



STATE OF
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

Objections to the Bernhardt Application

1 message

Zuber - DNR, Rob <rob.zuber@state.co.us>

Mon, Nov 13, 2023 at 1:09 PM

To: JC York <jcyork@j-tconsulting.com>, Andy Carpenter <acarpenter@ihcscott.com>

Gents -

Please see attached.

Thanks again for your time last week.

Rob

Rob Zuber, P.E.
Environmental Protection Specialist
Active Mines Regulatory Program



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

I am working remotely and can be reached by cell at 720.601.2276.

Physical Address:

1313 Sherman Street, Room 215

Denver, CO 80203

Mailing Address:

Division of Reclamation, Mining and Safety, Room 215

1001 East 62nd Avenue

Denver, CO 80216

rob.zuber@state.co.us | <http://drms.colorado.gov>



Bernhardt_Application__DRMS_Notice_of_Objections_Received_with_enclosures.pdf
570K

November 13, 2023

Andy Carpenter
IHC Scott, Inc.
10303 East Dry Creek Road, #300
Englewood, CO 80112

**Re: Bernhardt Sand and Gravel Pit, File No. M-2023-025,
112 Construction Materials Reclamation Permit Application,
Notice of Objection Letters Received**

Mr. Carpenter:

The Division of Reclamation, Mining and Safety (Division) has received timely objection letters for the Bernhardt Sand and Gravel Pit, File No. M-2023-025. These letters were received within the public comment period, which closed on November 8, 2023. Because a timely objection has been filed, pursuant to Rule 1.4.9(2)(a), the Division shall schedule the permit application for a hearing before the Mined Land Reclamation Board (Board). Notice of the Board hearing will be sent once it is scheduled.

Authors of objections received November 8, 2023

- Jim Gochis, Hidden Platte Ranch
- Mike Janeczko
- Cheryl Kasten (also representing Carlene Stroh and Karen Currier)
- Jerry Ladd, Little Platte Farm LLC.

Copies of the correspondence received are enclosed for your records. Please inform the Division of how the applicant intends to address the jurisdictional issues raised by objectors. This information can be submitted during the adequacy review process.

If you have any questions, you may contact me by telephone at 720-601-2276 or by email at rob.zuber@state.co.us.

Sincerely,



Robert D. Zuber, P.E.
Environmental Protection Specialist

Enclosure: Objections received

Cc: J.C. York, P.E., J&T Consulting, Inc.
Michael Cunningham, DRMS



STATE OF
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

Objection Letter to M-2023-025

2 messages

Jim Gochis <hiddenplatteranch@gmail.com>
To: rob.zuber@state.co.us

Wed, Nov 8, 2023 at 12:23 PM

I own 250 acres of land south and west of the proposed mining operation. I am very concerned with the impact the proposed mining project will have on my property.

Specifically, my concerns are:

1. Groundwater table. The water table is very close to the surface 3-7 feet per Exhibit G. Slurry walls often cause mounding. The proposed slurry wall is essentially along the property line and thus any off-site impacts on the upstream side will be on my property. I do not want the north end of my property to become wetlands.
2. Drain pipe. The operator should be required to install a drain pipe to alleviate upstream mounding. The F-1 reclamation map shows the location of a "perimeter groundwater drain (if necessary)". We should prevent the problem rather than fix it after the fact.
3. Flooding. Historically during flood events, water has flowed through my property and into the proposed mining property. In recent years, it appears that a berm up to 10 feet in height in places has been constructed on the west side of the mining property. This will protect the mining property to the detriment of my property and surrounding properties since the farmland historically used to accommodate flood volumes will no longer be available. See attached aerial from June 2014 showing evidence of a deep cut on the west side of the mining property and evidence of erosion and deposition across most of the mining property. Floodwaters have been carried through an irrigation channel that has not been in use for years. Head gates still remain on my property that the berm had been built after 2013. The other split in the water flow the canal between my property and the proposed mining operation that carried the water to the Platte River since has been filled with trees and other debris, which could leave my property vulnerable as the flow of water that leaves my property at the high flood area, I think the building of the berm that let the water flow across the mining property, and the fact that the old canal along the property line has been filled with trees and other debris that could lead to a High water situation that could be detrimental to not only my property but to the surrounding properties as well. This picture was taken after the flood event in Sept 2013. Approximately 95% of the mining site is in the floodplain. How will the mining and reservoir affect the floodplain and flooding on my property?
4. Will the reservoir have a structure to control flows into the reservoir during flood events?
5. The C-2 Mining Map shows an underground electric line and gas line running southeast from my property across the mining property to north-northeast. These lines are proposed to be removed. Are they active? Will they affect any service to my property?
6. Finally, I am disappointed that IHC Scott has never reached out to me regarding this project. I am a reasonable person, support mining, and work in a construction-related business. Their project has the potential to impact my property significantly and there should be better communication.

I have attached an overhead view showing the berm installed in 2014 the highlighted yellow shows the drainage canal

Sincerely,

Jim Gochis
Hidden Platte Ranch
20435 WCR 23
Milliken, Co 80453

Aerial photos from 2014.



2014 Berm.png
1617K

Jim Gochis <hiddenplatteranch@gmail.com>
To: rob.zuber@state.co.us

Wed, Nov 8, 2023 at 12:33 PM

I would like to add that I do not want any access granted through my property for these mining operations.

[Quoted text hidden]

STATE OF
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

Comments on M-2023-025

1 message

Michael Janeczko <majaneczko@gmail.com>

Wed, Nov 8, 2023 at 4:17 PM

To: "rob.zuber@state.co.us" <rob.zuber@state.co.us>

Mr. Zuber,

My name is MIke Janeczko. I am a direct neighbor on the north side of the proposed sand and gravel mining operation along the South Platte river.

I just found out there is a deadline of TODAY for objections and comments on this proposed operation.

I received no notice of any kind from the state on this proposal. I also have received no notice from Weld county on the results of their hearing that occurred back last spring. The only info I have is a plat map of the mining op that I requested from Weld county at that time.

As a result, I am kind of shooting from the hip on this situation.

I sent an objection letter to the county at that time informing them that there is an active eagle nest appx. 1300 feet from the north boundary of their "cell 4" of their sand and gravel mine.

I have had no reply as to what the status of that objection might have been.

My other main concern is that I firmly believe that the nest will most likely be abandoned due to the operation of the facility. (Obviously the truck traffic, dust and associated noise from the operation).

My second concern is that during high water events such as the flood of 2013 and rainy spring of 2015 the south platte river breached the bermed bank on my property in two different areas downstream of this proposed operation.

One erosional spot eroded the bank so much that it almost broke through which would have diverted the main channel of the river through my property bypassing the leg of the river that feeds the main union ditch diversion dam completely. This bank is maintained by the Union Ditch company. They were forced to bring in numerous loads of fill and concrete rip rap to avoid this catastrophe.

So, if there is any type of berm, retaining wall or other structure being built on the west side of this mine it most likely will streamline the flow of the channel against the north side of the riverbank (on my property) thereby enhancing the likelihood of a major breach of the existing berms and consequent flooding of my land.

So....are all of these concerns being addressed in this application?

I am not one of those old codgers that is anti-everything....just very concerned that the lack of any kind of communication with a direct neighboring landowner on this proposal has been so staggering.

In closing, I operate my 258 acres along the river as a wildlife sanctuary. I am very saddened that the beautiful and productive Phelps farm which over the years also protected (and provided forage for) the wildlife is being turned into a huge sand and

gravel pit. There just aren't very many places left for the mule deer, whitetails, and numerous other critters as well as waterfowl to be safe along the River corridor in this area.

If I can pull it off I will forward a copy of my letter to the county.

VTY

MIke JAnecko

November 8, 2023

To: DRMS, Rob Zuber, PE/rob.zuber@state.co.us

Regarding: M-2023-025

My two sisters and I, Cheryl L. Kasten, Carlene M. Stroh, and Karen S. Currier, own property to the west and south of the proposed Bernhardt Gravel Pit.

We have some concerns of this proposed gravel pit:

1. What roads will the trucks hauling the gravel out and traveling back to the proposed gravel pit be using? Our property butts up next to the former Bernhardt property. There is a road that goes between the fields on the two different properties to Weld County Road 46. I sincerely hope this road is not the one going to be used. Our property is used for farming. Trucks going back and forth on this road would cause problems. In addition, no one has asked/talked to my two sisters nor I about using this road for hauling gravel in and out of the proposed gravel pit.
2. Putting up a berm around the proposed gravel pit will cause flooding on our property, especially during heavy rains. During the 2013 flood, the east side of our farm was flooded, as was the west side of the former Bernhardt property. In fact, the Bernhardt farm, specifically where the proposed gravel pit is to be dug, was completely covered in flood water. I have pictures of the 2013 flood that show the extent of the flooding. The water drained back into the South Platte River. If there is a berm in place, how can the water drain back into the South Platte River from our property? Also, our water well is in this same area. The proposal said it would not impact our water well. If the water from flooding cannot drain back into the South Platte, then it **WILL** affect our water well.
3. The South Platte River in this area is a place where turkeys, deer, and other wildlife migrate to. There are deer trails all over our property going to the former Bernhardt property to get to the South Platte River (especially under the railroad trestle). The proposed gravel pit will greatly impact the wildlife in this area.
4. According to the proposal, after the gravel is mined out, the pit will become a reservoir. Why does there need to be a reservoir (another body of water) when the South Platte River is close by? Again, back to concern #2. Putting in a reservoir will cause flooding on our property. In addition, in the event of another flood, where does the overflow of the water from this reservoir go to? On our property? How are you going to keep the water/erosion from the reservoir from seeping under the railroad trestle onto our property? There is a natural ravine under the railroad trestle on our side. Putting in a reservoir does not make sense to us.

Sincerely,

Cheryl L. Kasten, 511 North Sholdt Drive,
Platteville, CO 80651
Carlene M. Stroh
Karen S. Currier

November 8, 2023

To: DRMS, Rob Zuber, PE/rob.zuber@state.co.us

Regarding: M-2023-025

My two sisters and I, Cheryl L. Kasten, Carlene M. Stroh, and Karen S. Currier, own property to the west and south of the proposed Bernhardt Gravel Pit.

We have already voiced our concerns, previously sent today via e-mail, and we have more concerns:

1. The gravel pit in the proposal shows, in some places, to infringe over our property line. That is not right.
2. We are concerned that the easements are going to be used for more than what they were intended to be used for.
3. What is the reservoir going to be used for? Is there something it is going to be used for in the future – that we do not know of - like for recreational purposes?
4. We have a problem with how this whole thing went down. We were initially sent a letter from the Town of Milliken stating there was a meeting that was going to be held concerning the gravel pit proposal. We were never contacted again after that initial letter until I received a letter from IHC Scott stating we could view the entire permit application at the Weld County Clerk to the Board or the DRMS office. If we had been contacted previously to this last letter, we wouldn't have as many questions/concerns as we do now.

Sincerely,

Cheryl L. Kasten, 511 North Sholdt Drive,
Platteville, CO 80651
Carlene M. Stroh
Karen S. Currier

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Zuber - DNR, Rob <rob.zuber@state.co.us>

Objection to M-2023-025ssi

1 message

Jerry Ladd <jdl@doorwaysinc.com>

Wed, Nov 8, 2023 at 2:56 PM

To: "rob.zuber@state.co.us" <rob.zuber@state.co.us>

Mr. Zuber,

I am the owner of a 155 acre farm located within one mile of a proposed sand and gravel mine, noted above. My land lies along the South Platte River, on both banks of the river. Flood water is a major concern, based on the events of 2013, and elevated water flows this past summer.

I just learned of the proposed mining operation yesterday, and I am shocked by the lack of disclosure required to affected landowners at the time the permit application was first filed. Oil and gas operations have an extensive disclosure requirement, but a surface mine immediately adjacent to the river that is over 100 acres in size has no disclosure requirements??

Flood water management is a major concern, because the proposed mine is located entirely within the flood plain. The mine would have a damming effect on flood waters, which could significantly raise water levels immediately upstream. As well, what would be the impacts on wildlife habitat and migration; are those not valid environmental concerns to be addressed?

In fairness to all parties, and to avoid favorable bias being shown to the mining company, time should be provided for the mining company and impacted neighbors to meet and have discussions. I purchased my land in March, 2022 and outbid interested mining buyers, so I am keenly aware of land investment costs. The playing field should be level, with all parties properly informed and allowed opportunities to provide input.

Jerry Ladd

Little Platte Farm LLC

303-710-1970 (cell)

jdl@codoor.com

[11283 County Rd 40.5](#)

[Platteville CO](#)