

March 9, 2018 General Meeting: Report by Vicky Kipp

What I want to talk to you about this morning is the proposed Quarry to be located on the Hitch Rack Ranch Property along Highway 115. I will probably not be able to answer many of your questions. The main thing I have come to understand is that the process of opposing a mining permit is difficult and takes diligence and perseverance to succeed.

Briefly, Transit Mix Concrete, a subsidiary of Continental Materials of Chicago and Sister Company to Castle Concrete has re-applied for a permit to mine for aggregate on a portion of the Hitch Rack Ranch. Their first permit filed in 2016 was declined by the Mined Land Reclamation Board. That permit is under appeal. It could prevail upon receiving a favorable hearing in appeal.

The amended proposal is the one of immediate import. Transit Mix has amended their application to decrease the size of the quarry to 200 acres instead of 400. They have addressed water quality concerns and road access to quarry. They have reduced quarry lifetime to 30 from 55 years and the revised the impact on wildlife. They have moved the Quarry site to the south side of the creek. All this is hypothetical.

If the first permit is granted under appeal or re-submitted once operations begin, the size of the Quarry may be increased.

We have:

Transit Mix-the mining company

The Highway 115 Citizens Advisory Committee- a group of neighbors and opponents who have taken on the task of opposition and have diligently learned the various processes and procedures.

The State Land Board- they own the mineral rights beneath the Hitch Rack Ranch-they issued a mineral lease to Transit Mix Concrete giving it the right to explore and develop construction materials beneath the property.

El Paso County-will have to issue a special use permit to Transit Mix. Concerns over road safety, drainage, sewer and approximately 7 other impacted departments will each need to issue a separate permit and may do so independently of one another and with no coordinated timeline. Those permits can be issued without the quarry permit being finalized. It has been suggested that 6 days a week each month somewhere between 466 and 600 loaded gravel trucks will enter Hwy 115. The Road, safety and traffic conditions are a County problem and have nothing to do with the permitting process.

Heirs to the Hitch Rack Ranch-The Hitch Rack Ranch was put on the Market at \$6,400,000. It didn't sell. A group of interested parties has made an offer on the land at fair market value and have been turned down. The heirs will profit long term with the Transit Mix deal.

Barbara Ingersoll-was president of our BGC in the late 1980s and helped our club understand the importance of the Aiken Canyon. It adjoins the Ingersoll Ranch. It was then that our club joined with many others including The Nature Conservancy, The Audubon Society, and Colorado College to promote the preservation of the Canyon. We donated money, led hikes, helped gather data, had bumper stickers printed to be distributed, wrote letters and collared anyone who would listen. This was no easy task and it took several years.

Aiken Canyon-Next to the Hitch Rack Ranch-is a high quality example of the Southern Front Range foothills ecosystem. The preserve is a mosaic of habitat types including shrub lands, tall grass prairie meadows, pinon juniper woodlands and coniferous woodlands. There are approximately 150 species of wildlife in residence perhaps the most notable is the Mexican spotted owl. There is an important migratory corridor the parallels Hwy 115 and includes open lands on Fort Carson. Animals and plant don't understand platted boundaries.

The Nature Conservancy-has a 99 year lease that began in 1991 with the State Land Board on the Aiken Canyon Preserve which they manage. Some members of our club helped in building the straw bale welcome center on the Preserve. If you haven't been down to the Canyon, it is worth the trip. The Nature conservancy is opposed to the Quarry.

The National Audubon Society and the Aiken Audubon Society are in opposition. Our local society is named after Charles Aiken, an ornithologist who was a U.S. surveyor, taxidermist and collector who knew in the 1870s the importance of the unique environment of the region noted it.

Ell Pomar Foundation-The Ingersoll Ranch is to be deeded to the Foundation and preserved as undeveloped land. They are opposed. There is also other property in adjacent areas that might go under conservation easements if the quarry is denied, making this an even larger protected ecosystem.

Many neighbors to the Quarry who voiced opposition were individually served a summons to pay for Transit Mix attorney's fees. It included a 21 day time limit to answer and a \$158.00 filing fee. Greg Walta, former Colorado Springs attorney said "For the concrete company to sue these people, seek attorney's fees and put average citizens in a position to have to hire lawyers to protect their free speech right is really outrageous. It is a clear infringement on people's free speech and their right to petition their government. Bruce Wright, attorney for the Turkey Canon Ranch Homeowner's

Association noted “That’s money and that has a real chilling effect on whether those people are going to show up the next time Transit Mix applies.

The Menzer Quarry- is a cut stone operation. If they want to increase their operation, they would have to build an underpass to enter highway 115. Their permit was denied.

Colorado Springs City Council Members in 2016-Jill Gaebler, Merv Bennett, Tom Strand, Don Knight, David Geslinger and Andy Pico wrote individual letters of support for the quarry when Transit Mix told them that if they could operate the new quarry, they would close the batch plants on Nevada Avenue (near the dog track) and Costilla Street (next to Shooks Run) and accelerate the closure of the Black Canyon Quarry and Pike View Quarry. The property values of the batch plants and their locales make it more valuable to sell the land than use it as batch plants when there are better alternatives for Transit Mixes needs. Mining was ceased in the Black Canyon Quarry near Manitou in 2015. The Pike View Quarry would still operate for at least 5 more years.

Blasting, heavy equipment and particulate matter in the air are all detrimental to the wellbeing of wildlife. It is also detrimental to anyone who has emphysema or is on oxygen. To say nothing of blocking access roads for residents and emergency vehicles while the blasting is taking place.

So what is next: There will be a Pre-conference Hearing on April 9th from 1:00 to 3:00 pm at Centennial Hall. No need to go there unless you are a registered party who then has mailed in a notarized proxy form. I find this process public unbelievable. Anyway at this hearing the items for the agenda for the MLRB Hearing will be set.

The MLRB Hearing is currently scheduled for April 25 and April 26 in Colorado Springs. A venue hasn’t been secured as they are expecting a large turnout. I’ll be happy to advise you when and where as this is an opportunity to show you disapproval. Crowds do make an impression.

Before March 30, if you would like, you can write or email something stating opposition to Amy Eschberger, Environmental Protection Specialist, Colorado Division of Reclamation, Mining and Safety, Department of Natural Resources 1313 Sherman Street, Room 215, Denver, CO 80203 or amy.eschberger@state.co.us. Reference: Transit Mix Concrete Co., Hitch Rack Ranch Quarry File No. M-2017-049

You can contact anyone of influence you know and voice your opinion.

This is not just a neighborhood problem. It will affect an important asset we value with unknown results. Reclamation is not replacement-note our scar on the mountain. There is enough aggregate close by to last for at least 150 years. If we are an area that touts its natural beauty to the world we need to make certain it remains beautiful.

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