

February 2, 2022

Cesar Valenzuela
C & J Gravel Products, Inc.
27661 Hwy 160-E
Durango, CO 81301



1313 Sherman Street, Room 215
Denver, CO 80203

RE: Oakbrush Hill Gravel, File No. M-2021-064, Objections Regarding 112c Application

Mr. Valenzuela:

On January 20 and 21, 2022 the Division of Reclamation, Mining and Safety (Division) received objections (copies enclosed) to the above referenced application from:

Elizabeth Dragoo

Douglas Dragoo

William Bulaich

Jack Rutherford

Tom Glissmeyer

Manuela Heaton

Bill Lemon

Rick Harris

Dale and Deanna Hockett

Michael Gamboa

Bryant Lemon, Sr.

Craig Bishop

Craig Carroll

David Dragoo

Evelyn Jones

Snell and Wilmer LLP

Michael Caponnetto

Clayton Braatz

Leann Wilson



Please provide the Division with your response to each of the jurisdictional issues presented by each of the objectors by March 4, 2022.

If you require additional information, or have questions or concerns, please contact me.

Sincerely,



Dustin Czapla

Environmental Protection Specialist

Division of Reclamation, Mining and Safety

Phone: (303) 866-3567, ext. 8188

dustin.czapla@state.co.us

Cc:

Nathan Barton

Wasteline, Inc.

4725 Croyle Court

Rapid City, SD 57709

Elizabeth Drago Objection

DRMS Complaint Intake Tool



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

By Submitting this form you are requesting an investigation of compliance with DRMS rules.

COMPLAINANT INFORMATION

Date of Complaint

01/20/2022

***** Indicates a Required Field

Do you wish to remain anonymous? *

☐ Yes ☒ No

Please note that, if you choose to remain anonymous, the complaint will be investigated but the Division will not contact you to follow up on the complaint.

Your First Name *

Elizabeth

Your Last Name *

Dragoo

Your Address *

678 Rendezvous Court

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail and copy of your Complaint form.

elizabeth@paragonaz.com

Your Phone Number *

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

602-400-3344

Alternate Phone Number

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

Connection to Incident *

Select all that apply

☒ Land Owner

☒ Nearby Resident

☐ Other

☐ Mineral Owner

☐ Observed Incident

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

Archuleta county off county road 600. They are digging/shoveling/running trucks all hours of the day.

Incident County *

Archuleta County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|---|--|
| <input type="checkbox"/> Illegal Mining | <input checked="" type="checkbox"/> Dust |
| <input checked="" type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input type="checkbox"/> Surface Water Impact / Stormwater Management | <input checked="" type="checkbox"/> Property Damage |
| <input checked="" type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input type="checkbox"/> Signs and Markers | <input checked="" type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input checked="" type="checkbox"/> Fish / Wildlife | <input checked="" type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input checked="" type="checkbox"/> Topsoil |
| <input type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input type="checkbox"/> Reclamation Plan Compliance | <input type="checkbox"/> Other <input type="text"/> |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

It looks like they are gravel mining and transporting the gravel. The noise carry's for miles. The dust will be terrible in the spring. Why is this owner able to do this? There are multi million dollar homes around. There are ranches that have concerns over water contamination. There are wells that may be contaminated along with the lakes. Please stop this

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☐ Yes ☒ No

If known, please provide the name of the operator or party conducting the operation.

C & j gravel

If known, please provide the Permit or NOI Number (ie M1970111 or P1970111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☐ Yes ☒ No

ADDITIONAL INFORMATION

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

☐ Yes ☒ No

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☐ Phone ☒ E-mail ☐ US Mail

Douglas Dragoo Objection

DRMS Complaint Intake Tool



COLORADO
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Mining and Safety
Department of Natural Resources

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COMPLAINANT INFORMATION

Date of Complaint

01/20/2022

*** Indicates a Required Field**

Do you wish to remain anonymous? *

☒ Yes ☐ No

Please note that, if you choose to remain anonymous, the complaint will be investigated but the Division will not contact you to follow up on the complaint.

Your First Name *

Douglas

Your Last Name *

Dragoo

Your Address *

678 rendezvous ct

Your City *

pagosa springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail and copy of your Complaint form.

doug@mayflyoutdoors.com

Your Phone Number *

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

602-315-3344

Alternate Phone Number

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

Connection to Incident *

Select all that apply

☒ Land Owner

☒ Nearby Resident

☐ Other

☐ Mineral Owner

☐ Observed Incident

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

Gravel Mining has already begun

We recently received your Official Notification for a Major Sand & Gravel Permit. However the applicant has already begun

The application for PLN21-144 for a Major Sand & Gravel Permit on the property located at X County Road 600, Pagosa Springs, Colorado appears to be procedurally wrong, including arbitrary, capricious, an abuse of discretion, and otherwise and not in accordance with the law.

We believe the application warrants further public review and we respectfully request that the public hearings related to the application be delayed until a more formal public review of the proposed project can be complete. As noted below, we have numerous concerns about the project and believe further studies are warranted. are formally demanding a Stay on the Permit application.

The application has no findings of fact for adverse impacts related to the Major Sand & Gravel Permit application. This includes any definitive studies and reports such as:

A traffic impact study - safety is the major issue as a high impact permit would likely require deceleration lanes in a largely residential area;

A health and noise study - to determine the impacts of dust and noise on the surrounding areas and residential neighborhoods;

A wildlife impact study - to determine what, negative impacts are to the wildlife in the region;

A water and water rights study - to determine the impacts of both water quantity and water quality for the dozens of residents and agriculture users who rely on well water in the area;

A property impact study - to determine the negative impacts on property values on the surrounding landowners and neighborhoods;

And finally, a complete and detailed review of how the Permit is in compliance with all County land-use Codes, as stipulated in the Code itself.

Our demand from you both is that the County immediately

Delay the public hearings for the application until further studies can be completed to ensure that the proposed pit complies with the County's code Require a Stay on all permit application(s) for the pit and landowner until the above findings of fact are determined;

Based on those findings of fact, hold an appropriate public review and public hearing process to determine if 1) declining the Permit is appropriate or 2) if the Permit is deemed appropriate, requiring the smallest acreage possible and lowest-use level Permit possible with stipulations. If a lower-use Permit is approved, then we believe the County and state needs to:

require that all County-issued permits for the site are allowed only if all necessary state and federal permits are successfully obtained for the life of the Permit, and reviewed by the County on an annual basis for compliance, health, and safety.

Additional permits may include, but are not be limited to, permits from the Colorado Department of Transportation, the Colorado Department of Mined Land Reclamation, the Colorado Department of Wildlife, and the Colorado Department of Public Health and Environment for a Colorado Waste Water Discharge permit; require any and all construction and air pollution emission notices are lawfully distributed to residents in the County;

require that all studies and findings of fact as related to the Permit and its ongoing operations be made public and prominently placed on the County's website for the duration of the permit, freely accessible to all County residents;

require a full background check from all owners and operators of the permit and pit are obtained and publicly available;

require a Citizen Advisory Committee (CAC) to be formed to oversee the ongoing Permit operations that include rights to annual site visits and ongoing say in the County's permit review process for the site. The CAC will sunset at the same time period of any approved County the permits.

require a Performance Bond from the operator(s) and owners of the Permit, whose Bond amount is determined by a third party and deemed reasonably sufficient for the health and safety of the pit operations. The Performance Bond shall be in addition to those Bonds required by the Colorado Department of Mined Land Reclamation.

Finally, and based on the findings of fact and appropriate public feedback,

consider requiring a professional land survey of the Permitted Area(s) to determine the exact boundaries of the pit, and record this survey in the public record;

consider requiring a larger buffer zone around the Permitted Areas as surveyed (e.g. at least 750 feet in all areas) including appropriate screening walls and green space to protect impacts on surrounding landowners;

Incident County *

Archuleta County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|--|---|
| <input checked="" type="checkbox"/> Illegal Mining | <input checked="" type="checkbox"/> Dust |
| <input checked="" type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input checked="" type="checkbox"/> Surface Water Impact / Stormwater Management | <input type="checkbox"/> Property Damage |
| <input checked="" type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input type="checkbox"/> Signs and Markers | <input type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input type="checkbox"/> Backfilling and Grading |
| <input checked="" type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input type="checkbox"/> Topsoil |
| <input checked="" type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input checked="" type="checkbox"/> Reclamation Plan Compliance | <input type="checkbox"/> Other <input type="text"/> |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

I'm a longtime resident of Pagosa Springs, avid outdoorsman/but most importantly an adjacent property/ranch owner

The NEW adjacent property owner has begun a non permitted gravel mining operation.and has been operating for several months.Then

We recently received your Official Notification for a Major Sand & Gravel Permit.

The application for PLN21-144 for a Major Sand & Gravel Permit on the property located at X County Road 600, Pagosa Springs, Colorado appears to be procedurally wrong and not in accordance with the law.

We believe the application warrants further public review and we respectfully request that the public hearings related to the application be delayed until a more formal public review of the proposed project can be complete. As noted below, we have numerous concerns about the project and believe further studies are warranted. The application has no findings of fact for adverse impacts related to the Major Sand & Gravel Permit application or its ongoing operations. This includes any definitive studies and reports such as:

A traffic impact study - safety is the major issue as a high impact permit would likely require deceleration lanes in a largely residential area and rural area with underserved roadways for industrial use;

A health and noise study - to determine the impacts of dust and noise on the surrounding areas and residential neighborhoods;

A wildlife impact study - to determine what, negative impacts are to the wildlife in the region. The site is within and surrounded by the County's own Critical Habitat area;

A water and water rights study - to determine the impacts of both water quantity and water quality for the dozens of residents and agriculture users who rely on well water in the area;

A property impact study - to determine the negative impacts on property values on the surrounding landowners and neighborhoods;

And finally, a complete and detailed review of how the Permit is in compliance with all County land-use Codes, as stipulated in the Code itself.

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☒ Yes ☐ No

Details

owner claims its just a simple ranch permit for gravel on his ranch and now has applied for a MAJOR mine operation. He is a major Texas concrete operator called Urban Concrete, but that never comes up

If known, please provide the name of the operator or party conducting the operation.

C and J gravel and

If known, please provide the Permit or NOI Number (ie M1970111 or P1970111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☒ Yes ☐ No

Details

According to the notice received by our clients, the property in the Application is zoned as Agricultural Ranching ("AR")—we note that we believe the property is actually zoned Agricultural Estate (which certainly would not permit an activity of this type), but for purposes of this letter we will assume that AR is correct. Operations performed under a Major Sand & Gravel Permit appear to be inconsistent with an AR zoning designation. Archuleta County Land Use Code ("Land Use Code") § 3.1.2.2(3) states that "[l]and use in the AR district is encouraged to provide for the maintenance of agricultural production and preservation of associated life styles . . . Commercial uses are generally limited to those associated with Agricultural and Recreational uses." The permit sought by the Application does not contemplate any use associated with either agricultural or recreational purposes. The Application itself states that the project's purpose is "to produce construction materials,"

ADDITIONAL INFORMATION

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

☒ Yes ☐ No

Attachments are accepted for informational purposes only. Action by DRMS requires a direct observation by DRMS staff.

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.

Ex C-1 24x36 Mining (1).pdf	998.07KB
00-Att 7D Mitigation (1).pdf	289.84KB
00-Att 7E Site Dev (1).pdf	369.18KB
Pagosa Gravel Mine-lr.pdf	245.5KB

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☐ Phone ☒ E-mail ☐ US Mail

William Bulaich Objection

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

01/21/2022

***** *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 *

William

Your Last Name *

Bulaich

Your Address *

56 Black Powder Place

Your Address 2

Your City *

PAGOSA SPRINGS

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

bcjbulaich@gmail.com

Your Phone Number *

Used only to follow up.

7144011465

Extension**Alternate Phone Number**

Used only to follow up.

9707315351

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 *

see attached document

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type**County ***

Archuleta County

Enter one county only

Site Name**Permittee/Operator Name**

Urban Concrete, C&J Gravel Products, Inc.

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.

LTR Request to Postpone Proceedings.pdf

166.56KB

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.

Snell & Wilmer

TABOR CENTER
1200 SEVENTEENTH STREET
SUITE 1900
DENVER, CO 80202
303.634.2000 P
303.634.2020 F

Jason B. Brinkley
(303) 634-2066
jbrinkley@swlaw.com

VIA E-MAIL

Archuleta County Development Services
Planning Department
Attn: Pamela Flowers
P.O. Box 1507
Pagosa Springs, CO 81147
PFlowers@archuletacounty.org

Archuleta County Planning Commission
Attn: David Parker, Chair
P.O. Box 1507
Pagosa Springs, CO 81147
PFlowers@archuletacounty.org

Board of County Commissioners, Archuleta County
Attn: Commissioner Alvin Schaaf
P.O. Box 1507
Pagosa Springs, CO 81147
ASchaaf@archuletacounty.org

January 20, 2022

*Re: Application PLN21-144 for a Major Sand & Gravel Permit at X County Road
600, Pagosa Springs, Colorado 81147*

Dear Commissioner Schaaf, Chairman Parker, and Director Flowers:

This law firm represents Essex Corporation, Rendezvous Ranch QOZ, LLC, and the Rendezvous Ranch Homeowner's Association. These entities are the owners and representatives of owners of land adjacent to the property in the above-referenced application for a Major Sand & Gravel Permit (the "Application"). The purpose of this letter is to formally request that the public hearings scheduled in connection with the Application, currently set for Wednesday, January 26, 2022 (Planning Commission) and Tuesday, February 15, 2022 (Board of County Commissioners), be postponed until a more thorough review of the proposed project can be completed by the Planning Department, the Planning Commission, Board of County Commissioners, and the concerned public of Pagosa Springs.

According to the notice received by our clients, the property in the Application is zoned as Agricultural Ranching ("AR")—we note that we believe the property is actually zoned Agricultural Estate (which certainly would not permit an activity of this type), but for purposes of this letter we will assume that AR is correct. Operations performed under a Major Sand & Gravel Permit appear to be inconsistent with an AR zoning designation. Archuleta County Land Use Code ("Land Use Code") § 3.1.2.2(3) states that "[l]and use in the AR district is encouraged to provide for the maintenance of agricultural production and preservation of associated life styles . . .

January 20, 2022

Page 2

Commercial uses are generally limited to those associated with Agricultural and Recreational uses.” The permit sought by the Application does not contemplate any use associated with either agricultural or recreational purposes. The Application itself states that the project’s purpose is “to produce construction materials,” including both mining and processing of those materials. *See* Application, Attachment 6, p. 1. It goes on to say that the project is intended to “operate over a period of up to 20 years” and produce approximately “72,000 tons per year of construction materials to be shipped” from the property. *See* Application, Attachment 6. Production will include “[a]ctual mining and haul of material from the site.” *See id.* The Application further indicates that a processing plant used for “crushing and screening” will be located on the property, in addition to other structures, such as above-ground fuel storage and equipment. *See id.* A major mining and processing operation intended to produce construction materials is not consistent with agricultural and recreational use of the land.

Beyond the inconsistencies with an AR zoning designation, Section 9 of the Land Use Code details numerous conditions and limitations concerning the operations under a Major Sand & Gravel Permit. *See* Land Use Code § 9.1.6. These restrictions exist for good reason—as stated by the applicant itself, there “are obviously significant impacts which may occur” as a result of the proposed project. *See* Application, Enclosure 7-D. Some of those potential negative impacts and concerns include but are not limited to the following:

- A substantial increase in industrial traffic through residential, recreational, and commercial areas;
- A substantial increase in harmful and excessively loud industrial noises and vibrations;
- Pollution to the air and nearby waters and lands;
- Encroachment upon neighboring landowners’ views of the Pagosa Springs wilderness and surrounding areas and otherwise harmful effects to the scenic quality of the surrounding area; and
- A substantial increase in unsavory and annoying smells dispersed throughout the surrounding area as a result of the mining, processing, and transportation activities.

These potential impacts and concerns will undoubtedly harm neighboring landowners and the general public of Pagosa Springs. Primarily, health and safety concerns to individuals, cattle, livestock, and wildlife will likely arise due to pollution, excessive noise, and increased industrial traffic. In turn, those problems and concerns will reduce the ability for landowners to engage in agricultural and grazing activities.

To be sure, this is not a mere hypothetical exercise—some of these issues have already arisen, as the applicant apparently has already begun mining activities on the property. Water runoff from those activities is running directly from the gravel pit area and into a neighboring landowner’s pond. Noise from the project is also noticeable from our clients’ residences. And

January 20, 2022

Page 3

when the wind shifts in a certain direction, our clients have also been subjected to the distinct smell of exhaust. It is our understanding that no mining permit of any kind has been granted to the applicant. The applicant is thus currently operating without a permit in violation of Colorado state law and the Land Use Code. As a result, we request that the County order the applicant to stop its current mining operations on the property until a permit is obtained.

Ultimately, our review of the Application indicates that it is woefully insufficient and superficial in its analysis of these potential impacts. Enclosure 7-D to the Application, the Mitigation Plan, even goes so far as to say that it “is not always possible to address every potential impact” caused by the project. *See* Application, Enclosure 7-D, p. 2. And when Enclosure 7-D is viewed in conjunction with the Mining and Reclamation Plans, attached as Enclosure 7-A to the Application, it is clear that the few potential impacts that *are* addressed by the Application are only done so in a perfunctory manner. The Application suffers from a serious lack of specificity in this regard and instead relies on broad and vague language, such as “frequently inspecting the perimeter of operations and the property,” and “fixing problems in a timely manner.” *See id.* This clear omission of particularity leads to obvious questions, such as how frequently will the perimeter be inspected, and what standards will be used? Similarly, what problems does the applicant suspect will arise that will require attention in a timely manner? The Archuleta County Development Services Planning Department, Planning Commission, and the Board of County Commissioners should not consider awarding a permit without a more detailed understanding of the applicant’s proposed answers to these questions, among many others.

In addition to these issues, Section 9.1.6 of the Land Use Code details numerous and specific “Performance Standards for All Operations” under a Major Sand & Gravel Permit. *See* Land Use Code § 9.1.6. Here again, the Application either fails to address these standards or only does so in a generalized and cursory manner. The Application fails entirely to address the requirements in § 9.1.6.2, concerning “Air Quality,” § 9.1.6.3, concerning “Visual Amenities and Scenic Quality,” and § 9.1.6.4, concerning the standards for “Crushing, Processing, Batching, and Hot Mix operations.” And while the Application does respond to the requirements in § 9.1.6.1, it does so in an unsatisfactory manner, using the kind of broad and vague language used in the Mitigation Plan. *See* Application, Attachment 6, pp. 2–3.

For all of these reasons, we are requesting that the public hearings scheduled in connection with the Application, currently set for Wednesday, January 26, 2022 (Planning Commission) and Tuesday, February 15, 2022 (Board of County Commissioners), be postponed until the applicant submits the following studies for thorough review and analysis by the Archuleta County Development Services Planning Department, the Planning Commission, the Board of County Commissioners, and any concerned member of the general public:

- A traffic impact study;
- A health and noise study;
- A wildlife impact study; and

January 20, 2022

Page 4

- A water and water rights study.

In addition to these studies, our clients further request that alternative sites are seriously explored and considered prior to any public hearings. In particular, it is our understanding that the applicant is already the record owner of a different parcel, located near the Pagosa Springs Airport. It is also our understanding that this parcel is zoned as Industrial ("I") under Land Use Code § 3.1.2.8. This parcel thus appears to be far more compatible with operations under a Major Sand & Gravel Permit and should seriously be considered as an alternative location.

To summarize, the Application in its current form presents no realistic or serious way for the Archuleta County Development Services Planning Department, the Planning Commission, the Board of County Commissioners, or any other interested party to thoroughly evaluate the Application. Without a thorough evaluation and analysis, there is no practical way to assess whether the Application or a resulting permit would comply with the Land Use Code and other Colorado law. That assessment is critical and must be based on specific, supporting evidence—a governmental body abuses its discretion under C.R.C.P. 106(a)(4) “when the administrative decision is so devoid of evidentiary support that it can only be explained as an arbitrary and capricious exercise of authority.” *Freedom Colo. Info., Inc. v. El Paso Cty. Sheriff's Dep't*, 196 P.3d 892, 900 (Colo. 2008).

Our clients appreciate your consideration and await your decision on the requested postponement of the upcoming hearings. Please contact me at the information above if you have any questions or otherwise wish to discuss this matter further.

Very truly yours,

Snell and Wilmer L.L.P.

A handwritten signature in black ink, appearing to read "Jason B. Brinkley", with a stylized, flowing script.

Jason B. Brinkley

cc: Nathan Davis (via e-mail)
Shane O'Connor (via e-mail)

JBB

Jack Rutherford Objection

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

01/21/2022

***** *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 *

Jack

Your Last Name *

Rutherford

Your Address *

900 Black Powder Pl.

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

glennrutherford1975@gmail.com

Your Phone Number *

Used only to follow up.

9709461507

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 *

A county commission which allows a gravel mine and crushing plant in the middle of a major migratory route clearly cares little about the survival of the affected animals (elk and deer).

A commission which cares about the health of their community: business, tourism, esthetics noise pollution, traffic safety, survival of the roads, survival of the animals, etc. would search for a MUCH more suitable location. Those are available nearby. How about an industrial zone? One is available!

I am disabled and on a fixed income, so I cannot afford the kind of bribes and kickbacks necessary to sway officials to do the right thing, however I DO vote! My only hope of financial survival through retirement/disability is to sell my home. The crushing devaluation of my property by a destructive strip mine next door will make my last years difficult at best.

While what you are planning MAY be legal, it is NOT moral, ethical, or wise!

The surreptitious and insidious machinations of this developer gives clear evidence of a lack of ethics. If the commission chooses to crawl into bed with this sort, then their nature will be equally clear.

PLEASE don't perpetrate this atrocity !

With Trepidation,
Dr. Jack Glenn Rutherford

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

County *

Archuleta

Enter one county only

Site Name

Permittee/Operator Name

C&J

ADDITIONAL INFORMATION

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

☐ Yes ☒ No

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.

Tom Glissmeyer Objection

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

01/21/2022

***** *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 *

Tom

Your Last Name *

Glissmeyer

Your Address *

678 Rendezvous

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

tgglissmeyer@gmail.com

Your Phone Number *

Used only to follow up.

7193322468

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 *

Major gravel mining operation causing problems on adjacent property. Unreal it is allowed in this area. Many studies need to be performed and made public. Much more involvement from residents should be needed

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type**County ***

Archuleta

Enter one county only

Site Name**Permittee/Operator Name****ADDITIONAL INFORMATION****Are there supporting photos, maps, or documents you wish to upload? ***

☐ Yes ☒ No

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.

DRMS Complaint Intake Tool



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

By Submitting this form you are requesting an investigation of compliance with DRMS rules.

COMPLAINANT INFORMATION

Date of Complaint

01/21/2022

***** Indicates a Required Field

Do you wish to remain anonymous? *

☒ Yes ☐ No

Please note that, if you choose to remain anonymous, the complaint will be investigated but the Division will not contact you to follow up on the complaint.

Your First Name *

Tom

Your Last Name *

Glissmeyer

Your Address *

678 Rendezvous Ct

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail and copy of your Complaint form.

tglissmeyer@gmail.com

Your Phone Number *

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

719-332-2468

Alternate Phone Number

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

Connection to Incident *

Select all that apply

☐ Land Owner

☒ Nearby Resident

☐ Other

☐ Mineral Owner

☐ Observed Incident

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

Massive gravel pit and mining operations have started on the property next door. It is noisy and smells.
PLN21-144: Major Sand & Gravel Permit

Incident County *

Archuleta County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|--|---|
| <input checked="" type="checkbox"/> Illegal Mining | <input checked="" type="checkbox"/> Dust |
| <input checked="" type="checkbox"/> Ground Water / Water Well Impact | <input checked="" type="checkbox"/> Acid or Toxic Materials/Spills |
| <input checked="" type="checkbox"/> Surface Water Impact / Stormwater Management | <input checked="" type="checkbox"/> Property Damage |
| <input checked="" type="checkbox"/> Mine Plan Compliance | <input checked="" type="checkbox"/> Waste Management / Dumping |
| <input checked="" type="checkbox"/> Signs and Markers | <input checked="" type="checkbox"/> Overburden / Development Waste |
| <input checked="" type="checkbox"/> Financial Warranty | <input checked="" type="checkbox"/> Backfilling and Grading |
| <input checked="" type="checkbox"/> Processing Waste / Tailings | <input checked="" type="checkbox"/> Processing Facilities |
| <input checked="" type="checkbox"/> Fish / Wildlife | <input checked="" type="checkbox"/> Erosion / Sedimentation |
| <input checked="" type="checkbox"/> Off-Site Damage | <input checked="" type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input checked="" type="checkbox"/> Topsoil |
| <input checked="" type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input checked="" type="checkbox"/> Reclamation Plan Compliance | <input checked="" type="checkbox"/> Other traffic, infrastructure overuse |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

A gravel pit has started operating at the adjacent property. There need to be noise, dust, traffic, water/hydrology, and other studies completed and presented to the community.

Seems like a guy from TX just bought the ranch and is planning a slash and burn operation to strip the land to produce gravel. It should be way outside town in a non-residential area.

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☐ Yes ☒ No

If known, please provide the name of the operator or party conducting the operation.

I believe it is C&J Gravel. Some guy from Texas is the property owner who just bought it.

If known, please provide the Permit or NOI Number (ie M1970111 or P1970111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☒ Yes ☐ No

Details

Archuleta County. Director Flowers and Commissioner Schaaf

ADDITIONAL INFORMATION

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

☐ Yes ☒ No

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☐ Phone ☒ E-mail ☐ US Mail

Manuela Heaton Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Manuela

Your Last Name *

Heaton

Your Address *

700A Honeybee Place

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

bluemorpho66@gmail.com

Your Phone Number *

Used only to follow up.

970-749-49

Extension**Alternate Phone Number**

Used only to follow up.

Alternate Phone Extension**Connection to Operation ***

Select all that apply

- | | |
|---|---|
| <input checked="" type="checkbox"/> Land Owner of affected land | <input type="checkbox"/> Structure Owner within 200' of affected land |
| <input type="checkbox"/> Mineral Owner | <input checked="" type="checkbox"/> Nearby Resident |
| <input type="checkbox"/> Adjacent Land Owner | <input checked="" type="checkbox"/> Concerned Citizen |
| <input type="checkbox"/> Government Agency | <input type="checkbox"/> Other <input type="text"/> |

DESCRIPTION OF COMMENT OR OBJECTION

(Please be as specific as possible)

Comment/Objection Narrative *

I am strongly opposed to the proposed gravel pit on Oakbrush Hill.

My family has owned our property for the past 25 years. It was purchased for its proximity to national forrest, to be away from city and road noise, for its clean well water and to be able to enjoy watching the wildlife as well as the clean mountain air. All this we have peacefully enjoyed for the past 25 years!

The surrounding areas consist of neighborhoods and county road 600 which is already a very busy road, used by locals and tourists alike to access, hiking, fishing, biking and other recreational activities as well as for our daily activities like work, school, grocery shopping etc.

My major reasons and concerns to oppose the gravel pit are:

- As a survivor of ARDS (Advanced Respiratory Distress Syndrome) I am already dependent on oxygen and do not want any further lung damage. The air pollution by silica dust causes asthma, inflammation, scarring and the lungs ability to take in oxygen. The winds blow mostly from West to East in the area my property is located which means it will bring the pollution right to my property!
- Pollution from a gravel pit is also harmful to the surrounding vegetation
- the land scarring that occurs will be immense and not be able to be repaired for many years
- The noise that such an operation brings with it especially since there is a concrete plant next door that recently changed hands and as I am told will be back in operation this coming spring. This means there would be noise from two such enterprises
- the County already is not able to provide adequate maintenance to County Rd. 600 the impact of a major sand and gravel operation would be tremendous by the constant traffic of gravel trucks (quality of the road and safety of citizens)
- A majority of residences are dependent on their water wells including myself. I am very concerned about the impact such a pit (chemicals, etc.) will have to the quality and quantity of my well which is my only source of drinking water
- The location of the proposed site used to be forrest service land. We all purchased our properties here with that in mind

I would like to ask you to take my opposition in consideration when reviewing the application for this permit for a major sand and gravel pit.

Thank you for your time.

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

Major Sand and Gravel Pit

County *

Archuleta

Enter one county only

Site Name

Oakbrush Hill

Permittee/Operator Name

C & J Gravel

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

☐ Yes ☒ No

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Bill Lemon Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

bill

Your Last Name *

lemon

Your Address *

8315 calle petirrojo nw

Your Address 2

Your City *

albuquerque

Your State

NM

Your Zip Code *

Maximum of 10 digits. (Example) 80202

87120

Email Address *

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

pbpjlemon@aol.com

Your Phone Number *

Used only to follow up.

5052803552

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 *

the lemon family vigorously objects to the issuance of a permit due to Public safety, wildlife habitat and migration, and pollution and contamination concerns

This activity is not compatible with the established residential and open space nature of this area...it will cause a great deal of problems and be greatly damaging to surrounding areas, regional wildlife, and public safety if allowed to proceed

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type**County ***

archuleta

Enter one county only

Site Name

oak brush hill

Permittee/Operator Name

C and J gravel

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.

Rick Harris Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Rick

Your Last Name *

Harris

Your Address *

76 Usfs Rd 654 B

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

wiredrick@aol.com

Your Phone Number *

Used only to follow up.

5052200725

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 highly object to this project any where in this area. This will destroy any migration of wildlife in the area coming from Oakbrush hill to Martinez canyon. It will create a dust and vehicle pollution problem for myself and my kids and grandkids and pollute our underground aquifer, the noise, vibration from large trucks running in and out all day will completely destroy the tranquility of the area, which is why I built my childhood dream cabin in Pagosa. This will be very detrimental on school busses loaded with children especially on these narrow roads. Another concern is the amount of destruction these trucks will cause on our roads. My porch faces east and all we would see and hear is dust and noise. This company has no consideration for the value of life we enjoy in Pagosa. Please do not allow this to happen

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type**County ***

Archlute

Enter one county only

Site Name

Oak Brush Hill

Permittee/Operator Name

C&J Gravel

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

☐ Yes ☒ No

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Dale and Deanna Hockett Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Dale and Deanna

Your Last Name *

Hockett

Your Address *

700d Honeybee Place

Your Address 2

P. O. Box 396

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

ercincbaelkriverconstruction@gmail.com

Your Phone Number *

Used only to follow up.

9707312945

Extension**Alternate Phone Number**

Used only to follow up.

9709462853

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 *

We can hear the noise from our house and the County Road can't take the increase of traffic

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type**County ***

Archuleta

Enter one county only

Site Name**Permittee/Operator Name****ADDITIONAL INFORMATION****Are there supporting photos, maps, or documents you wish to upload? ***

☐ Yes ☒ No

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Michael Gamboa Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Michael

Your Last Name *

Gamboa

Your Address *

USFS Road 654.A

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

mikeandphyllis1@gmail.com

Your Phone Number *

Used only to follow up.

5053287310

Extension**Alternate Phone Number**

Used only to follow up.

5052390513

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 *

The following is initial list of objections to this permit request:

Negative impact to property value; increased daily volume of traffic of large trucks on narrow road and impact/maintenance that will be required; increased safety concern of turning trucks and personal safety of travel amongst these large trucks on winding, narrow road with many elevation changes (especially during winter weather); in addition, extensive noise/dust pollution increased from vehicles and operation; vibrations impact from equipment operation; water/snow run-off due to destruction of terrain as my cabin/land is located at base of their proposed operation; in addition, loss of aesthetics due to mountain side removal and loss of quiet zone in mainly residential area. Another major reason of concern is the impact to migratory wildlife routes and current tranquility in this area. I did not invest thousands of dollars in my Pagosa Springs cabin/land to live next to a high noise/dust pollution gravel pit that will destroy the natural beauty of the area plus impact the natural habitat/wildlife that will be lost forever. I implore and request your help to protect this area from such an operation.

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type**County ***

Archuleta

Enter one county only

Site Name

OakBrush Hill

Permittee/Operator Name

C & J Gravel

ADDITIONAL INFORMATION

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

☐ Yes ☒ No

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.

Bryant Lemon, Sr.
Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Bryant

Your Last Name *

Lemon, sr.

Your Address *

3411 County Road 600

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

bwlemon@brycon.com

Your Phone Number *

Used only to follow up.

5059803782

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 *

Letter Opposed to Gravel Pit on Oak Brush Hill Next to Piedra Road

- Dutton migratory trail running through the gravel pit site
 - Dutton Ditch that runs into Stevens Lake Reservoir
 - Impossible to prevent run off water or melting snow when it rains going into Stevens Lake Reservoir
- Heavy traffic on Piedra Road especially 18 wheel belly dump trucks.
Buses and residencial traffic run on Piedra Road putting in danger our children and community

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

MAJOR SAND & GRAVEL

County *

Archuleta

Enter one county only

Site Name

OAKBRUSH HILL

Permittee/Operator Name

C&J GRAVEL

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.

Scanned from a Xerox multifunction device.pdf

82.77KB

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.

NO GRAVEL PIT

My family owns property on what is known as Oakbrush Hill about 3.5 miles north of Highway 160 on Piedra Road. Recently I was notified by the Archuleta County Planning Dept. that a Gravel Company has applied for a Major Sand and Gravel Permit on Oakbrush Hill just to the north of my property. At the time I purchased this land the adjoining property was owned by the Forest Service and no future development was anticipated. Many adjoining property owners in this area have acquired their property in this beautiful forested area and will be similarly affected by the encroachment of a new gravel pit operation.

I am writing in hopes that the Pagosa Sun readers will join me and the other area property owners in resisting this Gravel Pit. We don't need another town gravel pit. There are plenty of gravel pit deposits in outlying areas that don't disturb Pagosa residents. This Gravel Pit Application says that the gravel operation will last 20 years and that, when the on-site gravel runs out, they will truck material in from elsewhere and crush it there.

There are many reasons that near-by land owners would not want a Major Industrial Gravel operation next to their mountain retreat. Also the Town of Pagosa should oppose the development of an ugly gravel pit in close proximity to the town. Piedra Road is a beautiful forested area and many locals and tourists use the road to access camping and recreation at Williams Creek Lake and the Piedra River. A Major Gravel operation will certainly detract from property values and will be a disaster to tourism.

Eighteen wheeler gravel trucks would be entering and leaving the plant all day and traveling on Piedra Road. The county can hardly keep up with the maintenance of Piedra Road now. Think what a mess it will be once all these trucks start pounding it. Think what a hazard these big trucks will be to you and your family.

Furthermore, there will be the constant noise of the crushers, the noise of the back-up alarms and the equipment engine noise. The operation will cause dust and diesel fuel air pollution. The operation will interrupt the present migration

paths of elk, deer, bobcats, turkeys and even the lynx that I've seen in the area. Do we really want that in our Pagosa Springs?

Pagosa is a beautiful small mountain town. There aren't many places like it left. We citizens and governing bodies should protect it and guard it from reckless exploitation. The scar that is left after they excavate a huge gash in the mountain will not support reforestation for hundreds of years. Already these gravel pit people have clear cut acres of pristine forest. Our town representatives and we citizens, as stewards of the area, should not let this happen.

Please attend at least one of the Archuleta County Planning Commission meetings at the County Administration Building – Meeting Room, 398 Lewis Street on 1/26/22 at 6 pm or on 2/15/22 at 1:30 pm and voice your objection to this Gravel Pit.

Thanks for your concern. Bryant W. Lemon Sr.

Craig Bishop Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Craig

Your Last Name *

Bishop

Your Address *

2505B County Road 600

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

numpty@bellsouth.net

Your Phone Number *

Used only to follow up.

9705854191

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 *

- Traffic Study
- Road core samples of Piedra Road to test if asphalt mixture and pavement structure can withstand the high-stress application imposed by increasing vehicle weights, tire pressures, and truck volumes. This road is already filled with potholes and has washboard sections.
- Environmental impact including but not limited to migratory birds, mammals and endangered species affected by dust particles, noise etc.
- Migratory considerations not only at Dutton Creek but in the area that surrounds the proposed site.
- Noise pollution study
- Air pollutions study
- Visual impact in the community; already and eyesore to the community to the north.
- Effect on tourism trade, the life blood of Pagosa Springs
- Reclamation considerations, not address fully in "Mitigation Plan"
- Analysis of water needed to mitigate dust on County Road 600, its source of water, its runoff effect on surrounding properties.
- A study of Stevens Lake potential contamination, a source of community drinking water.
- Potential violation with the FAA regarding airborne contaminants. The airport exists on federally funded money.
- Compatibility of gravel mining operations with the surroundings areas. All along Piedra Road to the West is zoned "Planned Unit Development", a high-density residential area. The zoning for the proposed site is zoned "Agricultural Farming" and to the north the zoning is "Agriculture Estate". All of which is inappropriate for this time of major industrial operation.
- Immediate inspection of the site to see if the operation is following the current permit.

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

MAJOR SAND & GRAVEL

County *

Archuleta

Enter one county only

Site Name

OAKBRUSH HILL

Permittee/Operator Name

C&J GRAVEL

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.

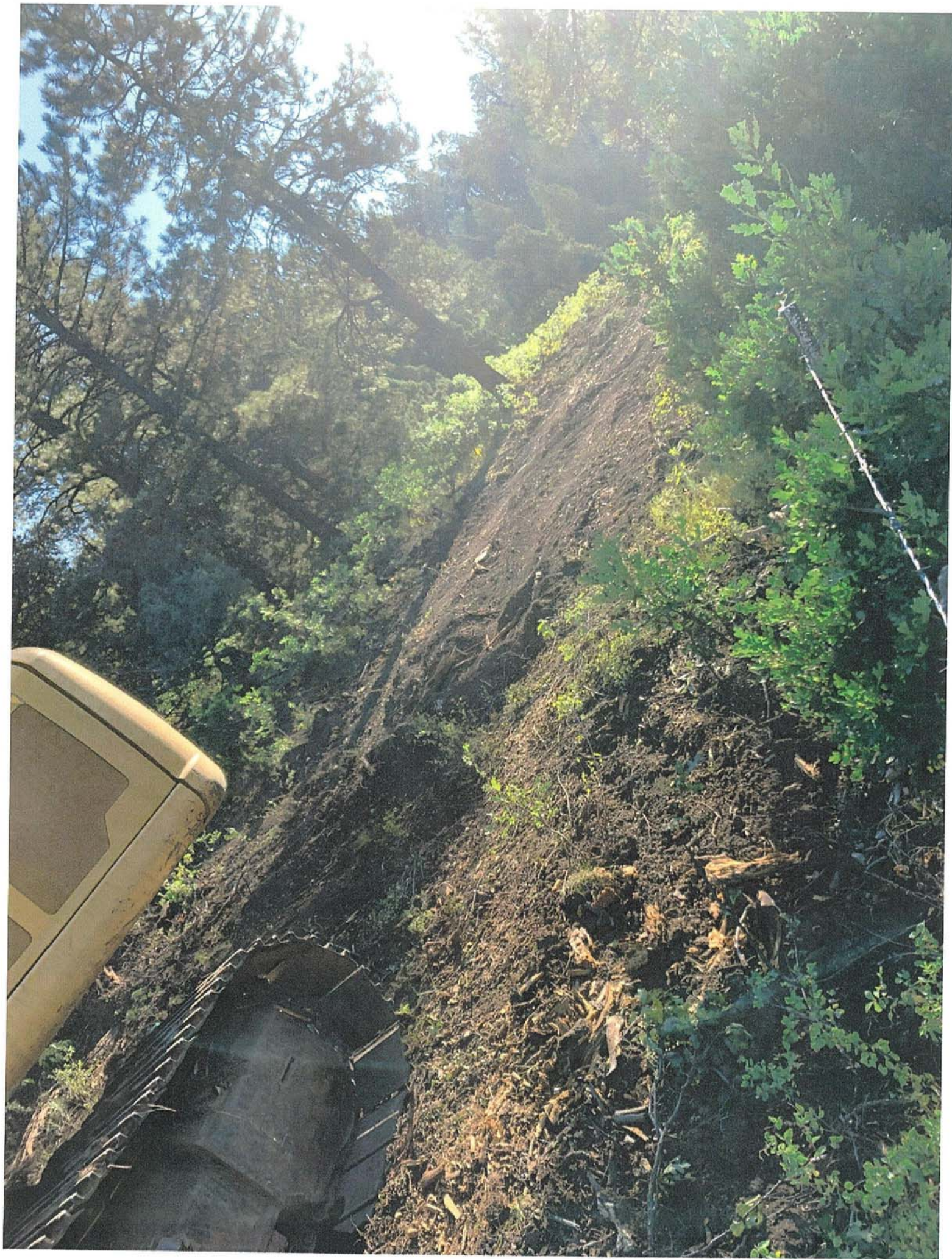
IMG_0970.pdf	209.56KB
Photos of pit.pdf	6.28MB

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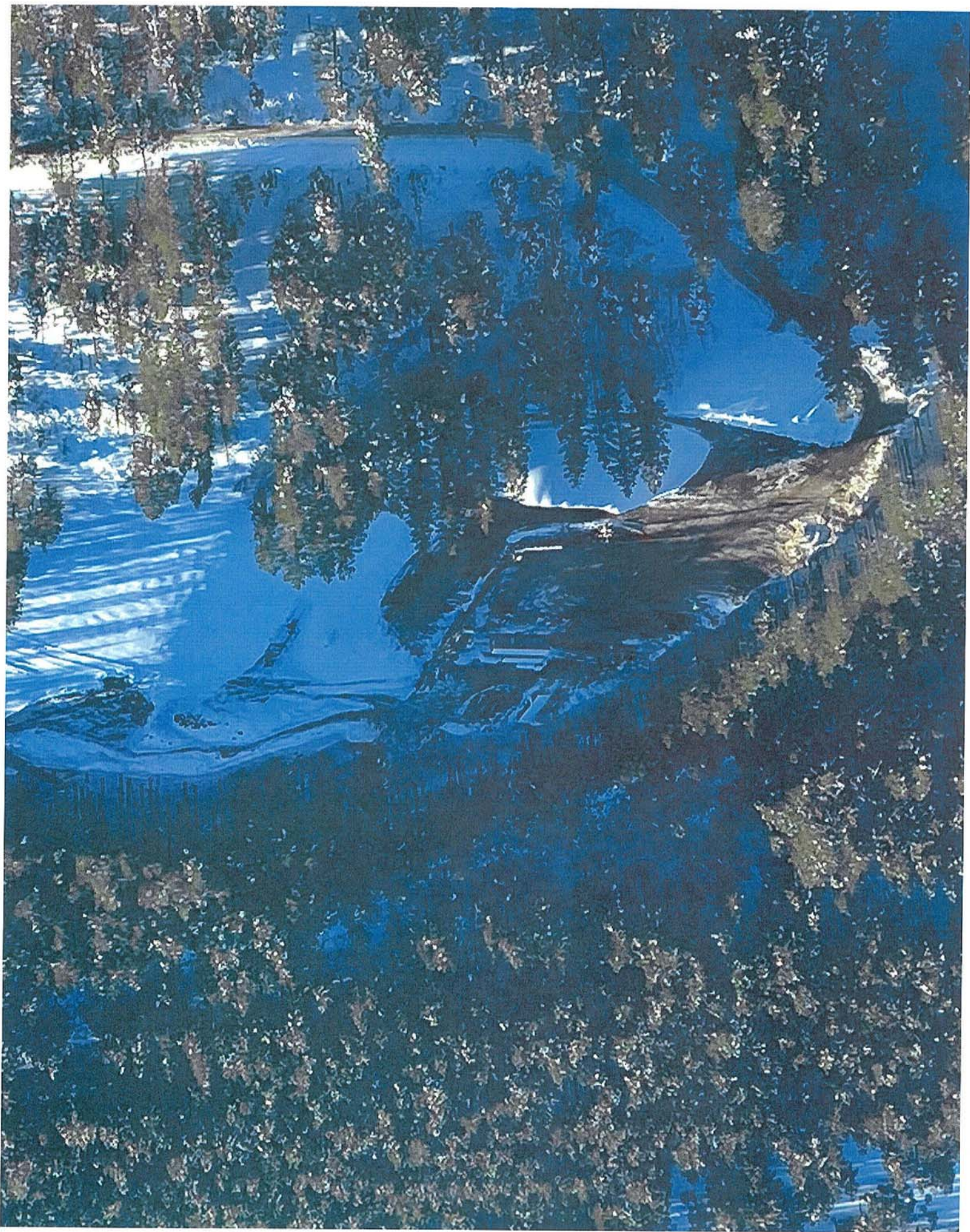


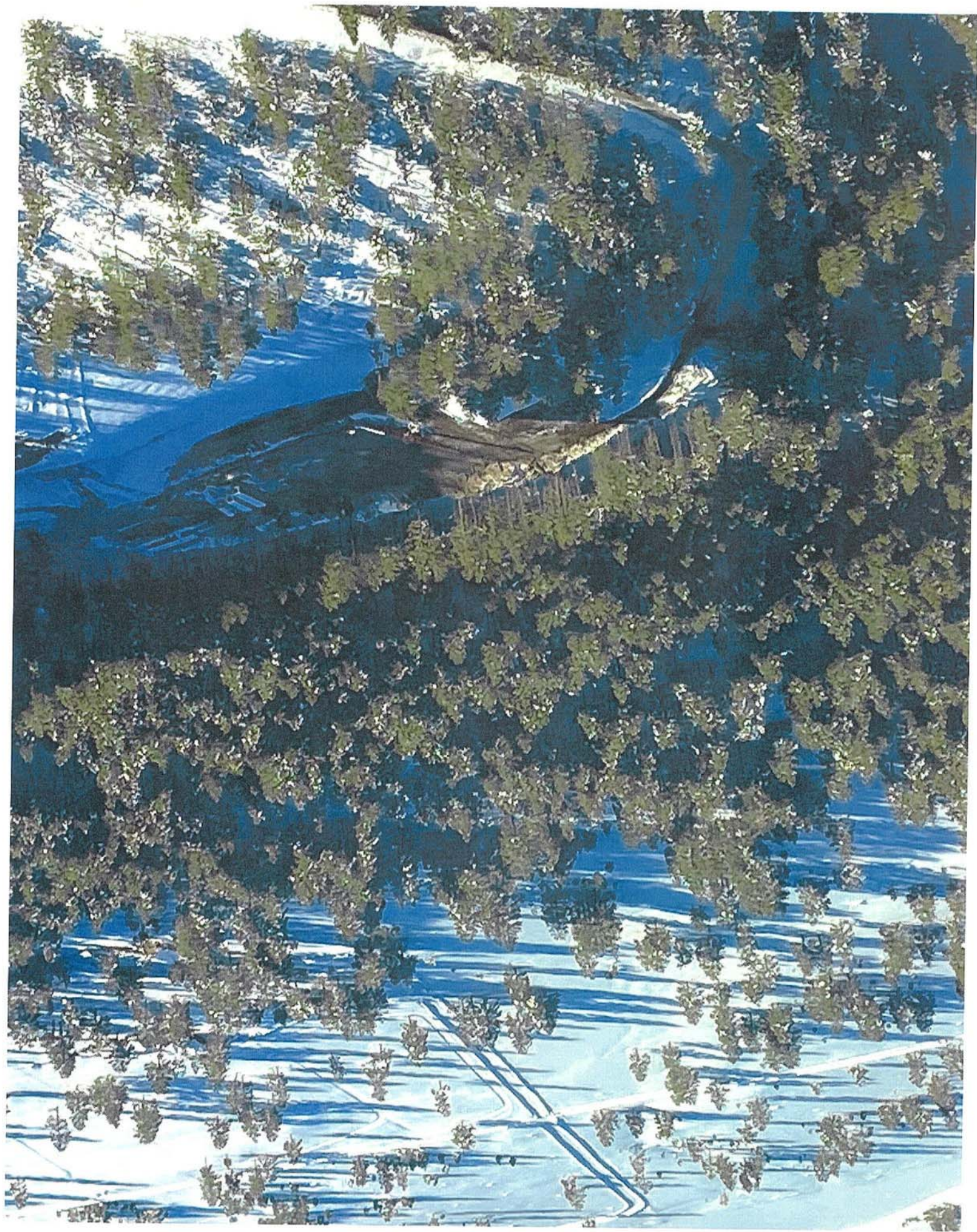












Craig Carroll Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Craig

Your Last Name *

Carroll

Your Address *

66 Rendezvous Court

Your Address 2

Your City *

Pagosa Springs

Your State

OK

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

ccarroll@liebermech.com

Your Phone Number *

Used only to follow up.

4054176622

Extension**Alternate Phone Number**

Used only to follow up.

4052654695

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 *

This proposed Major Sand & Gravel Permit does not belong in this area. It will be a major eyesore as well as create potential long-term detriment to the environment, wildlife, water and air.

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type**County ***

Archuleta

Enter one county only

Site Name

X County Rd 600, Pagosa Springs, CO

Permittee/Operator Name

C&J Gravel Products, Inc.

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.

Gravel Permit Objection- Lucas West.pdf

91.69KB

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.

January 21, 2022

Lucas West
Colorado Division of Reclamation, Mining and Safety
Room 215, c/o:
1001 E 62nd Avenue
Denver, CO 80216

Re: Permit No. M2021064

Lucas,

My name is Craig Carroll. After searching all over Colorado for vacation property and a permanent retirement home, I settled on Pagosa Springs. One of the main reasons I decided on this area, as pointed out by my realtor, Kimberly Brown of Galles Properties, is the fact that Archuleta County is approximately 50% National Forest and 15% Southern Ute Tribe Property. There is limited industrial or commercial areas in the vicinity which met my criteria.

I just recently became aware of the Major Sand & Gravel Permit Application to the south of the Rendezvous Ranches, Archuleta County PLN21-144, which is associated with your Permit No. M2021064. I researched the surrounding properties prior to purchasing my home at 66 Rendezvous Court. The proposed mine location shows to be National Forest property on the maps that I relied on. When reading the application, it states this land was placed in private hands in a land transfer in 2012. I was totally surprised by this information.

The zoning for this location is Agricultural Ranching (AR). AR zoning states that Commercial uses are generally limited to those associated with Agricultural and Recreational uses. Mining and gravel use have nothing to do with either one. I believe Mining and gravel is industrial.

The application states that it is requested that ready-mixed Portland cement concrete plants and hot-mix asphaltic cement concrete facilities be located temporarily on the Ranch for specific projects...is considered unlikely. This is a major red flag. They would not be requesting it if they did not intend to do it.

The application states that it is anticipated that 72,000 tons per year of materials will be shipped from the ranch. This equates to 144,000,000 lbs. Using the average of 2750 lbs per cubic yard (CY), this equates to 52,364 CY of material. The average dump truck

can haul 13 CYs. This equates to 4,028 dump truck loads. Even if a belly dump is utilized, it still calculates to 2,277 loads. The noise and dust from this many dump trucks will be horrific for the area. Besides the dump trucks, other equipment and water trucks will be in constant use contributing to the noise, dust and potential harm to air quality. The narrative states that a processing plant will be located on the pit. In my opinion, this does not meet the zoning restrictions.

In addition to the extraction, processing and hauling of gravel, there will be above ground fuel storage, maintenance hardstand and buildings, storage containers, scale and scalehouse, generators and equipment storage areas. This is a major industrial complex that has no place in the proposed location.

I was at my home this past hunting season. I observed many elk with migration routes that seemed to go back and forth across the proposed mining area. I believe this will be detrimental to all wildlife. Have any studies been done in regards to wildlife? I am also concerned about potential damage to waterways due to runoff.

In summary, I totally object to this proposed Major Sand & Gravel Permit. The disruption to the area far outweighs any benefit. I believe the traffic, noise, dust, air quality, potential wildlife, water and landscape damage will all be detrimental to Pagosa Springs. I respectfully request this permit be denied.

Craig Carroll
66 Rendezvous Court
Pagosa Springs, CO 81147
(405) 417-6622

David Dragoo Objection

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

01/21/2022

*** 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.

Group Name *

Essex Corporation

Please specify how you would like to provide the list of names of the individuals you are representing.

I prefer *

- ☒ to type in the names.
- ☐ upload a PDF of the names.

List of persons represented

Shareholders of Essex Corporation, including Mary Francis
Dragoo, David Dragoo, Elizabeth Dragoo, and Melissa
Glissmeyer

Your First Name *

Davi

Your Last Name *

Dragoo

Your Address *

678 Rendezvous Court

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

david.c.dragoo@gmail.com

Your Phone Number *

Used only to follow up.

6023634427

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 *

Dear Mr. West and DRMS-

I'm representing an adjacent landowner, Essex Corporation, in the above-referenced application. Essex Corporation's address is 678 Rendezvous Court, Pagosa Springs, CO 81147.

I'm also a longtime resident of Pagosa Springs.

We recently were notified of the above-referenced application for a Major Sand & Gravel Permit.

The application for a Major Sand & Gravel Permit on the property located at X County Road 600, Pagosa Springs, Colorado appears to be procedurally wrong and not in accordance with the law.

We believe the application also warrants further review and we respectfully request that the application be rejected. As noted below, we have numerous concerns about the project and applicants.

The applicant and landowner appear to be in violation of the law as an acting major pit operation (and potentially a commercial pit.) The pit is currently so active on a daily basis that it creates noise heard hundreds of yards away, traffic issues at the entrance off County Road 600, dust issues during the day, and the site appears to be absent the proper permits. The attached photo was sent to us by the landowner himself just recently and shows the activity which is shocking.

Additionally, the applicant and landowner are actively (daily) hauling gravel in large trucks off the private land, onto County Road 600, and off-site to another location. Its possible the applicant is actively selling this gravel outside their use on the "ranch". They have been driving on the County Roads for months doing their hauling and we have numerous neighbors that can attest to the activity levels.

We believe the application is therefore unlawful and should be rejected immediately. The applicants themselves are possibly (and actively) in violation of State Law (including Federal Law).

Additionally, we have requested from the local County, and pointed out numerous times, that the application has no findings of fact for adverse impacts related to the Major Sand & Gravel Permit or its ongoing operations. This includes any definitive studies and reports such as required under both County law and State law such as:

A traffic impact study - safety is the major issue as a high impact permit would likely require deceleration lanes in a largely residential area and rural area with underserved roadways for industrial use;

A health and noise study - to determine the impacts of dust and noise on the surrounding areas and residential neighborhoods;

A wildlife impact study - to determine what, negative impacts are to the wildlife in the region. The site is within and surrounded by the County's own Critical Habitat area;

A water and water rights study - to determine the impacts of both water quantity and water quality for the dozens of residents and agriculture users who rely on well water in the area;

A property impact study - to determine the negative impacts on property values on the surrounding landowners and neighborhoods

In light of the above, we formally object to the applicant and landowner obtaining permits for their property.

Sincerely,

David Dragoo
Vice-Chairman of Essex Corporation

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

Major Sand & Gravel Permit

County *

Archuleta

Enter one county only

Site Name

Oakbrush Hill Gravel (at Dutton Ranch)

Permittee/Operator Name

C&J Gravel Products, Inc.

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.

Pagosa Gravel Mine-lr.pdf

245.5KB

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.



Evelyn Jones Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Evelyn

Your Last Name *

Jones

Your Address *

700B Honey Bee Place

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

evelynjone@centurytel.net

Your Phone Number *

Used only to follow up.

9709463031

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 *

Letter Opposed to Gravel Pit on Oak Brush Hill Next to Piedra Road

- Dutton migratory trail running through the gravel pit site
- Dutton Ditch that runs into Stevens Lake Reservoir
- Impossible to prevent run off water when it rains going into Stevens Lake Reservoir

Oak Brush Hill, which used to be part of a Nation Forest haven in the middle of the extensive development along Piedra Road, was and still is at this point, a haven for Wild Life such as Deer, Elk, Bear, Turkey and Eagles. We know this because we have personally seen all of these species and many more at this location. Unfortunately, this priceless property was traded away by the National Forest bureaucracy for land in remote locations, useless to the public. The only not completely black spot in this disgrace was the "promise" by the developer that the property would only be broken up into 35 acre or larger parcels for family homes. No mention was made of commercial development not to mention the destructive excavation proposed. This will unquestionably have an adverse impact on Wild Life surviving so close to us.

Additionally, the noise and pollution from such an extensive industrial project will have an adverse impact on not only our precious Wild Life but also on the human beings that live in the vicinity. The digging, crushing, washing, loading and transportation of this commodity is all noisy in the extreme. Further, this is in the vicinity (less than one mile) of Stevens Lake Reservoir and the pollution caused by the excavation and industrial machinery must certainly have an adverse impact on the local air quality and when reaching the reservoir will definitely have an adverse impact on every individual person in the county. This is in the vicinity of many homes, where people live and rest and deserve clean air, peace and quiet.

In the proposal they say they will extract 76,000 tons of gravel, stating there may potentially be more and this will be done in the warm months during 1000 hours. This means there will be hundreds of thousands of cubic yards of excavation required to come up with finished product. Even for this low estimate, this will result in 7,600 ten-ton truckloads which means nearly 8 huge, heavy industrial trucks per hour or more than 60 trucks per day. Piedra Road, already in poor repair cannot possibly support this kind of traffic. Further the safety of residential drivers is put at increased, unwarranted risk due to this unanticipated heavy Industrial Traffic. This includes all drivers using Piedra Road not just those in the vicinity of the proposed industrial area.

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

MAJOR SAND & GRAVEL

County *

Archuleta

Enter one county only

Site Name

OAKBRUSH HILL

Permittee/Operator Name

C&J GRAVEL

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.

IMG_0970.pdf

209.56KB

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Snell and Wilmer LLP Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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.

Firm Name *

Snell and Wilmer LLP

Please specify how you would like to provide the list of names of the individuals you are representing.

I prefer *

- ☒ to type in the names.
- ☐ upload a PDF of the names.

List of persons represented

Essex Corporation
Rendezvous Ranch QOZ, LLC
Rendezvous Ranch Homeowner's Association

Your First Name *

Jason

Your Last Name *

Brinkley

Your Address *

1200 17th Street

Your Address 2

Suite 1900

Your City *

Denver

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80202

Email Address *

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

jbrinkley@swlaw.com

Your Phone Number *

Used only to follow up.

3036342066

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 *

Please see attached pdf

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

Major Sand & Gravel

County *

Archuleta

Enter one county only

Site Name

X County Rd 600, Pagosa Springs, CO 81147

Permittee/Operator Name

Urban Concrete, C & J Gravel Products, Inc.

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.

2022 0121 L Request to Postpone Proceedings.pdf

216.16KB

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Snell & Wilmer

TABOR CENTER
1200 SEVENTEENTH STREET
SUITE 1900
DENVER, CO 80202
303.634.2000 P
303.634.2020 F

Jason B. Brinkley
(303) 634-2066
jbrinkley@swlaw.com

VIA E-MAIL AND U.S. MAIL

Archuleta County Development Services
Planning Department
Attn: Pamela Flowers
P.O. Box 1507
Pagosa Springs, CO 81147
PFlowers@archuletacounty.org

Archuleta County Planning Commission
Attn: David Parker, Chair
P.O. Box 1507
Pagosa Springs, CO 81147
PFlowers@archuletacounty.org

Board of County Commissioners, Archuleta County
Attn: Commissioner Alvin Schaaf
P.O. Box 1507
Pagosa Springs, CO 81147
ASchaaf@archuletacounty.org

January 21, 2022

*Re: Application PLN21-144 for a Major Sand & Gravel Permit at X County Road
600, Pagosa Springs, Colorado 81147*

Dear Commissioner Schaaf, Chairman Parker, and Director Flowers:

This law firm represents Essex Corporation, Rendezvous Ranch QOZ, LLC, and the Rendezvous Ranch Homeowner's Association. These entities are the owners and representatives of owners of land adjacent to the property in the above-referenced application for a Major Sand & Gravel Permit (the "Application"). The purpose of this letter is to formally request that the public hearings scheduled in connection with the Application, currently set for Wednesday, January 26, 2022 (Planning Commission) and Tuesday, February 15, 2022 (Board of County Commissioners), be postponed until a more thorough review of the proposed project can be completed by the Planning Department, the Planning Commission, Board of County Commissioners, and the concerned public of Pagosa Springs.

According to the notice received by our clients, the property in the Application is zoned as Agricultural Ranching ("AR")—we note that we believe the property is actually zoned Agricultural Estate (which certainly would not permit an activity of this type), but for purposes of this letter we will assume that AR is correct. Operations performed under a Major Sand & Gravel Permit appear to be inconsistent with an AR zoning designation. Archuleta County Land Use Code ("Land Use Code") § 3.1.2.2(3) states that "[l]and use in the AR district is encouraged to provide for the maintenance of agricultural production and preservation of associated life styles . . .

January 21, 2022

Page 2

Commercial uses are generally limited to those associated with Agricultural and Recreational uses.” The permit sought by the Application does not contemplate any use associated with either agricultural or recreational purposes. The Application itself states that the project’s purpose is “to produce construction materials,” including both mining and processing of those materials. *See* Application, Attachment 6, p. 1. It goes on to say that the projected is intended to “operate over a period of up to 20 years” and produce approximately “72,000 tons per year of construction materials to be shipped” from the property. *See* Application, Attachment 6. Production will include “[a]ctual mining and haul of material from the site.” *See id.* The Application further indicates that a processing plant used for “crushing and screening” will be located on the property, in addition to other structures, such as above-ground fuel storage and equipment. *See id.* A major mining and processing operation intended to produce construction materials is not consistent with agricultural and recreational use of the land.

Beyond the inconsistencies with an AR zoning designation, Section 9 of the Land Use Code details numerous conditions and limitations concerning the operations under a Major Sand & Gravel Permit. *See* Land Use Code § 9.1.6. These restrictions exist for good reason—as stated by the applicant itself, there “are obviously significant impacts which may occur” as a result of the proposed project. *See* Application, Enclosure 7-D. Some of those potential negative impacts and concerns include but are not limited to the following:

- A substantial increase in industrial traffic through residential, recreational, and commercial areas;
- A substantial increase in harmful and excessively loud industrial noises and vibrations;
- Pollution to the air and nearby waters and lands;
- Encroachment upon neighboring landowners’ views of the Pagosa Springs wilderness and surrounding areas and otherwise harmful effects to the scenic quality of the surrounding area; and
- A substantial increase in unsavory and annoying smells dispersed throughout the surrounding area as a result of the mining, processing, and transportation activities.

These potential impacts and concerns will undoubtedly harm neighboring landowners and the general public of Pagosa Springs. Primarily, health and safety concerns to individuals, cattle, livestock, and wildlife will likely arise due to pollution, excessive noise, and increased industrial traffic. In turn, those problems and concerns will reduce the ability for landowners to engage in agricultural and grazing activities.

To be sure, this is not a mere hypothetical exercise—some of these issues have already arisen, as the applicant apparently has already begun mining activities on the property. Water runoff from those activities is running directly from the gravel pit area and into a neighboring landowner’s pond. Noise from the project is also noticeable from our clients’ residences. And

January 21, 2022

Page 3

when the wind shifts in a certain direction, our clients have also been subjected to the distinct smell of exhaust. It is our understanding that no mining permit of any kind has been granted to the applicant. The applicant is thus currently operating without a permit in violation of Colorado state law and the Land Use Code. As a result, we request that the County order the applicant to stop its current mining operations on the property until a permit is obtained.

Ultimately, our review of the Application indicates that it is woefully insufficient and superficial in its analysis of these potential impacts. Enclosure 7-D to the Application, the Mitigation Plan, even goes so far as to say that it “is not always possible to address every potential impact” caused by the project. *See* Application, Enclosure 7-D, p. 2. And when Enclosure 7-D is viewed in conjunction with the Mining and Reclamation Plans, attached as Enclosure 7-A to the Application, it is clear that the few potential impacts that *are* addressed by the Application are only done so in a perfunctory manner. The Application suffers from a serious lack of specificity in this regard and instead relies on broad and vague language, such as “frequently inspecting the perimeter of operations and the property,” and “fixing problems in a timely manner.” *See id.* This clear omission of particularity leads to obvious questions, such as how frequently will the perimeter be inspected, and what standards will be used? Similarly, what problems does the applicant suspect will arise that will require attention in a timely manner? The Archuleta County Development Services Planning Department, Planning Commission, and the Board of County Commissioners should not consider awarding a permit without a more detailed understanding of the applicant’s proposed answers to these questions, among many others.

In addition to these issues, Section 9.1.6 of the Land Use Code details numerous and specific “Performance Standards for All Operations” under a Major Sand & Gravel Permit. *See* Land Use Code § 9.1.6. Here again, the Application either fails to address these standards or only does so in a generalized and cursory manner. The Application fails entirely to address the requirements in § 9.1.6.2, concerning “Air Quality,” § 9.1.6.3, concerning “Visual Amenities and Scenic Quality,” and § 9.1.6.4, concerning the standards for “Crushing, Processing, Batching, and Hot Mix operations.” And while the Application does respond to the requirements in § 9.1.6.1, it does so in an unsatisfactory manner, using the kind of broad and vague language used in the Mitigation Plan. *See* Application, Attachment 6, pp. 2–3.

For all of these reasons, we are requesting that the public hearings scheduled in connection with the Application, currently set for Wednesday, January 26, 2022 (Planning Commission) and Tuesday, February 15, 2022 (Board of County Commissioners), be postponed until the applicant submits the following studies for thorough review and analysis by the Archuleta County Development Services Planning Department, the Planning Commission, the Board of County Commissioners, and any concerned member of the general public:

- A traffic impact study;
- A health and noise study;
- A wildlife impact study; and

January 21, 2022

Page 4

- A water and water rights study.

In addition to these studies, our clients further request that alternative sites are seriously explored and considered prior to any public hearings. In particular, it is our understanding that the applicant is already the record owner of a different parcel, located near the Pagosa Springs Airport. It is also our understanding that this parcel is zoned as Industrial ("I") under Land Use Code § 3.1.2.8. This parcel thus appears to be far more compatible with operations under a Major Sand & Gravel Permit and should seriously be considered as an alternative location.

To summarize, the Application in its current form presents no realistic or serious way for the Archuleta County Development Services Planning Department, the Planning Commission, the Board of County Commissioners, or any other interested party to thoroughly evaluate the Application. Without a thorough evaluation and analysis, there is no practical way to assess whether the Application or a resulting permit would comply with the Land Use Code and other Colorado law. That assessment is critical and must be based on specific, supporting evidence—a governmental body abuses its discretion under C.R.C.P. 106(a)(4) “when the administrative decision is so devoid of evidentiary support that it can only be explained as an arbitrary and capricious exercise of authority.” *Freedom Colo. Info., Inc. v. El Paso Cty. Sheriff's Dep't*, 196 P.3d 892, 900 (Colo. 2008).

Our clients appreciate your consideration and await your decision on the requested postponement of the upcoming hearings. Please contact me at the information above if you have any questions or otherwise wish to discuss this matter further.

Very truly yours,

Snell and Wilmer L.L.P.

A handwritten signature in black ink, appearing to read "Jason B. Brinkley". The signature is fluid and cursive, with the first name "Jason" being the most prominent part.

Jason B. Brinkley

cc: Nathan Davis (via e-mail)
Shane O'Connor (via e-mail)

JBB

Michael Caponnetto Objection

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

01/21/2022

***** *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 *

Michael

Your Last Name *

Caponnetto

Your Address *

2837 County Road 600

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

help@stoptherocks.com

Your Phone Number *

Used only to follow up.

310-780-10

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 represent ownership of the surrounding property which borders on the south-east of the proposed site for a MAJOR SAND & GRAVEL PIT/PLANT, on Oakbrush Hill, in Pagosa Springs, Archuleta County and I am opposed to its further development.

Such a large-scale operation at the proposed site will certainly adversely affect my way of life, endanger my ingress and egress to my property, noise, and air pollution, adversely affect my health and wellbeing and adversely affect the Dutton Creek migratory route that runs up to Stevens Lake.

The Piedra Road is already in poor condition and up to 80 truck movements carrying 25 tons each in and out on this road per day will create a danger to the community. School bus routes frequent this road which puts our most precious asset at risk, our children. Piedra Road just can't sustain the increased traffic in addition to the winding path it takes and the frightening curve at the Dutton Creek Road crossing.

I'm sure you have many things to consider in making this 40-year contractual decision, thus it should not be a hasty one. I am aware of the most recent application in 2016, Two Rivers Pit where for many of the same reasons this pit permit was denied and so should the Oakbrush Hill be denied. See major concerns below:

- Traffic Study
- Road core samples of Piedra Road to test if asphalt mixture and pavement structure can withstand the high-stress application imposed by increasing vehicle weights, tire pressures, and truck volumes. This road is already filled with potholes and has washboard sections.
- Environmental impact including but not limited to migratory birds, mammals and endangered species affected by dust particles, noise etc.
- Migratory considerations not only at Dutton Creek but in the area that surrounds the proposed site.
- Noise pollution study
- Air pollutions study
- Visual impact in the community; already an eyesore to the community to the north.
- Effect on tourism trade, the life blood of Pagosa Springs
- Reclamation considerations, not addressed fully in "Mitigation Plan"
- Analysis of water needed to mitigate dust on County Road 600, its source of water, its runoff effect on surrounding properties.
- A study of Stevens Lake potential contamination, a source of community drinking water.
- Potential violation with the FAA regarding airborne contaminants. The airport exists on federally funded money.
- Compatibility of gravel mining operations with the surroundings areas. All along Piedra Road to the West is zoned "Planned Unit Development", a high-density residential area. The zoning for the proposed site is zoned "Agricultural Farming" and to the north the zoning is "Agriculture Estate". All of which is inappropriate for this time of major industrial operation.
- Immediate inspection of the site to see if the operation is following the current permit.

In closing, I understand the need for gravel to maintain our roads as the community grows. However, it would be short sighted to think the community will not grow in density and further out along Piedra Road causing more conflict with residences and a major mining operation.

I hope the Commissioners will join the community in opposing this operation and deny the permit completely.

Sincerely,

Michael A. Caponnetto

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

MAJOR SAND & GRAVEL

County *

Archuleta

Enter one county only

Site Name

OAKBRUSH HILL

Permittee/Operator Name

C&J GRAVEL

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.

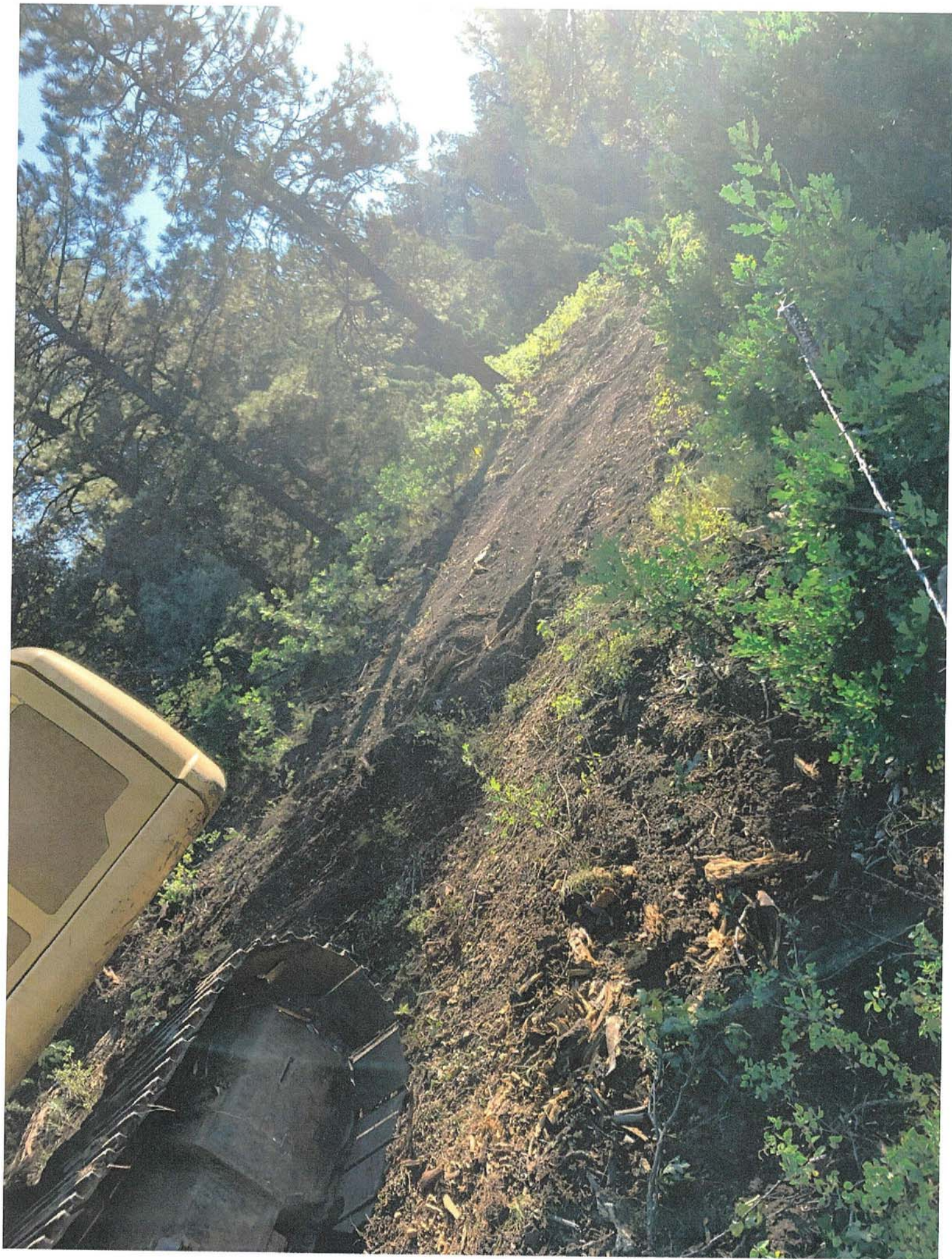
IMG_0970.pdf	209.56KB
Photos of pit.pdf	6.28MB

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.



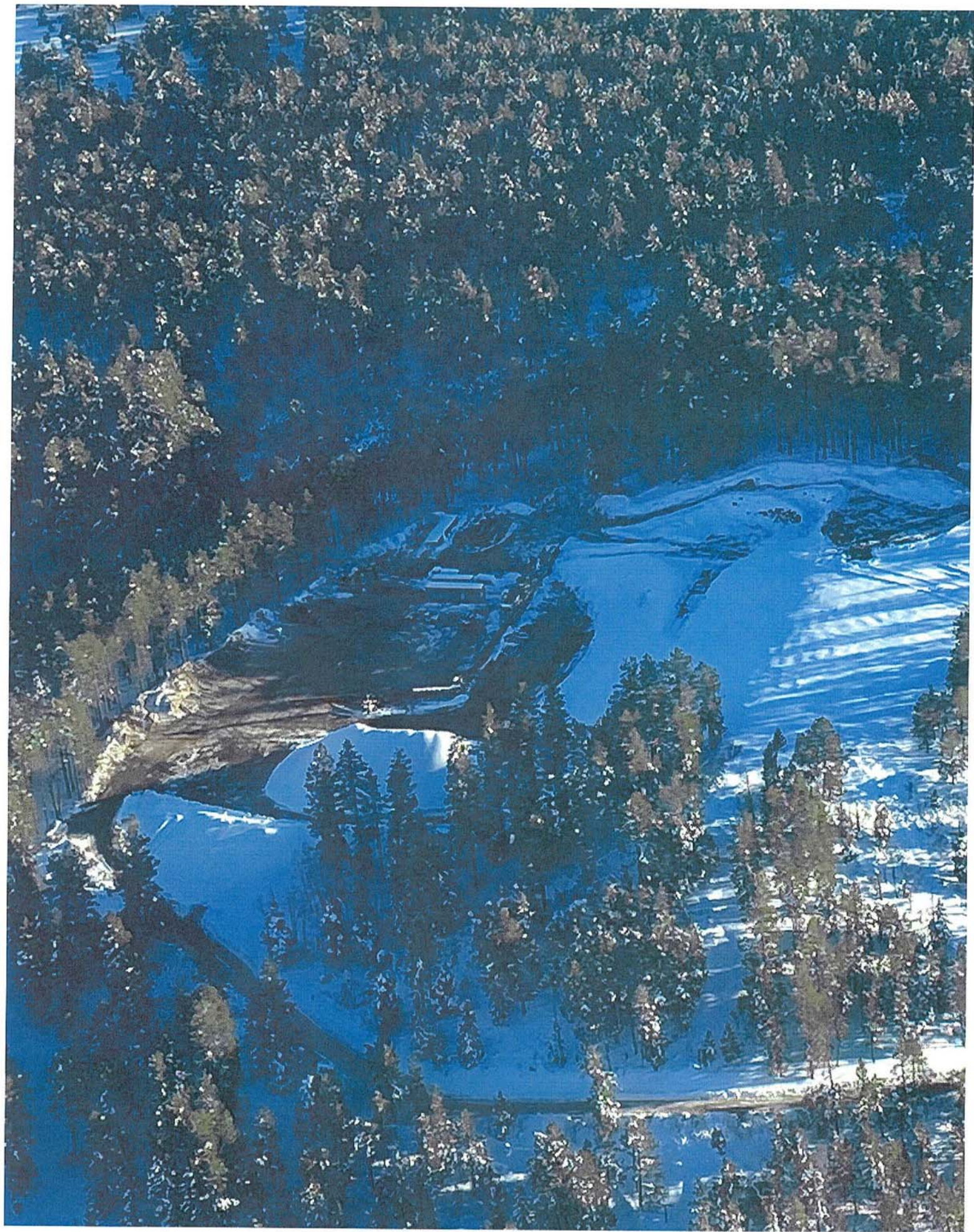


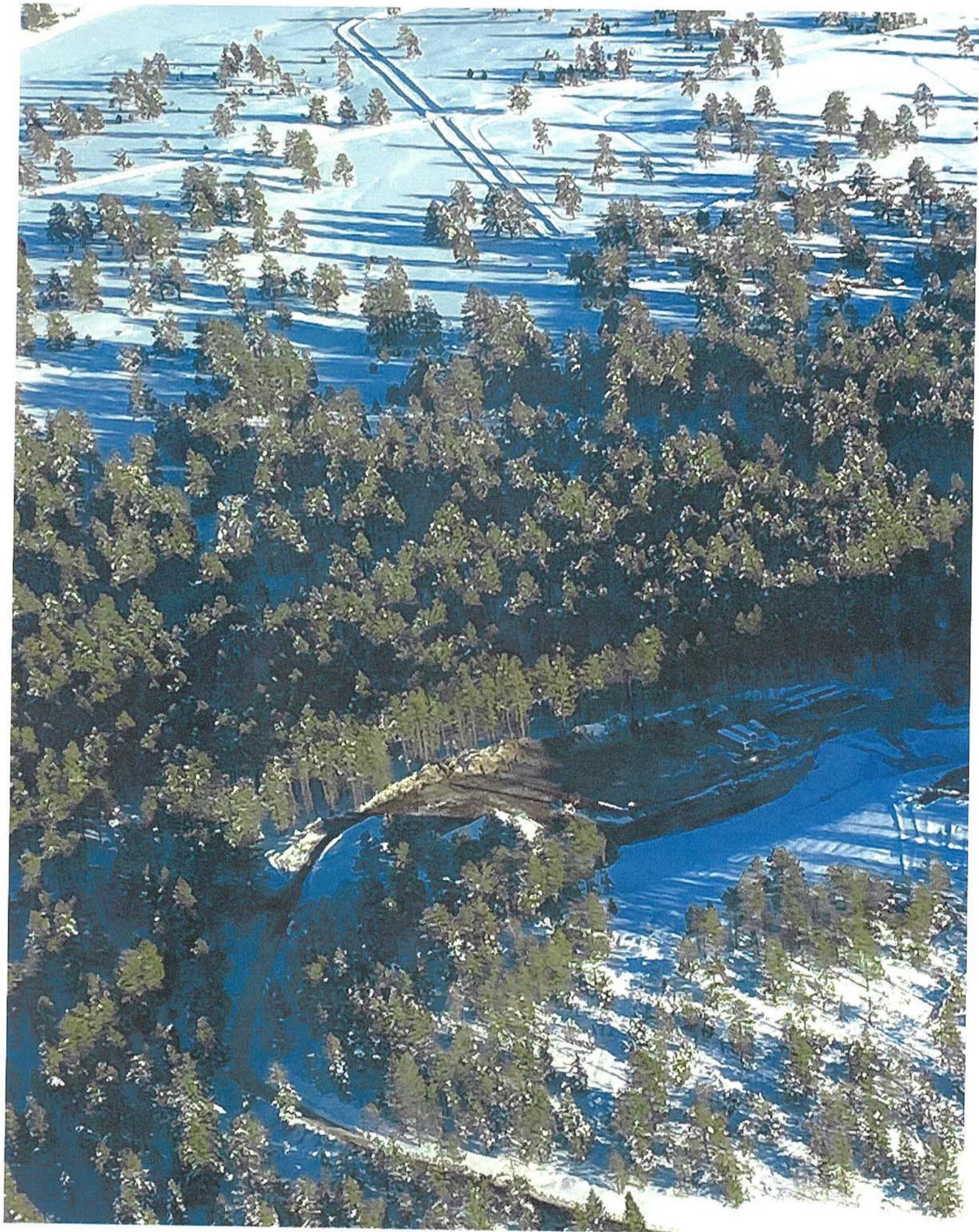












Clayton Braatz Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

CLAYTON

Your Last Name *

BRAATZ

Your Address *

852 Black Powder Place

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

cbraatz@sbcglobal.net

Your Phone Number *

Used only to follow up.

626-356-41

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 *

A gravel pit in proximity to my land will severely affect the value of the land and create a significant noise problem . In addition the proposed operation would affect the ground water , surface water , off site damage , and wildlife .

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type

Major sand & gravel permit

County *

Archuleta

Enter one county only

Site Name

Major Sand & Gravel

Permittee/Operator Name**ADDITIONAL INFORMATION****Are there supporting photos, maps, or documents you wish to upload? ***

☐ Yes ☒ No

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.

Leann Wilson Objection

DRMS Comment OR Objection Intake Tool



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

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CONTACT INFORMATION

Date of Comment or Objection

01/21/2022

***** *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 *

Leann

Your Last Name *

Wilson

Your Address *

700 Honeybee Pl

Your Address 2

Your City *

Pagosa Springs

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81147

Email Address *

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

leann.hartje@gmail.com

Your Phone Number *

Used only to follow up.

9703985353

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 *

Noise pollution for the are.

Permit Number *

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

M2021064

Permitting Action Type

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

Permit Type**County ***

Archuleta

Enter one county only

Site Name

Oak brush hill

Permittee/Operator Name

Major sand and gravel

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

☐ Yes ☒ No

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.