

Stop gravel mining in the Lower Blue River Valley

November 18, 2018

Hello Neighbors of the Lower Blue River Valley:

On October 15, our neighbor Julie Hillyard sold her 80-acre lower Blue River ranch to Peak Materials (formerly LG Everest), operators of the Maryland Creek gravel/aggregate mine north of Silverthorne. Her ranch lies along the west side of Highway 9 near the confluence of Slate Creek and the Blue River. Peak Materials is a subsidiary of Kilgore Companies, which in turn is a subsidiary of Summit Materials, a national company based in Denver that specializes in mining aggregates and making concrete. (<http://summit-materials.com/companies/kilgore-companies>)

Peak Materials apparently has determined that only limited inventory of aggregate remains at the Maryland Creek site necessitating the company to seek new gravel mining locations. We understand that Peak is planning to mine aggregate at the Hillyard site and truck it to Maryland Creek for processing. This proposal would fundamentally change the character of the Lower Blue River valley and would require up to 230 truck trips per day (full load south, empty load north).

Summit County Planning Dept. requires that a Conditional Use Permit (CUP) be acquired for such operations. The application would be evaluated based upon the Summit County Land Use and Development Code. The Lower Blue Planning Commission is responsible for conducting the review, which could happen as early as February of 2019. The Hillyard property permit would be a new one, but Peak Materials may also need approval of an updated Maryland Creek permit since that permit may not allow material to be imported from other locations (processing operations may increase in intensity).

As neighbors in the Lower Blue Valley, we must sustain and protect the valley's traditional agricultural character, promote the safety of the residents, livestock and wildlife, and maintain the environmental integrity of the valley through education, collaboration and community involvement. We cannot allow our water quality and air quality to be degraded. A gravel mining operation would be antithetical to these values and as neighbors we must influence the permitting process to defeat this destructive project.

Specifically, we will need to:

- gain the support of the entire Lower Blue Valley community, as well as other interested and/or vested parties
- evaluate the impact of gravel mining on Highway 9 traffic (noise from both the trucks and the mining), air quality (from dust and diesel fumes), water of the Lower Blue River and its groundwater, wildlife, wetlands, recreation, and overall property values
- hire expert witnesses to evaluate these impacts who can effectively testify at hearings and proceedings before the county and State. We will need to retain a mining engineer, wildlife expert, water expert, property appraisers, and others.
- hire a consultant to develop, coordinate, and oversee our strategy
- hire an attorney to advise us in certain matters
- raise the money needed to finance the campaign

All of this must happen immediately. We must have our evidence available by the date of the earliest possible hearing of the Lower Blue Planning Commission (LBPC), which could be the first Thursday in February. If that body votes not to issue the CUP, Peak Materials has the right to appeal the decision to the Summit County Board of Commissioners. At that time, we would need to present the same case again with the expert witnesses.

The Colorado Mined Land Reclamation Board (MLRB) also has jurisdiction over gravel mining in Colorado. An applicant can apply for a permit from MLRB through its staff agency, the Colorado Division of Reclamation, Mining, and Safety (DRMS). This can precede or follow review by Summit County. We do not know in what direction Peak Materials will go, therefore, we must begin to prepare a case to present to MLRB with the same research. The denial of a permit at either the state or local level usually signals the defeat of the application. However, the mining company can continue the process with litigation.

The existing valley advocacy organization, Friends of the Lower Blue River (FOLBR), cannot be involved, other than to provide unbiased information, due to conflicts of interest related to its three board members who simultaneously serve on the LBPC. Therefore, I volunteer to supervise the campaign for no compensation and use my full visibility as nature photographer to gain support for the campaign. I have reached out to Harris Sherman, one of Colorado's premier natural resource experts, to serve as our strategist and consultant in this effort. Harris is a former Executive Director of Colorado Dept. of Natural Resources, former Chairman of MLRB, and former Undersecretary USDA overseeing the U.S. Forest Service. He supervised the 2017 defeat of a proposed gravel quarry near Colorado Springs. He has agreed to represent us in this matter.

The name of the entity that will lead the campaign is Lower Blue Residents United. It is the new trade name of a non-profit corporation I started 20 years ago. The first phase of our campaign will be to make a presentation to LBPC as early as February and will require us raise initially \$100,000 to finance the hiring of the aforementioned experts, an attorney, and Harris Sherman. I have already begun the fundraising process. If the IRS approves the reorganization of Lower Blue Residents United, donations will be tax deductible. We will learn this outcome in 30-90 days.

In any event, we are now soliciting donations to stop gravel mining in the Lower Blue Valley. Please consider just how much you wish not view, smell, and hear an industrial operation in our valley, and give generously. Send your checks today to:

Lower Blue Residents United
c/o John Fielder
POB 26890
Silverthorne CO 80497

Finally, there must be public outrage to this unacceptable attempt to rape our valley with an industrial operation. For now, the best thing YOU can do, other than donate money, is to be patient. A unified force of valley voices leading the charge will be far more effective than each of you individually speaking your mind at this time. The first and best opportunity for you to do

exactly that will be at the Lower Blue Planning Commission hearing early next year. In the meantime, we will keep you up to date on any and all developments, and prompt you when good opportunities arise for you to express your feelings to the state, county, and the media.

We WILL stop this outrageous attack on our beautiful valley!
Sincerely,

A handwritten signature in black ink that reads "JOHN FIELDER". The letters are connected and have a cursive, slightly slanted appearance.

John Fielder, Acorn Creek
john@johnfielder.com