



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

March 5, 2020

Tony Roberts
Scott Contracting, Inc.
9200 E Mineral Ave
Suite 400
Centennial, CO 80112

***RE: Rifle Pit #1, File No.M-2020-008, Contruction Material Regular (112) Operation Reclamation
Permit Application, Comments Received***

Dear Mr. Roberts:

To date the Division of Reclamation, Mining and Safety (Division) has received three timely agency comments (Copies enclosed) to the above listed application from Colorado Parks and Wildlife, Division of Water Resources, Office of the State Engineer and the State Historic Preservation Office. Please address and respond to the recommendations contained within these comments. Please send your response to the Division separate from any other correspondence.

If you have any questions, concerns or require additional information please feel free to contact me at the Division's Grand Junction Field Office, by phone at (970) 243-6368 or by email at lucas.west@state.co.us.

Sincerely,

Lucas West
Environmental Protection Specialist
Division of Reclamation, Mining and Safety

Enclosure: Comment letter, Colorado Parks and Wildlife February 24, 2020
 Comment letter, Colorado DWR, Office of the State Engineer, February 13, 2020
 Comment Letter, Colorado State Historic Preservation Office February 11, 2020

Cc: Travis Marshall, Senior Environmental Protection Specialist

Ec: Tony Roberts, Scott Contracting Inc.





COLORADO

Parks and Wildlife

Department of Natural Resources

Grand Junction Service Center
Northwest Regional Office
711 Independent Ave.
Grand Junction, CO 81505

February 24th, 2020

Lucas J. West

Division of Reclamation, Mining, and Safety; Environmental Protection Specialist
1313 Sherman St. Room #215
Denver, CO 80203

RE: Rifle Gravel Pit #1; construction and operation by Scott Contracting Inc.

Dear Mr. West,

Thank you for the opportunity to review the proposed construction and operation of a new gravel pit referred to as the Rifle Gravel Pit #1 in Garfield County, Colorado. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in the State of Colorado. CPW embraces and fulfills this through our mission to protect, preserve, enhance, and manage all wildlife within the State of Colorado for the use and enjoyment by all current and future generations of Colorado residents as well as the visitors of the State of Colorado. CPW encourages the Division of Mining, Reclamation, and Safety and the project applicant to afford the highest level of protection to Colorado's wildlife and there current, as well as future, habitat.

CPW understands that the construction and operation for the proposed Rifle Gravel Pit #1 project will take place over the course of the next five to seven years. Final reclamation will take place to support a recreational pond as well as future grazing opportunities for the landowner after mining operations have concluded. The mining and reclamation operations will be undertaken through two separate phases of the project.

After reviewing the application, CPW has identified several areas wildlife concerns and has developed the following Best Management Practices (BMPs) to avoid and minimize wildlife impacts to the best extent possible.

Construction/Operation BMPs

1. CPW has identified the area that the proposed project will be occurring in as Winter Concentration Areas for both Mule Deer and elk. During operations that occur in winter months CPW recommends that operational hours take place between the hours of 7 a.m. and 5 p.m. to avoid excessive disturbance to these animals. In the application it was stated that there were only a few deer seen on this property during the application process but CPW would like to emphasize that these animals move over large



landscapes and there is potential in the future for larger numbers of deer and elk to inhabit the property that this project will be occurring on.

2. Given that the work area for this project has a very high density of noxious weeds, Colorado Parks and Wildlife recommends that all work equipment be sanitized and have any existing dirt, vegetation, or seeds from landscaping and operational work be removed before leaving the work area.
3. According to page 15 of the application, the dewatering operations for this project will be utilizing a newly constructed ditch that runs into the Colorado River to remove excess groundwater from the mining operation. CPW recommends that measures be taken to avoid excessive sedimentation into the Colorado River at the point of the operation, as there is critical river habitat for Native Threatened and Endangered species downstream from the proposed operation. Vegetation on the newly constructed berms as well as the newly constructed ditch should be allowed to establish a new base of vegetation before water with high sediment loads are removed from the proposed project area and placed into the ditch to flow into the Colorado River. If operation must take place before the vegetation has an opportunity to properly establish itself then other sediment control BMPs should be used (straw wattles, silt fencing, etc).
4. Any new fencing needed for the proposed project should be constructed with wildlife friendly fence. Guidelines for appropriate wildlife fencing can be found at our website at the following link:
<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf#search=wildlife%20fencing>
5. As stated in the application, The U.S Fish and Wildlife Services should be consulted in regards to other Threatened and Endangered plant and animal species (Ute Ladies'-tresses, Yellow-billed Cuckoo, etc.) which may be found at the site of the proposed operation.

Reclamation and Future Operational BMPs

1. One of the CPWs largest concerns is with the future operation of the recreational pond that will be left after the mining operations have concluded. In the past there have been issues with unwanted predatory fish (Northern Pike, Smallmouth Bass, etc.) being stocked into recreational ponds that have potential to spill into the Colorado River. Over the past 4 years CPW has spent 4 weeks of staff time on an annual basis and approximately \$65,000 trying to remove illegally stocked Northern Pike in the neighboring Middle Mamm Creek mining pits that have subsequently been turned into recreational ponds. CPW recognizes that this mining operation will take place .25 mile away from the river but would like to emphasize that all berms separating the pond from the new ditch should be well maintained and properly enforces to avoid any chance of fish escaping from the new recreational pond into the ditch which will flow into the Colorado River. CPW would be more than happy to talk with the landowner and offer information on any future fish stocking into the new recreational pond after the mining operations have concluded.

2. CPW understands that all existing vegetation on the property will be removed for the proposed mining operation. This includes several standing cottonwood trees and small patches of sagebrush, which provides important habitat for several wildlife species, especially mule deer during the winter months. The application states that only native grasses will be replanted during the reclamation process. CPW recommends additional seeding and planting of native brush species (sagebrush, greasewood, rabbitbrush, etc.) as well as several cottonwood trees in any area disturbed by the proposed mining operation that will not be turned into grazing pastures. This is important to return the landscape back into a natural setting that will support wildlife in a fashion that is similar to its current existing nature.
3. The recreational pond should be constructed with bank slopes of 3H:1V ratios or several available escape ramps to allow for any wildlife to escape from the pond.

Colorado Parks and Wildlife appreciates the opportunity to submit comments for this project. If there are any questions or need for additional information, don't hesitate to contact Land Use Specialist, Danielle Neumann at (970) 366-1223 or District Wildlife Manager, Travis Bybee at (970) 985-5882

Sincerely,



Kirk Oldham, Area Wildlife Manager

Cc. Travis Bybee, District Wildlife Manager
Danielle Neumann, Land Use Specialist
Erin Cassidy, Assistant to the Regional Manager
File



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 Application

To: Lucas J. West, Environmental Protection Specialist
From: Justina P. Mickelson, Physical Science Researcher/Scientist
Date: February 13, 2020
Re: Permit No. M-2020-008, Rifle Gravel Pit #1
Operator: Scott Contracting, Inc.
Section 8, Twp 6 S, Rng 92 W, 6th P.M.; Garfield County

CONDITIONS FOR APPROVAL

The proposed operation anticipates exposing groundwater. The proposed site is located in an over-appropriated stream system. If water were stored or evaporates out of priority, then a plan for augmentation would be required. Groundwater encountered at the pond, would then be considered a well and a plan for augmentation would be required, unless a liner were installed to prevent surface water from contacting groundwater.

With the anticipation of exposing groundwater, the applicant intends to contract with West Divide Water Conservancy District for augmentation water, apply for a substitute water supply plan (SWSP) with this office and apply for a decreed augmentation plan through water court.

According to the mining plan, the applicant will apply for a dewatering well permit. The dewatering activity will lower the groundwater during Phase 1 and will support aggregate mining preparation during Phase 2. The applicant will also apply for a pond well permit for exposure of groundwater in the pit. Water depletions occurring during mining operations will be from mined aggregate and dust control. After mining is completed, water depletions from the pit will be from evaporation of ground water from the gravel pit pond.

Prior to approving a well permit, the applicant must conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area. The applicant must then obtain a waiver of objection from all well owners with wells within 600 feet of the permit area. The applicant must then obtain a waiver of objection from all well owners within 600 feet of the permit area or request a hearing before the State Engineer.

The applicant is planning to truck potable water onto the site to supply employees with potable water. The applicant will need to document that the water was obtained from a legal source that allows such commercial use.

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(s) for any ground water exposure or use.

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

Cc: Division 5 Engineer
District 45 Water Commissioner



RECEIVED

FEB 14 2020

**DIVISION OF RECLAMATION
MINING AND SAFETY**

Lucas J. West
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

FEB 11 2020

Re: Rifle Gravel Pit #1, File No. M-2020-008 (HC#77315)

Dear Mr. West:

We received your correspondence dated February 6, 2020 on February 10, 2020 initiating consultation with our office in accordance with the Colorado State Register Act (Colorado Revised Statute (CRS) 24-80.1).

A search of the Colorado Cultural Resource Inventory database indicates that one cultural resource inventory has been conducted in or near the proposed permit area, but no properties of historical significance have been recorded therein. 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/106 Compliance at (303) 866-4670/ holly.mckee@state.co.us.

Sincerely,

Steve Turner, AIA
State Historic Preservation Officer