



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

February 13, 2020

Larry Johnson
Uinta Mining ,LLC
2850 East Crimson Ridge Drive
St. George, UT 84790

RE: Skull Creek, Permit No. M-2019-054 Comments Regarding 112c Permit Application and (AM01)

Dear Mr. Johnson,

On December 16, 2019 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from the State Historic Preservation Officer (SHPO).

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by the SHPO.

On January 7, 2020 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from the Colorado Parks and Wildlife.

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by the CPW.

On February 13, 2020 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from the Colorado Division of Water Resources.

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by the DWR.

On December 6, 2019 the Division of Reclamation, Mining and Safety (Division) received comments regarding the above referenced application from the US Army Corps of Engineers.

Please inform the Division of how the Applicant will respond to the jurisdictional issues presented by the Army Corps of Engineers.

If you require additional information, have questions or concerns, please contact me at the DRMS Grand Junction Field Office.



Sincerely,



Stephanie Mitchell

Environmental Protection Specialist

Department of Natural Resources

Division of Reclamation, Mining and Safety

101 South 3rd, Suite 301

Grand Junction, CO 81501

Phone: (303)866-3567 ext 8180

Fax: (970) 241-1516

Enc. SHPO comments dated December 16, 2019

CPW comments dated January 7, 2020

DWR comments dated February 13, 2020

ACE comments dated December 6, 2019

Cc: Travis Marshall, Senior Environmental Protection Specialist

Robert Nead

Uinta Mining, LLC

6602 Ilex Circle

Naples, FL 34109



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DEC 16 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

DEC 16 2019

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Stephanie Mitchell
Division of Reclamation, Mining and Safety
1313 Sherman St., Room 215
Denver, Colorado 80203

Re: Skull Creek, File No. M-2019-054 (HC# 76956)

Dear Ms. Mitchell:

Thank you for your correspondence dated December 2, 2019, received by our office on December 4, 2019, for the referenced project. Our comments are provided in accordance with the Colorado State Register Act (Colorado Revised Statute CRS 24-80.1).

A search of the Colorado cultural resource inventory database indicated five previously recorded sites in the area of proposed action:

Site #	Name/Type	National/State Register Eligibility	Recording/Assessment Date
5MF.783	Open Camp	Field Eligible	5/12/1976
5ST.784	Open Lithic	Field Not Eligible	5/12/1976
5MF.785	Sheltered Architectural	Field Eligible	5/12/1976
5MF.1993	Homestead	Field Eligible	5/11/1976
5MF.7572.1	Hayden - Vernal Transmission Line - Segment	Officially Not Eligible	5/4/2019

As none of the above properties have been nominated for inclusion in or accepted by the state register, additional protection is not required by this act. Nevertheless, we recommend avoidance of all officially eligible, field eligible, and officially needs data sites, if possible. Please keep in mind that our files contain incomplete information for this area, as most of Colorado has not yet been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. Should human remains be discovered during mining activities, the requirements under State law CRS 24-80 part 13 apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Holly McKee-Huth, Cultural Resource Information/Section 106 Compliance at (303) 866-4670/holly.mckee@state.co.us.

Sincerely,


Steve Turner, AIA
State Historic Preservation Officer

Office of Archaeology and Historic Preservation
1200 Broadway
Denver, CO 80203
270130165

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Stephanie Mitchell
Division of Reclamation, Mining and Safety
1313 Sherman St., Room 215
Denver, Colorado 80203

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COLORADO

Parks and Wildlife

Department of Natural Resources

Meeker Service Center
PO Box 1181 | 73485 Hwy 64
Meeker, Colorado 81641
P 970.878.6090 | F 970.878.6077

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MINING & SAFETY

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Division of Reclamation, Mining, and Safety

Stephanie J. Mitchell

1313 Sherman Street Rm. 215
Denver, Colorado 80203

Re: Skull Creek File No. M-2019-054

Dear Ms. Mitchell:

Thank you for the opportunity to provide comments on the Uinta Mining Skull Creek Sand Mining Project. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado. This responsibility is embraced and fulfilled through CPW's mission to perpetuate the wildlife resources of Colorado and to provide sustainable outdoor recreation opportunities that educate and inspire future generations. In coordination with other efforts, we fulfill this mission by responding to requests for comments on developments that could impact wildlife.

Providing for wildlife when planning land use is economically sound. Hunting, fishing, and wildlife watching generated the following estimated numbers in the Northwest Region of Colorado during 2017 alone (Statewide Comprehensive Outdoor Recreation Plan, CPW, 2017):

- A total economic output of \$536,000,000
- State & local taxes estimated at \$37,000,000
- Supported approximately 4,701 jobs

The Skull Creek Sand Mining Project covers an area that CPW has mapped as the following: elk winter concentration area; elk severe winter range; mule deer winter concentration area; mule deer severe winter range; pronghorn overall range; pronghorn winter range; pronghorn perennial water source. The following definitions apply to all three species:

- Winter Concentration Area: that part of the winter range of a species where densities are at least 200% greater than the surrounding winter range density during the average five winters out of ten from the first heavy snowfall to spring green-up.
- Severe Winter Range: that part of the range of a species where 90% of the individuals are located when the annual snow pack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten.



The above definitions and economic impacts convey the importance of considering wintering wildlife during mining operations. CPW recommends restricting traffic on the parcel to the hours of 10:00 am - 3:00 pm from December 1 to April 15, annually.

CPW has also reviewed the reclamation plan and proposed seed mixes. We suggest that only native grasses be used during all reclamation phases for restoring the site to natural conditions.

Colorado Parks & Wildlife values the opportunity to provide comments on this project. If you have any questions or concerns, please contact or Garrett Smith, District Wildlife Manager, at (970) 878-6071 or Danielle Neumann, Land Use Specialist, at (970) 366-1223.

Sincerely,

A handwritten signature in cursive script that reads "Bill de Vergie".

Bill de Vergie

Area Wildlife Manager

Cc. Danielle Neumann, Land Use Specialist
Garrett Smith, District Wildlife Manager
File



STATE OF COLORADO
PARKS AND WILDLIFE
DEPARTMENT OF NATURAL RESOURCES
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Meeker, Colorado 81641-1181
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COLORADO

Division of Water Resources

Department of Natural Resources
1313 Sherman St., Room 821
Denver, CO 80203

Response to Consideration of 112c Construction Materials Reclamation Permit Amendment Application

To: Stephanie J. Mitchell, Environmental Protection Specialist
From: Justina P. Mickelson, Physical Science Researcher/Scientist
Date: February 13, 2020
Re: Permit No. M-2019-054 (AM01)
Operator: Uinta Mining, LLC; Skull Creek
Section 36, Twp 4 N, Rng 101 W, 6th P.M.; Moffat County

CONDITIONS FOR APPROVAL

The proposed operation does not anticipate exposing groundwater. Therefore, exposure of ground water must not occur during or after mining operations.

According to the applicant, water will be obtained from offsite and brought to the site to use for dust suppression. The applicant will need to document that the water was obtained from a legal source that allows such industrial use.

According to our records, there does not appear to be a production well permitted at the location of this site. A valid well permit must be obtained for any exposure of ground water occurring during or after mining operations and for any ground water uses.

If storm water is not diverted or captured in priority, Colorado Water Law requires it to be released, or replacement for evaporation will be required of the impounder/operator/owner of the gravel pit. The State Engineer's current policy requires that all impounded water be released to the stream system within a maximum of 72 hours after impoundment. Unless captured in priority, impounded water may not be used for any purpose except as approved under a water supply plan or decreed plan for augmentation.

COMMENTS:

This office has no objections to the Consideration of 112c Construction Materials Reclamation Permit Application so long as the site operates under a valid well permit for any ground water exposure or use.

The applicant may contact the State Engineer's Office with any questions.

Cc: Division 6 Engineer
District 44 Water Commissioner





DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

December 6, 2019

Colorado Division of Reclamation, Mining and Safety
Attn: Ms. Stephanie Mitchell
1313 Sherman St., Room 215
Denver, CO 80203
stephanie.mitchell@state.co.us

Dear Ms. Mitchell,

We are responding to your December 2, 2019, request for comments on Uinta Mining, LLC's application for a surface mining and reclamation operation (DRMS Permit No. M2019054 "Skull Creek Sand Project"). The project site is located near Section 36, Township 4 North, Range 101 West, Sixth Principal Meridian, approximately 2.7 miles northwest of the unincorporated community of Massadona, Moffat County, Colorado.

The Corps of Engineers' jurisdiction is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, intermittent or ephemeral streams, lakes, ponds, impoundments, wetlands, seeps, and springs. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the presence of waters on a project site, the applicant should prepare an aquatic resource delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations" and "Final Map and Drawing Standards for the South Pacific Division Regulatory Program" under "Jurisdiction" on our website at the address below and submit it to this office for verification. A list of consultants that prepare aquatic resource delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for a project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from a project's implementation.

We have assigned identification number SPK-2019-00872 to this project. Please refer to this number in any future correspondence concerning this project. If you have any questions, please contact Tucker Feyder at the Colorado West Section Regulatory

Office, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at Tucker.J.Feyder@usace.army.mil, or telephone at (970) 243-1199 ext. 1017.

We would appreciate any feedback on this permit action including your interaction with our staff and processes. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx

Sincerely,

NALL.SUSAN
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Susan B. Nall
Chief, CO West Section

cc:

Uinta Mining, LLC, 2850 East Crimson Ridge Dr., St. George, UT 84790
Ms. Tammy Raschke, Moffat County Clerk & Recorder's Office, 221 W. Victory Way,
Suite 200, Craig, CO 81625, traschke@moffatcounty.net



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Parks and Wildlife

Department of Natural Resources

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PO Box 1181 | 73485 Hwy 64
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**DIVISION OF RECLAMATION
MINING & SAFETY**

Division of Reclamation, Mining, and Safety

→ Stephanie J. Mitchell
1313 Sherman Street Rm. 215
Denver, Colorado 80203

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Sincerely,

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Bill de Vergie

Area Wildlife Manager

Cc. Danielle Neumann, Land Use Specialist
Garrett Smith, District Wildlife Manager
File

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DEPARTMENT OF NATURAL RESOURCES
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