

STATE OF  
COLORADO

Gagnon - DNR, Nikie &lt;nikie.gagnon@state.co.us&gt;

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**RE: Nissan Farm AM1 Public Comment Objections**

1 message

**Joel Bolduc** <Joel.Bolduc@burnco.com>

Thu, Dec 5, 2024 at 11:27 AM

To: "Gagnon - DNR, Nikie" &lt;nikie.gagnon@state.co.us&gt;

Thank you, Brandy Allen spoke with me on the phone. The Fosters also reached out and Erik Vieyra and I met with them in person at their house. The tone of both conversations went well. They have legitimate concerns being so close to the plant site, especially the Fosters.

We'll follow up with them. I think most of their concerns are going to be more in the sphere of the county (noise, traffic, etc.).

Thank you.

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**From:** Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>**Sent:** Thursday, December 5, 2024 10:55 AM**To:** Joel Bolduc <Joel.Bolduc@burnco.com>**Subject:** Nissan Farm AM1 Public Comment Objections**[EXTERNAL EMAIL]**

This email was sent from an entity outside of our organization. If the email sender's name resembles someone who works for our organization, this email should be deleted or reported via your PhishAlert button in Outlook.

Hi Joel.

Please see the attached comment letters received by the Division on the Nissan Farm Amendment, permit no. M-2003-001. The group letter was received before the comment period end date, December 3, 2024. The email from Mr. Lobban was received on December 4, however, he is also a signer on the group letter and reiterates the concerns of the group.

I'll send the adequacy review letter to you by the end of the day tomorrow.

Best regards,

**Nikie Gagnon**

**Environmental Protection Specialist**



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

Cell: 720.527.1640

Physical: [1313 Sherman Street, Room 215, Denver, CO 80203](#)

**Address for FedEx, UPS, or hand delivery:**

DRMS Room 215, [1001 E 62nd Ave, Denver, CO 80216](#)

[nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us) | <https://www.drms.colorado.gov>

November 22, 2024

Division of Reclamation Mining and Safety  
1313 Sherman Street, Room 215  
Denver CO 80203

**RECEIVED**

**DEC 02 2024**

Colorado Division of Reclamation,  
Mining and Safety

Subject: Concerns Regarding Proposed Mining Site

To whom it may concern,

We are writing to express our concerns regarding the proposed mining site that borders our property to the west. As you may be aware, we already experiencing significant disruptions from the mining activities occurring to the north of our property. The persistent noise, particularly from the truck boxes that are not properly secured, has affected our daily life. Despite our efforts to address this issue with the pit manager, we continue to face these disturbances.

Additionally, the dust generated from the current operations has made it impossible for us to use our clothesline, and we find ourselves needing to replace filters in our home far more frequently. The addition of the proposed mining site is likely to exacerbate these challenges.

The location of the new site will be directly adjacent to our front door. While we currently deal with substantial piles of dirt and sand to the north, having similar disturbances right outside our front door would significantly impact our quality of life.

Moreover, access to our property requires sharing a road that runs through the existing mining operation. This has posed safety concerns, especially for our grandchildren, who use to enjoy visiting the property. Although we were promised a separate access road, no progress has been made in this regard, which often leaves us feeling landlocked and unable to safely reach our property.

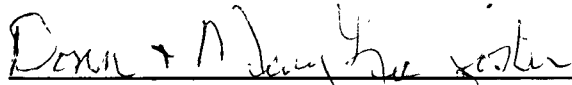
I have attached photographs that illustrate the view from our front door, the location of our property in relation to the sand piles, and the road we already share and the one we are expected to share.

Given that this area is designated as a rural residential community, we respectfully ask for your consideration of the impact this proposed mining site would have on our close-knit community.

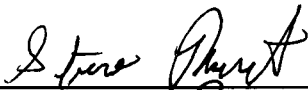
Thank you for your attention to this matter.

Donn and Mary Lee (Hardy) Foster

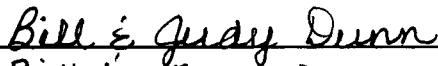
Names, addresses and phone numbers of neighbors with the same concerns:



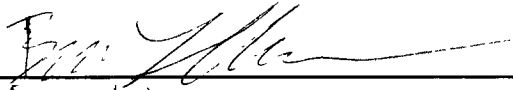
Donn and Mary Lee Foster  
23989 CO RD 58  
Greeley CO 80631  
970-396-5481



Steve Rosenquist  
Address:  
23982 CR 58  
Greeley CO 80631  
Phone:  
970-396-8765



Bill & Judy Dunn  
Address:  
24011 CR 58  
Greeley CO 80631  
Phone:  
970-356-4161



Ben Lobman  
Address:  
23952 CR 58  
Greeley CO, 80631  
Phone:  
719-640-3587



Kevin Brittner  
Address: 23700 CR 58  
Greeley CO 80631  
Phone:  
970-539-8467



Brandy Allen

Trevor and Brandy Allen

Address: 23962 CR 58  
Greeley, CO 80631

Phone: 307-277-0047

Steph and Sam Ellis

Stephane and Sam Ellis

Address: 23752 CR 58  
Greeley, CO 80631

Phone: 303-210-8288

Address:

Phone:

Address:

Phone:

Address:

Phone:



View out our front door, showing the mining operations to the north of us.





View out our front door for proposed mining site.





View out our front door for proposed mining site.



Showing dust off of existing operations on a calm day, when the wind blows the area is covered in dust, sometimes we can't see the neighbor's houses.



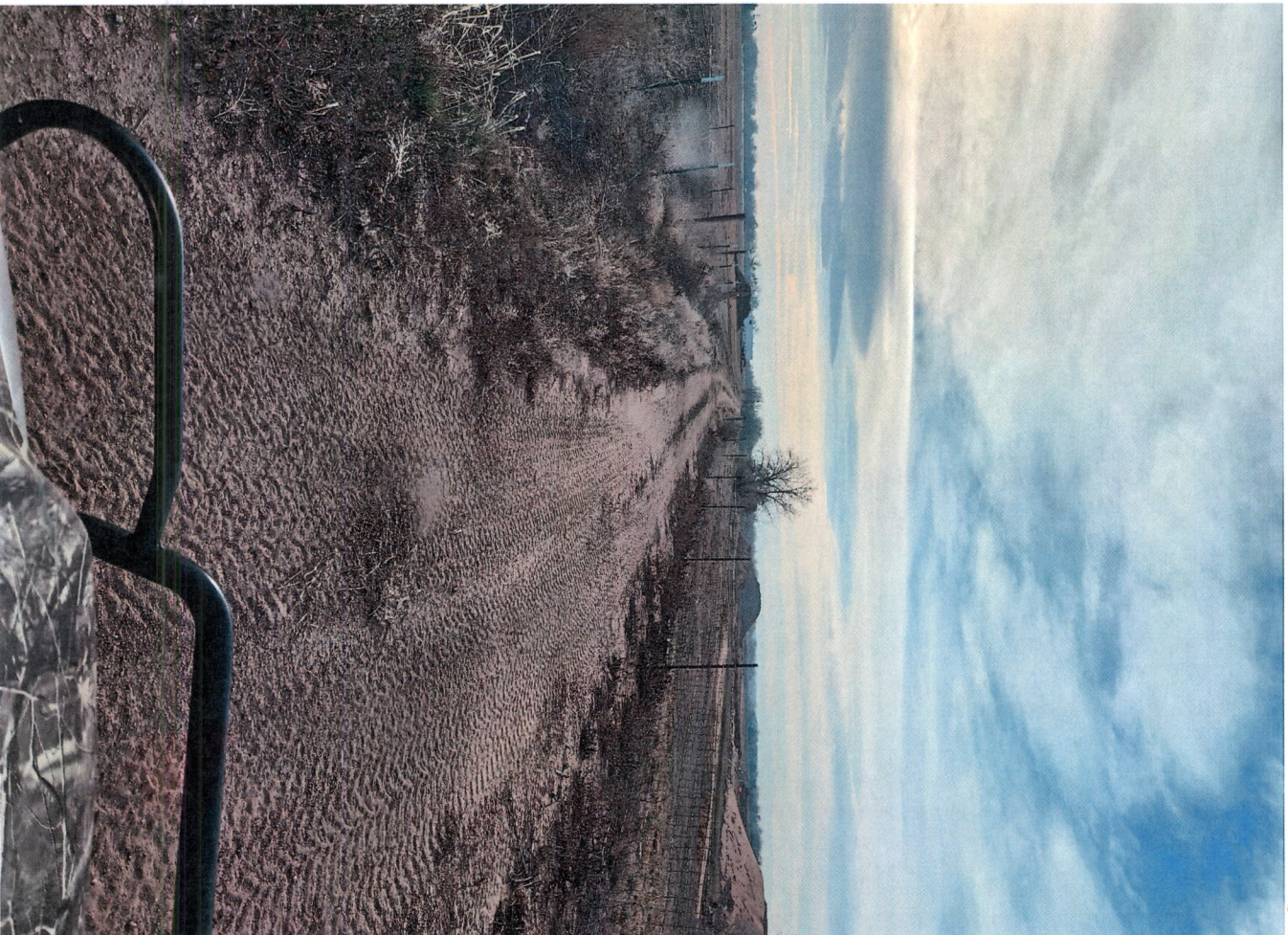




Dirt coming off the pit on Sunday  
11\24\24



Road that we will be sharing if mining  
site is approved.





Road that we share going through  
mining operations to our property, you  
can see our tree tops in the distance  
behind sand piles.





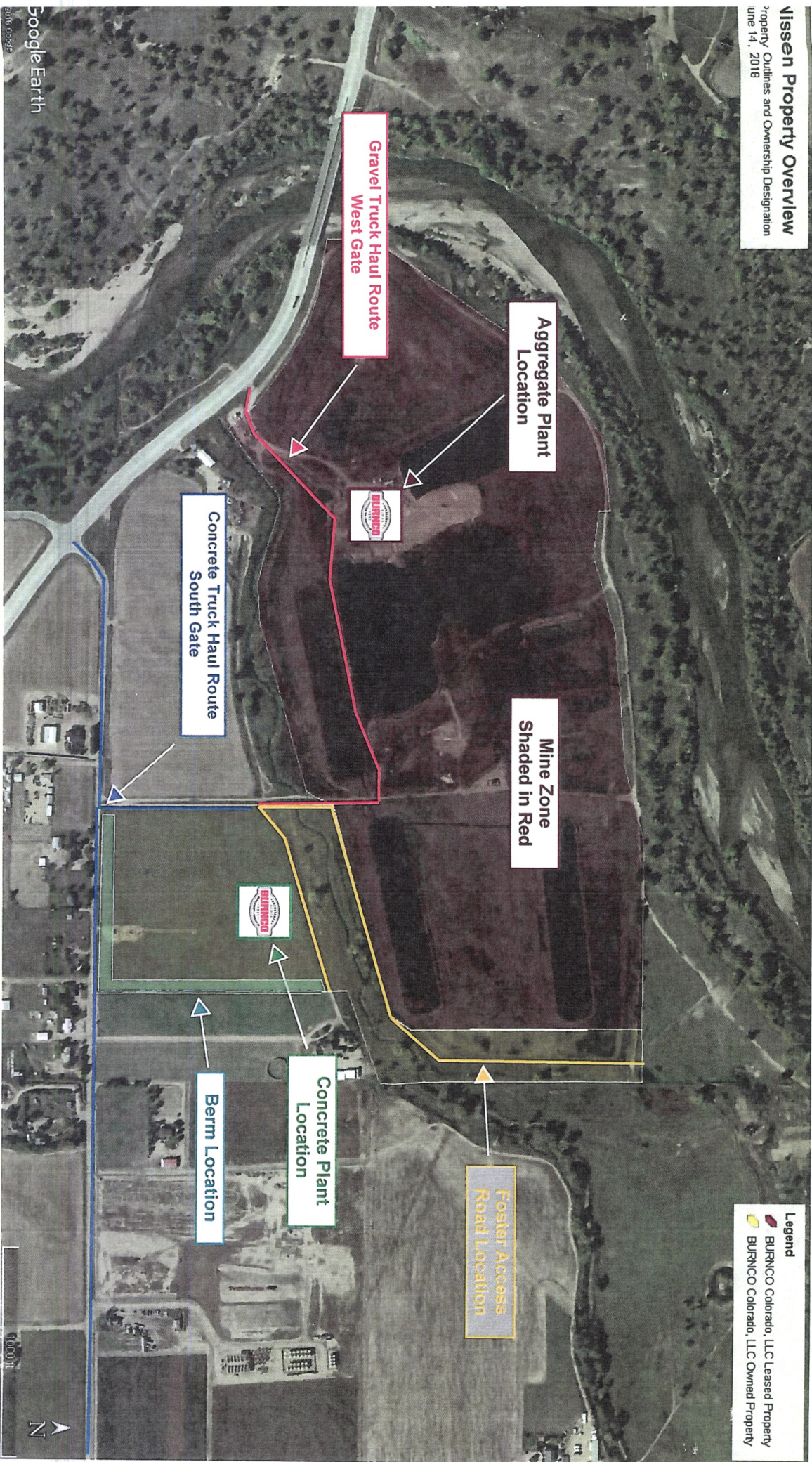
Road that we share going through  
mining operations to our property, you  
can see our tree tops in the distance  
behind sand piles.





# Nissen Property Overview

Property Outlines and Ownership Designation  
June 14, 2018



**Legend**

- BURINCO Colorado, LLC, Leased Property
- BURINCO Colorado, LLC Owned Property



safety of the children getting on and off the bus every day. Because the bus is facing the west and the children are loading on and off the bus from the south side of road, they have to cross over the eastbound traffic lane to get on the bus. This was the same concern back in 2003 and still is today. I would like to clear up an untrue statement made by Mr. Mark Johnston at the planning commissioner meeting by reading a letter from Platte Valley School district that was sent to this board after they were made aware of what was happening with this case. I think that Platte Valley School district has made their position very clear.

- d. We were told by Mark Johnson that **a road would be built** to give us passage to our property to the north of the mining pit and that has not happened. We have never been denied access to our property but common sense tells you that our children and grandchildren can't go to our property during mining operations.



This is what we see every morning out our bedroom window. Headlights start at 6:00 am right in the window, shining through the room. We deserve to live a peaceful life in our home.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL**®



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DEC 02 2024

Colorado Division of Reclamation,  
Mining and Safety

Division of Reclamation Mining and Safety  
Attn: Shannon M.  
Kern, MS  
Denver, CO 80203

**Retail**



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STATE OF  
COLORADO

Gagnon - DNR, Nikie &lt;nikie.gagnon@state.co.us&gt;

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**Bronco amendment M2003001**

1 message

**Ben Lobban** <ben.lobban@yahoo.com>

Wed, Dec 4, 2024 at 1:05 PM

Reply-To: Ben Lobban &lt;ben.lobban@yahoo.com&gt;

To: "drms\_info@state.co.us" &lt;drms\_info@state.co.us&gt;, "nikie.gagnon@state.co.us" &lt;nikie.gagnon@state.co.us&gt;

To Nikie Gagnon, Department of Reclamation Mining and Safety,

I am writing to formally express my strong opposition to the proposed amendment to Burco Colorado LLC's MLRB permit, which seeks approval for processing material at the site located in the southeast 1/4 of Section 12, Township 5 North, Range 65 West of the 6th Principal Meridian, within Weld County, Colorado. This area is generally bounded by WCR 58 to the north, and the existing Nissan Sand and Gravel Mine.

I am joined in this opposition by numerous neighboring landowners and affected parties, all of whom will be adversely impacted should this amendment be approved. A signed letter of opposition, which includes signatures from the majority of residents who will be directly affected, has already been submitted to your office.

The proposed amendment would allow Burco to move aggregate sorting machinery, conveyors, and stockpiles to a location above the existing Nissan Mine. This relocation poses significant concerns that will detrimentally affect the surrounding community. The following points highlight the most pressing issues:

**1. Quality of Life Impact**

The current operation has already caused significant noise, visual, and air quality disturbances. The proposed relocation of machinery and operations will bring the most disruptive aspects of the site directly to my and my neighbors' doorsteps. The aggregate sorting machinery and conveyors, in particular, will create substantial noise pollution. As it stands, the noise from the existing operations is audible within my home, and relocating these operations just a few hundred yards closer will make it unbearable. The constant noise from machinery, as well as the back-up alarms, will severely hinder our ability to enjoy our homes and peaceful neighborhood.

**2. Air Quality and Dust Issues**

The transportation and stockpiling of aggregate materials on the closer parcel, which is more exposed to wind, will exacerbate dust and air quality issues. These impacts, which are already problematic, will be intolerable if the proposed amendment is approved. My family has resided in this area since 1967, and it is unconscionable that Burco is willing to compromise the well-being of long-standing residents in pursuit of financial gain.

**3. Negligence by Burco**

Burco has shown a consistent disregard for operational guidelines under the current permit. They have routinely operated outside the designated hours, working before sunrise and after sunset, seven days a week, disturbing the peace with machinery noise, headlights, and back-up alarms. Despite being confronted on these issues numerous times, Burco has repeatedly claimed delays in their operations as an excuse. This pattern of negligence undermines confidence in their ability to operate responsibly and further raises concerns about their handling of the proposed expansion.

**4. Previous Permitting and Failures to Address Mitigation**

Burco received Weld County Planning Commission approval for a concrete plant in October 2018, with a three-year timeline to begin operations. This approval was extended, yet the latest extension expired over a year ago in October 2023. My neighbors and I have petitioned Weld County to revoke the permit due to Burco's failure to act within the required timeframes. Additionally, the company has failed to fulfill visual mitigation requirements by leaving derelict equipment on the site since 2019 without taking any steps to develop or address the unsightly appearance of the property. This lack of care is deeply concerning, especially in light of Burco's request to expand operations.

In summary, the proposed amendment is met with widespread opposition from the community, and the concerns outlined above reflect the significant and measurable negative impacts that this approval would bring. I respectfully urge the Department of Reclamation Mining and Safety to consider the interests of the local residents over the expansion of a Canadian-based company that has failed to demonstrate community responsibility during its time in Weld County.

I am available to provide further information or discuss any questions regarding my submission. Please feel free to contact me via email or phone.

Thank you for your consideration.

Sincerely,  
Ben Lobban  
[23952 County Road 58, Greeley CO, 80631](#)

719-640-3587