



March 16, 2021

**RE: Recommendation to Conditionally Approve a 112c Permit Application with Objections  
Peak Material, Peak Ranch, File M-2020-041**

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) hereby issues its recommendation for conditional approval of the 112c permit application (Application) for the Peak Ranch Resource, File M-2020-041, submitted by Peak Materials (Applicant).

This recommendation is based on the Division's determination that the Application satisfied the requirements of Section 34-32.5-115(4) of the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 *et seq.*, C.R.S (Act). The Applicant addressed all adequacy issues which were identified by the Division during the adequacy review process to the Division's satisfaction. Therefore, on March 16, 2021, the Division determined the Application satisfied the requirements of C.R.S. 34-32.5-115(4) and issued its recommendation to conditionally approve the Application over objections. The Division's rationale for approval (Rationale) identifies the jurisdictional issues raised by objecting parties and commenting agencies, and groups them into the following broad categories:

- 1) Summit County Conditional Use Permit (Including CUP for existing Maryland Creek Ranch site)
- 2) Hydrologic Balance Issues (including concerns regarding impacts to groundwater and surface water quantity and quality)
- 3) Wildlife/Sensitive Environment/Floodplain Issues (including concerns regarding impacts to wildlife, wildlife habitat, migratory paths, and traffic danger to wildlife)
- 4) Mining Plan Adequacy
- 5) Reclamation Plan Adequacy
- 6) Reclamation Bond Adequacy

The Division's Rationale provides a full and thorough analysis of the above mentioned broad categorical issues raised by objecting parties. A copy of the Division's Rationale is available for public review on the Division's website at <https://drms.colorado.gov>, by clicking on the "Applications Under Review" link on the homepage, then selecting the "Peak Ranch Resource" link under "Permit Specific Information". The Division's Rationale is also available through the Laserfiche system (using permit "M2020041"), which can be accessed from the Division's website via the "DRMS Weblink" link on the homepage.



The Division's recommendation to conditionally approve the Application over objections is to the Colorado Mined Land Reclamation Board (MLRB or Board). The Application with objections will be considered by the Board during a formal hearing, scheduled for the April 21-22, 2021 Board meeting. This meeting will occur virtually (Zoom meeting) beginning at 9:00a.m. During the hearing the Board will consider the application with objections and may decide to approve, approve with conditions, or deny the application for the Peak Ranch Resource. Pursuant to Rule 2.8.1(1) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules), any party who does not attend the Board hearing forfeits its party status and all associated rights and privileges.

A live audio broadcast of the formal Board hearing can be found at the Division's website at <https://drms.colorado.gov>. Please be aware that the audio stream service may be temporarily unavailable or limited due to technical difficulties and bandwidth limitation, and could result in loss of audio signals or in the impairment of the quality of the transmission.

All parties and interested persons who intend to participate in the Board hearing are strongly encouraged to attend the Pre-hearing Conference. Pursuant to Rule 2.7.3(4), any party who does not attend the Pre-hearing Conference forfeits its party status and all associated rights and privileges, unless such party provides a fully executed proxy authorization form to the Pre-hearing Conference Officer and the party's authorized representative is present. Additional copies of the official proxy authorization form may be obtained from the Division's website. The Pre-hearing Conference is scheduled to occur virtually (Zoom meeting) on **March 31, 2021**, beginning at 2:00 p.m., and terminating at or before 4:00 p.m. Mr. Jeff Graves will preside as the Pre-hearing Conference Officer.

Sincerely,



Eric Scott  
Environmental Protection Specialist

Ec: Russ Means, DRMS at: [Russ.Means@state.co.us](mailto:Russ.Means@state.co.us)  
Michael Cunningham, DRMS at: [Michaela.cunningham@state.co.us](mailto:Michaela.cunningham@state.co.us)  
Jeff Graves, DRMS at: [jeff.graves@state.co.us](mailto:jeff.graves@state.co.us)



March 16, 2021

**Re: Rationale for Recommendation to Conditionally Approve a 112c Permit Application over Objections, Application for Peak Ranch, File M2020-041**

**Introduction**

On March 16, 2021, the Division of Reclamation, Mining and Safety (Division or Office) issued its recommendation to approve, over objections, the permit for Peak Ranch, File M2020-041 (Application). This document is intended to explain the process by which the Division arrived at its recommendation to approve the Application over objections, and respond to the issues raised by the objecting parties and commenting agencies. The Division reserves the right to further supplement, amend, modify, or clarify this document and recommendation with additional details as necessary.

**Summary of the Review Process<sup>1</sup>**

Peak Materials (Applicant or Peak) submitted the 112c Application to the Division on August 8, 2020, and the application was called complete for review by the Division on August 19, 2020. The Applicant proposes to mine the site in two phases: Phase 1 will be dry mined and all excavation will remain above the static water level of the site; Phase 2, which will take place after a permanent augmentation plan for the site has been obtained, will wet-mine two areas of the site and create two open water ponds with a total surface area of approximately 26 acres. No dewatering will take place at the site. No material processing is proposed for the Peak Ranch site. All raw materials excavated from the site, except those that will be utilized on-site for visual berms and/or final reclamation, will be allowed to drain, then transferred by truck to the existing Peak Materials Maryland Creek Ranch site for processing and final use or sale. The Peak Ranch site is proposed to be reclaimed as rangeland, with two open water ponds.

The proposed permit area includes 75.6 acres, with a total of 54 acres to be affected when mining/reclamation is completed. The Division has determined a financial warranty in the amount of \$364,465.00 is required to complete the proposed reclamation of the 54 acres at the end of Phase 1, when the most reclamation work would be required.

Pursuant to Rule 1.4.1(7), due to the number of objections received during the comment period, as well as logistic considerations required for holding the required public meetings while maintaining

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<sup>1</sup> Herein, all references to the Act and Rules refer to the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 et seq., C.R.S. (Act), and to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials, 2 C.C.R. 407-4 (the Rules or Rule). Copy of the Act and Rules are available through the Division's web site at <https://www.colorado.gov/drms>.

appropriate COVID protocols, the Division called the application “complex” which extended the decision date by 60 days from the initial date of November 17, 2020 to January 16, 2021.

Pursuant to Rule 1.4.1(9), the Applicant requested one extension to the decision date from the original January 16, 2021 to March 16, 2021.

Notice of the filing occurred in accordance with the requirements of the Act and Rules. The Applicant published the required notice in the Summit County Journal once a week for four consecutive weeks beginning on August 28, 2020 and ending on September 18, 2020. The public comment period closed on October 8, 2020. During the comment period, the Division received written comments from approximately 160 individuals. In addition, the Division received comments from the Division of Water Resources, Colorado Parks and Wildlife, History Colorado, US Forest Service, US Army Corp of Engineers, Summit County, and the Town of Breckenridge. The full list of commenting individuals and agencies is attached as Appendix A.

The Division forwarded copies of all timely objections and comments to the Applicant. The Division scheduled the application for a hearing before the Colorado Mined Land Reclamation Board (Board), to occur during the April 21-22, 2021 Board meeting, and for a Pre-hearing Conference on Wednesday March 31, 2021. The Division provided notice of the scheduled Board hearing and Pre-hearing Conference to all parties on March 5, 2021. As a result of timely objections, the Division does not make a decision on the Application on the decision date, but rather a recommendation to the Board.

On March 3, 2021, the Division hosted an informal public meeting, during which the Division explained the application review process, issues under the Board’s jurisdiction, party status, and the processes of the Pre-hearing conference and formal Board hearing. Parties and interested persons were informed of the public meeting by written notice, provided on February 16, 2021. Approximately 60 people attended the informal meeting.

During the review period the Division generated two adequacy review letters. The Applicant addressed all adequacy issues to the Division’s satisfaction. The Division’s two adequacy letters and the Applicants responses were publicly available on the Division’s website. Therefore, on March 16, 2021, the Division determined the Application satisfied the requirements of the Act and Rules and issued its recommendation for approval of the 112c permit application for the Peak Ranch, File M2020-041, with the following condition:

1. Prior to the commencement of mining operations, Peak Materials shall obtain a Conditional Use Permit (CUP) from Summit County for the Peak Ranch Resource operation and shall obtain a CUP for the Maryland Creek Ranch operation, File M1996-049, to allow for the importation and processing of material from the Peak Ranch Resource mine. In the event the CUP for the Maryland Creek Ranch operation is not approved to allow for importation of material from Peak Ranch, Peak Materials shall notify the Division, and shall submit a revision for the Peak Ranch permit to account for material processing at an alternate location.

Pursuant to Rule 1.4.1(12), a condition or limitation to approve the application, unless consented by the Applicant, shall be treated as a denial. On March 11, 2021, the Applicant consented to the above permit condition.

On March 16, 2021, the Division forwarded a copy of its recommendation to all parties and interested persons in accordance with Rule 1.4.9(2)(c), and made the rational document available to the public through the Division's website.

### **Jurisdictional Issues Raised by Objecting Parties and Commenting Agencies**

Issues raised by the objecting parties and commenting agencies and within the jurisdiction of the DRMS review process have been grouped into six categories: Summit County Conditional Use Permit, Hydrologic Balance issues, Wildlife/Sensitive Environment/Floodplain issues, Mining Plan adequacy, Reclamation Plan adequacy, and adequacy of proposed Financial Warranty. The categories are listed below in bold font. Under each category, the Objector's concerns are summarized in italic font, with specific issues related to that subcategory listed afterward. The Division's response follows the issue(s) in standard font. A brief summary and discussion of non-jurisdictional topics has also been provided.

#### **1. Summit County Conditional Use Permit**

*The operation as proposed conflicts with the existing Summit County CUP for the Maryland Creek Ranch site and therefore the permit should be denied.*

Summit County was notified of the proposed operation on August 19, 2020, as required by Rule. The Summit County Planning Department provided a comment letter to DRMS on October 2, 2020. As part of the technical review process DRMS met with Summit County representatives to discuss the application and coordinate, to the extent necessary, the review process between the required state and local permits. The DRMS permitting review process is independent from a county local use permitting process, nevertheless, coordination with relevant local governments is an important component of the Division's review process.

The purpose of the conversations with the County were to have the County clarify their interpretation of their existing issued permits, and raise any perceived conflicts with the proposed activities, as well as to clarify that the County has jurisdiction over permitting local land use issues, and that the County process is independent of DRMS permitting actions. After meeting with the Division, Summit County did not modify or amend its original comment letter.

DRMS was informed by the County that the Maryland Creek Ranch CUP will need to be replaced with a new CUP prior to accepting materials imported from this proposed operation. However, there is no requirement that the CUP process related to Maryland Creek needs to be completed *prior* to DRMS issuance of a reclamation permit for the proposed Peak Materials operation. The Applicant has acknowledged a new CUP will be required for the Maryland Creek Ranch operation in order to import materials for processing from the Peak Ranch Resource site. The Applicant has committed to obtaining the necessary approvals from Summit County. Approval of the DRMS permit is not dependent on

approval of the CUPs, however, no mining operations can occur under the DRMS permit until the Applicant also gains approval of both CUPs.

To the extent a conflict exists between the Peak Materials application and the Maryland Creek CUP, such a conflict does not *require* denial by DRMS under C.R.S. § 34-32.5-115(4)(d). Section 34-32.5-115(4) of the Act states (emphasis added):

In the determination of whether the board or the office shall grant a permit to an operator, the applicant must comply with the requirements of this article and section 24-4-105 (7), C.R.S. The board or office shall not deny a permit except on one or more of the following grounds:

(d) The proposed mining operation, the reclamation program, or the proposed future use is contrary to the laws or regulations of this state or the United States, including but not limited to all federal, state, and local permits, licenses, and approvals, as applicable to the specific operation.

The plain, unambiguous language of Section 115(4) does not require denial here. The plain language “shall not deny a permit except” is discretionary, not mandatory and allows for the DRMS to consider site-specific facts. The DRMS longstanding interpretation and application of this provision is that Section 115(4) supports a denial if specific “grounds” are present, but denial is still discretionary. DRMS is exercising its discretion not to deny the Peak Materials application because the Applicant has engaged with the County to gain the necessary CUP approvals and remedy the potential conflict with Maryland Creek.

As is the case with most mining applications in Colorado, this application requires several Federal, State, and local permits and approvals prior to commencing mining operations. The DRMS 112c permit is only one of many required permits and the Applicant has identified all necessary permits in Exhibit M – Other Permits and Licenses of the application. State mining operations shall not commence until the Applicant receives approval for all necessary Federal, State, and local permits. Additionally, the Applicant acknowledges that CUP approvals for both Peak Ranch and Maryland Creek will be required before any operations at Peak Ranch can begin. Therefore, the order of permitting is irrelevant in the Division’s review process because it is clear under Act, Rules and permit conditions that mining cannot start until the Applicant secures the CUP for this Application and the CUP for the Maryland Creek site.

Beginning with the DRMS permit is common industry practice because the DRMS statutory timeline often requires a quicker review process than other permitting agencies. Additionally, under § 3812.04(B)(1)(a) of the Summit County Development Code (“Code”) “permit approval from the Colorado Division of Reclamation, Mining and Safety” is expressly listed as a requirement to “demonstrate compliance with all applicable State and Federal regulatory schemes”. Although the Code states “to the extent practicable applications should be processed concurrently with other permit applications required by other jurisdictions” it is clear the Code contemplates that applicants for county mining permits first obtain approval of a state mining permit from the Division, *id.* § 3812.04(B)(1)(a).

## 2. Hydrologic Balance issues

Per C.R.S. 34-32.5-116(4)(h) disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quality and quantity of water in surface and groundwater systems, both during and after the mining operation and during reclamation, shall be minimized.

The proposed operation has been designed to minimize potential impacts, both to surface water and groundwater systems. Based on the planned operation, the Division does not anticipate any impacts beyond a *de minimis* impact to the prevailing hydrology or quality and quantity of surface water and groundwater systems at the proposed site and surrounding area. As discussed below, the Division concludes the application sufficiently shows impacts to the water resources of the affected land and surrounding areas during active mining or post-mining periods will be minimized

From a water quantity perspective, there will be no groundwater exposed during Phase 1 activities and no dewatering/pumping during Phase 2 site activities. Groundwater will not be exposed on site until an approved permanent augmentation plan has been obtained. All water utilized at the site for dust control or other required purposes will be obtained from an existing surface diversion and pump station on the Blue River and will comply with all applicable Division of Water Resources (DWR) requirements for that diversion.

The site will be developed within a deposit of inert alluvial material. No acid-forming or toxic-producing materials have been identified on-site, and no designated chemicals will be used or stored on site. The site surface will be graded to drain internally, and a 300 foot undisturbed buffer will be maintained between the extent of mining and the Blue River, so no release of pollutants to surface water or groundwater is expected.

110 objections were submitted concerning potential issues related to groundwater and surface water quantity in the area. The objectors expressed concerns related to impacts to residential wells, seeps and springs, or drying up adjacent surface water fed wetland areas, up to and including loss of water from the Blue River or an adjacent irrigation ditch due to a localized gradient reversal between the river and the proposed open lakes.

For any wells, seeps, springs, or wetlands in the surrounding area to be adversely impacted, groundwater would need to be removed from the local system, which typically occurs through continuous pumping/dewatering of an open pit, to a level below the pre-existing static water level at a rate faster than it could recharge naturally from the existing groundwater flow through the area. These are referred to as “dry mining” operations, which typically cause a localized “cone of depression” in the groundwater levels in an area immediately surrounding the pit. Depending on the extent and magnitude of this cone of depression, lowered local groundwater water levels could possibly impact nearby features such as wells, seeps, springs or wetlands. Similar impacts may result from any producing well, which is why the DWR requires gravel operators to obtain a well permit prior to exposing or pumping groundwater.

However, for this proposed operation, the above described conditions will not exist. Groundwater will not be exposed during Phase 1 activities, and no pumping/dewatering will take place during Phase 2 activities. Eliminating groundwater removal from the site, other than through evaporation or other factors which will be accounted for through DWR permitting requirements, will result in groundwater levels in the area remaining at equilibrium. No measurable impacts to the groundwater levels in the surrounding area are anticipated from the proposed mining activities – let alone impacts severe enough to result in gradient reversal from the Blue River to excavated lakes within the permit area located at least 300' from the river, or impacts to wells or springs in more distant adjacent areas. Additional details regarding this issue are provided below.

DRMS has determined that impacts to the water resources of the affected land and surrounding areas during active mining or post-mining periods will be minimized. In addition, as detailed below, the Application includes a robust groundwater monitoring program that not only characterizes the pre-mining hydrologic conditions, but will verify protection of the hydrologic resources throughout the life of mine.

#### A. Groundwater Quantity Concerns

Many of the objections received by DRMS cited concerns about potential adverse impacts to groundwater quantity, i.e. adverse impacts to production capability of existing groundwater wells and springs in the region. Examples of these concerns include statements such as: *The gravel pit will adversely impact the quality and quantity of water in nearby wells; the study provided by Peak Materials only included wells within 600 ft.; existing wells already have issues producing; exposing a permanent lake of groundwater is more damaging than dewatering by pumping;* and other similar statements.

Pursuant to C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6(1)(a), the Application must demonstrate compliance with Colorado water laws and regulations governing injury to existing water rights. The Division of Water Resources (DWR) is the State authority for interpretation and enforcement of Colorado water laws and regulations governing injury to existing water rights. DWR reviewed the Application and provided its comments regarding approval of the proposed mining operation. The Applicant commits to complying with all DWR requirements. It should be noted that the 600' radius of concern mentioned in the objection statement shown above is from a DWR permitting requirement designed to ensure that proposed wells will not cause material injury to existing permitted wells within 600' of the proposed well location.

The Application also includes a groundwater level monitoring plan sufficient to characterize pre-mining water levels at the site, and for continued monitoring through the life of mine. The groundwater level monitoring plan includes the five groundwater monitoring wells and six piezometers which were installed into the alluvial material on site.

The Application further commits to minimizing groundwater quantity impacts to the prevailing hydrologic balance by the following:

- The operation will not expose groundwater during Phase 1 of operations. Because groundwater will not be exposed during Phase 1, the potential to adversely impact groundwater quantity should not exist. If groundwater is encountered at depths shallower than anticipated, the excavation will be immediately backfilled to a minimum of two feet above the static water level in that area.
- An approved Permanent Augmentation Plan will be in effect prior to the exposure of any groundwater in Phase 2 of the operation. If a permanent augmentation plan cannot be obtained, Phase 2 of the operation will not commence and the site will be reclaimed.
- No dewatering will take place during Phase 2 mining. Phase 2 will be wet-mined by dredge or similar method. Mined material will be staged on-site to drain before leaving the site. Since no dewatering will take place during Phase 2, the potential to impact groundwater (and surface water) quantity will be minimized.
- As previously discussed, five groundwater monitoring wells and six water level monitoring piezometers have been installed on the site. Peak Materials will conduct monthly water level monitoring and shall submit water monitoring summary reports on an annual basis with their annual report for the site which will be available for public viewing from the Division's website: <https://dnrweblink.state.co.us/drms/search.aspx?cr=1>
- A 25 foot offset will be established between mining extents and any jurisdictional wetlands identified on site.
- A 300 foot offset will be established between mining extents and the Blue River.

#### B. Groundwater Quality Concerns

Many of the objections received by DRMS cited concerns about potential adverse impacts to the quality of surrounding groundwater due to the proposed operation. Comments included: *disturbance or exposure of the shale underlying the site during mining activity may adversely impact the quality of groundwater within the unlined active pit, which may then in turn impact the surrounding area; creating an open water lake would adversely impact aquifer water quality nearby; and the groundwater monitoring plan was insufficient.*

The application includes a groundwater monitoring plan sufficient to characterize pre-mining water quality, and for continued monitoring through the life of mine. The groundwater quality monitoring plan includes the five groundwater monitoring wells, as discussed above, which were installed into the alluvial material within the proposed permit boundary. The alluvial material beneath the site is underlain by a significant shale aquiclude.

Groundwater monitoring will include the collection of water samples for laboratory analysis, field parameters, and water elevations. Water quality samples will be collected on a quarterly basis. The permit area does not lie within a classified groundwater area. Groundwater quality data collected from the site shall comply with the Colorado Department of Public Health and Environment - Water Quality Control Commission's (WQCC's) Interim Narrative Standards (INS), established in Regulation No. 41 – The Basic Standards for Groundwater.

Tables 1 through 4 of Regulation 41 list the maximum allowable concentrations of analytes regulated under the INS. Pre-operational groundwater monitoring has been conducted for at least 5 quarters at the five existing groundwater monitoring wells installed on the site, and that data has been provided with the application. Data from pre-operational monitoring indicate that constituents of concern identified from Tables 1-4 are currently below standards. Therefore, Table Value Standards (TVS) will apply for these constituents at the compliance well for the site - which has been identified as GW-1, the furthest downgradient well. In addition, the operation will not expose groundwater during Phase 1 of operations, therefore, the potential to adversely impact groundwater quality is minimized during Phase 1. If groundwater is encountered at depths shallower than anticipated during Phase 1, the excavation will be immediately backfilled to a minimum of two feet above the static water level in that area.

Concerns were also expressed over potential adverse impacts to groundwater quality within the excavated pit during Phase 2 due to pit water contacting the shale material at the base of the alluvium, and/or possible adverse impacts to local groundwater from potentially impacted water in the mining pits migrating into the surrounding alluvial aquifer. DRMS has determined the risk to groundwater quality from the proposed operation will be minimized for the following reasons:

- The groundwater in the region is currently in contact with the same shale formation which underlies the site over a large area as it moves through the base of the alluvial aquifer toward the Blue River. Any adverse impacts to groundwater quality, as well as any subsequent impact to the Blue River, due to extended contact with this shale should already be present in the pre-operational groundwater and surface water data. As noted above, baseline groundwater quality monitoring has shown all applicable analytes are currently below the maximum allowable concentrations.
- The operator does not intend to mine, or contact, the weathered shale at the contact between the alluvium and bedrock. The operator will maintain a buffer of at least two feet of alluvium at the base of the excavation to prevent the weathered shale material from being disturbed or otherwise incorporated into their process. (The weathered shale material adversely impacts the operations when mixed with the alluvial material). This is the same process that is utilized at the nearby Peak Materials Maryland Creek Ranch site.
- DRMS notes that many sand and gravel operations have been completed into a similar shale formation (Pierre Shale) along the Colorado front-range, and have been successfully reclaimed as lined water storage reservoirs. Many of these storage reservoirs, whose bases consist of freshly exposed shale, and which use the excavated weathered shale as a clay pit liner, are now utilized by municipalities and water districts for drinking water storage. No adverse impacts to the water quality contained in them has been reported to-date.

Even so, the Applicant has committed to conducting quarterly groundwater quality monitoring at the five existing monitoring wells for the life of the permit to identify any potentially adverse impacts to groundwater quality. In addition, the Applicant will monitor groundwater quality within the excavated pit to determine if the groundwater in the excavations has been impacted by mining activity and to prevent any impacts to surrounding groundwater.

### C. Surface Water Quantity Concerns

Several objections received by DRMS cited concerns about potential adverse impacts to the quantity of surface water in the Blue River due to the proposed operation, or potential adverse impacts to the surface water available to the nearby Green Mountain Canal. Examples of these statements include: *The mining operation will adversely affect the river which is seeking Gold Medal designation; exposing a permanent lake of groundwater is more damaging than dewatering by pumping.*

As previously stated, The State Engineer's Office - Division of Water Resources (DWR) is the State authority for interpretation and enforcement of Colorado water laws and regulations governing injury to existing water rights. DWR reviewed the Application and provided its comments regarding approval of the proposed mining operation, and the Applicant has committed to complying with all DWR requirements.

The Application further commits to minimizing surface water quantity impacts to the hydrologic balance by the following:

- Water used by the site for dust control will be obtained from an existing diversion/pump station on the Blue River and will comply with all applicable DWR requirements for that diversion.
- No de-watering is proposed for the site. Water levels within the Phase 2 open pit portion of the operation will stabilize at the existing static water level for the area during and after mining operations, therefore there should be no impact to the amount of water in the Blue River or the downgradient Green Mountain Canal.
- Phase 2 of the operation if approved, will take place under an approved permanent augmentation plan.
- Water contained in the product removed from the pit will be allowed to drain back to the site before the product is shipped from the site.
- A 300 foot offset will be maintained between the extent of mining and the Blue River.

### D. Surface Water Quality Concerns

Several objections received by DRMS cited concerns about potential adverse impacts to the quality of surface water in the Blue River due to the proposed operation, and/or potential adverse impacts to the Blue River Fishery. Representative statements include: *Peak Materials will discharge into the Blue River; and the mining operation will adversely affect the river which is seeking Gold Medal designation.*

The Application commits to minimizing surface water quality impacts to the hydrologic balance by the following:

- A 300 foot offset/buffer will be maintained between the extent of mining and the Blue River, and the site will be graded such that any surface runoff will drain internally. This will minimize the chance of any surface runoff or sediment leaving the site or reaching the river.

- Stormwater will not be discharged to the Blue River and no material washing or processing will take place on site.
- The operation is located outside of the 100 year floodplain of the Blue River. This will minimize the chances of site related impacts to the river, even during flood events.
- Water quality within the Phase 2 open pits will be monitored during that phase of operations to help determine if groundwater quality in the pit could pose any risk to surface water quality.

In addition, the application includes a surface water monitoring plan sufficient to characterize pre-mining water quality, and for continued monitoring through the life of mine. Two surface water monitoring locations have been established adjacent to the site, one immediately upstream of the site, and one immediately downstream, so that any adverse impact to surface water from the site may be readily identified. As with groundwater, surface water monitoring will include the collection of water samples for laboratory analysis and field parameters, and water quality samples will be collected on a quarterly basis. All surface water quality data collected from the site will be compared against the pre-mining data and applicable Colorado Department of Health and Environment (CDPHE) stream segment standards for that portion of the Blue River (CDPHE Water Quality Control Commission Regulation 33, Segment 17 – Mainstem of the Blue River from the outlet of Dillon Reservoir to the confluence with the Colorado River). This surface water monitoring program will allow any potential impact to the Blue River water quality, however unlikely, to be identified.

A letter submitted by Queen of the River Aquatic Consultants alleged that the permit application was incomplete, or not approvable, because it did not contain a detailed background study or monitoring plan for the hyporhelic zone of the Blue River, or a detailed background study or monitoring plan for macroinvertebrates, or fish species in the Blue River. Although DRMS fully supports efforts to return the Blue River to Gold Medal status, these kinds of detailed aquatic studies are not a requirement of the DRMS permitting process. In addition, biological studies of the type recommended by QOR would be inconclusive. For example, a macroinvertebrate study can provide information on the organisms that are present or absent in an aquatic system, but the study cannot definitively explain why those species may be present or absent. The proposed surface water quality monitoring program provides a more direct way of measuring impacts to an aquatic system.

In order to facilitate additional work in the future, the applicant has granted access through the site to the Blue River Enhancement Group (BREW) for additional monitoring and studies.

Under Senate Bill 89-181, the Division has the authority as an implementing agency to protect groundwater from mining activities and consultation with the Colorado Water Quality Control Division (WQCD) is not required. However, DRMS consulted with WQCD with respect to possible surface and groundwater quality concerns as well as the proposed water monitoring plans. CDPHE did not express any concerns regarding impacts to surface or groundwater, or the proposed monitoring.

All monthly water level monitoring and quarterly surface and groundwater sampling data summary reports will be submitted on an annual basis with the annual report for the site, which will be available

for viewing by the public, as well as any interested agencies or entities, via the Division's website:  
<https://dnrweblink.state.co.us/drms/search.aspx?cr=1>

The Division has determined the application adequately demonstrated that disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quality and quantity of water in surface and groundwater systems both during and after the mining operation and during reclamation will be minimized, as required under C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6. Additionally, the application addressed all requirements of Rule 6.4.7, regarding the identification and protection of hydrologic resources, and the reclamation performance standards of Rule 3.1.

### **3. Wildlife/Sensitive Environment/Floodplain issues**

Over 120 objections received by DRMS cited concerns about potential adverse impacts to wildlife, wildlife habitat/sensitive environment/wetlands, the site's proximity to unspecified wilderness areas and potential floodplain issues areas as a cause for objecting to the proposed operation. It should be noted that even though the post mining land use for this site has been identified by the applicant as rangeland not wildlife habitat, the applicant still consulted with Colorado Parks and Wildlife (CPW) as recommended by Rule 6.4.8 Exhibit H – Wildlife Information. CPW issued a timely comment letter during the public comment period, as well as a follow up comment letter concurring with adjustments made to the application during the adequacy review period. The site is also located outside of the 100 year floodplain of the Blue River.

Proximity to existing wilderness areas/conservation easements is not a jurisdictional issue for DRMS permit review; although it is worth noting that the nearest wilderness area to this proposed operation is the Eagles Nest Wilderness located more than 1.5 miles west of the proposed site location on the other side (west) of the Blue River. The USFS was also notified of the proposed operation as required, and provided a comment letter to DRMS on October 8, 2020. The USFS did not state any potential concerns in the comment letter provided to the Division, including proximity to this wilderness area.

#### **A. Impacts to Wildlife/Habitat**

Many of the objections received by DRMS cited concerns about potential adverse impacts to area wildlife, i.e. *the site will divide elk and deer migration patterns, thousands of acres of Federal land and Summit County Open Space will impacted by the mine, increased truck traffic will lead to increased animal strikes on Hwy 9, impacts to the Blue River fishery*, as well as other similar concerns due to increased noise, reduction of habitat, and impeding migration patterns across the site.

The applicant provided a robust Exhibit H during the application and adequacy process addressing all required items in Rule 6.4.8 including; a description of the significant wildlife resources on the affected land, seasonal use of the area, the presence and estimated population of threatened or endangered species from either federal or state lists; and a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

Pursuant to Rule 3.1.8(1), all aspects of the mining and reclamation plan shall take into account the safety and protection of wildlife on the mine site, at processing sites, and along all access roads to the mine site with special attention given to critical periods in the life cycle of those species which require special consideration (e.g., elk calving, migration routes, peregrine falcon nesting, grouse strutting grounds).

The provided Exhibit H includes mitigation measures (developed in consultation with CPW) to protect wildlife and provide protection or improvement to wildlife habitat. Some of the mitigation measures include the following:

- Per CPW recommendation, a 300 foot offset/buffer will be maintained between the extent of mining and the Blue River to preserve the riparian habitat and provide a corridor for wildlife movement along the river.
- A raptor survey will be conducted prior to mining activity.
- Existing internal fencing present on the site will be removed to reduce the possibility of wildlife entanglement and wildlife friendly fencing will be used where necessary.
- Per CPW recommendation, hours of truck traffic will be limited to minimize impacts to wildlife to 9-4 from May 1 – November 30, and from 10-3 from December 1 - April 30.
- Variable shoreline slopes for the open water pits will be implemented to a depth of 10' to provide better habitat for wildlife.
- Reclamation seed mix was modified based on CPW recommendations to provide better wildlife forage.
- If night time lighting is used, it will be maintained at a minimal level, directed downward, and not directed toward the riparian corridor
- Wildlife safe dumpsters and containers will be utilized.
- Operator has committed to continuing to work with CPW to address any unforeseen issues impacting wildlife over the life of the project.

The existing pre-mining state of the site consists of overgrazed, denuded vegetation with extensive internal fencing in poor condition, provides little, if any, benefit to local wildlife. Given the extensive ranges of the wildlife identified in Exhibit H which may potentially utilize the site for forage or migration, the disturbance due to the proposed mining activity represents a de-minimus, and temporary habitat reduction. When reclamation is completed, the site will provide more suitable habitat for local wildlife than the current property provides.

A letter submitted by Queen of the River Aquatic Consultants raised concerns that the creation of the open water lakes as proposed would provide habitat suitable for tubificid worms which could contribute to increased incidents of whirling disease in trout. Stocking or natural movement of live infected fish is the primary transmission mechanism for whirling disease. The groundwater ponds that will be created will not be stocked with fish. Additionally, there will be no direct communication between the groundwater ponds and the Blue River as the ponds will not be dewatered and are located outside of the 100-yr floodplain. DRMS has determined all aspects of the mining and reclamation plan take into account the safety and protection of wildlife on the mine site, including trout populations in the adjacent Blue River.

In addition, as previously stated, CPW has reviewed the application, provided comments which have been incorporated into the proposed operation and reclamation, and has expressed no additional concerns related to these issues.

#### B. Sensitive Environments/Wetlands/Floodplain

Many of the objections received by DRMS cited concerns about the adequacy of delineation of wetland areas, impacts to the wetland areas currently present within the permit boundary, either through direct impacts, or by indirect effects such as adversely impacting the source of water sustaining them through mining activity. Examples include: *The application provides inconsistent descriptions of the extent of existing wetlands on the property; ...it is impossible to assess the applicant's claimed delineation due to missing Wetland Determination Data Forms.*

Pursuant to Rule 6.4.10, Exhibit J of the application included descriptions of present vegetation types, relationships of present vegetation types to soil types, and showed the relation of the types of vegetation to existing topography on a map. The missing determination forms identified above were provided during the adequacy review process. A detailed aquatic resource delineation report was also provided as part of this Exhibit and the application meets the requirements of Rule 3.1 Reclamation Performance Standards.

The US Army Corps of Engineers (COE) is the regulatory entity with primacy and authority to delineate jurisdictional wetland areas and aquatic resources, as well as to require permitting and mitigation for any proposed disturbances to jurisdictional areas. Therefore, the final determination for the amount of wetlands present within the permit, as well as any required mitigation, will be made by COE, not by DRMS or the applicant. The COE was appropriately noticed of the application as required, and provided comments on September 30, 2020. The applicant has submitted the Aquatic Resource Delineation Report to the COE for review for the purposes obtaining an aquatic resource delineation, has committed to adhering to COE determinations, and to abide by any COE permitting and mitigation requirements for any proposed disturbances within jurisdictional areas identified by COE within the permit area.

In addition, the applicant has committed to maintaining a 25 foot buffer between any jurisdictional areas and mining activity, as well as monitoring the groundwater levels of and near the identified areas, using the six installed piezometers, on a monthly basis as part of the submitted water monitoring plan.

During the permitting process, the applicant and the Town of Breckenridge implemented an agreement which facilitated the restoration of the Town's surface water return flow drainage easement across the property from east to west to the Blue River. Activities undertaken by the prior property owner included filling the drainage channel with dirt to facilitate vehicle crossing, without installing appropriate drainage culverts. These activities had prevented flows within the drainage channel from reaching the Blue River. It was also noted during the pre-operation inspection of the site, that two culverts, which are intended to provide surface flows from the east side of Highway 9 a path under the highway and into this easement for discharge to the river, did not actually discharge into the drainage channel. They instead discharged approximately 40 yards north of the easement directly into the

northeast area of the subject property in the “wet meadow”/wetlands area as shown on the maps provided with the application. A small channel had been excavated, presumably to capture discharge from the culverts and return it to the drainage easement, but it was poorly constructed and full of vegetation. Based on the misalignment of the culverts and the general condition (blocked) of the drainage easement, it would appear that this drainage channel has not functioned as intended for quite some time.

The misalignment of the culvert discharge under Highway 9 combined with the previously blocked drainage easement caused surface water that should have been conveyed across the site to the river to instead be discharged into the northeast area of the subject property. This surface water inflow would then lead to the formation of, or increase in size of, the currently existing wet meadow/wetlands area in the northeastern portion of the subject property. This is further supported by the observed level of groundwater in the area, which is generally greater than four feet below the ground surface.

Restoring proper function of the drainage easement may have adverse effects on the extent of the existing wet meadow/wetland areas. The activities which were undertaken to restore proper function of the drainage easement are an element of the adjudication of the senior water rights that are used to fill the Town’s municipal storage facility and are outside of the scope of this application. The COE was made aware of these factors in the Aquatic Resources Delineation Report that was submitted to them. The Applicant has committed to increased water level monitoring (monthly instead of quarterly) in an attempt to more closely monitor groundwater levels and correlate any observed impacts with activity on the site.

Several pages were devoted to the discussion of potential floodplain issues in a letter submitted to DRMS by Queen of the River Aquatic Consultants (QOR). However, the site is not located within the 100 year floodplain. DRMS asked the applicant to confirm this in adequacy and the applicant responded “No additional floodplain-related permitting is required from Summit County for this operation because all proposed activity will occur outside of the 100-year floodplain”. If a site is located within the 100 year floodplain, primacy for permitting activities within the floodplain/floodway rests with local floodplain management authorities, typically at the county level, not with DRMS. Additionally, the applicant is implementing a 300 foot buffer between the mined area and the river to isolate the active area of the site from any impacts from the river and vice-versa.

The Division determined the permit Application satisfied the requirements of Rules 6.4.8, 6.4.10 and 3.1.8, regarding wildlife, wildlife habitat, and sensitive environments.

#### **4. Mining Plan adequacy**

Five objections received by DRMS cited concerns about inadequacy of the mining plan provided with the application. However, none of the objections cited any specific concerns or inadequacies with the mining plan as submitted. DRMS has thoroughly reviewed the mining plan and has determined that the plan provided, in addition to supporting information submitted through the adequacy process, meets the requirements of Rule 6.4.4.

## **5. Reclamation Plan adequacy**

31 objections received by DRMS cited that the reclamation plan provided with the application was inappropriate or inadequate. For example, *Plans to return the site to its natural state are inadequate, The proposed seed mix described in the Reclamation Plan (Exhibit E) fails to meet the requirements of Rule 3.1.10(1), The proposed 26-acre groundwater-fed pond includes features that render it unsuitable for the objective of benefiting local wildlife or any other public purpose, and topsoil quantities are incorrectly characterized in the Reclamation Plan.* A letter submitted to DRMS by Queen of the River Aquatic Consultants (QOR) also made numerous recommendations as to how the reclamation plan provided should be enhanced to provide a wildlife-based, post-mining habitat.

The post-mining land use identified for this site is rangeland. Even so, the reclamation seed mix, as well as the configuration of the ponds proposed in the most recent reclamation plan, were both revised by the applicant based on recommendations received from CPW during the review process. CPW has concurred with the changes made to the reclamation plan and expressed no additional concerns.

In addition, the definition of “reclamation” as it is used in the application and in the context of the rule (to provide a beneficial post-mining land use of rangeland) differs from the idea of a site “restoration” or enhancement as presented within the objections provided. Rule 1.1(45) defines reclamation as “the employment during and after the mining operation of procedures reasonably designed to minimize as much a practicable the disruption from the mining operation and to provide the establishment of plant cover, stabilization of soil, the protection of water resources, or other measures appropriate to the subsequent beneficial use of the land”. There is no requirement in the Act or Rule to restore the land to its pre-mining condition or better. Further, it is important to acknowledge that the Act and Rule do not require that the reclamation plan submitted be the “best plan conceivable” for the reclamation of the site, only that it meet the standards required by the Act and Rule.

According to C.R.S. 34-32.5-116(4), reclamation plans and their implementation are required on all affected lands. Proposed reclamation plans must comply with C.R.S. 34-32.5-116, Rules 6.4.5 and 6.4.6, and with the reclamation performance standards of Rule 3.1. The Division has thoroughly reviewed the reclamation plan and determined the proposed reclamation plan for this Application meets these requirements.

## **6. Reclamation Bond adequacy**

Three objections received by DRMS cited that the reclamation bond amount specified in the estimate provided in the application of \$91,463.00 was inadequate. For example, *The Reclamation amount should be ten times what Peak Materials proposed.*

Pursuant to Rule 6.4.12(1) – All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. The information provided by the Operator/Applicant must be sufficient to calculate the cost of reclamation that would be incurred by the state.

The information provided in the application and adequacy responses related to Exhibits C, D, E, F and L have been sufficient to allow the Division to generate a reclamation cost estimate. DRMS has recalculated the required reclamation bond to be \$364,465.00 utilizing the CIRCES software, based on the maximum allowable disturbance at the site, and the updated information provided during the adequacy process. The CIRCES software used by the Division to estimate reclamation costs utilizes industry standard cost sources (such as the CAT Handbook and RS Means), and this data is updated on an annual basis. The permittee is required to post the reclamation bond prior to DRMS permit issuance for this site, and the operator has acknowledged and accepted the DRMS calculated bond amount. Furthermore, the Division will continue to evaluate the adequacy of the financial warranty throughout the life of the mine and will increase the required amount as necessary.

### **Non-Jurisdictional Issues**

Over 150 of the approximately 160 objections submitted contained issues that are non-jurisdictional to the DRMS review process. Non-jurisdictional topics and issues included, but were not limited, to:

- Potential adverse issues resulting from increased truck traffic on Hwy 9
- Potential adverse impacts to traffic safety
- The setbacks and screening berms, as proposed, are grossly inadequate to protect the surrounding residential areas from the impacts of mining operations
- Potential noise and light pollution
- Belief that the proposed operation would conflict with existing local land use policy, or conservation easements
- View-shed impacts
- Potential adverse impact on property values
- Potential adverse impacts to local recreational activity based businesses
- Potential dust and air quality issues
- Potential impact on climate change
- No need for additional gravel resources in the area, or that other resources are available and more appropriate
- Sand and gravel extractors pay no severance tax in Colorado therefore Peak Materials does not pay their fair share of taxes
- The applicant should be required to extend the recreation path from Silverthorne to Ute Pass Rd
- Mine safety

### Concerns regarding traffic and traffic safety on Hwy 9

Pursuant to C.R.S. 34-32.5-103(1), affected land does not include off-site roads that were constructed for purposes unrelated to the proposed operation, were in existence before a permit application was filed with the Office, and will not be substantially upgraded to support the operation or off-site groundwater monitoring wells. Therefore, the transportation of material off site (on Hwy 9), would not be considered affected land. The Act and Rules do not specifically address traffic on roads located off-site from a mining operation. Such issues are under the jurisdiction of Summit County and the

Colorado Department of Transportation (CDOT). These issues should be addressed through the permitting processes of Summit County and CDOT. Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain a Conditional Use Permit from Summit County, as well as an appropriate access permit, and work in the ROW permit, for the site from CDOT.

Concerns regarding: noise and light pollution, hours of operation, aesthetic impact, quality of life, devaluation of nearby property, impacts to local businesses, required setbacks and berms, and conflicts with local land use policy or conservation easements

The Act and Rules do not specifically address the issues listed above, therefore, these concerns are not within the purview of the Division's jurisdiction and are not a basis to deny the permit. Such issues are typically addressed at the local government level and not at the State government level. These issues should be addressed through the Summit County permitting process. Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain the required Conditional Use Permit from Summit County.

Concerns regarding dust and air pollution

The Act and Rules do not specifically address air quality issues. Such issues are under the jurisdiction of the Air Pollution Control Division (APCD) of the Colorado Department of Public Health and Environment (CDPHE). The Applicant has affirmatively stated in Exhibit M of the application that an Air Pollution Permit (APEN) will be obtained for the site.

Although the Act and Rules do not authorize the Division to regulate dust or air pollution issues, the protection and preservation of stockpiled topsoil is addressed under the performance standards of Rule 3.1.9. Pursuant to Rule 3.1.9(1), where it is necessary to remove overburden in order to expose the mineable materials, topsoil shall be removed and segregated from other spoil. If such topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is protected from erosion, remains free of any contamination by toxic or acid-forming material, and is in a usable condition for reclamation. The Division determined that information submitted in the Application met the requirements of Rule 3.1.9(1). Additional measures the operation will take to control dust on site include the use of water trucks, a standard practice for construction and mine sites.

Concerns regarding the demand for aggregate, other possible site locations, or business alternatives that should be pursued by the Applicant:

The Act and Rules anticipate mining operations will locate wherever mineable resources exist, therefore, these concerns relate to land use and zoning and should be directed to the Summit County permitting process. The Act and Rules also do not address an Applicant's internal business decisions or market conditions.

In these proceedings, the Division's jurisdiction is limited to enforcement of the specific requirements of the Act and Rules. The Division considers all timely submitted comments in its review, but can address only the issues that directly relate to the specific requirements of an application, as stated in the Act and Rules. The Act and Rules do not specifically address issues such as those listed above. Such concerns primarily relate to local land use and zoning and should be directed to the Summit County permitting process. As previously discussed, Pursuant to Rule 6.4.13, the Application affirmatively states that the proposed mine operation will obtain the required Summit County Conditional Use Permits from Summit County.

### **Division's Recommendation**

The Act and Rules do not specifically address whether a location is appropriate for a mine. As previously stated, the Act and Rules anticipate mining operations will locate wherever mineable resources exist. The Act and Rules provide reclamation requirements to ensure affected lands are reclaimed to a beneficial use and provide performance standards and environmental protection requirements, which apply throughout the life of mine. Pursuant to Rule 1.4.1(10), each application is reviewed, and ultimately approved or denied, based on the Applicant's ability to demonstrate the application meets the requirements of the Act and Rules.

The Division received comments on the application from: History Colorado, Colorado Parks and Wildlife, Colorado Division of Water Resources, US Forest Service, US Army Corps of Engineers, and Summit County. The agencies notified have not indicated any conflict of the proposed operation with laws or regulations of this state or the United States. Summit County has not indicated any conflict with local zoning, local regulations, or the Master Plan for the proposed mine operation. Recommendations provided by commenting agencies were incorporated into the permit Application.

After conducting a comprehensive adequacy review of the application and all adequacy responses provided throughout the review process, the Division determined the Applicant sufficiently demonstrated the application meets the requirements of the Act and Rules. Therefore, pursuant to C.R.S. 34-32.5-115(4), the Board or Office shall not deny the permit.

On March 16, 2021, the Division determined the 112c permit application for the Peak Ranch, File M2020-041, satisfied the requirements of C.R.S. § 34-32.5-115(4), and issued its recommendation to approve the application over objections.

## **Appendix A**

### **Objections and Comments Received**

**Timely Commenting Agencies:**

<b>Agency</b>	<b>Date Received</b>
Colorado Division of Water Resources	October 22, 2020
Colorado Parks and Wildlife	October 8, 2020
Colorado Parks and Wildlife (comment on adequacy response)	January 13, 2021
History Colorado	September 14, 2020
US Forest Service	October 8, 2020
US Army Corps of Engineers	September 30, 2020
Summit County	October 2, 2020
Town of Breckenridge	September 14, 2020

**Timely Objections in accordance with Rule 1.7.1(2)(a):**

<b>First Name</b>	<b>Last Name</b>	<b>Date Received</b>
Philip	Sanderman	08/29/20
Ed	Wingfield	08/31/20
John	Bowyer	08/31/20
Ferol	Menzel	09/01/20
Alison	Hagan	09/02/20
Charles	Babbitt	09/07/20
Allen	Gordon	09/08/20
Patti	Worthen	09/08/20
Erin and Mattias	Nordlof	09/08/20
Nancy	Duplan	09/09/20
Michele	Higgen	09/09/20
Cari	Mankowski	09/09/20
Richard and Margaret	Dow	09/09/20
Karen	Loro	09/09/20
Mike	Grady	09/10/20
David and Patty	Belletete	09/11/20
Jeff	Harris	09/11/20
Eric	Johnson	09/11/20
Frank	Bursynski	09/11/20
Jackie	Smith	09/12/20
William	Schubert	09/12/20
Judy	Schultz	09/12/20
Donna	Winslow-Arnove	09/12/20
Astrid	Force	09/12/20
Patricia	Wede	09/13/20
Deborah	Harlan	09/14/20
Marek	Szkudlapski	09/14/20
C Thomas	Kaesemeyer	09/15/20
Jeremy	Hakes	09/16/20

Matt	Porrey	09/17/20
Tom	Koehler	09/17/20
Virginia	Sullivan	09/18/20
Carmen	Chavez	09/19/20
Margaret	Nelson	09/21/20
David	Krischner	09/21/20
John	Hillman	09/21/20
Michael	Lane	09/21/20
Kellie	Akers	09/22/20
Katherine	Altorfer	09/23/20
Laura	Fox	09/23/20
Gavin and Gillian	Keiner	09/23/20
Margaret	Hillman	09/24/20
Kenneth	Brown	09/24/20
Jacob	Browne	09/24/20
Howard	Carver	09/25/20
Mary	Amstutz	09/26/20
Bette	Casapulla	09/26/20
Arthur and Deborah	Scipione	09/27/20
Robert	Hill	09/27/20
Frank	Lilly	09/27/20
Glenn	Amstutz	09/28/20
Dennis	Heagney	09/30/20
Frederick	Fox	10/01/20
Jonathan	Knopf - FOLBR	10/01/20
Ann	Clement	10/01/20
David	Matthews	10/01/20
Harlan	Sorkin	10/02/20
Ann	Damian	10/02/20
Lori	O'Bryan	09/23/20
Michael	Miller	09/28/20
Adam	Poe	10/02/20
Jay	Browne	10/02/20
Penelope	Francis	10/02/20
Jim and Carole	McCotter	10/02/20
Donna	Clark	10/04/20
Laura	Glise	10/04/20
Jane	Bruce	10/04/20
Theanna	Server	10/04/20
Susan	Knopf	10/04/20
David	Broadway	10/05/20
Mark	Rogers	10/05/20
Michael	Evans	10/05/20
John	Le Coq	10/05/20
Brian	Taylor	10/05/20

Christine	Metzger	10/05/20
Daniel	Zaloom	10/05/20
Sioux	Barr	10/05/20
Mary Anne and Richard	Johnston	10/05/20
Caitlin	Schultz	10/05/20
William	Grady	10/05/20
Peter	Kleinman	10/05/20
Adam and Ann	Poe	10/05/20
Kim	Onasch	10/05/20
Charles	Winch	10/05/20
Sally	Philbrook	10/05/20
Toni	Napolitano	10/06/20
Rick	Post	10/06/20
Alyse	Pilburn	10/06/20
Julie	Hodges	10/06/20
Jarisse	Sanborn	10/06/20
Pam	Moret	10/06/20
Justin	White	10/06/20
Hank	Wiethake	10/06/20
Ryan	Anderson	10/06/20
Ellen	Yeiser	10/06/20
John	Norton	10/06/20
John	Connor II	10/06/20
Leigh	Girvin	10/06/20
Jon	Harrington	10/06/20
Carol	Bell	10/06/20
Henry	Barr	10/06/20
Norma and Tom	Watkins	10/06/20
Piep	van Heuven	10/06/20
Kim and Eric	Kircher	10/06/20
Peggy	Kappy	10/06/20
Dennis & Glocile	Francis	10/06/20
Peter	Gallup	10/06/20
Kevin	Rose	10/06/20
Ted and Barbara	Smith	10/06/20
Cacey and Steve	Martin	10/06/20
Lawrence and Lisa	Woods	10/06/20
Sylvia	Koneman	10/07/20
Jessica	Smith	10/07/20
Helen	Barker	10/07/20
Frank	Casapulla	10/07/20
Justin	Armstrong	10/07/20
Erik	Vermulen	10/07/20
Melissa	Heiter	10/07/20
Barbara	Dolhansky	10/07/20

Jane	Bruce	10/07/20
Dale	Montagne	10/07/20
Peter	Gardener	10/07/20
Jeannette	Thompson	10/07/20
Kenwyn	Terrill	10/07/20
Rebecca	Richardson	10/07/20
Flip	Brumm	10/07/20
Bradley	Heinrich	10/07/20
Martin and Andrea	Herre	10/07/20
Samuel and Cynthia	Maine	10/07/20
Ryan	Janaes	10/07/20
Robert	Hooke	10/07/20
Bruce	Buehner	10/07/20
Jason	McCanless	10/07/20
Maryann	Gaug	10/07/20
Gary	Royal	10/07/20
Nancy	Lohrenz	10/07/20
Albert	Melcher	10/08/20
Jan	Goodwin	10/08/20
Michelle	Donlon	10/08/20
Paul	Lippe	10/08/20
Lawrence	Allen	10/08/20
Brian	Duchinsky	10/08/20
Douglas	Foote	10/08/20
Lynnette	Hampton	10/08/20
Camille and Adam	Ziccardi	10/08/20
George and Kathryn	Resseguie	10/08/20
Harris	Sherman	10/08/20
John	Fielder	10/08/20
Christine	Donlon	10/08/20
Elden and Patrice	Geer	10/08/20
John	Craven	10/08/20
Viva	Steffans	10/08/20
Robert	Wyler	10/08/20
Kerstin	Anderson	10/08/20
Julie	McCluskie	10/08/20
Jeanette	Whitney	10/08/20
Kent	Abernethy	10/08/20
Richard	Strauss	10/08/20
Tim	Bicknell	10/08/20
Laura	Pless	10/08/20
Catherine and Larry	Lazar	10/08/20
Sue	Clark	10/08/20

**Objections not in Compliance with Rule 1.7.2 (missing required information)**

<b>First Name</b>	<b>Last Name</b>	<b>Date Received</b>
Sara	Sullivan	09/09/20
Richard	Mason	09/13/20
Frank and Myra	Isenhart	09/22/20
Paula and David	Kraemer	09/30/20
Paul and Mary	Seid	10/05/20

**Late Objections (received by DRMS after the close of the public comment period):**

<b>First Name</b>	<b>Last Name</b>	<b>Date Received</b>
Patty and David	Welch	October 9, 2020
Ira and Cindy	Wertenteil	October 15, 2020
Dianne	Chisholm	October 15, 2020
Matt	Miklovic	November 1, 2020
Simon	Hoskins	November 2, 2020