

February 25, 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 23, 2022 the Division of Reclamation, Mining and Safety (Division) received an objection (copy enclosed) to the above referenced application from Shannon Allen.

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by Shannon Allen. Please submit your response by March 4, 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'.

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

02/23/2022

***** *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 *

Shannon

Your Last Name *

Allen

Your Address *

13580 County Road 140

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.

shannon@andersonallen.com

Your Phone Number *

Used only to follow up.

3035482306

Extension

Alternate Phone Number

Used only to follow up.

Alternate Phone Extension

Connection to Operation *

Select all that apply

- | | |
|--|---|
| <input 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

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 *

I am the owner of a neighboring property to the applicant, and I am requesting that you deny the application referenced herein. There is no legal access on any public road to the proposed surface mine.

First, the Application references a "primary entrance location" on a road the County has explicitly prohibited the applicant from using. Chaffee County Resolution 2017-58, Section 1. (j) prohibits any "incidental use of CR 140 or CR 250 in connection with the operation" of the gravel pit. The Application nonetheless indicates at #10 the "Primary Mine Entrance Location" as Latitude (N) 38.53769 Longitude (W) -106.14258, which is located at the end of Chaffee County's CR 140. As such, the application is in direct violation of Chaffee County's prohibition.

Second, despite misleading language in its application, ACA similarly lacks the ability to legally transport materials using Colorado State Highway 50 as an access point. It is true that ACA has applied for Colorado Department of Transportation (CDOT) permit. However, ACA has failed to complete any of the terms and conditions required for ACA to be granted permission to use Highway 50 as an access point, and any transport of material would be unauthorized. Although its application misleads the DRMS to the contrary, ACA does not have a legal right to use this route.

As there are no other roads, public or private, available to access to the proposed surface mining site, and because the application deliberately misleads the DRMS, the application should be denied.

Please feel free to contact me to discuss this further.

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

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.