

**SEMA Mining Operation - Motocross Pit**

2 messages

**Kevin McCarty** <kevin@mccartylw.com>

Mon, Aug 2, 2021 at 7:47 AM

To: "peter.hays@state.co.us" &lt;peter.hays@state.co.us&gt;, "tparko@weldgov.com" &lt;tparko@weldgov.com&gt;

Cc: Dan Westhoff &lt;westhoffdan@gmail.com&gt;, Gene Freeman &lt;genefreeman02@skybeam.com&gt;, Ken Smith &lt;ken.d.smiths@gmail.com&gt;, "Schlagel, Bruce" &lt;bruce@schlagelfarms.com&gt;, "drmccarty33@gmail.com" &lt;drmccarty33@gmail.com&gt;, Mike Coleman &lt;mcoleman@lpbroadband.net&gt;

To Tom Parko and Peter Hays,

Please see the attached letter voicing our concerns over the Motocross Pit which has now been operating for 2+ weeks.


*Kevin McCarty*

McCarty Land &amp; Water Valuation, Inc.

P.O. Box 407

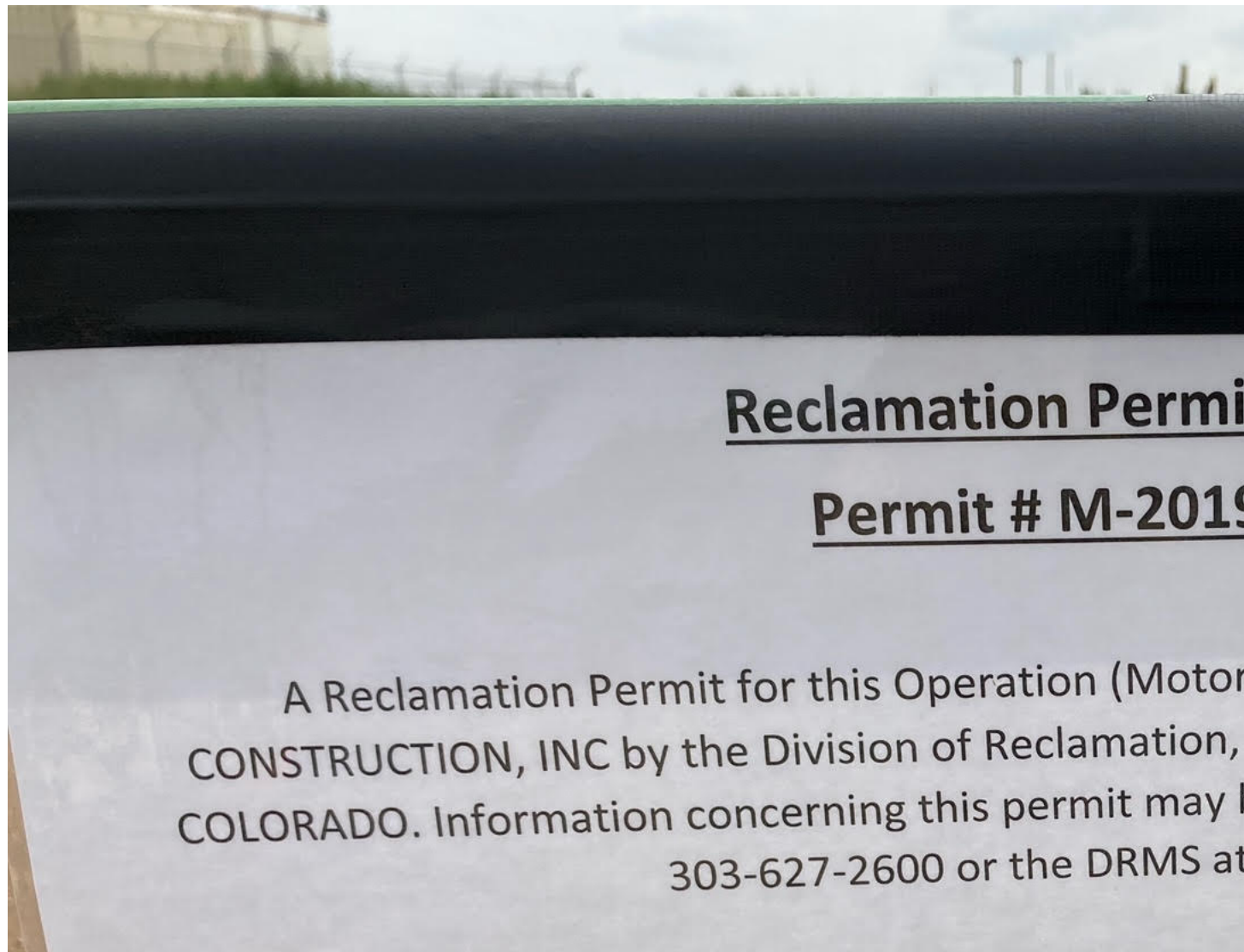
Berthoud, CO 80513

970-635-0900

 **Motocross Pit.pdf**  
103K**Mike Coleman** <mcoleman@lpbroadband.net>

To: Kevin McCarty &lt;kevin@mccartylw.com&gt;

Cc: peter.hays@state.co.us, tparko@weldgov.com, Dan Westhoff &lt;westhoffdan@gmail.com&gt;, Gene Freeman &lt;genefreeman02@skybeam.com&gt;, Ken Smith &lt;ken.d.smiths@gmail.com&gt;, "Schl





Thanks for sending that letter Kevin. I had a very flight today so was up at 3am. They are running 24 hours a day now. At least the oil/gas trucks don't use engine breaks but these guys use tr  
Sent from my iPhone SE

On Aug 2, 2021, at 8:47 AM, Kevin McCarty <[kevin@mccartylw.com](mailto:kevin@mccartylw.com)> wrote:

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<Motocross Pit.pdf>

August 2, 2021

Tom Parko  
Weld County Planning Department

Peter Hays  
Colorado Division of Reclamation, Mining and Safety

RE: Motocross Pit

Dear State and County Officials:

Please take immediate action to halt mining operations at the Motocross Pit. The DRMS application was based on erroneous information and there are public health and safety issues that must be addressed before operations should resume.

It is my understanding that Weld County has not issued a special use permit for this property because it is a 111 permit. That policy is allowing this operation to run roughshod over our neighborhood without regard to hours of operation, dust suppression, access and noise, all factors which other mining operations throughout Weld County have to consider when applying for a special use permit. As taxpayers of Weld County, we should be afforded the same opportunity as other citizens when a mining operation is proposed. Please require a special use permit because the mining activity that is taking place is not a use by right for this property.

The DRMS permit is not valid because the operator claimed that there were not municipalities within two miles, even though the Town of Berthoud adjoins three boundaries, including the Serenity Ridge subdivision on the south boundary. Furthermore, the DRMS permit application shows access from the east side of the property with no contemplation of access from Weld County Road 7. Hundreds of trucks are accessing the property from WCR 7 daily.

We ask for an immediate cessation of mining until issues can be resolved. Those issues are common to any mining operation and we ask that our neighborhood be afforded the same opportunity given to other neighborhoods when mining operations are proposed. Here are the issues that we hope to see DRMS and Weld County resolve:

**1) Access**

Access from WCR 7 has created a dangerous traffic situation and if the access from the east side of the property is still available, that would be a much safer alternative. Given the DRMS application was based on such access, we ask that SEMA perform according to their plan.

**2) Hours of Operation**

The operation has continued after midnight and on weekends. I don't know of any mining operation in Weld County that has had such hours approved.

**3) Dust suppression**

Dust suppression is a common requirement for mining operations. There does not appear to be any dust suppression activity for this operation.

**4) Mining area**

The mining that is taking place appears to be removing a ridge top, which could substantially increase sound from I-25 for our subdivision. This is unnecessary and in fact, is probably not financially prudent as compared to excavating, because the excavation could create much needed water storage for the Town of Berthoud.

Thanks in advance for considering our concerns and hopefully taking appropriate action.

Respectfully,



Kevin McCarty  
Little Thompson Valley Estates HOA President

