



Permit Application from Peak Materials for gravel pit in Lower Blue River Basin

1 message

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To: drms.temp@state.co.us

Thu, Oct 8, 2020 at 12:23 AM

October 7, 2020
Colorado Division of Reclamation, Mining and Safety
1313 Sherman St.
Denver, CO 80203
RE: Application by Peak Ranch Resource (File No. M2020041)

To whom it may concern,

I am writing to seek Party status for the Sierra Club to testify about the above-mentioned application by Peak Materials to establish a gravel mining operation at the site designated as Peak Ranch Resource.

I am specifically aggrieved by this proposed project for the reasons set out in the attached Sierra Club Resolution and Discussion of the subject project. The Sierra Club opposes issuance of a permit for the development of the gravel mining operation at the site designated as Peak Ranch Resource. The attachment gives our Resolution to that effect and a narrative of our reasons for our conclusion.

I wish to be heard at the public hearing of the Colorado Mined Land Reclamation Board when the Board takes up this application. Please add me to your email distribution list notifying interested parties of the date, time and location for this meeting.

Sincerely,

Bert Melcher

Albert G. Melcher MS Captain Civil Engineer Corps USNR Retired
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Resolution

The Colorado Mined Land Reclamation Board will conduct a hearing on an application by Peak Materials for a new gravel pit on the “Hilliard property”, on State Highway 9 north of Silverthorne, Colorado. The Sierra Club is adamantly opposed to the development of the gravel pit, and by this Resolution, it requests the Mined Land Reclamation Board to deny the expansion permits and all appropriate authorities to deny similar applications for this project.

The proposed project’s mining plan submission content is specified in the “Mineral Rules and Regulations” of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials.” The mining plan as presented may appear to be in broad general conformance with the rules stated in “Rule 3: Reclamation Performance Standards, Inspection, Monitoring, and Enforcement.”

However, the mining plan is avoiding the most critical factors of the severe ecological and environmental impacts that are of profound concern. The reclamation plan requirements deal with on-site operations as well as post-operation reclamation. However, it is quite limited in content and extent, does not discuss the cumulative direct, secondary, indirect and offsite impacts to the much larger environment. The intangible values, addressed by the County Lower Blue Master Plan, are of overarching value to residents and visitors of the area, and are of great import; sufficient in magnitude to cause the Sierra Club to take its position in this case. The rural character of the river basin, enhanced in no small part by the immediate proximity of designated Wilderness, will be profoundly debased.

Impacts include the mined-land geography and biota, air quality, wildlife, water resources and fishery, traffic and highway safety, severe visual quality loss from the road and from the surrounding viewpoints, climate change, recreational uses, and the character of an industrial intrusion into a rural setting. Impacts may be direct and/or subject to high risk factors.

The Sierra Club is appreciative of the opportunity to present this position of opposition to the Colorado Mined Land Reclamation Board

The Sierra Club
Colorado Chapter
Adopted October 5, 2020

Contact: Bert Melcher a.melcher@comcast.net; Becky English beckyrep@GMAIL.COM

Sierra Club Resolution on Proposed Gravel Pit, **Lower Blue River, Colorado** **DISCUSSION**

Pertaining to the proposed gravel pit operation by Peak Materials on the Hilliard property north of Silverthorne, the Colorado Sierra Club has examined the Mining Plan and other relevant documents. The Sierra Club opposes the development of that gravel pit and requests that the Colorado Division of Reclamation, Mining and Safety deny the permit for the operation of the gravel pit.

The mining plan submission content is specified in the “Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials.” The mining plan as presented may appear to be in broad general conformance with the rules stated in “Rule 3: Reclamation Performance Standards, Inspection, Monitoring, and Enforcement.”

However, the mining plan is avoiding the most critical factors of the severe environmental impacts that are of profound concern. These indicate to the Sierra Club that this proposed mine should not be permitted. The reclamation plan requirements deal with operations as well as post-operation reclamation. But it is quite limited in content and extent, does not discuss the cumulative secondary, indirect and offsite impacts. The intangible values, addressed by the County Lower Blue Master Plan and of overarching value to residents and visitors of the area, are of great import; sufficient in magnitude to cause the Sierra Club to take its position in this case.

Should the Sierra Club position that a mining permit be denied not prevail, we present positions about further actions that must be taken for proper environmental analysis and responsible decision-making. Although it is so small that under the National Environmental Policy Act (NEPA), this project could be excluded as “Categorical Exclusion.” However, its impacts are such that an “Environmental Analysis” could be justified. Even if there is no full NEPA study, the process can and should be applied at a smaller scale. The very good Summit County Master Plan, especially for the Lower Blue, in general exhibits the comprehensive thought processes and environmental interactions to replicate those of the natural and man-made environment. Attention to these matters result in the recommendation to deny the permit.

The Peak Ranch Resource 112 Reclamation Permit Application to the Colorado Division of Reclamation, Mining and Safety (DRMS) has Exhibits A through S. These are primarily relating to the on-site elements with minimal attention to the larger and off-site issues which are addressed in this document. Where the various documents from Peak Materials do not address some matters of concern for this document, we have no reason to dismiss research done by “Lower Blue Residents United”, whose members include people of outstanding natural resource science and law experience, and who are familiar with studies based on, or derived from, the principals of, the National Environmental Policy Act. The Peak Ranch Resource 112 Reclamation Permit

Application to the Colorado Division of Reclamation, Mining and Safety (DRMS) has Exhibits A through S. These are primarily relating to the on-site elements with minimal attention to the larger and off-site issues which are addressed in this document. Where the various documents from Peak Materials do not address some matters of concern for this document, we have no reason to dismiss research done by "Lower Blue Residents United", whose members include people of outstanding natural resource science and law experience, and who are familiar with studies based on, or derived from, the principals of, the National Environmental Policy Act. Additional material is found in the Peak Materials internet site. Their responses to "Frequently Asked Questions" shed no light on the issues addresses below, nor does the "Site Evaluation" prepared by a consulting firm. The Peak Ranch Resource 112 Reclamation Permit Application to the DRMS has Exhibits A through S. These are primarily relating to the on-site elements with minimal attention to the larger and off-site issues which are addressed in this document.

Following are some of the fatal flaws of the proposed mining operation.

Protection of Rural Character. We support a critical element of the County Master Plan in the section on "Overall Philosophy and Stewardship." We draw on it in reaching our opposition position. Regarding the Lower Blue: "The central theme of this philosophy is the protection of the Basin's rural character. The overall philosophy of the Plan is to maintain the Basin's existing rural character through protection of elements such as agricultural land uses, accessibility to public lands for dispersed recreation, open spaces, abundant wildlife and fisheries, and scenic views while protecting private property rights and promoting low-density development." Also, "In the Plan, the rural character of the Basin includes physical features of wildlife, open meadows, irrigated hay pastures, hillsides, ridgelines, river valleys, ranch lands, forestlands, wilderness areas, environmentally sensitive areas, and significant view corridors."

The mining plan identifies matters which severely impinge on the Plan's position on "rural character" and "view corridors." The industrial character, with its rigid man-made features: unnaturally linear and geometric, in the middle of terrain shaped by millions of years of natural processes, is a gross travesty, fully incompatible, with a powerful ruinous impact on the reality and philosophy of "Rural character." Both the operational phase and the long-term phase after reclamation are proposed to have eight- to ten-foot high berms (sloping sides are required.) During operation, temporary stockpiles of overburden or topsoil required for reclamation may be up to 20 feet in height. These are part of our concerns in this issue.

In the case of the proposed gravel operation, the visual perceptions that can create the mystical awe of, and reverence for, nature and its sheer beauty will be severely debilitated. The County Master Plan has a very effective and admirable visual 'Visually Important Lands Map' that identifies the view or a driver or passenger in a car as it moves along. The Plan states "consideration needs to be given to protecting lands that function as part of a view corridor as seen from major roadways/arterials." The U.S. Forest Service long ago developed a rating system which considers near-, middle- and

long-distant views. In this case, a car moving north and approaching the pit operation would see in the middle distance the non-natural berms, the tops of some equipment such as a dragline, a 20-foot high pile of overburden, and, to add to the repulsive effect, heavy trucks on the highway: As one gets to the “near view,” the viewers are no longer in a rural environmental experience: it is an industrial perception. Peak Materials states that it gave consideration to the Map, but it used it only for the view of a driver in close proximity to the gravel operation.

Along with views from the road, views *OF* the road and gravel pit *FROM* the locations of hikers, horseback riders, bikers, trout fishermen and residents are of equal importance. Suffice it to say that such viewers would see a lovely panorama despoiled by a small but prominent raw carbuncle: the industrial gravel pit operation and by its remnants after the operation’s closure. Alas: for people fishing, the serenity they prize will vanish due to the truck traffic. Re bikers: Highway 9 is a designated bike route and is part of the “Transamerica Bicycle Trail” and the truck traffic from the pit would endanger the safety of bikers and debase the quality of their experience.

During operations, heavy equipment would add the impact of a non-rural industrial element, visual, acoustically and functionally as regards the purpose of a rural (nonindustrial) road. The industrial traffic of dump trucks would add insult to injury.

Air quality is a major concern, not only for humans but all forms of life. The Master Plan states that “Current air quality particulate matter data shows above average air quality exists in the Basin.” Weather patterns and locally and regionally generated contaminants affect pollution. Local sources of air pollution include dust from unpaved roads and winter road sanding, vehicle exhaust, wood smoke from fireplaces and stoves, particulates from gravel crushing operations, and concrete and asphalt plants. Tragically, the “New Normal” of this century includes wildfire smoke from sources throughout the West. The gravel pit and trucking operations would add to the adverse condition. Even with on-site dust control, air-borne dust will escape, especially under windy conditions, admittedly not enough in itself to cause significant health impact, both high air quality alert times, it will be detrimental. Dust from the road operations, especially sanding, will combine with the onsite dust and diesel emissions from the mining equipment.

Water quality in general terms is discussed in the mining plan submission. But it is difficult to offer criticism or comments at this point. Further analysis might be warranted. The company states: “Peak Ranch Resource will be reclaimed to an open water pond surrounded by native vegetation that will be preserved in perpetuity as open space. The open water pond will be supplied by and operated under a permanent plan for augmentation with all the necessary Water Court approvals.”

Wildlife discussion is limited to deer crossings of the road. This has been a major problem and a very expensive overpass-underpass system north of the reservoir has been very effective. No such work is essential or warranted at the [portion of highway involved in this project. Regarding wildlife hazards, the deer crossing situation is

considerably less severe than it is north of the Reservoir. The Peak Materials web site states that truck traffic will cease in the early morning and at dusk for safety reasons; this will reduce the risk but will not eliminate it. The company states: "The best wildlife habitat area on the site is along the Blue River, which we aren't proposing to mine. The land that will be mined and ultimately reclaimed on the site is not quality wildlife habitat because it has been overgrazed by livestock and is bisected by livestock fences. The reclamation plan for the site involves creating an open water pond surrounded by native vegetation. The reclaimed property will provide much better wildlife habitat opportunities than currently exist. (Consultants) have recommended that we not have trucking at dawn and dusk to minimize the chance of trucks encountering wildlife on State Highway 9." The company's "Frequently Asked Questions" are available on its website but do not add much to this discussion.

Other aspects of wildlife should be covered in a mini-NEPA approach as discussed above. The County should give proper consideration to this matter in their review and approval process.

Traffic and highway impacts. The Mining Plan states: "Peak Materials will work with the Colorado Department of Transportation (CDOT) to complete road improvements to Colorado Highway 9 necessary to accommodate the transport of materials from Peak Ranch Resource to Maryland Creek Ranch." Further, "Construction of internal access roads and the construction of any required off-site improvements to Highway 9 will occur prior to the initiation of any mining." Further, "All resource material extracted from the site will be loaded onto on-highway haul dump trucks and transported to the Maryland Creek Ranch facility for processing."

Given the importance of the off-site highway and traffic concerns to the residents in the region, given the tight financial position of CDOT, and given the CDOT approach of not commencing a study until an application for a traffic impact study is submitted to CDOT, it seems inappropriate for DMRS to approve even a conditional permit until the application to CDOT has been approved and the CDOT analysis is completed and made available for public review.

Traffic data are typically contained in a "traffic impact study." At this time, Peak Materials has not submitted to Summit County Government an application for the gravel pit project. Therefore, the County has not received a traffic impact study. It will require a traffic impact study to be submitted with the Conditional Use Permit application for this project, and that study will be available to the public once we have received it. This process means that the off-site impacts that are not in the Mining Plan, but are very high environmental conditions of high concern, will not be considered in the issuance of the DMRS conditional permit. Further governmental reviews will occur and can consider the traffic impact study results. This situation means that the material submitted to the DMRS does not provide a full disclosure. Indeed, a review of the Peak Materials internet material reveals more detailed information in their "Frequently Asked Conditions" but that is inadequate and even misleading as regards the traffic problem. The Site Evaluation (Tetra Tech, consultant) expands the information but is similar.

The public concern about traffic is legitimate. The highway is quite straight near the proposed gravel pit but farther south, it has many curves and bad sight distances, Shoulders are lacking in some critical areas such as at side road accesses, and in some places a side slope starts at the pavement edge. The Lower Blue Master Plan states: "Additional traffic and the expansion of the existing roadway network to accommodate future traffic may not be consistent with the desired character of the Basin. Improvements to the existing transportation system north of Ute Pass Road on State Highway 9 may significantly alter the rural character of the valley. The goals and policies/actions of the Plan attempt to provide for improvements such as passing and turning lanes in appropriate locations that are necessary for public safety issues."

The Mining Plan does not specify what type of dump trucks will be used. The prospect of 20- or 30-ton capacity tractor-trailer dump rigs turning on to and of from the two pit operations a very unhappy prospect (and probably unlikely). Even 10-wheel trucks pose a significant safety hazard. Also, the highway pavement itself has a load limit. No mining permit should be approved until the traffic impacts of trucking are analyzed. Safety and congestion are measured as "Levels of Service." With increasing congestion – a higher Level of Service number -the rate of traffic accidents increases exponentially.

It is obvious that the traffic impact study is essential, as is the determination that funds are available to make the necessary improvements. CDOT funds are far below needs and it may be years before they improve. The traffic study will indicate congestion and "Level of Service" patterns of how much traffic occurs when and what it means to travel time. Safety can be tied in because at higher levels of congestion, the traffic accident rate increases exponentially

Information from the Lower Blue Residents United is that the truck traffic will be 115 trucks per hour in both directions. This results in about six-minute headways between trucks each direction, but the prospect of an oncoming truck, especially in areas with low sight distances or no shoulders, creates a severe problem for passing and for turning onto side roads. Route 9 has one of the lowest traffic safety ratings of any Colorado highway. The Master Plan notes that it carries considerable commuter traffic. On Fridays and Sundays, it has high traffic to and from Steamboat Springs.

A risk element resides in the diesel tank trucks taking mining equipment to the site. A severe accident in the wrong place could damage the Lower Blue and the reservoir for decades. The mining plan does not mention the need to truck diesel fuel to the gravel pit, or the quantities needed. There is another element or risk at the site: oil leakage or spilling that gets into the ground water or permanent water with wet dragline gravel mining. This is not mentioned anywhere. Not all construction contractors handle these matters responsibly with secondary containment for hazmat spillage.

An important element is the simple one of travelers' pleasure. Having time to slow a bit, relax without the pressure of hazards, and admire the scenery is r\essential. Severe

truck traffic on Route 9 will adversely affect this and debilitate the “Rural character” pleasure of a trip along the Blue River.

Climate Change. The requirement of the aforementioned “Mineral Rules and Regulations:” Section 6.4.11 Exhibit K states: “Climate. Provide a description of the significant climatological factors for the locality.” The operation life of the mine will be until 2030 or 2035. The State of Colorado has adopted specific objectives for technologies and effects on the greenhouse gas emissions regarding climate change during this time period. Governor Polis is acting to meet the science-based targets for reducing greenhouse gas (GHG) pollution 50% by 2030 and 90% below 2005 levels by 2050 established in House Bill 19-1261. One major action is to Significantly expand adoption of electric cars, trucks and buses. There is no mention of this condition in the mining plan, but it should be mandated that, prior to approval of the mining plan. Additional studies must be made to submit material relevant to meeting relevant state and national goals such as those of the EPA.

There is considerable international development of electric and hybrid trucks that should be used to reduce fossil fuel use and concurrent reduce the air quality impacts of impacts of diesel trucks. It should be used to help the State meet the mandated goals. Large trucking and construction truck equipment such as the one involved in this case, should have the capability to procure electric trucks, and should be encouraged to do so.

We hope that this rather comprehensive discussion will clarify the opposition position of the Sierra Club.

Sierra Club Contacts:

1. Albert G. Melcher, Chairman Emeritus, Transportation Committee, Colorado Sierra Club. Email a.melcher@comcast.net. Melcher has been a member of the Colorado Department of Highways (now CDOT, a registered professional civil engineer, Executive Director of the Rocky Mountain Center on Environment involved in ecological studies, a member of the American Planning Association and an energy and environmental research project manager at the Colorado School of Mines.
2. Becky English, email beckyrep@GMAIL.COM. Colorado Sierra Club Transportation Committee and former Executive Committee member; transit system planner.