



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

June 8, 2021

Jon Bauman  
Atwell, LLC  
Two Towne Square, Suite 700  
Southfield, MI 48076

**RE: Preliminary Adequacy Review; 112c Construction Materials Permit Application,  
River Run Ranch Gravel Mining, Permit No. M-2021-001**

Dear Mr. Bauman:

On March 20, 2021, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application was set for July 19, 2021. The following items will need to be addressed to the Division's satisfaction prior to the decision date. If you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application. In order to allow the Division sufficient time to review your responses to the adequacy issues, please submit your adequacy responses to the Division no later than two weeks prior to the decision date. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Preliminary Adequacy Review with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Preliminary Adequacy Response; M-2021-001".

**GENERAL:**

1. The Tracts A, B, C, and D total to 426.6 acres within the already approved Shorefox Mining permit (M2018-030) operated by the Town of Granby. Once the River Run Ranch Gravel Mining permit is approved will the Town of Granby be submitting a release request of the duplicated permit areas?
2. All maps must meet the minimum requirements of Rule 6.2.1(2). Including but limited to: date the map was prepared, signed by qualified person, and scale no larger than 1 inch = 50 feet and no smaller than 1 inch = 660 feet. Maps that were included as part of other reports such as Exhibit D-3 will not be required to meet Rule 6.2.1(2) but at a minimum Exhibit C, D-1, and F maps will need to meet the requirements.

**EXHIBIT C – Pre-Mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):**

3. Pursuant to Rule 6.4.3(d) please indicate on the maps the areas in acres of Tracts A, B, C, and D.



4. There are several roadways around the proposed permitted areas, does the applicant plan on using these roadways in support of mining? If the roadways will be upgraded in support of the proposed mining operation they will meet the definition of Affected Lands and will be required to be included into the permit boundary.
5. Additional clarification is needed, on map C-1 the only area indicated to be mined is in Tract D, will the other tracts be mined?

**EXHIBIT D – Mining Plan (Rule 6.4.4):**

6. It is stated in the narrative there are stockpiles of material already at the site. Are these existing stockpiles located within the proposed permit boundary, if so they need to be clearly depicted on one of the pre-mine maps.
7. A review of available aerial imagery of the site it appears there are stockpiles of material located west of Tract D in PA-6, will this material be used in the permit area? If the material will be used in the permit area then pursuant to Rule 3.1.5(9) at a minimum a signed affidavit certifying that the material is clean and inert, as defined in Rule 1.1(22) will need to be submitted.
8. Please verify the thickness of the material to be mined varies and may be 13 feet deep? Is this depth the same for all tracts or just Tract D?

**EXHIBIT E – Reclamation Plan (Rule 6.4.5):**

9. There are three ponds/lakes that are proposed to be within the permit boundary, please demonstrate or commit to constructing the ponds/lakes to meet Rule 3.1.5(7) which states; *In all cases where a lake or pond is produced as a portion of the Reclamation Plan, all slopes, unless otherwise approved by the Board or Office, shall be no steeper than a ratio of 2:1 (horizontal to vertical ratio), except from 5 feet above to 10 feet below the expected water line where slopes shall be not steeper than 3:1. If a swimming area is proposed as a portion of the Reclamation Plan, the slope, unless otherwise approved by the Board or Office, shall be no steeper than 5:1 throughout the area proposed for swimming, and a slope no steeper than 2:1 elsewhere in the pond.*
10. What is the source of the water to be used to fill the ponds? If there is an augmentation or substitute water supply plan in place to fill the ponds please provide a copy of the plan.

**EXHIBIT F – Reclamation Plan Map (Rule 6.4.6):**

11. The map provided in Exhibit F is inconsistent with the maps that are included in the Reclamation Plan Exhibit E, please revise the map to be consistent with Exhibit E.

**EXHIBIT H – Wildlife Information (Rule 6.4.8):**

12. The Colorado Parks and Wildlife provide comments on the permit application, see attachment. Please provide responses to their comments and concerns.

**EXHIBIT L – Reclamation Costs (Rule 6.4.12):**

13. The applicant states that reclamation costs are approximately \$2,500 per acre. Given that rate the bond for permit would be \$1,066,500.00. Please confirm the estimated bond amount for the site is accurate. If the applicant does not agree with the bond amount please provide a detailed cost estimate for reclamation.

**Other:**

14. The Division received proof that most the Owners of Record of all land surface within 200 feet of the boundary of the affected lands received a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication. However, there was no notice for Carl Borgstrom (Ex C-1, Land Owner 6) and it is not clear where the noticed land owners Smith Creek Crossing and Fraser River Ranch are located, they could not be found on Exhibit C-1.
15. Pursuant to Rule 1.6.2(2), please demonstrate that the Applicant's response to these adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

Please respond to these adequacy issues no later than two weeks before the decision deadline, to ensure ample time for the Division to complete its review prior to its decision deadline. The decision deadline on this application is July 19, 2021. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8114**, or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

Attachments: DWR Response to Reclamation Permit Application Consideration

## SHPO Response to Reclamation Permit Application Consideration

cc: Jared Ebert; Division of Reclamation, Mining & Safety

ec: Sean M. Stewart, Lyons Gaddis, [SStewart@lyonsgaddis.com](mailto:SStewart@lyonsgaddis.com)  
Maureen C. Simpson, Lyons Gaddis, [MSimpson@lyonsgaddis.com](mailto:MSimpson@lyonsgaddis.com)

## **Attachments**



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Hot Sulphur Springs Service Center  
PO BOX 216 | 346 Grand County Road 362  
Hot Sulphur Springs, Colorado 80451  
P 970.725.6200 | F 970.725.6217

June 2, 2021

Patrick Lennberg  
Environmental Protection Specialist  
Colorado Division of Reclamation, Mining, and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203  
[patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us)

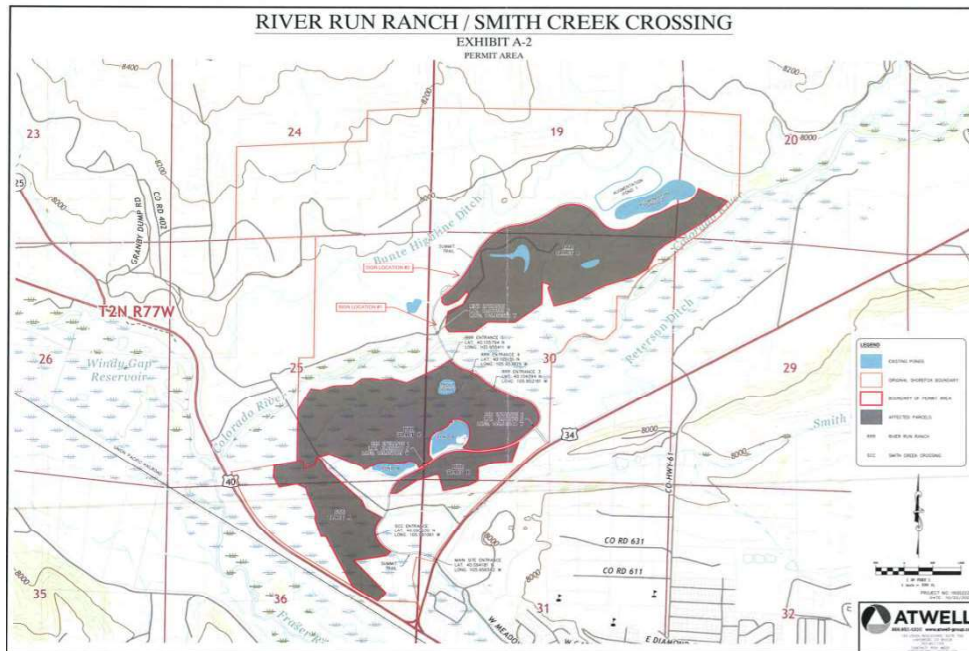
**RE: Sun River Run Ranch RV LLC Reclamation Permit Application File No. M-2021-001**

Thank you for the opportunity to comment on the proposed 426.5-acre surface mining and reclamation operation at River Run Ranch Gravel Mining Permit from Sun River Run Ranch RV LLC located on the northwest corner of Highway 40 and Highway 34, in the Town of Granby, Grand County, Colorado.

The Mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resource of the State, to provide a quality State Parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.

CPW understands the proposed permit application is for 426.5-acres of surface mining and reclamation with two boundary areas at River Run Ranch (see map below). The area has been negatively impacted by past and current development; however, the property northwest of the Colorado River currently functions as important winter and severe winter range for deer and elk, and quality summer range for pronghorn antelope. CPW continues to express concern for the negative impacts the development in this area (particularly north of and including the Colorado River) will have on greater sage-grouse as the property is near the only known active sage-grouse lek in Grand County east of Hot Sulphur Springs.





### Wetland and Riparian Habitat:

The Colorado River currently provide important wildlife habitat and watchable wildlife opportunities to the community of Granby.

Wetlands and riparian areas represent only about 2% of the land area in Colorado. The Colorado River and associated riparian areas are some of the most highly productive and valued wildlife habitats in Colorado and provide essential movement corridors for many of Colorado's avian, mammalian and aquatic species.

Wetland buffers are essential for wetland protection. As buffer width increases, the effectiveness of the buffer will increase and direct human impacts will decrease. Wetland and river buffers should be evaluated further to insure that affective buffers are in place to provide valuable wildlife habitat and protection of the existing wetland and riparian system. For wetland-dependent wildlife, buffers need to retain plant structure for a minimum of 200 to 300-feet beyond the wetland (Castelle, et al 1992). Scientific literature indicates that buffers from 50 to 150-feet are necessary to protect wetlands from direct human disturbance in the form of human encroachment (Castelle, et al 1992).

If reclamation includes ponds, CPW recommends ponds be constructed to have irregular shorelines, and contain one or two islands of at least 15' x 25' in size per 2 surface acres. Shorelines and island slopes should be 4H:1V, with some area having slopes no steeper than 8H:1V. Such shallow areas will allow for establishment of a variety of types of aquatic vegetation and invertebrate prey for waterfowl. Such a shoreline coupled with a planting of variety of wetland plant species will allow for a variation in wetlands to be established which will have long term benefits to wildlife.

### Elk, Deer, Pronghorn:

The River Run Ranch was documented winter range for mule deer and an elk winter concentration area. The possibility of increased fragmentation and disturbance on big game winter range would negatively affect big game that rely heavily on the open space north of the Colorado River at River Run.

CPW recommends at least a 300-foot buffer from the Colorado River riparian area to provide for less disturbed movement on elk and deer.

Vehicles associated with the proposed gravel operation are recommended to travel south through River Run, an already established road system. The creation of more roads or increased use of current roads north into the property owned by the Town of Granby would cause further disturbance to the critical big game winter range and nearby greater sage-grouse leks. Efforts should be made to protect big game winter range by limiting accesses north of the Colorado River during winter months from December 1<sup>st</sup> until April 30<sup>th</sup> of each year to allow deer and elk to winter on the property with minimal disturbance.

### Greater Sage-Grouse

One active greater sage-grouse lek is located within a 1-mile radius of areas of the proposed gravel mine. In accordance with CPW recommendations to avoid and minimize impact to greater sage-grouse from land use development in Colorado, a year round 1 mile buffer from the active lek site is recommended. At a minimum, to minimize the impacts to wintering wildlife and breeding sage-grouse (specifically northwest of the Colorado River), a seasonal restriction of mining operations should be observed from December 1<sup>st</sup> - April 30<sup>th</sup> and to limit operation that results in noise from March 1<sup>st</sup> - June 30<sup>th</sup> between house of 9am and 4pm. CPW recommends decibel levels do not exceed 49dB as measured from the source.

### Avian Species:

Raptors and other migratory birds are protected from take, harassment, and nest disruption at both the state and federal levels. CPW recommends that a nest survey be performed in each project area (half mile radius) no later than two weeks prior to initiating construction for each project to identify potential raptor and songbird nests, raptor perching and foraging areas, and winter roosting areas.

For furtherer information on ways to minimize impacts to raptors and migratory birds, please contact your local District Wildlife Manager. Following CPW recommendations will decrease the likelihood of the unintentional take of nesting migratory birds through likely disturbance from construction and recreational activities.

### Non-native Plants and Weed:

CPW recommends consideration be made for using principles of an integrated weed management plan, which Grand County may already have in place, to control and eliminate the spread of any noxious weeds in and around the area. The spread and control of noxious weeds in the area is a concern for wildlife in the immediate and surrounding area. Invasive



plants endanger the ecosystem by disturbing natural processes and jeopardizing the survival of native plants and the wildlife that depend on them.

Fencing:

CPW recommends fences no longer needed or in use should be removed. Detailed specifications for wildlife-friendly fencing can be found on our website at:

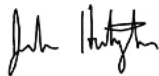
<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

Lighting and Noise:

To minimize disturbance of birds and other nocturnal wildlife, CPW recommends all lighting near the Colorado River be motion-sensitive, down shielded, and of a minimum intensity to reduce constant nighttime illumination of movement corridors. Noise should be regulated during the evening and early morning hours to minimize disturbance to wildlife.

Thank you again for the opportunity to comment on the proposed River Run Ranch Gravel Mining permit. CPW and your local District Wildlife Manager look forward to working together through cooperation, conversations and education to maximize wildlife values in the Granby Community. If you have any further questions, please contact District Wildlife Manager Serena Rocksund at (970) 531-2396 or email at [serena.rocksund@state.co.us](mailto:serena.rocksund@state.co.us).

Sincerely,



Jeromy Huntington  
Area Wildlife Manager

CC: JT Romatzke, Northwest Regional Manager  
Elissa Slezak, NW Region Land Use Specialist  
Serena Rocksund, District Wildlife Manager  
Bryan Lamont, Area Wildlife Biologist  
Michelle Cowardin, Area Wildlife Biologist



Peter Hays  
Colorado Division of Reclamation,  
Mining and Safety  
Department of Natural Resources  
1313 Sherman St., Room 215  
Denver, CO 80203

Re: River Run Ranch Gravel Mining (M-2021-001) (HC # 79659)

Dear Mr. Hays,

This letter is provided in response to your correspondence dated and received on April 20, 2021 requesting consultation with our office for the above mentioned subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1.

A review of our records show that no cultural resources listed on or nominated for the State Register of Historic Properties (SRHP) sit in the area of proposed action. Based on the documentation provided, we find that the subject action will not adversely affect properties listed on or nominated for the SRHP.

Please note that our comments should not be interpreted as concurrence under the National Historic Preservation Act or any other environmental law or regulation. If human remains are discovered during ground disturbing activities, the requirements under CRS 24-80 part 13 apply and must be followed. Should the current subject action change, please contact our office for continued consultation under CRS 24-80.1.

If the fill or disposal site location is associated with a Federal undertaking, please note that it is the responsibility of the federal agency to meet the requirements of Section 106 as set forth in 36 CFR Part 800 titled “Protection of Historic Properties”. This includes not only reasonable and good faith identification efforts of any historic properties located within the area of potential effects, but determining whether the undertaking will have an effect upon such properties. The State Historic Preservation Office, Native American tribes, representatives of local governments, and applicants for federal permits are entitled to consultative roles in this process.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Matthew Marques, Section 106 Compliance Manager, at (303) 866-4678 or [matthew.marques@state.co.us](mailto:matthew.marques@state.co.us).

Sincerely,

Steve Turner, AIA  
State Historic Preservation Officer

We are now accepting electronic consultation through our secure file transfer system, MoveIT. Directions for digital submission and registration for MoveIT are available at <https://www.historycolorado.org/submitting-your-data-preservation-programs>.