceeds the weight restrictions to access the Road. Anyone interested in requesting a special permit should contact the District Administrator as identified by the Board.

6. Exceptions. The terms of this Resolution shall not apply to any emergency vehicles or any vehicle that is on the Road for the purpose of making a delivery to a home, residence, or business (i.e. FedEx, Amazon, USPS, UPS).

ADOPTED THIS 22nd DAY OF JULY, 2019

CORNERSTONE METROPOLITAN DISTRICT NO. 1, a
quasi-municipal corporation and political subdivision of the
State of Colorado

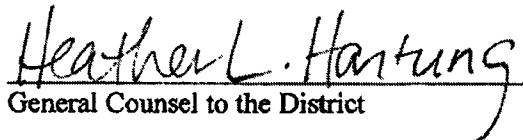


Officer of the District

ATTEST:



APPROVED AS TO FORM:
WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

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