

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



March 7, 2013

Zane Luttrell
Rocky Mountain Aggregate and Construction
23625 Uncompahgre Road
Montrose, CO 81401

Greg Lewicki
Greg Lewicki and Associates
11541 Warrington Court
Parker, CO 80138

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Pifeda
Director

RE: Objection to a 112c Application, Uncompahgre Pit, File No. M-2013-007.

Dear Mr. Luttrell and Mr. Lewicki:

On March 6, 2013, the Division received an objection to the Uncompahgre Pit from Janice Wheeler, dated February 25, 2013. Copy of the objection is enclosed for your records.

On February 26, 2013, the Division determined the application complete for the purposes of filing. Therefore, the public comment period opened on February 26, 2013, and the objection from Ms Wheeler is timely.

One of the jurisdictional issues raised by Ms Wheeler is an error in the public notice. Specifically, the notice required under Rule 1.6.2(1)(b). Pursuant to Rule 1.6.6, if a notice is in error the Applicant shall be required to publish and mail a new notice of the application. In the event the Applicant is required to issue a new notice, all applicable deadlines shall begin to run anew. Please inform the Division how the Applicant intends to address the jurisdictional issues raised by Ms Wheeler.

Please contact me at the Division's office in Durango at 691 County Road 233, Suite A-2, Durango, CO 81301, phone (970) 247-5469, if you have any questions.

Sincerely,

Wallace H. Erickson

Environmental Protection Specialist

Enclosure: Objection to application from Ms Wheeler

Ec w/enclosure: Russ Means, DRMS GJFO

Whe

M-2013-007

February 25, 2013

Division of Reclamation, Mining and Safety

1313 Sherman St. Rm 215

Denver, CO 80203

RECEIVED

MAR 06 2013

DIVISION OF RECLAMATION
MINING AND SAFETY

To Whom it May Concern,

I have enclosed a photograph of the Public Notice Posted by Rocky Mountain Aggregate and Construction, LLC ("the Company" hereafter). This "Public Notice" is placed approximately 40 feet INSIDE their property line at the end of a dead end road, T Road. I have also enclosed the Posted sign that is located at the property line. Generally the gate is closed, at the time the photo was taken it was open. In addition, the County listed is Mesa County—this property is in Montrose County, and it is the Montrose County Clerk's office that has the copy of the application. It does not seem that this is an acceptable error for a Public Notice of this magnitude. The location is completely unacceptable as well.

This gravel pit will have tremendous impact on the local area. According to the Montrose County Master Plan this area not only is not considered a "gravel resource"—see maps on their website, but it is listed as Agricultural, Rural Residential, Critical Mule Deer Habitat, Winter Elk Habitat, and has "Substantial" Wildfire Danger. There are two Diesel tanks requested, one 3,000 gallons and one 10,000 gallons. Should these be allowed year round in "substantial" wildfire danger area? Bio-Logic, who they used to do the wildlife survey, says the area has "no Raptors". We see Raptors every day, all day in this area; from Red Tails to Golden Eagles to Bald Eagles to Falcons. If this statement is inaccurate, imagine how inaccurate their other statements are. The Colorado Department of Parks and Wildlife has listed this property as "Occupied" Sage Grouse territory on their Endangered Species maps. This bird, as you know, is being considered for the Endangered Species list. This land borders BLM on one side and also is home to Mule Deer, Elk, rabbits, red fox, coyotes and many other species found in this area. Every fall the Deer and Elk rut just below the Mesa that the company is proposing to demolish.

The Company is proposing a 105 year plan to mine this area! According to their numbers, (which our County planning department says are very low estimates of actual harvest), operating 7 months of the year, 1694 hours, that is 61 trucks per day down T Road, and then most of them return, or one every 6 minutes or so. T Road connects directly to the busy north south highway 550. There are times I sit for minutes just trying to turn onto this highway. The application claims that there would be no noticeable impact on the traffic patterns in this area, this statement is inconceivable.

There is a United Gravel pit within one mile of this proposed site. With the extremely poor condition of the economy in Montrose County, I have yet to talk to anyone who sees a need for another gravel pit in this area. While we support healthy competition, why disrupt such a crucial wildlife area AND many people's lives? This property is surrounded on three sides by residences and one side by BLM.

Please feel free to contact me with questions or additional information, I look forward to hearing from you on this matter at your earliest convenience.

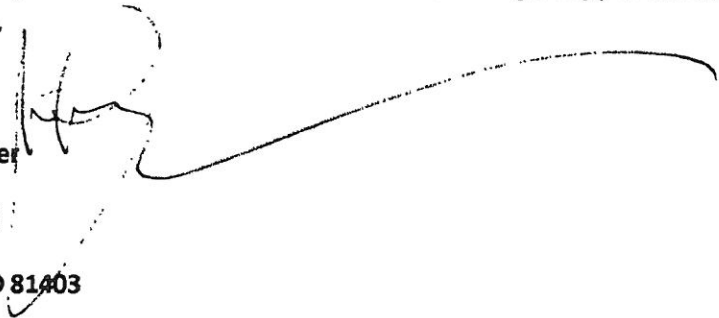
970 209-9630

Thank you for your time and consideration. I am emailing a copy of this letter as well to the email on your website.

Janice Wheeler

67269 T Road

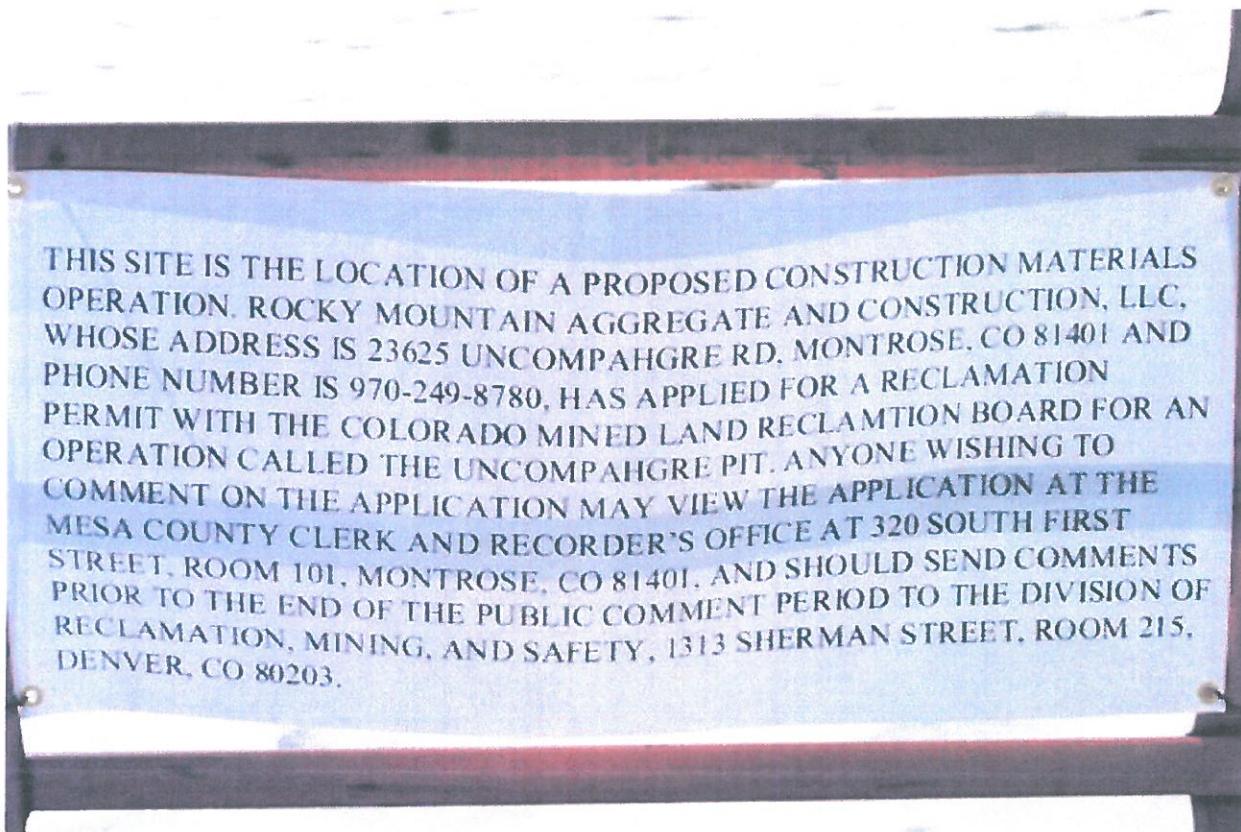
Montrose, CO 81403

A handwritten signature in black ink, appearing to read 'Janice Wheeler', is written over the typed name and address. The signature is fluid and extends to the right, ending in a long, sweeping horizontal stroke.

Janice Wheeler

From: "Janice Wheeler" <janice@pineconeunlimited.com>
To: "Janice Wheeler" <janice@pineconeunlimited.com>
Sent: Thursday, February 21, 2013 8:32 AM
Subject: Fw: 7 great iPhotos

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DSC_0570.JPG



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