

# PK ENTERPRISES, INC.

P.O. Box 729 • 11115 W. Hwy. 24 • Divide, CO 80814 • 719-687-6011 • Fax 719-687-6788

June 4, 2017

Colorado Division of Reclamation, Mining & Safety  
Attn: Mr. Elliott Russell  
1313 Sherman St., Room 215  
Denver, CO 80203

RE: CDOT SH 67 Resurfacing Project

Mr. Russell,

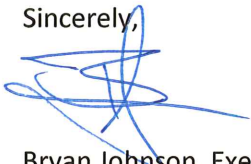
As you are aware I was contacted by Martin Marietta (Contractor) about using the Mule Creek Gravel Pit (Mine Permit #: M-2000-077) located at 21094 S SH 67 Divide, CO 80814 (Property) as a staging area for the Colorado Department of Transportation State Highway 67 Resurfacing Project (Project) between Divide, Colorado and Cripple Creek, Colorado. I have submitted a Land Use Application to the Teller County Planning Department, attached for your review, which contains all the pertinent information about the Project and the proposed staging area. I hope the attached information will assist you with making a determination as to if the proposed staging area has any impact to the mining permit.

Additionally, PK Enterprises, Inc. will confine the Contractor to the permitted area and not allow them past the permitted mining boundary.

I respectfully request that you, upon your review of the attached materials, contact Mr. Dan Williams at the Teller County Planning Department with your determination regarding the proposed temporary staging area.

If you should have any questions or concerns regarding this Project or this Land Use Application please do not hesitate to contact me.

Sincerely,



Bryan Johnson, Executive Vice President

CC: Mr. Dan Williams, TCPD  
File

# PK ENTERPRISES, INC.

P.O. Box 729 • 11115 W. Hwy. 24 • Divide, CO 80814 • 719-687-6011 • Fax 719-687-6788

June 2, 2017

Teller County Community Development Services  
Attn: Mr. Dan Williams  
PO Box 1886  
Woodland Park, CO 80866

RE: CDOT SH 67 Resurfacing Project

Mr. Williams,

As you are aware I was contacted by Martin Marietta (Contractor) about using the Mule Creek Gravel Pit located at 21094 S SH 67 Divide, CO 80814 (Property) as a staging area for the State Highway 67 Resurfacing Project (Project) between Divide and Cripple Creek. It is my understanding the PK Enterprises, Inc. (Owner) must submit a Land Use Application for a Temporary Use Permit for such a proposed use.

Attached you will find the following for your review:

1. Land Use Applications Form
2. Quit Claim Deed
3. List of Adjacent Property Owners
4. Site Plan
5. Exhibits from the USFS Finding of No Significant Impact

Additionally, per §8.3 to the Teller County Land Use Regulations I offer you the following for your consideration.

1. §8.3.B.2.a- Visual Mitigation: All proposed staged materials and trailers will be shielded from general view by the existing earthen berm.
2. §8.3.B.2.b-Permits-The Contractor has been hired by the State of Colorado and the only necessary permit required is a Teller County Temporary Use Permit for the staging area.
3. §8.3.B.2.c-Equipment-The equipment that will be staged on the property will be the following:
  - a. Office Trailer 12'x50'
  - b. Office Trailer 8'x20'
  - c. Lab Trailer 12'x40'
  - d. Traffic Control Devices
4. §8.3.B.2.d-Imported Materials-The imported materials that will be staged on the Property are:

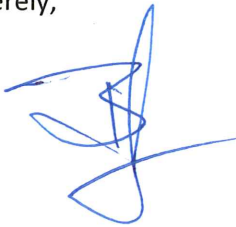
- a. Guard Rail Materials
  - b. ½ Acre of Sealed Containerized Lime
5. §8.3.B.2.e-Operations Plan
- a. The Contractor is planning on beginning the Project on the 5<sup>th</sup> on June 2017 (Start Date). Currently the Contractor is intending to begin staging the Equipment and Materials on the property and then will begin resurfacing State Highway 67 from Divide to Cripple Creek. The Office Trailers will be maned from time to time with admirative staff and the lab trailer will be manned on an as needed basis for compaction and materials testing. Staff at the staging area will be provided with a portable toilet and potable water from Deep Rock type water containers. There will be approximately 15-20 workers onsite at any one time and work hours will be set to Monday through Friday 6am-6pm. The Project is anticipated to be completed by December 31, 2017. All asphalt and resurfacing equipment will be located along the section of highway were work is begin performed. After completion of the Project all staged Equipment and Materials will be removed and the Property will be returned to better then original condition.

Additionally, traffic impacts should be substantially less than that of the PK Enterprises, Inc.'s mining operation on the Property and PK Enterprises, Inc. is not planning on resuming mining operations until 2018.

I have attached the USFS Findings of No Significant Impact which clearly outlines PK Enterprises, Inc.'s planning for impacts as they pertain to a mining operation which is a higher impact use than the proposed temporary staging area.

If you should have any questions or concerns regarding this Project or this Land Use Application please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Bryan Johnson', with a stylized, overlapping loop structure.

Bryan Johnson, Executive Vice President

**LAND USE APPLICATION FORM**  
**Teller County Community Development Services**  
**PLANNING DEPARTMENT**  
Post Office Box 1886 • Woodland Park, CO 80866  
(719) 687-3048 • FAX: (719) 687-5256

**Administrative Review** (pursuant to Section 8.2 A.1 TCLUR)

- ☐ Home Child Care
- ☐ Antennae Installation/Modification/Upgrade
- ☐ Minor Modification Request
- ☒ Other \_\_\_\_\_

- ☒ PROJECT NAME: CDOT SH 67 Resurfacing
- ☐ SPECIFIC APPLICATION SUBMITTAL MATERIALS - Same as TCLUR Chapter 3, Section 3.2,  
(Minimum Contents of a Development Permit Application)
- ☐ APPLICATION FEE AMOUNT (must be attached): \$300

**PROPERTY OWNER** (please print)

IF MORE THAN ONE PROPERTY OWNER, ALL PROPERTY OWNERS MUST BE LISTED (attach list)

Name: PK Enterprises Inc

Mailing Address: PO Box 729 Divide, CO 80814

Phone: Office: 719-687-6011 Ext 73 Home: N/A

Fax: 719-687-6788 Email: bryan@pkenterprisesinc.com

**APPLICANT- IF DIFFERENT FROM PROPERTY OWNER** (please print)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: Office: \_\_\_\_\_ Home: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

- ☐ WRITTEN, NOTARIZED, AUTHORIZATION AND CONSENT FROM ALL PROPERTY OWNERS FOR  
AUTHORIZED AGENT TO ACT ON THEIR BEHALF

**AUTHORIZED AGENT - IF DIFFERENT FROM PROPERTY OWNER** (please print)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Office: \_\_\_\_\_ Home: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

☐ WRITTEN, NOTARIZED, AUTHORIZATION AND CONSENT FROM ALL PROPERTY OWNERS FOR AUTHORIZED AGENT TO ACT ON THEIR BEHALF

**NOTE:** ALL CORRESPONDENCE REGARDING THIS APPLICATION WILL BE ADDRESSED TO THE AUTHORIZED AGENT AND THE PROPERTY OWNER/APPLICANT.

**PROPERTY INFORMATION****Legal Description of Property:**

☐ If Subdivision, name: \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Filing \_\_\_\_\_ Tract \_\_\_\_\_

☐ If Metes and Bounds: Section 30 Township 13 Range 69 OR Attach a legal description and survey depicting the property boundary.

☐ If Mining Claim(s), include name(s) and Mineral Survey Number(s):  
\_\_\_\_\_  
\_\_\_\_\_

**Physical Street Address:** 71094 S SH 67 Divide, CO 80814

**Assessor's Tax Parcel Identification No(s) (PID):** 3043, 303006380

**NOTE:** IF LESS THAN THE ENTIRE PROPERTY IS THE SUBJECT OF THIS APPLICATION, ALSO ATTACH A LEGAL DESCRIPTION OF THAT PORTION AFFECTED.

Total Acreage of Property: 9.66Total Affected Acreage: NZZoning of property: A-1Current Land Use: MiningAccess: S SH 67Source of Water (if in a District, provide name): N/ASource of Waste Water Disposal (if in a District, provide name): Mr. PatsName of Fire Protection District: Divide Fire Protection DistrictName of Electric Provider: IREAName of Gas Provider: N/AZoning and Land Use of surrounding properties: A-1, USFS

### WRITTEN NARRATIVE/DESCRIPTION OF PROJECT

(attach additional information/pages as necessary)

Martin Marietta has been contracted by the Colorado Department of Transportation to resurface State Highway 67 between Divide & Cripple Creek in Teller County & would like to use this PK Enterprises Inc parcel as a staging area for the duration of the project.

I HEREBY CERTIFY THAT THE FOREGOING REPRESENTATIONS AND ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

#### PROPERTY OWNER(S)

1. Pete C. Kuypers 6/2/17  
(Printed Name) (Date)  
[Signature]  
(Signature)

#### APPLICANT(S) IF DIFFERENT THAN PROPERTY OWNER

2. \_\_\_\_\_  
(Printed Name) (Date)  
\_\_\_\_\_  
(Signature)

3. \_\_\_\_\_  
(Printed Name) \_\_\_\_\_ (Date)  
\_\_\_\_\_  
(Signature)

**AUTHORIZED AGENT – IF DIFFERENT FROM PROPERTY OWNER**

4. \_\_\_\_\_  
(Printed Name) \_\_\_\_\_ (Date)  
\_\_\_\_\_  
(Signature)

**NOTE: SIGNATURES OF ALL PROPERTY OWNERS, AND THE AUTHORIZED  
APPLICANT, REPRESENTATIVE AND/OR AGENT IS REQUIRED**  
(use space over as needed)

**OTHER INFORMATION**

(attach additional sheets as necessary)

Teller County will require copies of all required State Licenses in advance of accepting and processing this request. As is often the case, the final State of Colorado license may be contingent upon receiving County approval. In those cases, provide the conditional license, inspection, or approval to Teller County during the submittal of the application.

As a result of this Administrative Review, if a determination is made that an application for a review under Special Review Considerations is warranted, and either a Conditional Use Permit or Special Use Permit required, CDSD will inform the Applicant in writing of its determination.

## QUIT CLAIM DEED (Statutory Form)

Know all Men by these Presents, That Galloping Goose Properties, LLC of the County of Teller and State of Colorado for the consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sell and quit claim to **PK Enterprises, Inc.**, of the County of Teller and State of Colorado, whose mailing address is **P.O. Box 729, Divide, Colorado 80814**, the following Real Properties situate in the County of Teller and State of Colorado, (Assessor's Schedule Numbers **R0016011** and **R0014360**) to wit:

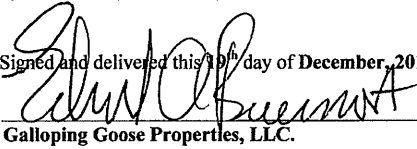
**Lot 23 B5 Trout Haven, 151 Kutsu Ridge Road**

And

**That Part of (Government) Lot 5 in Section 30, Township 13 South, Range 69 West of the Sixth Principal Meridian which lies Easterly of the Easterly Right-of-Way line of Colorado State Highway No. 67.**

with all its appurtenances subject to: General taxes due, reservations, restrictions, covenant and easements of record, if any.

Signed and delivered this 19<sup>th</sup> day of December, 2012.

  
\_\_\_\_\_  
**Galloping Goose Properties, LLC.**  
**Edward A. Beaumont, Manager**

STATE OF Colorado

County of Teller

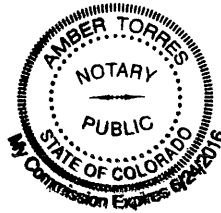
The foregoing instrument was acknowledged before me this 19<sup>th</sup> of December, 2012,  
By **Galloping Goose Properties, LLC.**  
**Edward A. Beaumont, Manager**

Witness my hand and official seal,  
My commission expires 6/24/2016

  
\_\_\_\_\_  
NOTARY PUBLIC

\*If joint tenancy is not desired, strike the phrase between the asterisks.

RE-02





# Adjacent Property Owners List

Name	Mailing Address
Betty Newell	PO Box 148 Colorado Springs, CO 80901
USFS	601 S Weber St. Colorado Springs, CO 80903
State of CO DoNR	1313 Sherman St Denver, CO 80203
Kenneth & Carla Lewis	75 County Rd 62 Divide, CO 80814



**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**Mule Creek Gravel Pit**

**USDA Forest Service  
Pike and San Isabel National Forests,  
Cimarron and Comanche National Grasslands  
Pikes Peak Ranger District  
Teller County, Colorado**

**INTRODUCTION AND BACKGROUND**

PK Enterprises, Inc., (PKE) has submitted a Special-Use Application to the Pike National Forest proposing to remove gravel from a previously developed quarry (Mule Creek Gravel Pit) located about four miles south of Divide on the east side of Colorado State Highway 67 in Teller County. The existing abandoned quarry site is located partly within the Pike National Forest and partly on private land and is immediately adjacent to the Highway 67 entrance to Mueller State Park. Under the proposed action, the applicant would develop and reclaim the site in three phases: 1) pre-production site preparation; 2) production; and 3) reclamation. Part of the reclamation phase would be implemented concurrently with production.

Aggregate from the Mule Creek Gravel Pit would be used for road maintenance and construction in Teller County. The mining of the Mule Creek Gravel Pit would allow for the reclamation of a site that is currently abandoned, is subject to excessive erosion and creates undesirable visual impacts. As the Forest Service does not have the resources to reclaim the site under existing conditions, the proposed action provides an unique opportunity for its reclamation while also serving the need for aggregate in Teller County. The proposed reclamation for the Mule Creek Gravel Pit would return the land to a more natural condition by creating more natural contours and restoring vegetation.

Under the regulations of the Council on Environmental Quality (CEQ) for implementation of the NEPA, an Environmental Assessment (EA) was prepared to determine whether the proposed action may cause significant environmental impacts (40 CFR 1500). The EA identified and evaluated two alternatives to the action proposed by PKE. This Decision Notice describes the Forest Service evaluation of these alternatives and responds to PKE's proposal.

## DECISION

This decision regarding the gravel mining and reclamation of a previously developed quarry is based upon review of the EA, supporting materials referenced in the EA, and additional information contained in this Decision Notice.

I hereby authorize PK Enterprises, Inc. to implement gravel mining and reclamation at the Mule Creek Gravel Pit in accordance with the pre-production site preparation, production, and reclamation plans and timeframe delineated in Alternative C. A Special Use Permit for the Mule Creek Gravel Pit will be issued as a result of this decision and will include the mitigation and monitoring measures detailed under Chapter 5 of the EA. Implementation of Alternative C including the proposed mitigation and monitoring measures will be in accordance with the standards and guidelines contained in Chapter III of the Forest Plan.

My authority to approve the mining and reclamation operations on National Forest System land is derived from: (1) The Organic Administration Act of June 4, 1897 (16 U.S.C. 477); (2) The Forest Service Regulations at 36 CFR 251, Subpart B; and, (3) The Forest Service Manual, 2704.3 and R2 Supplement 2700-99-1, effective 12/23/99.

## ALTERNATIVES CONSIDERED

A description of the alternatives evaluated as part of the NEPA compliance process, including the No Action Alternative was presented in the EA. It also included a description of alternatives that were considered but eliminated from detailed analysis. The alternatives studied in this EA were defined in consideration of their technical, environmental, and economic feasibility and their ability to meet the purpose and need for the proposed project.

Given the geology and soils in Teller County, there are many readily available sources of aggregate, and future demands for gravel could likely be met from the expansion of existing sites located on private and state lands. However, the U.S. Forest Service does not have jurisdiction over the development on private and state lands. These options, from the U.S. Forest Service perspective, would therefore be included in the No Action Alternative.

The U.S. Forest Service has reviewed the status of other quarry sites located on National Forest System lands. The only quarry sites currently being operated in the Pike National Forest are several small sites along the Gold Camp Road in the southeast corner of Teller County. These sites are currently permitted exclusively to the county for maintenance of Gold Camp Road. They are too small and remotely located to be effectively operated for meeting gravel needs in other parts of Teller County.

The alternatives analyzed in detail in the EA are summarized below:

- **Alternative A** is the no action alternative. Under the No Action alternative, the Forest Service would not authorize the implementation of the proposed action, and the Special Use Application submitted by PK Enterprises would be denied. The existing abandoned quarry located on both private land and National Forest System Land would remain in its current condition and no action would be taken to reclaim the site. The need for gravel in Teller County would be met through the development of new quarries or the expansion of existing quarries on state or private lands at other locations.
- **Alternative B** is the proposed action submitted by PK Enterprises. Under the proposed action, the applicant would develop and reclaim the site in three phases: 1) pre-production site preparation; 2) production; and 3) reclamation. Part of the reclamation phase would be implemented concurrently with production.

**Pre-production site preparation** activities are designed primarily to secure the site boundaries, provide access for mining, storage and removal of gravel, and to implement drainage improvements.

The **production phase** of the proposed action consists of the activities necessary to remove gravel, prepare and stockpile the mined material, and then remove the material from the site.

The quarry would operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. It is anticipated that an average of two full-time employees would be required to operate the site, with one or two additional employees occasionally required for peak production periods associated with special projects.

The **reclamation phase** of the proposed action would follow the production phase as mining progresses from north to south. Final reclamation will be completed one year after mining has been completed.

The reclamation of the gravel pit will be done in accordance with applicable USDA-NRCS specifications, standards and guidelines. National Forest standards specific to the use of seeded species from locally native plants, fertilizers and mulch will also apply to the reclamation activities.

Detailed descriptions of the different phases of the proposed action are included in the EA.

- **Alternative C** is the reduced mine size. This alternative would involve the same site preparation, gravel production and reclamation process as described above under Alternative B. Under Alternative C, the applicant would develop and reclaim the site in three phases: 1) pre-production site preparation; 2) production; and 3) reclamation. Part of the reclamation phase would be implemented concurrently with production.



**Pre-production site preparation** activities are designed primarily to secure the site boundaries, provide access for mining, storage and removal of gravel, and to implement drainage improvements.

The **production phase** of the reduced mine size consists of the activities necessary to remove gravel, prepare and stockpile the mined material, and then remove the material from the site.

The size of the expanded quarry and total production would be scaled back to approximately 58 percent of the mining area under Alternative B. The reduced size mining operation would occupy a total of 18 acres, 14 acres on National Forest System Land and 4 acres on private land. It would remove approximately 500,000 tons of gravel from the federal land and reclaim the site within a period of 5 to 7 years. The mine production rate, based upon estimated gravel demands, would be approximately the same as under the proposed action (Alternative B) averaging about 100,000 tons per year. The mine expansion area would cover only the northern part (58%) of the area impacted by the previous quarry. The quarry would operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. It is anticipated that an average of two full-time employees would be required to operate the site, with one or two additional employees occasionally required for peak production periods associated with special projects.

The **reclamation phase** of the reduced mine size would follow the production phase as mining progresses from north to south. Under this alternative, only the northern part of the previously impacted area would be reclaimed. Final reclamation will be completed less than one year after mining has been completed.

The reclamation process would be similar to that described for Alternative B. However, the northern part of the gravel pit is characterized by less steep slopes and fewer rock outcrops than the southern part. Thus, less steep slopes and fewer rock outcrops are expected after the completion of the reclamation process. Under Alternative C, the areas covered with topsoil would be seeded following surface preparation with a spring tooth harrow. Early-mid seral stage plants associated to the climax forest in the project area would be identified. Those native plants would evolve in natural progression to maintain the integrity of plant association. In order to identify the climax forest and native plants in the project area, field work would be conducted prior to the production phase. For native species, utilization of sterile non-native plants such as sterile wheat or oats may constitute an appropriate Best Management Practice (BMP).

Similarly to Alternative B, slow releasing organic fertilizer, such as "Biosol", will be applied to topsoil after placement. However, under Alternative C the recommended rates for nitrogen and phosphate will be as follows: 800 to 1,800 lbs per acre during Primary Fertilization; and 600 to 1,000 lbs per acre during Secondary Fertilization.

The reclamation of the gravel pit will be done in accordance with applicable USDA-NRCS specifications, standards and guidelines. National Forest standards specific to

the use of seeded species from locally native plants, fertilizers and mulch will also apply to the reclamation activities.

Prior to beginning work on the Mule Creek Gravel Pit operation, PK Enterprises, Inc., will implement a public notification process. This process shall include media releases, personal contacts and general information about the benefits of the project. PK Enterprises will also work with Mueller State Park and Forest Service personnel to develop a high quality brochure about the project for distribution to the public. The public notification process and brochure will be developed prior to the beginning of work in the gravel pit.

### Comparison of Alternatives

The criteria selected by the Forest Service for evaluation of alternatives were based primarily upon environmental and feasibility factors. In particular, alternatives with reduced environmental impacts and with reclamation potential were favored. Other considerations included the supply of gravel.

- **Alternative A** – Under this alternative, the nuisance factors associated with the proposed quarry operations would be avoided, but the existing abandoned quarry located on both private land and National Forest System land would remain in its current condition and no action would be taken to reclaim the site. This alternative would result in additional soil losses due to wind and water erosion processes, continued sedimentation to streams and wetlands, colonization of disturbed areas with aggressive noxious plants, the gradual loss of trees and understory vegetation on National Forest System land due to erosion of steep cut slopes, and the associated degradation of wildlife habitat and scenic values.
- **Alternative B** – The proposed action was not selected. Under Alternative B, the gravel mine would be developed and reclaimed in three phases: 1) pre-production site preparation; 2) production; and 3) reclamation to be initiated concurrently with the production phase. The purpose and need for the proposed project would be to provide aggregate for use in Teller County, to mitigate impacts from the abandoned quarry that currently exist and to reduce the potential for additional impacts to occur in the future. The main positive environmental impacts resulting from the proposed action (Alternative B) include: reduction of the cut slopes, reshaping of contours to simulate natural topographic conditions, erosion control, reduction of sedimentation from the site, long-term improvement in air quality, improvement of aquatic and wildlife habitat, recreation opportunities, revenues to the Forest Service from the sale of trees and gravel, provide aggregate for use in Teller County, and significant improvement of the aesthetic character of the site. This alternative, however, would result in impacts to air quality, noise levels, and wildlife during the production period, and the use of non-native species in the seed mix during reclamation would contribute to the displacement of native species. This alternative would require the use of explosives on occasion to fracture exposed rock outcroppings.

- **Alternative C** – This alternative has been selected and is being approved by the Forest Service. Under the reduced mine size alternative, the gravel mine would experience the same site preparation, gravel production, and similar reclamation process as described above under Alternative B. However, under Alternative C the size of the expanded quarry and production would be significantly scaled back and limited to the portion of the site containing fewer rock outcrops, thus requiring less blasting and crushing to remove and process. It is quite likely that no blasting would be required, but if it becomes necessary, the following procedures would be followed:

1. Any blasting would be restricted to the period from November 1 to May 1. The only exception to this would be if it is required to maintain production schedule and to a limited extent during the summer months.
2. Any blasting would occur during the afternoon hours.
3. If necessary, blasting would first be coordinated with the Colorado Department of Transportation, Mueller State Park, and neighbors in the area.

The mine production rates would be approximately the same as under the proposed action (Alternative B), but only about half of the volume of gravel would be removed, and the duration and/or intensity of negative impacts would be significantly reduced. The use of native species in the seed mix would not allow for the introduction of non indigenous species, and due to the finer type of material in the northern part of the gravel pit, crushing and screening activities will occur at a smaller scale than under Alternative B. This will serve to reduce dust and noise impacts. Under Alternative C, only the northern half of the area included in Alternative B would be reclaimed by the permittee. However, to meet Forest Service watershed improvement objectives, opportunities to reclaim the remainder of the previously disturbed area on the southern part of the existing gravel pit would continue to be a high priority.

**Alternative C** was chosen for the following reasons:

- The reduced mine size would meet the needs for aggregate in Teller County with minimal environmental impacts. These impacts would only occur during the production and initial reclamation phases.
- Alternative C is an opportunity to further evaluate the feasibility to reclaim the south portion of the Mule Creek Gravel Pit.

**Alternative A** was not chosen because it would result in ongoing negative environmental impacts and would not allow for the reclamation of the existing gravel pit.

**Alternative B** was not chosen due to concerns about the potential for adverse impacts to adjacent property owners from nuisance factors associated with quarry operations over a longer period of time than would occur under Alternative C. Although the benefits from reclamation of the whole area would be preferable, Alternative C will allow the Forest



Service and applicant to thoroughly test the viability of reclamation using primarily indigenous species. Also, it would reduce the duration and intensity of gravel mining, production and reclamation impacts on adjacent property owners. If, through implementation of Alternative C, it is determined that development and reclamation of the entire site is technically and environmentally feasible, then such a proposal could be considered by the Forest Service in the future.

## ISSUES

All issues identified by the Forest Service during the scoping process were addressed in the EA, and six of these issues were considered to be of major importance. These issues are summarized below.

- **Transportation and traffic** – The increase of traffic due to the gravel pit operation is partially responsible for the reduction in air quality and increased noise levels. These impacts would occur during the gravel production phase and the first phases of the reclamation process. The EA quantified the impacts in the traffic levels due to those operations. However, the traffic count information on Highway 67 presented in the EA was not correct. The data provided by the Colorado Department of Transportation (CDOT) was labeled as monthly but correspond, in fact, to average daily numbers. In addition, operational times for transportation of gravel by truck would be limited to Monday through Friday with no evening or weekend trucking being proposed. As a result, the impacts in traffic caused by the operation of the Mule Creek Gravel Mine are reduced to insignificant levels.
- **Visual impacts** – The historical mining activity in Mule Creek Gravel Pit has created steep unstable cut slopes in the decomposing Pikes Peak granite that are devoid of vegetation. The associated visual appearance of the site constitutes a visual impact both to the visitors to the Muller State Park and the users of Highway 67. The reclamation plan proposed in the EA aims to improve the aesthetic of the site through the restoration of more appealing topographic features and vegetation. The cut slopes would be reduced by removing material at the top of the existing cut bank, and all the disturbed area would be reclaimed.
- **Noise, dust, and nuisance factors** – Noise, dust, and nuisance factors associated with the proposed operation would be directly related to gravel production and transport, and to the first phases of the reclamation process (reshaping of contours, scarification of the topsoil, and distribution of the stockpiled topsoil), which vary over the course of the day as well as seasonally. The most impacted members of the public would be residents living in the two homes near the project area. The reduced mine size alternative would minimize these short-term impacts. Because Alternative C involves activity in only the north end of the site, where there is less hard rock, a crusher is less likely to be needed. Thus, the noise and dust impacts associated to Alternative C would be less for the residents of the properties adjacent to the gravel pit than under Alternative B. In particular, the noise impacts would be less for the residents of the property south of the gravel pit. Noise monitoring equipment will be installed in

Mueller State Park and, if determined to be excessive, corrective measures will be taken. Monitoring for noise and subsequent corrective actions will be the responsibility of PK Enterprises. Dust control would be addressed through appropriate measures defined in the Air Pollution Emission Notice and Control Plan for Fugitive Particulate Emissions to be submitted to the Colorado Department of Health and Environment. In the long term, the reclamation of the new and previous mining areas would contribute to an improvement in the air quality in the area due to a reduction in wind erosion from exposed soils.

- **Water Quality impacts** – Water quality impacts of mining operation and reclamation are associated with the movement of sediment from the unvegetated portions of the property into the wetlands and stream. Sediment loads and other water quality constituents should be virtually eliminated through the use of sedimentation basins during mining, and through revegetation after mining has been completed.
- **Wildlife impacts** – Wildlife habitat above the mined area and along the drainage will continue to degrade due to continuing erosion and accumulation of sediment, respectively. The reclamation process will allow revegetation of the mined area as well as reduction of sediment accumulation in the stream, thus improving wildlife habitat in the area. In addition, the reduction of slope gradient in the property would increase the usable area for wildlife. The negative impacts of noise and human activity on wildlife would be reduced by scaling back the size of the mining operation.
- **Wetland Impacts** – Wetland impacts from the accumulation of sediment and possible changes in hydrology associated with the culvert being installed under the access road must be addressed. Existing wetlands within the mine property have been delineated and areas where impacts may occur have been identified in the EA and through the review process conducted by the Army Corps of Engineers for the Clean Water Act, Section 404 Permit. Without intervention, the wetland will continue to dry out, changing the type of vegetation that can grow in the area below the culvert from wetland to upland species, the mining activity would all occur in areas to the east of the drainage, above the elevation of the wetland. PK Enterprises proposes to install silt fence and detention ponds and sedimentation basins at the bottom of the mine, thereby improving water quality leaving the site. Assuming successful reclamation, the site would be covered in a protective layer of vegetation, which would return the movement of soil to the wetland to that close to a natural rate. The Corps of Engineers has visited the site and indicated that the impacts associated with the proposed project would be minimal, less than 200 square feet, and have been authorized under Nationwide permit No. 26 for road crossing improvements and bank stabilization. Best management practices implemented in conjunction with the project would substantially reduce sedimentation, improve drainage and stabilize the site. This would arrest the degradation that is now occurring and increase the potential for the eventual recovery of the wetlands.

## **PUBLIC INVOLVEMENT**

Public involvement processes concerning the operation and reclamation of the Mule Creek Gravel Pit have been conducted by the USDA Forest Service and Teller County.

In 1998, the USDA Forest Service made available to the public the proposal received from PK Enterprises, Inc. relative to the reopening of mining activities and a reclamation plan in Mule Creek Gravel Pit. In addition, the USDA Forest Service sent a scoping letter to interested parties.

During 1998 and 1999, several articles and news releases were published in local and regional newspapers, and the project was covered by TV Channels 5 and 30. The USDA Forest Service also conducted several site visits during 1999 with interested public parties.

The public involvement in 2000 has included site visits to Mule Creek Gravel Pit, and participation in the Planning Commission Meeting and in the Teller County Planning Commission Work Session.

## **FINDING OF NO SIGNIFICANT IMPACT**

I have determined that implementation of Alternative C will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based upon the analysis of environmental consequences documented in the EA. The following discussion focuses on factors to be considered in determining what constitutes "significant effects on the environment (see Council on Environmental Quality regulations at 40 CFR 1508.27)

### **Context**

The approved alternative, Alternative C, will impact approximately 14 acres of National Forest lands, in the northern half of the currently disturbed site. The southern, steeper portion of the site will remain unchanged from what it is today.

The operational period for this project will last 5 to 7 years beginning in spring of the year 2000. The Special Use Permit for the operation and reclamation of the mine will expire on December 31, 2010.

### **Intensity**

The physical and biological effects of this action will be confined primarily to the area occupied by the Mule Creek Gravel Pit, but it is expected that environmental benefits associated with the reduction of erosion and sedimentation will extend to downstream areas that are outside of mine. Adverse effects on soils, water, air, wildlife, recreation and vegetation are judged to be not significant due to the temporary nature small scale of the operation impacts, and mitigation and monitoring measures required (as delineated in

Chapter 5 of the EA). The long-term beneficial effects to soils, hydrology, water and air quality, wetlands, aquatic habitat, vegetation, wildlife and scenic resources will be potentially significant.

A variety of mitigation requirements for this project will insure that the proposed improvements are implemented in a manner that will minimize operation impacts. Monitoring requirements will be designed to insure that the proposed improvements are effective and functioning as intended to reduce erosion and sedimentation.

This project will result in significant improvements in the aesthetic characteristics of the geographic area, and will most likely induce further reclamation operations in the region. The project will result in short term impacts, but the long term benefits are substantial.

The environmental effects are not scientifically or technically controversial, do not involve unique or unknown risks, nor are the environmental effects highly uncertain.

Alternative C does not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration.

Implementing this alternative, and other existing or foreseeable actions on or adjacent to the area, does not cause a significant cumulative effect.

Based on a cultural resources inventory of the site of the proposed project conducted by Powers Elevation Co., Inc. on September 1998, in compliance with the USDA Forest Service requirements regarding Section 106 of the National Historic Preservation Act, Alternative C would not affect any cultural resource on National Forest System land.

A Biological Evaluation was completed in 1998 to assess the potential for impacts to federally listed Threatened or Endangered species resulting from mining activities in the proposed project. A list of Threatened, Endangered, and Candidate species occurring on the proposed project site was provided by the U.S. Fish and Wildlife Service (USFWS), Colorado Division of Wildlife (CDOW), and Colorado Natural Heritage Program (CNHP). The biological evaluation concluded that the proposed project would have no adverse impacts on any Threatened, Endangered, Proposed or Forest Service Sensitive species, as disclosed in the biological evaluation, that may utilize the area and that beneficial impacts may occur to these species.

This project does not threaten to violate federal, state or local law or requirements imposed for the protection of the environment.

## **FOREST PLAN CONSISTENCY**

The management direction in the *Land and Resource Management Plan* for the Pike and San Isabel National Forests and the Comanche and Cimarron National Grasslands (Forest Plan) establishes the guidelines to be used for analyzing proposals by prospective Forest users. All permits for occupancy and use of National Forest lands covered by the Forest Plan must be consistent with its management direction. The Mule Creek Gravel Pit

would be located in a Management Prescription area 2B (USDA Forest Service, 1984a). Areas designated 2B are to provide "opportunity for outdoor recreation in wooded natural and rural settings, including developed recreation facilities and year-round motorized and nonmotorized recreation." Factors that were considered in determining whether this project is consistent with the Forest Plan are the following:

**Visual Resource Management:**

Visual resources are managed so that management activities are not evident or remain visually subordinate. Past management activities such as historical changes caused by early mining, logging, and ranching may be present which are not visually subordinate but appear to have evolved to their present state through natural processes. Landscape rehabilitation is used to restore landscapes to a desirable visual quality. Enhancement aimed at increasing positive elements of the landscape to improve visual variety is also used.

**Wildlife Habitat Improvement and Maintenance:**

Wildlife Habitat Improvement and Maintenance goals are to maintain habitat capability at 60 percent of potential capability for management indicator species, and to increase habitat diversity.

**Reforestation:**

Forest management activities aim to establish a satisfactory stand on cutover areas, emphasizing natural regeneration. The use of trees of the best genetic quality available which are adapted to the planting site when supplemental planting is recommended.

**Special Use Management (non-recreation):**

Special Use Management (non-recreation) allows for uses that are complementary and compatible with the kind and development level of the associated Forest Service facilities within the area. In particular, management activities (a) act on special use applications for land and land use activities that relate to public safety, health and welfare, contribute to increased economic activity associated with National Forest resources, and that benefit only private users; (b) do not approve any special use applications that can be reasonably met on private or other Federal lands unless it is clearly in the public interest; (c) bury new electrical utility lines of 33 kV or less and new telephone lines, except for special conditions; (d) do not approve special use applications for areas adjacent to developed recreation sites unless the proposed use is compatible with the purpose and use of the developed site.

**Semiprimitive Motorized Recreation Management:**

Semiprimitive Motorized Recreation management emphasizes activities such as snowmobiling, four-wheel driving, and motorcycling both on and off roads and trails.

Motorized travel may be restricted or seasonally prohibited to designated routes to protect physical and biological resources.

**Mineral and energy resources:**

Mineral and energy resources activities are generally compatible with goals of this management area subject to appropriate stipulations provided in Management Activities G00 - G07 in the Forest Plan.

**APPEALS**

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215.7. To appeal this decision, a person must submit a written appeal to the Appeal Deciding Officer within 45 days of the date of publication of this Decision Notice in the Pueblo Chieftan. Appeals must be mailed to the Appeal Deciding Officer at P.O. Box 25127, Lakewood, Colorado 80225-0127, or delivered to same at 740 Simms St., Golden, Colorado. Appeals must meet content requirements of 36 CFR 215.14.

The appellant is responsible for submitting an appeal on or before the last day of the appeal filing period. Where there is a question about timeliness of an appeal, the U.S. Postal Service postmark on a mailed appeal or the time and date imprint on a facsimile appeal will be used to determine timeliness.

For further information regarding this project, contact Tim Grantham, Pikes Peak Ranger District, 601 South Weber Street, Colorado Springs, Colorado 80903, phone (719) 477-4207.

  
Forest Supervisor  
Abigail R. Kimbell

May 22, 2000  
Date