

# HAYDEN SPRINGS RANCH LLC

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13601 CR 140  
P.O. BOX 567  
Salida, Colorado 81201  
(719) 239-1225

February 8, 2022

Division of Reclamation, Mining and Safety  
1313 Sherman St.  
Room 215  
Denver, Colorado 80203

Re: ACA Products, Inc.  
Construction Materials Regular (112) Operation Permit Application  
For R.B.Pit, dated December 29, 2021

Dear Division of Reclamation, Mining and Safety,

Please consider these comments as reasons to deny the referenced Application.

Hayden Springs Ranch borders the Holman property upon which the proposed surface mining has been applied for by ACA. Exhibit O of the Application indicates our Ranch property is affected by the mining operations. We hereby object to the granting of the Application for the reasons stated below.

Presently ACA has no legal method to deliver the mined material from the subject property on any public road adjoining the Holman land, and therefore the referenced Application should be denied. The Application indicates at #10 the "Primary Mine Entrance Location" as Latitude (N) 38.53769 Longitude (W) -106.14258. This location is at the terminus of CR 140 (Chaffee County). As such, this location is in direct violation of Chaffee County Resolution 2017-58, Section 1. (j) which **prohibits** any "incidental use of CR 140 or CR 250 in connection with the operation" of the gravel pit. The Resolution was included in Exhibit M of the Application.

During the Land Use Change Application with Chaffee County, ACA was unable to demonstrate a safe and adequate access for the mining operation to the Holman property by use of CR 140 and CR 250. Consequently, ACA submitted the attached letter dated July 28, 2017, which stated the access to the proposed surface mine would proceed south across the Holman property to Colorado State Highway 50, thereby not requiring use of CR 140 and CR 250. As a result, Chaffee County imposed conditions upon ACA in granting the Change of Land Use at Section 1. (a) of the Resolution which required ACA to "apply for and receive a CDOT access permit to address the impacts to Colorado State Highway 50, and (ACA) shall provide opportunity for (Chaffee) County to provide feedback on the application permit". To date, ACA has no legal right to use Highway 50 for the gravel pit operation, nor has ACA provided Chaffee County an opportunity for feedback on ACA's proposed use of Highway 50 for a surface mining operation.

The Applicant has deliberately misled the DRMS by including in Exhibit M, only page 1 of CDOT Form #101 completed by Frank Holman and ACA. Exhibit M falsely implies that ACA/Holman presently have the legal right to use Colorado State Highway 50 as access for the proposed gravel pit operation. Nothing could be further from the truth.

CDOT Form #101, provides under Additional Information, “See attached pages 2-3 of Form 101, and all other attachments, enclosures, and exhibits for additional terms and conditions”. Upon contacting the CDOT Access Manager assigned to Access Permit (Randee Reider, 970-385-3626), the CDOT Access Permit file is forty -six (46) pages and contains the “additional terms and conditions” for Holman/ACA to be granted permission to operate the gravel pit by accessing Colorado State Highway 50. Among those “conditions” are the submission of “Design Plans” which need to be approved by CDOT well in advance of construction. To date, save and except for completing CDOT Form #101 in June 2020, and requesting an extension of time to comply with the “Additional Terms and Conditions”, neither ACA nor Holman have submitted any documents to CDOT to receive approval to use Colorado State Highway 50 for access to operate the proposed gravel pit. Consequently, at this time ACA does not have the legal right to use Colorado State Highway 50 as access to the R.B. Pit.

Because ACA lacks the legal right to use the only public roads available to transport the mined materials from the Holman property, the referenced Permit Application should be denied.

Please feel free to contact us with any questions or concerns regarding this matter.

Sincerely,

HAYDEN SPRINGS RANCH LLC

BY: \_\_\_\_\_

Mark Anderson  
Manager