

March 14, 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 March 11, 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 25, 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

March 11, 2022

Dustin Czapla  
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 Reply Letter dated February 28, 2022, regarding the referenced Application. As detailed below, the Applicant has failed to provide any facts which demonstrate a legal access to the proposed mining location. Instead, the Applicant again rests on misinformation as its means of obtaining the mining permit from the DRMS. Consequently, the Application should be denied.

The Application and the Response Letters from the Applicant were prepared and signed by Blake Bennetts, P.E. The Application advised Mr. Bennetts at #4, page 8, "that statements in the application are being made under penalty of perjury, and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503." Mr. Bennetts' signature on page 8 of the application certified that he understood false statements made in the application were a violation of Colorado Law. Despite being advised that false statements made to the DRMS are a violation of Colorado Law, Mr. Bennetts repeatedly made false and misleading statements to the DRMS.

As indicated in our previous Objections, the Latitude and Longitude provided by Mr. Bennetts at #10 on the application as the "Primary Mine Entrance Location" is the terminus of CR 140 at the Holman property. This location was in direct violation of Chaffee County Resolution 2017-58, which prohibited any incidental use of CR 140 or CR 250 in connection with the operation of the proposed gravel pit. When Mr. Bennetts was advised this "Primary Mine Entrance Location" was prohibited, he responded #10 of the application "inadvertently indicated the coordinates of the center of the pit rather than the coordinates of the access location." (See Applicant's March 2, 2022 Response Letter, paragraph 3). To support this misleading statement, Mr. Bennetts' referenced Exhibit 2, which was included with his 3/2/22 response. Exhibit 2 indicates that it was prepared by using "Google Earth". Mr. Bennetts, who signs his letters as "P.E." is presumably a licensed engineer, and therefore knows, or reasonably should know, that using Google Earth is not an accurate nor acceptable method to determine latitude and longitude for a legal document. A cursory use of Google Earth reveals that the coordinates provided by Mr. Bennetts on Exhibit 2 for the "center of the pit" are incorrect.

In contrast, Exhibit B attached hereto and incorporated herein by reference, was generated by the use of a Garmin GPS 60CS, with a lock of five (5) satellites at the time the coordinates were taken at terminus of CR 140 and the Holman property. Exhibit B demonstrates, the coordinates provided by Mr. Bennetts in his Exhibit 2 as “the center of the pit” are incorrect. Hence, the statement made by Mr. Bennetts in his March 2, 2022 response letter that he “inadvertently” used the “coordinates for the center of the pit rather than the coordinates of the access location” is false.

Mr. Bennetts was further advised by the DRMS in the Application at #2, page 6, that if the information contained in the application “misrepresent important material facts” the DRMS may impose a civil penalty upon the applicant. Despite being so advised that “misrepresentation of material facts” to the DRMS was a violation of Colorado Law, Mr. Bennetts falsely stated in his February 17, 2022, letter to the DRMS that the applicant had “obtained legal access to the proposed mine location...by obtaining the ...CDOT Highway Access Permit” and that the Design Plans dated 1/27/20, submitted to CDOT were “approved”. Both statements were “misrepresentations of material facts” in violation of Colorado Law.

After acknowledging they are without any legal access to operate the proposed mine at this time, the Applicant states “once the R.B.Pit Application has been approved by DRMS, the Applicant will immediately continue with the step necessary to construct the access improvements specified in the terms and conditions of the CDOT Permit.” (See Applicant’s March 2, 2022 response letter). This statement assumes the Applicant will be able to meet the terms and conditions of the CDOT Permit. One of those terms and conditions is provided at 2. C. of the CDOT Permit. This item requires the Applicant to provide Design Plans which “show the existing highway ROW, property lines and easements as determined by a Professional Land Surveyor, for the entire length of the access improvements along the highway. If the proposed improvements along the highway encroach on the existing ROW or easements, ROW Plans are required for the dedication and/or acquisition of the necessary ROW/easements.” (See Attachment, page 21, of Applicant’s 2/17/22 Response).

Despite having nearly two (2) years since obtaining the CDOT Permit, the Applicant has failed to provide any Design Plans which indicate the property lines, easements and highway ROW upon which the proposed improvements would be constructed. Based on the aerial maps submitted by the Applicant, it does not appear that the proposed improvements can be constructed upon the Holman property, thereby requiring ROW Plans. Thus, the Applicant would be required to obtain the necessary ROW/easements, which to date, apparently the Applicant has been unable to do.

In summary, 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. Lacking the legal right to use the only public roads available to transport the mined materials from the Holman property, the Applicant resorted to being dishonest with the DRMS in attempting to obtain the referenced mining Permit. Therefore, the Application should be denied.

Please contact us if you need any further information regarding this matter.

HAYDEN SPRINGS RANCH LLC

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

Mark Anderson,  
Manager

# HOLMAN GRAVEL PIT ACCESS EXHIBIT

