

February 28, 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 28, 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 11, 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



# HAYDEN SPRINGS RANCH LLC

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

February 28, 2022

Dustin Czapl  
Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman St. Room 215  
Denver, Colorado 80203

Re: File # M-2022-002, Application for R.B. Pit, by ACA Products, Inc.

Dear Dustin,

Thank you for forwarding the Response of the Applicant to our Objection Letter dated February 8, 2022, regarding the referenced Application. As detailed below, the Applicant has failed to provide any facts which resolve the merits of our Objections. Consequently, the Application should be denied.

To begin, the Applicant agrees with our first Objection that they are without any legal right to use Chaffee County Road 140 as the "primary mine entrance location". As indicated in Exhibit A attached hereto and incorporated herein by reference, the location provided by the Applicant at # 10 of the Application is the terminus of CR 140. Therefore, the Application is legally defective as it fails to designate a legal access to the proposed mining site.

Secondly, the Applicant falsely states in their Response at page 2 (paragraph 1) they have "obtained legal access to the proposed mine location...by obtaining the...CDOT Highway Access Permit....(Exhibit 2)". The Applicant then attached copies of the CDOT Access Permit file which began in February 2020. One of the Terms and Conditions of the CDOT Access Permit is provided at A. #14, which states "All required access improvements will be installed prior to any use of this access." (See page 20 of the Attachment). At this time, the Applicant has not made any improvements to Colorado State Highway 50. Thus, the Applicant presently has no legal right to access to the proposed mine location from any of public roads which border the Holman property.

The Applicant then falsely implies in their Response at paragraph 2, page 2, that one of the Terms and Conditions of the CDOT Access Permit has been met by the submission of the Design Plans, dated 1/27/20, shown in Exhibit 3 of the Response. The Applicant refers to these Design Plans as "approved." That statement is false.

CDOT Access Manager, Randi Reider, provided the Applicant an Extension of Time Letter dated, 10/13/21, which was included in Exhibit M of the Application. Therein, Ms. Reider states... "The access shall be constructed in accordance with a set of **approved design plans...**" **When the final design plans are accepted and approved**, a pre-construction conference must be scheduled...."

Review of the Design Plans dated 1/27/20, reveals that CDOT has not "accepted and approved" said Plans, as there is no signature from CDOT "accepting and approving" said Plans (See Exhibit 3 of Applicant's Response, pages 59-80). The Terms and Conditions of the CDOT Access Permit state at C. 2. (d) that "Once accepted, CDOT will sign the plans as approved. Once approved the design plans will become final..." (See page 21 of the Attachment).

Therefore, Ms. Reider's letter to the Applicant dated October 13, 2021, along with the lack of a signature from CDOT "accepting and approving" the Design Plans dated 1/27/20, indicate that the Applicant made a false statement in their Response. (See page 2, paragraph 2, wherein the Applicant stated "approved Design Plans, which are shown in Exhibit 3.")

After making false and misleading statements in their Response regarding the CDOT Access Permit, the Applicant concludes by stating that "thus far (they have) taken steps to obtain legal right to access, and transport mined materials from the proposed mine location..."

Hence, the Applicant agrees that at this time they do not have the legal right to use either Colorado State Highway 50 or Chaffee County Road 140 to access and transport the mined materials from the Holman property.

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

HOLMAN GRAVEL PIT ACCESS EXHIBIT

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