



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

November 17, 2021

Gary Linden, P.E.
Civil Resources, LLC.
8308 Colorado Blvd., Suite 200
Firestone, CO 80504

**Re: Preliminary Adequacy Review, 112c Construction Materials Amendment Application (AM-2)
Tucson South Resource, Permit No. M-2004-044**

Mr. Linden:

On September 27, 2021, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application was set for December 27, 2021.

The Division has received objections to the application and in accordance with Rule 1.4.9 will schedule a hearing before the Mined Land Reclamation Board (MLRB or Board) during the January 19 and 20, 2022 MLRB meeting for consideration of the application. The Division will set a date for a pre-hearing conference sometime during the week of January 3, 2022. The details of the pre-hearing conference will be provided to you as soon as possible. The Division is required to issue a recommendation to approve, approve with conditions or to deny the application to the Board no later than December 27, 2021.

The following items will need to be addressed to the Division's satisfaction prior to the decision date. If you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application. In order to allow the Division sufficient time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than two weeks prior to the decision date. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2004-044".



EXHIBIT B – Index Map (Rule 6.4.2):

1. The index map incorrectly identifies WCR 23.75 as WCR 2.75, please update. Please note this edit may need to occur on maps throughout the amendment. Please affirmatively respond where this not done that where WCR 2.75 shown it is supposed to be WCR 23.75.

EXHIBIT C – Pre-Mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):

2. On the Pre-Mining and Mining Plan Map, C-1, please clearly show the conveyor belt corridor area that is being released through this amendment.

EXHIBIT D – Mining Plan (Rule 6.4.4):

3. On page D-1, it states “The amended area, providing an area for the conveyor easement, is along the east side of Tucson Street...”. Please confirm the conveyor easement is on the west side of Tucson Street and update the statement accordingly.
4. On page D-1, Weld County Road 23.75 is misidentified as 2.75, please update.
5. On page D-2, it is noted the South Area was removed from the permit area through approval of Technical Revision 2 (TR-02). The South Area was removed from the permit area with the approval of Acreage Reduction Request 2 (AR-2). TR-2 updated the Mining and Reclamation Plan maps to reflect removal of the South Area. Please update this section accordingly.
6. The Division did not find the slurry wall designs attached in this exhibit as indicated. Please provide the missing designs.
7. What direction will each phase be mined?
8. The table depicting the point in time when mining disturbance would be at its maximum, page D-4, is not complete, please provide the missing values.
9. Wetlands, the last statement in this section needs clarification. A review of Appendix J and the report from the Department of the Army indicates there are no jurisdictional wetlands on the site. Please confirm there are no jurisdictional wetlands at the site.
10. Underground conveyor belt crossings. The Division understands the designs for the underground conveyor crossings are still in the design process. Please commit to submitting the final design drawings for each crossing.
11. What will be done with the material that is excavated for the underground crossings?

12. Please provide a list of approvals and certifications the applicant must obtain before the underground crossings can begin construction. Include in this list any structure or utility agreements and access agreements obtained prior to construction.
13. Please show on a map(s) where the types of conveyor belt orientations are located as described on Exhibit L, e.g. under crossing, overhead crossing, and other.
14. Please provide a typical cross section for the overhead conveyor crossing and include on map C-8.
15. Is the 50 foot wide conveyor belt corridor sufficient for installation, maintenance, and removal of equipment without affecting additional land beyond these limits? Please acknowledge affecting land beyond these limits could be considered a possible violation of the permit.
16. Is there sufficient area in the proposed amendment permit boundary for all the necessary equipment to construct the underground road crossings? Please acknowledge affecting land beyond these limits could be considered a possible violation of the permit.

EXHIBIT E – Reclamation Plan (Rule 6.4.5):

17. On page E-5 the applicant states a Technical Revision will be submitted with the final slurry wall designs. The statement is in conflict with question #6 above. Please clarify.
18. On page E-9, copies of the well permit and well completion report could not be found in Exhibit G, please provide the missing information.
19. Please describe how the underground conveyor crossings will be reclaimed.

EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):

20. Please clearly show the underdrain system on the reclamation maps.

EXHIBIT G – Water Information (Rule 6.4.7):

21. Through the SEO well permitting process was Mr. Stough (Permit # 201932) notified and an agreement entered into with AI to protect water rights?
22. The underdrain plans are for bid and not final. Please provide the finalized plans for the underdrain.
23. Please clarify when the underdrains will be installed, prior to slurry wall construction or after?

24. What affects will the underground conveyor crossings have on groundwater flow, please reply by crossing?
25. Given where the underdrain is located on the north side of the West cell what effects will the Tucson Street conveyor undercrossing have on its ability to function as designed/intended?

EXHIBIT H – Wildlife Information (Rule 6.4.8):

26. The Colorado Parks and Wildlife provide comments on the permit application, sent to applicant on November 16, 2021. Please provide responses to their comments and concerns.
27. Have raptor nests surveys been completed for the entire permit area as indicated in Section 3.2 of the Tetra Tech report?

EXHIBIT L – Reclamation Costs (Rule 6.4.12):

28. Please provide details (L x W x H) of the conveyor belts that are proposed to be installed so the Division can accurately calculate reclamation costs associated with the belts.
29. Are any of the conveyor belts going to be portable and if so what is total length?

EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):

30. Please provide the stability analysis data for the conveyor along the Challenger Reservoir to allow the Division to duplicate the analysis with Clover Technology's Galena software for verification purposes.
31. Please complete a stability analysis along Tucson Street embankment for at least one cross-section under a saturated slope (high pore water pressure)/rapid reservoir drawdown conditions to verify that the proposed slopes below Tucson Street will be stable under all conditions. Please provide the stability analysis data to allow the Division to duplicate the analysis with Clover Technology's Galena software for verification purposes

Objection

32. The Division received a timely objections, in accordance with Rule 1.7.1(2)(a), from B. Michl Lloyd, Wayne Muhler and Sherie Gould on November 15 and 16, 2021, the objections are attached to this adequacy letter (Attachment 1). Please respond to the objections.

Other:

33. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

Please respond to these adequacy issues no later than two weeks before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is December 27, 2021. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

Attachment 1: Objection Letter from Mr. Lloyd
Objection Letter from Mr. Muhler
Objection Letter from Ms. Gould

cc: Jared Ebert; Division of Reclamation, Mining & Safety

ec: Gary Linden, P.E., Civil Resources, LLC., gary@civilresources.com

Attachment 1



STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

Aggregate Industires Tucson South permit comments

bmlloyd@aol.com <bmlloyd@aol.com>

Mon, Nov 15, 2021 at 1:58 PM

Reply-To: bmlloyd@aol.com

To: "patrick.lennberg@state.co.us" <patrick.lennberg@state.co.us>

Mr. Lennberg,

We have not met or spoken but I received your contact information from Sherie Gould and understand that you are accepting the comments on Aggregate's Tucson South Permit. Attached is a .pdf containing my comments.

Thanks,
Mike Lloyd



Aggregate DMG comments Nov 2021.pdf

434K



STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

Aggregate Industires Tucson South permit comments

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

Mon, Nov 15, 2021 at 3:44 PM

To: bmlloyd@aol.com

Good Afternoon Mr. Lloyd,

I appreciate you for participating in the public comment period of the Tucson South amendment application. I want to clarify something; are you formally objecting to the application? If so, pursuant to Rule 1.7.1(2)(a), you must provide a telephone number which you may be reached at.

A copy of your letter will be uploaded to the permit file and sent to the applicant.

Please let me know if you have any questions.

Thank you,
Patrick

[Quoted text hidden]

[Quoted text hidden]



STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

Aggregate Industires Tucson South permit comments

bmlloyd@aol.com <bmlloyd@aol.com>

Mon, Nov 15, 2021 at 4:57 PM

Reply-To: bmlloyd@aol.com

To: "patrick.lennberg@state.co.us" <patrick.lennberg@state.co.us>

Yes I am objecting to the permit. My telephone number is 303-659-4545. I attached a copy of my letter with the phone number written on it..

[Quoted text hidden]

[Quoted text hidden]



Aggregate DMG comments Nov 2021.pdf

438K

B. Michl Lloyd
12202 East 168th Avenue
Brighton, CO 80602
303-659-4545

November 15, 2021

Colorado Mined Land Reclamation Board
Division of Reclamation Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

C/O Patrick Lennberg
Environmental Protection Specialist

RE: Comments on Aggregate Industries' ("AI")
Application for Mining Permit
"Tucson South Mine"

Dear Ladies and Gentlemen:

I am a resident of Adams County and have lived on an 18 acre property adjacent to a portion of AI's proposed "Tucson South" project for over 21 years.

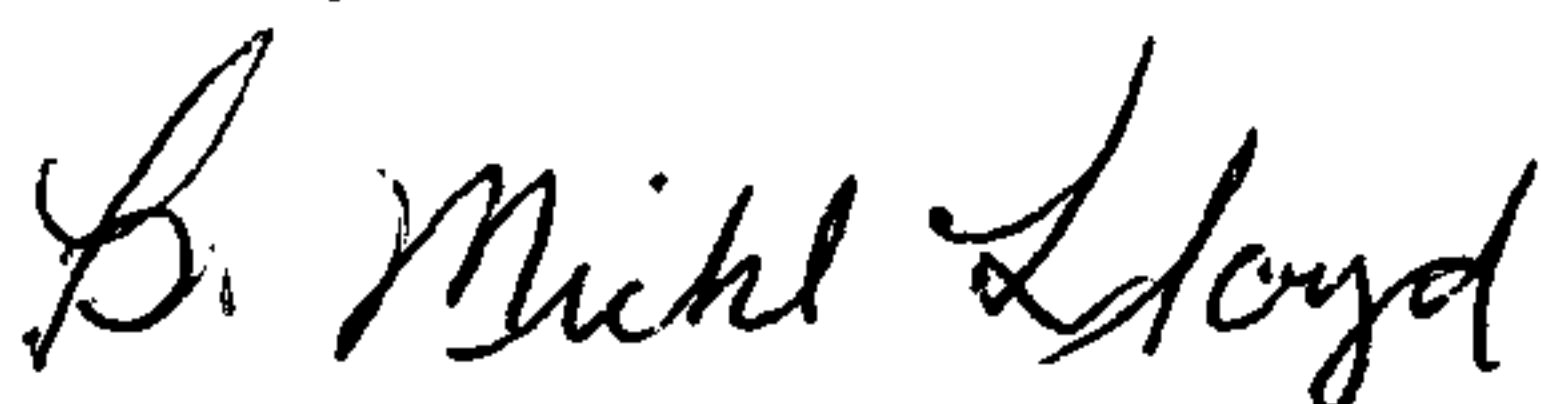
My concerns and opposition to this project and to AI's operations has been expressed in over 8 comment letters to State and County governmental bodies in 2019, 2020 and 2021, numerous comment letters prior to the 2004 original approval of this project and comments I have made in public meetings. As I have previously stated, I am not opposed to mining as long as it is done right. What I have witnessed over the past 20 years is that AI does anything they can get away with and only takes corrective action when they are forced to. They readily say or promise what they think people want to hear but in reality they have very little if any regard for the effect they have on the public.

Current case in point. In applying for the current Adams County Conditional Use Permit AI made all kinds of promises regarding dust control and mitigation. Within the last few weeks they were preparing the area for slurry wall installation and for more than a week they were creating huge dust clouds every day with no on site watering or mitigation of any kind. It took over a week (after they were basically done) to get any dust mitigation.

I was not able to dedicate the time or cost necessary to access the amendment in question. I understand it is over 500 pages and I do not believe the public should be subjected to the fees to obtain a copy (I was told \$150) or the time required to try to determine the changes from what was previously approved. I am not going to waste your time or my time repeating my previous comments however since I am very unclear about what falls within the Division's authority, I am merely going to list a few of the topics on which I have commented.

- Conveyor
 - As I understand it AI does not have all agreements for easements in place to be able to install the conveyor and does not have the necessary approvals as to how the conveyor is going to cross 168th Avenue/ Road 2. So how does one get approval to install it when there is no assurance it can be done?
 - Also I understand that AI has scheduled to meet with certain residents that will be significantly affected by the conveyor and has cancelled every such meeting. How would you like a gravel conveyor running in front of your residence with no agreed upon mitigation of sight lines, noise and dust.
 - Certain wildlife will not be able to access the river for a distance of around 2 miles or more. That means more wildlife crossing the roads. Has the Colorado department responsible for wildlife been contacted to comment on this amendment?
 - Is there mandated conveyor dust control or do we just smile and suck it up?
- "Reclamation" - AI claims to perform concurrent reclamation. This term is not defined and historically it has come to mean what ever AI wants it to mean. Reclamation has to be defined.
- Slurry Walls – I do not believe a comprehensive study of the effect of over a mile of virtually solid slurry wall impeding flow of ground water to the river has been performed. The potential damage is more than just wells – it is septic systems being destroyed, flooded basements, foundations being damaged, etc. with no equitable remedies for property owners. I am aware of more than one response by Aurora, AI, and even Adams County to responsibility for damages of "this is a civil matter and not our responsibility" and/or "sue us" when they well know individuals do not have \$100,000 to \$200,000 or more to spend on litigation.
- Pits will be empty for a long time – There are several pits in the immediate area and all but 1 is owned or will be owned by City of Aurora. Aurora water head personnel have admitted they do not have infrastructure to get water into or out of the existing pits much less the one being proposed and they do not have the water to put in them. They have said that it could be 35 years before the pits are used for water storage. Two or more of the existing pits have been illegally leaking ground water for years and there is presently no way to drain them because of lack of infrastructure. To My knowledge, the effect of draining and fixing these pits on the flow of ground water has not been determined.
- Consequences to AI for Non-compliance – Consequences (ie fines, shutting down operations, etc) to AI for non-compliance and/ or violation of terms of a permit should be specified.
- AI Agreed to Conditions – AI has agreed to various conditions (some of which go back to 2004) involving environmental factors, berming, Landscaping, size and maintenance of top soil, overburden and materials piles,etc. Some of these items have been and are time sensitive and any required compliance to date should be verified prior to approving any amendment.

Thank you,



B. Michl Lloyd

DRMS Comment OR Objection Intake Tool



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

By submitting this form, you are providing a comment or objection to the public record of a permitting action currently under review by the Division of Reclamation, Mining and Safety.

CONTACT INFORMATION

Date of Comment or Objection

11/16/2021

*** Indicates a Required Field**

Comment or Objection *

- ☒ Objection
- ☐ Support
- ☐ General Comment
- ☐ Agency Comment

Contact Type *

- ☒ Individual
- ☐ Group
- ☐ Agency
- ☐ Attorney

Please select the appropriate option above to identify who you represent.

Your First Name *

WAYNE

Your Last Name *

MUHLER

Your Address *

12310 E 168th Ave

Your Address 2

Your City *

BRIGHTON

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80602

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail.

wmuhler@yahoo.com

Your Phone Number *

Used only to follow up.

3038590186

Extension**Alternate Phone Number**

Used only to follow up.

Alternate Phone Extension**Connection to Operation ***

Select all that apply

- ☐ Land Owner of affected land
☐ Mineral Owner
☒ Adjacent Land Owner
☐ Government Agency

- ☐ Structure Owner within 200' of affected land
☐ Nearby Resident
☐ Concerned Citizen
☐ Other

DESCRIPTION OF COMMENT OR OBJECTION

(Please be as specific as possible)

Comment/Objection Narrative *

I am in opposition to a modification of permit M2004-044Tucson South. This operator has not attempted to comply with the regulations and permitted approval since the granting of the permit. There have been modifications to the permit without public notice including adjacent land owners. Part of the permitted area has been minded under a different permit, placed in this permit and reclamation not completed. Signage, a very simple requirement was not posted for 17 years indicating their intent to comply with regulation. The new slurry wall is to include a drainage system to control rising ground water that when asked the division said they have no intent to inspect prior to covering and the operator has no discharge permit for the dammed ground water, The new conveyer system will prevent the movement of wildlife for about two miles with the animals attempting to go from the west side to the river/open space except via Weld County road 2/168th avenue. When the permitted area expanded to allow the conveyer system is approved are their limits to the extraction of construction materials? As a neighbor to Aggregate for over 20 years it has been very apparent that the DRMS does not monitor their operations of apply penalty for violation brought to their attention. This mine is going to be an environmental disaster for at least 20-30years after mining as there in NO PLAN to fill the "reservoir" for that period. Dust and weed control will be non existent based on their past performance. Want some history, just call me or other neighbors.

Permit Number *

Enter valid letter and then numbers, for example M1977999, M1999777UG or C1981201.

M2004044

Permitting Action Type

Modification

Select revision type or leave blank if comment pertains to a new permit application or NOI

Permitting Action Sequence *

1

Permit Type

Construction materials surface mine

County *

Adams

Enter one county only

Site Name

Tucson South Resource

Permittee/Operator Name

Aggregate Industries

ADDITIONAL INFORMATION

Are there supporting photos, maps, or documents you wish to upload? *

☒ Yes ☐ No

Upload Supporting Documents

Maximum of 5 files can be uploaded and each file size must be 10mb and under. PDF, JPG, and PNG formats only.

By submitting this form electronically you agree to receive any/all follow up correspondence from the Division of Reclamation, Mining, and Safety at the email address you have provided.



STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

DRMS Comment Letter - Tucson South Gravel Pit

mcsfh157@aol.com <mcsfh157@aol.com>

Tue, Nov 16, 2021 at 11:16 PM

Reply-To: mcsfh157@aol.com

To: "patrick.lennberg@state.co.us" <patrick.lennberg@state.co.us>

Hello Patrick,

I knew it would be a long day. I did not have a chance to begin to review or see if the link you provided would allow me to finally review and search the permit. I will definitely still be looking at it even though I realize any thoughts/comments would now be pointless after tonight. Please see attached 9 documents with one being the "DRMS comment letter Nov 16 2021" (my comments) and the other ones being attachments to that letter. Sorry for all the downloads you will have to tackle. I did not know an easier way to share some of that and in the event anyone wanted to consider any of it, I wanted to include them.

Thank you so much for your time and efforts!

Sherie

Sherie Gould, GRI

Broker Associate

Sterling Real Estate Group, Inc

303.919.1703 Cell

9 attachments

From: Sherie Gould (mcsfh157@aol.com)
Sent: Tuesday, March 13, 2019 3:25 PM
To: Gregory L. Simon <lsimon@tucson.gov>
Cc: Teresa Hood <thood@tucson.gov>
Subject: Conditional Use Permit Comments

For the attached email from Wynne Muller, dated 3/13/19, I agree with all of his comments. I also have 4 concerns of my own, as listed below:

1. When the pit east of Tucson and east of my property was being mined, Agg Inc. killed a 3 acre grove of trees during their deswepting process. When I contacted them, they basically told me to sue.
2. When they deswepted my irrigation well was damaged and I consequently lost 2 acres. No help from Agg Inc.
3. My current irrigation well is new and functioning properly and I need protection for it.
4. Both of my water systems were damaged during the Agg mining operation. It cost me \$25,000 to replace and I need protection on same.

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www.jimhoodagency.com

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Hoods Damaged.png
172K

- DRMS comment letter Nov 16 2021.pdf**
535K
- CGS recommendations Oct 15.pdf**
217K
- Jim Hoods legal battles with AI.pdf**
154K
- Reference to damage to propertyREV78519.pdf**
195K
- Letter from City of BrightonINSPEC38726.pdf**
102K
- Pics for Planning Commissioners.pdf**
4479K
- Plea for help PERMFILE108479.pdf**
168K



MarilynKentcomplaint.pdf

39K

November 16, 2021

Division of Reclamation Mining & Safety
1313 Sherman St. Room 215
Denver, Colorado 80203
c/o Patrick Lennberg

RE: Permit/Amendment Tucson South Gravel Mine

To Whom it may Concern,

The Tucson South Gravel Pits were originally approved in 2004 when the dynamics of the surrounding area and this entire valley and were completely different. The conveyor proposed to convey this material (sand, gravel, mud lens, etc.) to Aggregate Industries' Platte Valley processing facility up in Weld County will run over three miles. The easements that are required involve five separate property owners including the City of Westminster. As of Friday, November 12, 2021, per Westminster's Water Resources & Quality Manager, there was still no easement agreement allowing AI to run a conveyor across Westminster's land. Note: AI had turned over a large portion of this land (Wattenberg Mine) to the City of Westminster in December 2019 (water storage) and per their contractual obligations are supposed to turn over the remaining amount in June 2022.

Critical to all this is the fact that Aggregate Industries has promised over and over to be absolutely finished mining the Tucson South Pits in eight years. But then they promised eight years a second time round (2009) with the City of Westminster after the original eight years blew by (an agreement from 2000) and they STILL are not completed (Wattenberg Mine) - always having excuses. At one point when Aggregate Industries was applying for an extension with the Tucson North they stated *"almost all of AI's efforts in the general area will be devoted to completing the Brighton Mine mining by 12/31/09 and reclamation by 12/31/10. After the Brighton Mine mining is completed, AI will begin mining the Tucson Pit . . . except Phases 3A&B reclamation won't be completed until the Tucson South's (EXG2005-0004) reclamation is complete in 2022)* The Brighton Mine is STILL NOT FINISHED and the Tucson South was never started. These pointless promises only serve to generate the approval they desire. AI has NEVER completed something of this size in this amount of time (for endless reasons) and it is almost like the parable in *The Emperor Has No Clothes* - where no one wants to acknowledge an obvious truth. Note: In AI's initial 2019 County Planning Hearing AI proposed trucking for just a mere year (year and half MAX) till they got their conveyor up and running, and at that point they didn't even have a single easement.

This conveyor, aside from journeying some 3+ miles to a point of processing, will have to tunnel under roads as well as travel over a couple of property/driveway access points. It will sit in front of private homes, wrap around properties, and restrict wildlife crossing - likely driving more deer/wildlife to the roads. Because this mine location is not remote, is HIGHLY visible, and is sandwiched between

homes/residential neighborhoods and Brighton's downtown district, anything tied to these gravel pits and the conveyor will have a far reaching impact on the entire Community. There is substantial risks with a conveyor of this length, that requires this many separate legal agreements (with time restrictions). Please consider what that could mean to the entire operation - and in essence the entire VERY visible valley/community - IF an issue with just ONE of these easements were to arise or there was an issue with the conveyor itself. There would be no easy solution and this entire valley is at stake.

Note: AI permitted the Baurer Pit (south of Wattenberg) this past year to help them finish up and deliver the amount of water storage in Acre Feet (AF) they had contractually agreed to deliver to the City of Westminster. As yet they have not started it and there is only one conveyor that crosses the river.

Note: The De La Cruz family on Tucson St. is already experiencing stress issues with their livestock (these animals are not accustomed to this sort of noise) with animals trying to escape into their front yard - and this is just with AI staging on their south border. (All this land and AI stages their activity and plans their conveyor next to their property, their housing, and their livestock. Why is this even allowed?) Because there is a bit of a language barrier with this family, and because they will be so incredibly affected by all things AI does or represents to them, there should be an independent bilingual interpreter to verify what communications are being made to them as well as what their understanding is of what rights they may have.



Regarding technical aspects of the Amendment: Due to the fact that I was unable to timely obtain an easily searchable/viewable version of this application, most of the comments will come from the previous County permit. County estimate were \$150 for a hard copy of this new permit/amendment, or make an appointment to come in and read it there. OR, navigate around the complicated DRMS site where it is posted as a non-searchable image of a document (if you open enough documents to find it).

There is no reason in this day and age, with the technology that exists, that these permits/applications cannot be posted in an easily found, reviewed/searched (i.e. true pdf) format for the public to have easy access to. There should also not be any tolerance of AI's required public notices showing up under misleading headings (i.e. Notice of Final Settlement or Foreclosure Notice - no matter who is to blame) or their absence of signs. Where is the professional standard or accountability in this industry?

Per records tied to previous permits in this valley, there has been no shortage of issues with Aggregate Industries tied to damaged wells/septic, loss of crops and trees, no or slow responses, pointless time frame promises, etc. Also, neighbors have stated it took bringing in the Army Corp of Engineers to force AI to clean up a huge and long standing "mud lens" (dirt pile) from their previous mining activities.

--- **Please see the following attached documents which cover only a fraction of the history the neighbors have shared:** *Hoods Damage, Jim Hoods legal battles, Marilyn Kent Complaint, Plea for help, Reference to damage, Letter from City of Brighton*. Note: Marilyn Kent/Stough property issues occurred on the property that the current De La Cruz family owns.

Also, please consider the following:

- Whether coincidentally or not, following the addition of multiple slurry walls/liners west of the Platte, neighbors have reported an increased underground water table (including some groundwater mounding) both west and north of the valley. Even though some of this area sits outside of the DRMS jurisdiction, the long term affects of even more restrictions on the natural flow of underground water (to the Platte) should be thoroughly examined.
- Aurora's Challenger Reservoir sits right in the NW corner of this valley and while it is no longer under DRMS jurisdiction, neighbors have talked about it taking on water for years (literally saying they could show you where it flows in). After investigating, (this last spring) it turns out ALL the water sitting in that reservoir (illegally) was leaking in (releasing some of this groundwater pressure). At the time, the water commissioner stated that literally "the whole thing is shot" and would have to be redone/replaced. Whether that's true or not I do not know as I was PROMISED follow up paperwork from him after the complaint was filed with the Attorney General's office, but I was never given any. (I'd be happy to supply the email trail surrounding all of this AND my persistent request for paperwork). Important though is AI's conveyor is slated to run all along the east and some north portion of this reservoir. Regarding both the increased water pressure/water table that will follow when this ground water cannot move into the reservoir, and the fact that presumably some form of construction/repair will happen around the reservoir, I would think it would only be logical to apply some engineering studies that actually take into account these new circumstances. note: Aurora's Baseline Reservoirs - Walker North and Walker South (just north of this area) also had water leaking in, and Thornton's Reservoir (Tucson North) has previously required repairs as well. There is a lot of underground water pressure here!

- In the County permit the CGS (Jill Carlson) STILL continued to recommend the County require a **"stability analysis for at least one cross-section under a saturated slope (high pore water pressure)/rapid reservoir drawdown condition across the Tucson Street embankment."** Perhaps I missed it in the 900 some pages of the County application but all studies I found appeared to predate this letter and AI appeared to protest (in past response) that the analysis was not within the scope of the DRMS review while she held that it was within the scope of the CGS review. Was this concern ever addressed on the state level? (**see attached letter titled *CGS recommendations Oct 15***).
- The City of Brighton requested water to be filled in a reservoir as soon as it was finished (4 year estimate given by AI for each one). What they weren't informed of was that Aurora (the end user) has no infrastructure in place to even begin to fill it, has several empty deteriorating reservoirs sitting north of 168th St. (that they will fill first, YEARS from now when they finally do have water/infrastructure), and that this site was actually legally approved to be an ARR (aquifer recharge and recovery) basin - which would require leaving all the material in place.

Below is an overall aerial view of the length this conveyor would travel to get to its destination. It measures 3.3 miles on Google Earth. It is our hope that after deeper consideration regarding the risky aspects of this conveyor, and taking into account the truth with timing issues, safety issues, and legal risks, that you turn down this permit and spare our community.



Thank you for your time and consideration,

Mark Cordova & Sherie Gould-Cordova

(Business owners and residents)

Platteview Farms Plaza Retail Center

124-128 W. Bridge St.

Brighton, CO 80601

Attached please find: 8 attachments - (7 documents and not yet referenced pdf "*Pics for Planning Commissioners*")

From: Hood, James [mailto:JHOOD@amfam.com]
Sent: Tuesday, March 12, 2019 3:25 PM
To: Gregory L. Barnes <GBarnes@adcogov.org>
Cc: Teresa Hood <teresa_hood@msn.com>
Subject: Conditional Use Permit Concerns

Per the attached email from Wayne Muhler, dated 2/10/19, I agree with all of his concerns. I also have 4 concerns of my own, as listed below:

1. When the pit east of Tucson and east of my property was being mined, Agg Inc. killed a 3 acre grove of trees during their dewatering process. When I contacted them, they basically told me too bad.
2. When they dewatered my irrigation well was damaged and I consequently lost 2 crops. No help from Agg Inc.
3. My current irrigation well is new and functioning properly and I need protection for it.
4. Both of my septic systems were damaged during the Apex mining operation. It cost me \$15,000 to replace and I need protection on same.

SIMPLYPROTECTED TERM LIFE INSURANCE

Having life insurance may be less expensive than you think...
not having it will cost your loved ones more than you will ever know!

AUTO - HOME - LIFE



Jim Hood | James A. Hood Agency
AMERICAN FAMILY INSURANCE
70 N 4th Ave | Brighton, CO 80601
Office: 303.659-0190 | Fax: 303.659.8511
E-mail: jhood@amfam.com

PROTECT DREAMS. PURSUE YOURS.

Memorandum

To: Jim Hood
CC:
From: Tom Maul
Date: 2/21/2005
Re: Tucson Pit Mining Impacts to Hood

Jim: the following bullet points outline relevant information regarding previous conditions and discussions related to the Aggregate Industries Tucson Pit:

1. In early 2001 I was appointed Operations Manager over the Tucson Pit.
2. Complaints were received by me from many neighbors of the pit, including: Ken and Gina Sayers, Ron Mallory, Richard Getz, Marilyn Kent, Bob Sakata, and Jim Hood. These complaints were mostly related to the impacts of dewatering operations at the mine: dead trees and well damage.
3. It was my opinion that the impacts sustained by the neighbors were, in fact, caused by the Tucson Pit mine dewatering operations.
4. Although the damage appeared to have taken place prior to AI owning the pit, it was my opinion that we had responsibility as the acquiring party, and therefore I authorized mitigation measures consisting of: replacement water delivery, well replacement, and tree stump removal and disposal, to several individuals included in the group above, including Jim Hood.
5. During that time (2001) AI augmented Jim Hood's irrigation well by direct pumping of water into the well.
6. In early 2002, Jim Hood's well pump failed. Upon inspection, it appeared that the pump had failed due to oversized gravel intrusion into the well column. Further inspection indicated that the gravel structure surrounding the column had been degraded, allowing the inflow of gravel into the well. It seemed plausible to me that the process of directly pumping water into the well could be responsible for this damage.
7. I agreed to repair Jim Hood's well pump and try to mitigate the gravel inflow issue as a short-term solution, and we discussed replacement of the well as a long-term solution. I expressed a commitment to Jim that AI would provide a long-term solution to his water needs. In addition, while the pump was being repaired, Jim was unable to water his field, and the crops sustained damage during that period. I agreed to work with Jim through the year to ascertain the actual impact of that damage to his crops, and to fairly compensate him for said crop loss.

February 21, 2005

8. Jim and I also discussed a former cottonwood grove on his property which had basically been destroyed. Several dozen trees had been killed, in my opinion due to the mine dewatering operations. I made a commitment to Jim that we would work with him toward mitigating this situation. The discussions considered removal and replacement of the trees, as well as monetary compensation, although no dollar amounts were discussed. These discussions were conceptual in nature, and were intended to indicate my willingness to act responsibly as a good corporate citizen.
9. In January 2003 I was terminated as an employee of Aggregate Industries. At that time, I am not aware that Jim had received any compensation for his 2002 crop damage, his damaged well, nor the dead trees.
10. As Operations Manager for AI, with up to 12 production facilities in my group, it was my job to "manage the business". It was common for me to make decisions in cases like this maintain the status as a responsible operator and ensure sustainability of the operations within their surrounding communities. The decisions I made in this instance were consistent with that objective, and with my handling of similar situations that occurred elsewhere within my operating group.

Please contact me if you have any questions.

Thomas

CONFIDENTIAL

DISTRICT COURT, ADAMS COUNTY, COLORADO Address: 1100 JUDICIAL CENTER DRIVE BRIGHTON, CO 80601		
Plaintiff: BESSIE HOOD v Defendant: AGGREGATE INDUSTRIES - WCR, Inc., a Colorado Corporation		
		▲COURT USE ONLY▲
David W. Pehr Attorney for Plaintiff 8787 Turnpike Drive, Suite 280 Westminster, CO 80031-4300 Phone: (303) 427-1516 Fax: (303) 428-7412 E-mail: <u>pehr@zaklaw.net</u> Atty. Reg. #7223		Case Number: Division:
COMPLAINT		

COMES NOW Plaintiff, by and through her attorney, David W. Pehr of the Law Firm of Zak, Fox and Pehr, P.C., and, for a complaint against Defendant, states and alleges as follows:

FIRST CLAIM FOR RELIEF
(Negligence)

1. Plaintiff is the owner of certain real properties, hereinafter *Plaintiff's property*, situate in Adams County, Colorado, and known and numbered as 16707 Tucson Street Brighton, Colorado, 80601 and 12502 E.168th Ave., Brighton, Colorado, 80601.

2. Plaintiff owns a certain adjudicated irrigation water well and associated water right located on Plaintiff's property.

3. Defendant is a corporation existing under and by virtue of the laws of the State of Colorado.

4. Defendant owns real and personal property located within the State of Colorado.

5. Defendant does business within the State of Colorado.

6. For the reasons aforesaid, Defendant is subject to the laws of the State of Colorado and the District Courts of the State of Colorado have jurisdiction over the Defendant.

7. Defendant operates a gravel mining facility on certain real property located immediately East of Plaintiff's property, which property is hereinafter denominated *Defendant's property*.

8. Defendant owes a duty of due care to Plaintiff and others to so conduct its mining operations as not to damage Plaintiff's property.

9. Defendant owes a duty of due care to Plaintiff to so conduct its mining operations as not to unreasonably interfere with Plaintiff's use and enjoyment of her property.

10. Defendant has breeched its said duty of care to Plaintiff in that Defendant has so negligently conducted its above described mining operations as to cause Plaintiff's above described water well to fail and to cease producing water in usable quantities.

11. As a direct and proximate result of Defendants said negligence, Plaintiff has been injured and damaged as follows:

a. The casing, piping, lining and physical structure of Plaintiff's water well have been so damaged and injured as to render the same useless and valueless to Plaintiff;

b. The pump, pump motor, pipes, fittings, hoses and other accessories use by Plaintiff in conjunction with her use of the above well have been so damaged and injured as to render the same useless and valueless to Plaintiff;

c. Defendant has interfered with Plaintiff's use of her water right;

d. Defendant has effectively prevented Plaintiff's use and enjoyment of her water right;

e. Plaintiff has been unable to use her property for the agricultural purposes to which it is suited and to which it has traditionally been put as a result of the destruction of Plaintiff's irrigation well;

f. Plaintiff has lost the profits she would otherwise have obtained from agricultural pursuits during 2000, 2001, 2002, 2003, 2004 and 2005;

g. Plaintiff has lost the profits she would otherwise have obtained from the application of her water right to her property during 2000, 2001, 2002, 2003, 2004 and 2005;

h. Defendant has interfered with Plaintiff's use and enjoyment of her property;

i. More than seventy cottonwood trees which use to enhance Plaintiff's property have died as a result of the de-watering of Plaintiff's property;

j. Plaintiff has been otherwise injured and damaged..

12. As a direct and proximate result of Defendant's aforesaid negligence, Plaintiff has been injured and damaged in an amount to be determined by the trier of fact.

WHEREFORE Plaintiff prays that this Court enter judgment for Plaintiff and against Defendant for compensatory damages in an amount to be determined by the trier of fact, for her costs and expert witness fees as incurred herein, for interest on the above amounts as provided by law, and for such other and further relief as to this Court may appear meet and just in the premises.

**SECOND CLAIM FOR RELIEF
(Trespass)**

13. By its conduct of the mining operations hereinabove described, Defendant set in motion a force which, in the usual course of events, would damage Plaintiff's above described property.

14. By its conduct of the mining operations hereinabove described, Defendant set in motion a force which, in the usual course of events, would damage Plaintiff's above described well and water right.

15. The above acts of Defendant constitute a trespass by Defendant upon the property of Plaintiff.

16. As a direct and proximate result of Defendant's aforesaid trespass, Plaintiff has been injured and damaged as set forth in paragraph 11, above.

17. As a direct and proximate result of Defendant's aforesaid trespass, Plaintiff has been injured and damaged in an amount to be determined by the trier of fact.

WHEREFORE Plaintiff prays that this Court enter judgment for Plaintiff and against Defendant for compensatory damages in an amount to be determined by the trier of fact, for her costs and expert witness fees as incurred herein, for interest on the above amounts as provided by law, and for such other and further relief as to this Court may appear meet and just in the premises.

Respectfully submitted,

David W. Pehr - 7223

Plaintiff's address:
315 S. 20th Ave.
Brighton, Colorado, 80601

✓ M-1991-140
cmr, ajw

60
Sept 26, 2006
✓ Complaint

To division of minerals and geology:

My name is Marilyn Kent. I own four acres of land at 16400 Tucson st. Brighton Co.
My property is adjacent to Aggregate inc mine to the north and east of me. I have a domestic well less than 600 feet from their current mining which began in aprox. June 2006. After that time I had little water pressure and problems with pumping.

I have talked to Lu Toxvard, their plant manager, often since June. The last time I called, he told me that Mike Reefer would not do anything to remedy it. I also have called Adams Co. on three occasions; I left messages to Craig Tessmer and Chris LaRue. Neither returned my calls.

The available water in my well according to Bomaretos pump co. is 17 feet. When that runs out my pump shuts down for ten minutes to recharge, at which time I have no water.

I appreciate your looking into this.

Thank you

fr
Marilyn Kent

RECEIVED

✓ SEP 29 2006

to
Division of Reclamation,
Mining and Safety

MARILYN A. KENT
11440 TUCSON ST.
BRIGHTON, CO 80601

DENVER CO 802

28 SEP 2006 PM 1 T

United
Way

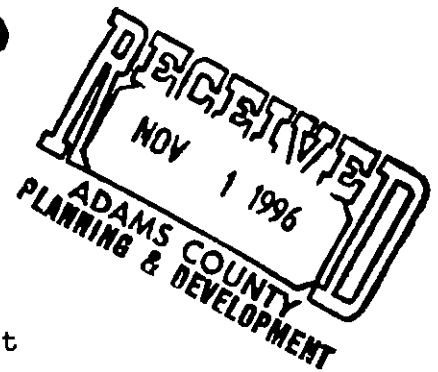


Division of Minerals & Geology
1313 Sherman St Rm 215
Denver Co 80203

Attn: Chris Rowe

80203+2243





October 28, 1996

Mr. Mark E. Geyer
Adams County Planning & Development Department
4955 East 74th Avenue
Commerce City, CO 80022

Dear Mr. Geyer:

After exhausting every avenue of securing any communication with Tucson Resources/Alpha Six and Omega Inc., or with Mr. & Mrs. Jack Rogers, we are turning to you for help.

Since the above entities have not followed through with their committment as written in our agreement prior to mining gravel, all of our wells have been seriously injured to the point some are going dry.

We are now desperate to the point that we request that you shut down their mining until they honor their committment by delivering the water immediately to all of our injured wells.

WE NEED YOUR HELP!!

INJURED NEIGHBORS

✓ Rick Getz *Rick Getz*
Caine Politzki *Caine Politzki*
Don Stough *Don Stough*
Ken Sayers *Ken Sayers*
Tom Spain Charles L. Spain *Charles L. Spain* 659-6208
Bessie *Bessie* Jim Hood *Jim Hood* 659-2623
Horiuchi Brothers *Horiuchi Brothers*
* Haake Farms *Haake Farms* 970-568-3506
* Bessie Hood *Bessie Hood* 659-1935
* Robert Y. Sakata *Robert Y. Sakata* Joama

Please send any correspondence to Bob Sakata, P O Box 508,
Brighton, Co. 80601 Telephone 303 659 1559 Fax 303 659
7865

cc: Adams County Commissioners

Agreement and Recommendation
for Adams County, Colorado, Conditional Use Application

This agreement made and entered into this 11th date of June, 1992, by and between Alpha Six and Omega, Inc., a Colorado corporation, and Jack Rogers and Gwenne Rogers, Individually, hereinafter collectively referred to as "Owners", and Sakata Farms Partnership, George Magee and Gloria Magee, Ervin Hood and Bessie Hood, Edward Getz, A.D. Smith and Dolly M. Smith, Horiuchi Brothers, Oscar Haake, and Bernice Larson, hereinafter collectively referred to as "Well Users",

WITNESS:

WHEREAS, the Owner under application for a Conditional Use Permit, Adams County, Colorado, Number 011-92-C, has applied for a Conditional Use Permit to dry mine a gravel pit of approximately 70 acres, (interior measurement), located in the NE 1/4 of Section 1, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, and

WHEREAS, to properly dry mine the proposed gravel pit, the Owner has applied to the State Engineer's Office for a well permit to pump a maximum rate of 3,000 gpm from the location of the pit to the South Platte River flow basin area, and

WHEREAS, the Well Users have been advised that such proposed pumping will result in draw-down and injury to their respective wells, including irrigation, stock and domestic wells, unless a method of water replacement is developed and authorized by the proper governmental authority and installed prior to the commencement of mining by the Owner, and

WHEREAS, the Well Users believe that unless the Planning Board of Adams County, Colorado, and/or the Adams County Commissioners make the following agreements a condition of final approval of the requested Conditional Use Permit, the Well Users will be injured both monetarily by loss of crops and by their wells not producing the historic production permitted by the State of Colorado, and augmented and adjudicated in the Water Court of Water Division No. 1.

THEREFORE, be it agreed between the Owner and Well Users, notwithstanding the application of the Owner and amendments made thereto, that the Owner will comply with the following restrictions, conditions and requirements.

1. George Palos, Senior Associate Hydrologist of the firm of Resource Consultants and Engineering, Inc. shall perform engineering studies for both Owner and Well Users and the cost thereof shall be paid by the Owner. That all programs, studies and other data developed by George Palos shall be available to the Owner, Well Users and

Post-It™ brand fax transmittal memo 7671

of pages > 4

To <u>Kim Lawrence</u>	From <u>George Palos</u>
Co.	Co.

Adams County, Colorado.

2. Prior to the commencement of dry mining, the Owner shall obtain a well permit from the office of the State Engineer of the State of Colorado, or the Water Court, Division 1 of the State of Colorado, whichever is applicable and has jurisdiction over the subject matter of the application for Applicant's Well Permit, authorizing pumping from the gravel pit to the South Platte River and also providing authority and authorizing the Owner to replace any and all damage or draw-down to the Well Users' wells by pumping directly from the gravel pit pump to such wells or recharge pits appurtenant to such wells a sufficient amount of water to replace any depletions, draw-down or injury to such wells caused by the pumping of Owner's well for dry mining purposes.

3. That the pumping of replacement water as aforesaid shall be monitored and supervised by George Palos or his designee, and all necessary pipelines or facilities necessary for delivery of replacement water shall be in place before commencement of dry mining.

4. That the Owner shall reimburse the Well Users for all legal expenses incurred by such Well Users in representing such Well Users pending such Conditional Use Permit and shall pay any and all legal expenses necessary to enforce this agreement.

5. That such requirements and conditions stated herein be a condition of the final Conditional Use Permit issued by Adams County, Colorado.

Dated the day and year above written.

ALPHA SIX AND OMEGA, INC.

By Jack Rogers
President

ALPHA SIX AND OMEGA, INC.

By Suzanne Rogers
Secretary

Jack Rogers
Jack Rogers

Gwenne Rogers
Gwenne Rogers

SAKATA FARMS PARTNERSHIP

BY R. Y. Sakata a partner

George Magee
George Magee

Gloria Magee (sole owner)
Gloria Magee

Ervin Hood by Bessie Hood
Ervin Hood

Bessie Hood
Bessie Hood

Edward Getz
Edward Getz

A. D. Smith by Betty M. Smith
A. D. Smith

Dolly M. Smith
Dolly M. Smith

HORIUCHI BROTHERS

BY Hugo Hornebeck

Oscar Haake
Oscar Haake

out of Town
Bernice Larson

	1	2	3	4	5	6
	NORTH	NORTH	S/E	S/W	BARN	South
	168TH	168TH	CORNER	CORNER		
4-18-96	11'6"	11'6"	21'	12'	12'6"	13'
5-15-96	11'6"	11'6"	20'	11'6"	11'	14'
6-17-96	11'4"	11'6"	19'6"	11'	11'4"	15'3"

July
August

MEASUREMENTS TAKEN FROM TOP OF PIPE
TOP OF PIPE TO GROUND LEVEL

1 - 19"
2 - 26"
3 - 22"
4 - 27"
5 - 22"
6 - 22"



Hydro Conduit

DATE _____

PAGE _____ OF _____ PAGES

PROJECT Monitoring Wells

Well No - 1 - 11' 3"
2 13'
3 17' 6"
4 11' 6"
5 11'
6 16'

September 96

Well No 1 - 11'
2 - 12' 10"
3 - 17' 10"
4 - 10' 10"
5 - 11'
6 - 16' 11"

October 96

L --

Well No 1 11' 10"
2 14' 10"
3 18' 3"
4 12' 0"
5 11' 5"
6 18'

November 96

Well No 1
2
3
4
5
6

December 96



ADCO Consulting

2090 E. 104th Avenue, #305
Thornton, Colorado 80233
450-2204
Fax: 452-4515

FAX TRANSMISSION COVER SHEET

Date: July 5, 2001
To: DMG, c/o Jim Stevens
cc: Aggregate Industries, c/o Mike Refer
Fax: 303-832-8106 (DMG); cc: 303-716-5299
Re: Permit M-91-140, Tucson Resource Mine Amendment Application
Sender: Robert N. Fleming

**YOU SHOULD RECEIVE 5 PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 450-2204.**

Attached to this fax is proof of the mailing to the adjacent property owners. The attached includes all of the property owners, except one. The one is Mr. Stough, who has conveyed his property to his aunt, Mrs. Kent. Aggregate Industries has reached an agreement with Mrs. Kent on potential damages to her house on what is now her property. As soon as I'm provided a copy of this agreement, I'll sent you a copy of the agreement and of her deed. Thus, subject to you receiving this agreement and a copy of her deed, I'll assume we have complete the mailing requirement, unless I hear further from you.

Does the DMG have any comments or issues which needs to be discussed? We went through the County Planning Commission hearing without any objections, or even anyone coming to the hearing. Anyway, please let me know or have the specialist you have assigned this case to, let me know.

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Marcus Politzki
Dineen Kellie
11915 WCR #2
Brighton, CO 80601

A. Received by (Please Print Clearly) *Kellie Politzki* B. Date of Delivery *JUN 21 2001*
C. Signature *X Kellie Politzki* ☐ Agent ☒ Addressee
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7099 3400 004 1624 4026

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0852

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bessie Hood
12502 E. 16th Avenue
Brighton, CO 80601

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *JUN 21 2001* B. Date of Delivery
C. Signature *X Bessie Hood* ☐ Agent ☒ Addressee
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

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1. Article Addressed to:

Donald Peterson
12055 WCR #2
Brighton, CO 80601

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *6-22-01* B. Date of Delivery
C. Signature *X Donald Peterson* ☐ Agent ☒ Addressee
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7099 3400 004 1624 4040

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Richard & Beverly Getz
16332 Tucson Street
Brighton, CO 80601

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *B. L. Getz*

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Brighton Industrial Park CO
1123 Auraria Pkwy #200
Denver, CO 80204

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X *D. L. Lauer*

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7099 3400 0014 7402 2574

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102595-00-M-1789

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HIBE, LLC
3026 Fourth Avenue
Greeley, CO 80631

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

RACHEL K. MARION

Oct 18-00

C. Signature

X *Rachel K. Marion*

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7099 3400 0004 1624 4033

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0862

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David & Penelope Morrison
John & Mary Kloefkern
16322 Tucson Street
Brighton, CO 80601

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

PENNY MORRISON 6-20-01

C. Signature

X Penny Morrison JUN 20 2001

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James & Sarah Mumford
11825 WCR #2
Brighton, CO 80601

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

JUN 16 2001

C. Signature

* James Mumford ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kenneth & Virginia Sayers
16529 Tucson Street
Brighton, CO 80601

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

JUN 18 2001

C. Signature

* Virginia Sayers ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bernice Dersham
764 Earle Court
Cheyenne, WY 82009

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X ☒ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HS Resources, Inc.
c/o Chris Greneaux
1999 Broadway #3600
Denver, CO 80202

2. Article Number (Copy from service label)

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1. Article Addressed to:

PSCO (Xcel Energy)
c/o Dan Teckavec
550 17th Street #700
Denver, CO 80202-4256

2. Article Number (Copy from service label)

PS Form 3811, July 1999

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☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



✓ RECEIVED
AUG 11 2004
Division of Minerals & Geology

Fax Transmittal Sheet

✓ To: Mr. Harry Posey From: City Manager John Bramble
Fax: 303-882-8106 Date: 8.10.04
Phone: 303-866-3567 Pages: 3
Re: _____ CC: _____
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

M-1991-140
Complaint
cc: LDO

RECEIVED

AUG 11 2004

Division of Minerals & Geology



22 South 4th Avenue • Brighton, Colorado 80601 • (303) 655-2000

August 10, 2004

Mr. Harry Posey
Colorado Division of Minerals and Geology
1313 Sherman St., Room 215
Denver, CO 80203

Dear Mr. Posey,

The Aggregate Industries (CAMIS) Tucson resource sand and gravel mine appears to be in violation of the state issued permit (M-91-140) at this time. The City is very concerned about the quality of this site, which is one of the entrance points to our community. In a review of the documents filed with the State of Colorado numerous variances from the mining plan are apparent when viewed from the surrounding roads. A partial list includes:

1. The fence around the property is down or missing in several areas.
2. No attempt has been made to concurrently reclaim any area of the mine.
3. Noxious weeds are not being addressed.
4. The roads on the property are not maintained as per plan.
5. Signage at the mine is not in compliance. They have been given previous notice to fix this.
6. The main haul road is not 1 ½ inch crushed rock called for in the plan (dust and mud control).
7. Spoil and stock piles do not appear to be aligned with the floodway.
8. Berms are not per plan.
9. Highwalls (30 to 40 foot not 2-1 grade) are present which pose a very real danger, especially considering the fence.
10. No dust control has been accomplished for at least twelve months (no watering of roads, stock piles, spoil piles, and there has been no planting of grass on areas not active for more than one year.

The City also has a copy of the "Application for Permit" filed by Aggregate Industries for a new mine to the south of the present operation (M-2004-044). It is the City of Brighton's request that this application be held until an inspection of the Tuscan mine is completed and remediation of all compliance issues are completed. The City has several concerns with the application. Aggregate Industries proposes to stock pile overburden near 12310 E. 168th Ave in piles approximately 300 feet long, 100 feet wide and 30 feet high. This storage method will lead to significant erosion/runoff problems and real dust generation. Their plan specifically calls for NO chemical or vegetation dust control

methods to be employed if the piles are to be "active" for less than one year. Movement of one shovel of material in each pile per year would allow them to employ NO control method for the entire life of the mine. This is a practice the City finds unacceptable

The reclamation plan calls for concurrent reclaiming of each mined area. The plan is to sell the pits for water storage. To meet this plan, Aggregate Industries will only grade the area around the pit, plant "dry land grasses" on these areas, and plant some cottonwood trees along the South Platte River. When the pits are full all reclamation would be complete. The City requests that Aggregate Industries evaluate the impacts on the Morgan Smith Nature area, which is quite close to this mining area.

Aggregate Industries also proposes to remove approximately 27 acres from the current mine and include this area in the new mine. This area to be reclaimed as wet land and upland meadow. If this is included in the new mine the area will not be reclaimed for up to 28 years.

The City is well aware that your office does not consider air pollution, noise, traffic, and other "non mining" issues. However, these issues have an impact on the City of Brighton and our residents. We request that your agency established an Annual Review by you office, Adams County, and the City to assure that these negative impacts on our community do not continue.

Sincerely,



Janice E. Pawlowski
Mayor

Cc. City Council Members, City of Brighton
Adams County Board of Commissioners
Craig Tessmer, Adams County Planning & Development

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



Karen Berry
State Geologist

October 15, 2020

Greg Barnes
Adams County Community and Economic Development
Development Services Division
GJBarnes@adcogov.org

Location:
Section 1,
T1S, R67W, 6th P.M.
39.9926, -104.8363

Subject: Tucson South EXG2020-00001
Adams County, CO; CGS Unique No. AD-21-0001-2

Dear Greg:

Colorado Geological Survey has reviewed the Tucson South EXG2020-00001 resubmittal and responses to comments, including an Aggregate Industries-WCR, Inc. Response to Colorado Geological Survey Review Comment on Tucson South EXG2020-00001 Referral (September 23, 2020).

The Tucson South applicant's 9/23/2020 response to comments is intended to address my 9/30/2020 review comments regarding post-reclamation reservoir slope stability under a drawdown condition. The applicant is correct that this analysis is not within the scope of DRMS review, since it is a post-mining, post-reclamation stability concern. However, it is relevant to the long-term stability and viability of the project as proposed, and therefore is within the scope of CGS review.

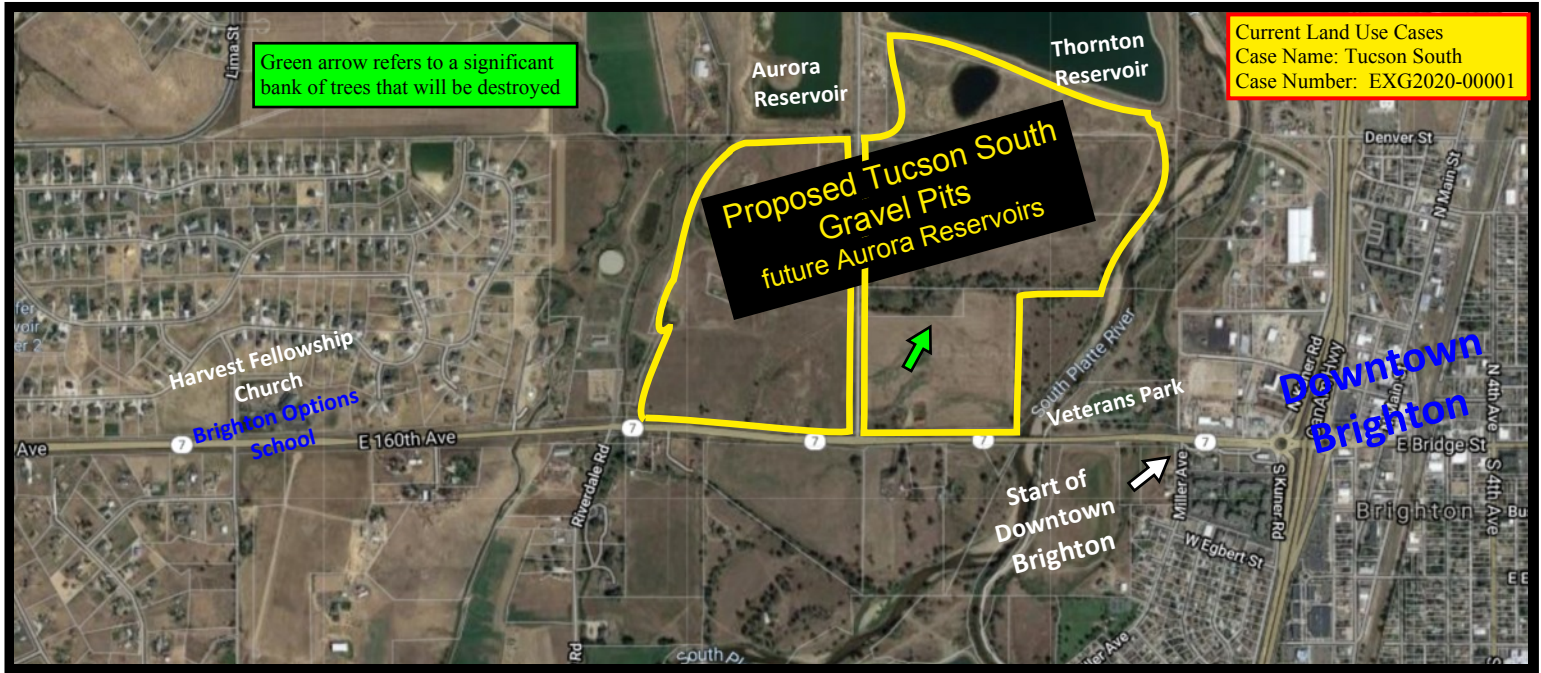
Since the lined water storage reservoirs are components of the post-reclamation project plans, and Tucson Street is proposed to remain a public road, **CGS continues to recommend that the county require stability analysis for at least one cross-section under a saturated slope (high pore water pressure)/rapid reservoir drawdown condition across the Tucson Street embankment**, to verify that the proposed slopes below Tucson Street will be stable under all conditions, or to determine a stable slope configuration.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Carlson".

Jill Carlson, C.E.G.
Engineering Geologist



Reclamation and end use of land: The end use of this land is just as inappropriate today, as the **industrial mining use**. Not every community has the opportunity to have river front property - or access to it. It should be valued (especially sitting right outside the downtown gateway), as it has access off of MAJOR roads, has an additional intersecting/cross road, and should serve to connect the city with the residential neighborhoods that support it.



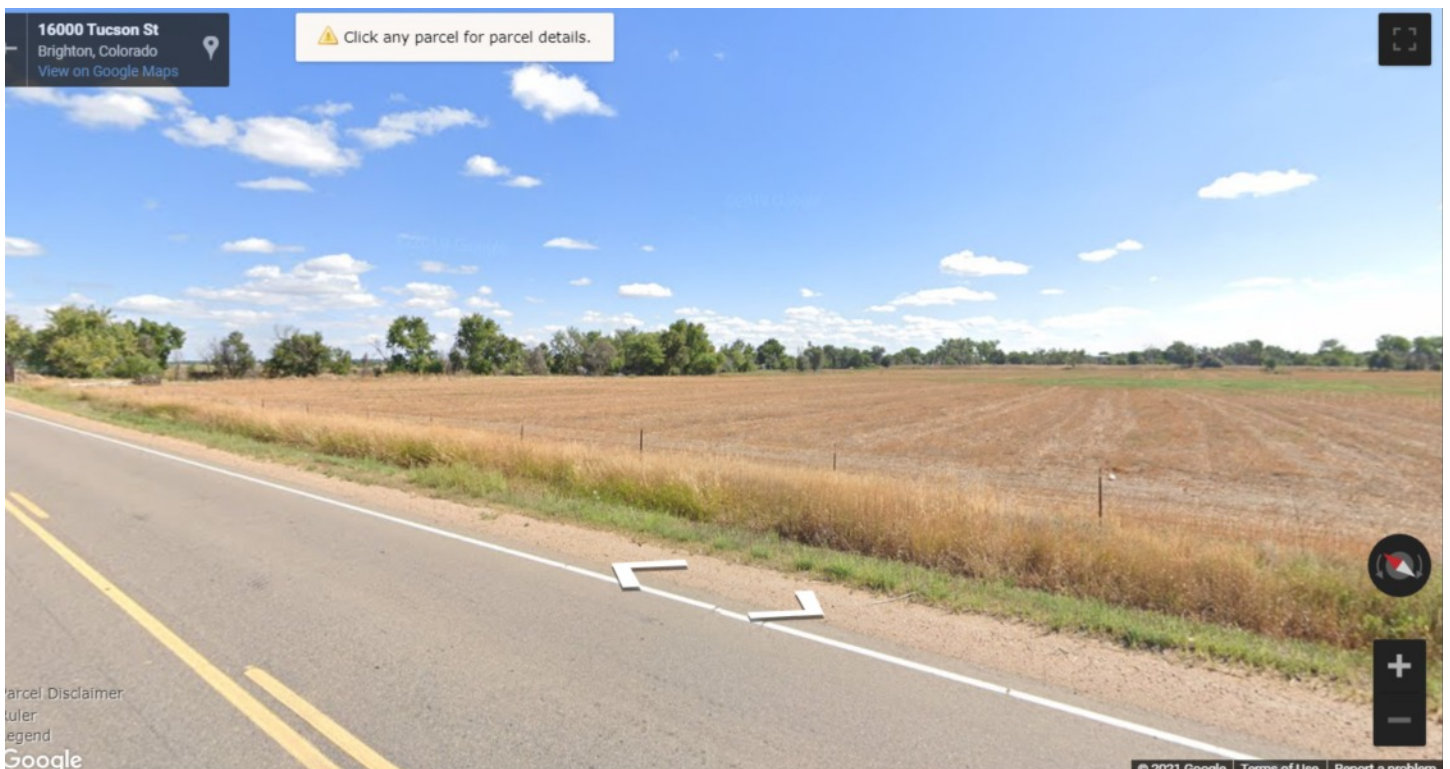
Veterans Park sits literally across the river from the proposed gravel mining operation. Who is drawn to a park with a gravel pit across from it? These two uses are not compatible.





Above is looking south (east) off Tucson St. towards the east parcel. There are a significant number of trees and wildlife habitat that will be destroyed to create one of these ugly reservoirs.
(Trees noted in green on the first aerial map and the white arrow above shows these trees as well).

Below is looking Northeast



Aside from the gravel pit use, there is the end use to consider as well.



Above is the Challenger Pit - (Aurora's reservoir off of Tucson St.) - just south of 168th. Aurora has additional reservoirs north of 168th that are currently NOT in use. **Augmentation Reservoirs may or may not have much water in them - if they have any.**

Below is another angle of Aurora's Challenger pit looking NW to 168th St. **The arrow points to a pickup truck for size and height reference.** These ugly "storage" reservoirs should not be occupying land off of a significant corridor that could offer so many higher uses AND benefits to both the community and the County.



Dust does not fly or swirl equally. Dirt devils are frequent! And little bit of moisture in the air causes the dust to adhere. **The main anchor at the Platteview Farms Plaza development, at the start of Downtown Brighton, is a Car Wash and 99% of the vehicle that leave there have varying degrees of moisture on their vehicles - which would cause ANY airborne dust to adhere!!!**

Because air dispersion is unequal, the amount of dust can be heavy in one area and non existent in another. The picture below shows some of where it was heavier or lighter. That is the problem with air monitoring - it is not a true representation. If you had had an air monitor here 200' to the north, it would not have picked up any of this significant dust.



← 13902 E 168th Ave
Brighton, Colorado
[View on Google Maps](#)

⚠️ Click any parcel for parcel details.

Regarding Land Use: Aggregate Industries has frequently claimed there is no other use of the land off Hwy 7 and Tucson St. land. This beautiful facility sits on the NW corner of 168th (County Rd 2) and Hwy 85. It was built on both floodway and flood plain. This is looking northward off of 168th St.

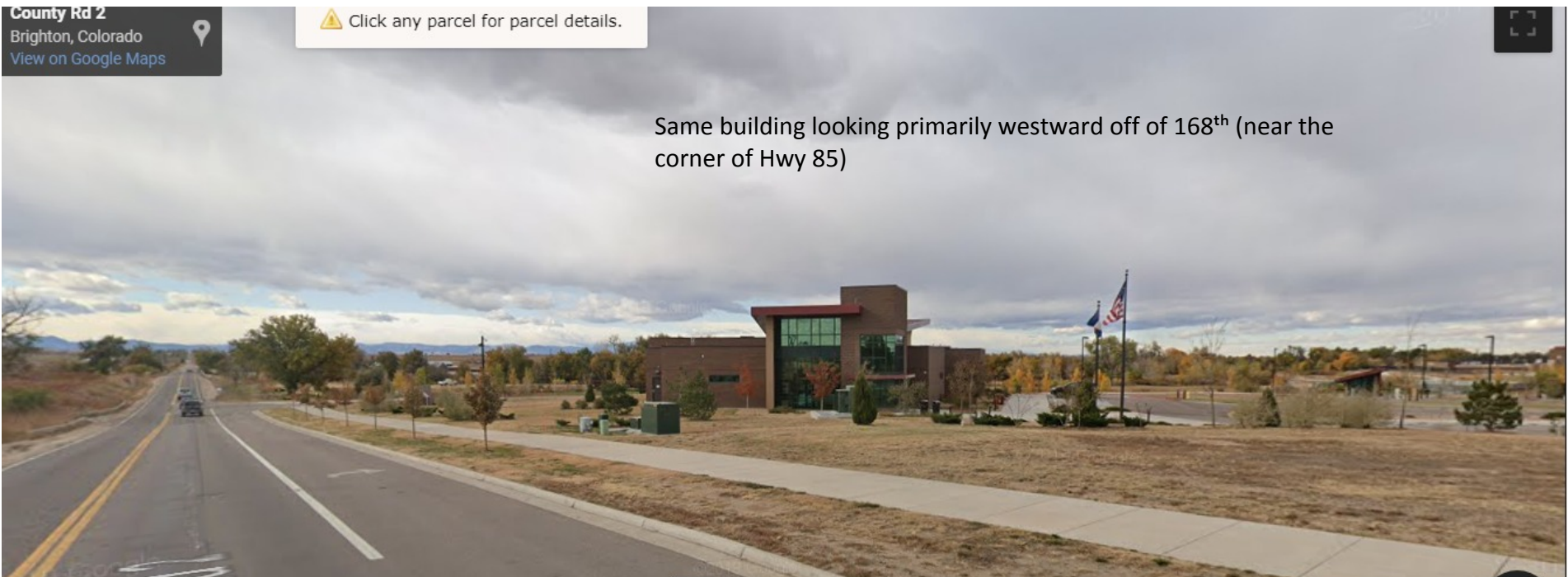
Note the bridge and creative use of land. - All beneficial to the community, and wildlife.

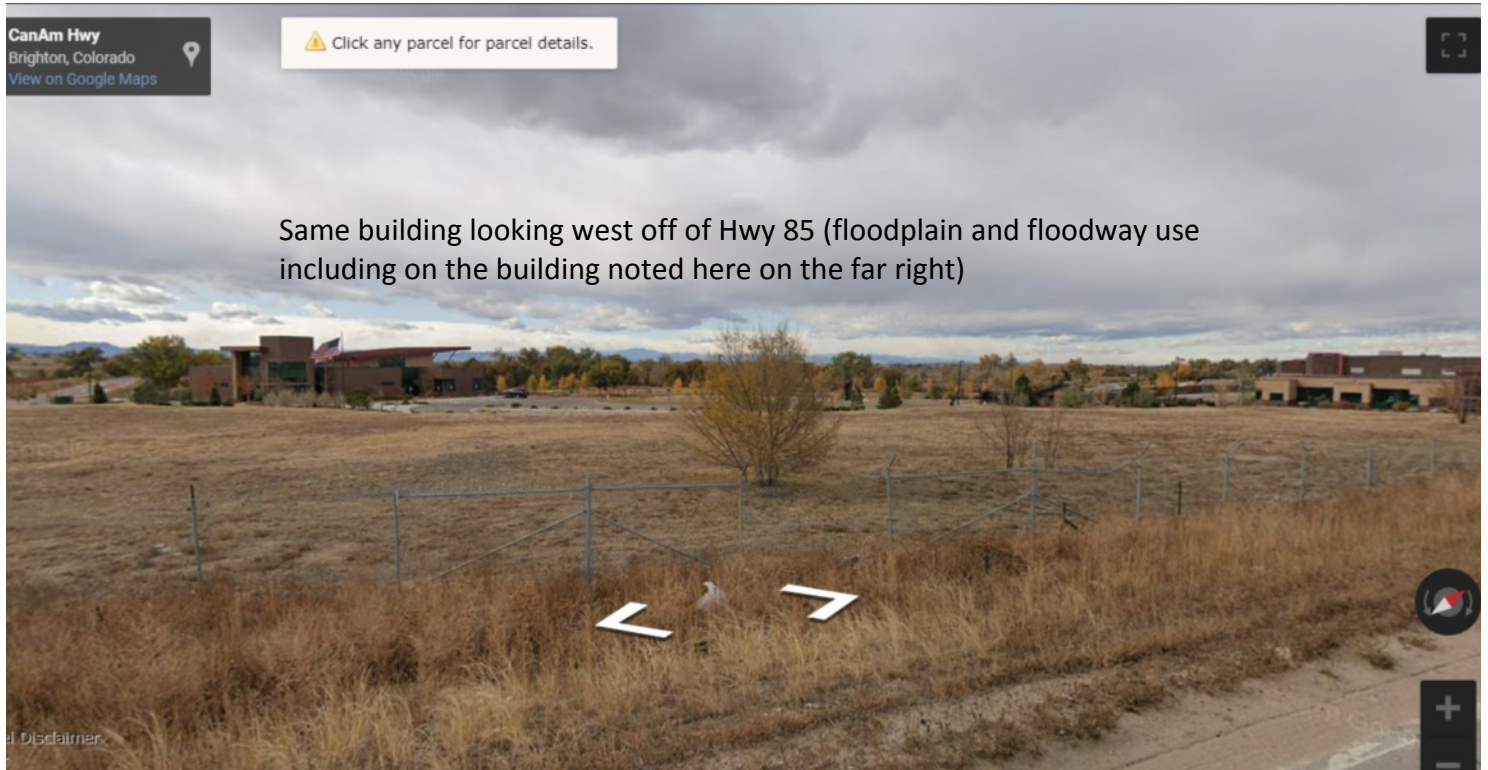


County Rd 2
Brighton, Colorado
[View on Google Maps](#)

⚠️ Click any parcel for parcel details.

Same building looking primarily westward off of 168th (near the corner of Hwy 85)





Please weigh in on all of the above. The proposed land use is NOT compatible or harmonious, it would endanger future development as well as hurt existing development, and the problems it creates can not be adequately eliminated.