

February 16, 2022

Blake Bennetts
ACA Products, Inc.
702 Gregg Drive
Buena Vista, CO 81211



1313 Sherman Street, Room 215
Denver, CO 80203

RE: R.B. Pit, File No. M-2022-002, Objection to 112c Application

Mr. Bennetts:

On February 16, 2022 the Division of Reclamation, Mining and Safety (Division) received an objection (copy enclosed) to the above referenced application from Hayden Springs Ranch LLC.

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by Hayden Springs Ranch. Please submit your response by March 3, 2022.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dustin Czapla", is written over a light blue horizontal line.

Dustin Czapla
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
Phone: (303) 866-3567, ext. 8188



Permitting Action Comment OR Objection



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

CONTACT INFORMATION

Date of Comment or Objection

02/16/2022

***** *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 *

Mark

Your Last Name *

Anderson

Your Address *

P.O. BOX 567

Your Address 2

Your City *

Salida

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81201

Email Address *

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

marka_007@outlook.com

Your Phone Number *

Used only to follow up.

7192391225

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 checked="" 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

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. This form is not intended for reporting of possible violations or illegal activity. Please be as specific as possible.

Comment/Objection Narrative *

See attached Objection Letter dated February 8, 2022, and received by the DRMS on February 14, 2022 at 1313 Sherman St., Room 215, Denver, CO. 8003.

Permit Number *

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

M2022002

Permitting Action Type

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

Permit Type

County *

Chaffee

Enter one county only

Site Name

R.B. Pit

Permittee/Operator Name

ACA 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.

HSR DRMS Opposition Letter 3.pdf

135.07KB

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.

HAYDEN SPRINGS RANCH LLC

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

February 8, 2022

RECEIVED
FEB 14 2022
DIVISION OF RECLAMATION
MINING AND SAFETY

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



P.O. Box 1887, 702 Gregg Drive, Buena Vista, CO 81211
Ph: (719) 395-3790 Fax: (719) 395-3794

July 28, 2017

**Jon Roorda
Chaffee County Planning Manager
P.O. Box 699,
104 Crestone Avenue
Salida, Colorado 81201**

RE: Holman Pit

ACA Products will not be changing any of the operational characteristics of the original application. All previously submitted information that met the Chaffee County Land Use Code and was voted on by the Chaffee County Commissioners at the June 21, 2016 meeting remains the same. We are submitting an alternate route that will be across private property and will require only a CDOT Highway Access Permit.

ACA Products, Inc. has developed a safe access to the Holman Pit across private property per the outstanding item from the previous Commissioners meetings. Attached is a narrative describing the road's impact on groundwater, aquifer recharge, environmental conditions, erosion, sediment control, drainage and grading. Also attached is the signed agreement from the landowners.

Respectfully,

A handwritten signature in black ink, reading 'Shiela A. Moore'. The signature is written in a cursive, flowing style.

**Shiela A. Moore
Controller**



1999

502 ft

50

©2015 Google

Grainy Bay

Imagery Date: 10/13/2015 lat: 38.538050° lon: -106.146154° elev: 8189 ft

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