

December 20, 2021

Kent Holsinger Tara Sanders Sanders Gravel Pit Stratton, CO 80836

RE: Adequacy Review, 110c Construction Materials Application Sanders Pit, File No. M-2021-066

Dear Mr. Holsinger,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the Routt County 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the Sanders Pit operation, File No. M-2021-066, and submits the following comments. The Division is required to make an approval or denial decision no later than December 24, 2021; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible. Please respond to this Adequacy Review with a cover letter titled "Adequacy Review Response; M-2021-066" and summarizing each response to the numbered items below and attach additional/updated documents as necessary.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, and 6.3 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit.

On November 15, 2021 the Division received an application for a construction materials limited impact (110) operation for the Sanders Gravel Pit. The site is located just off of Forest Service Trail 1180 in Section 28, Township 8, Range 85 approximately 12 miles north of Steamboat Springs accessed by CR 129. (40.612826 N, 106.928726 W).

The Division found this application complete on 11/24/2021. The applicant's public notice published in the Steamboat Pilot & Today on 11/27/2021.

On May 26, 2021, the Colorado Division of Reclamation, Mining and Safety (Division) received an anonymous citizen's complaint regarding an excavation which was occurring north of Steamboat Springs, Colorado at 26650 Wheeler Creek Ln (off of CR 129) owned by TARA SANDERS SOLE PROPRIETOR 401(K) PSP. The complaint alleged the landowner, was excavating and moving materials via haul trucks north on 129 and turning into the Home Ranch near Clark CO. On May 27, 2021, the Division spoke with Tara Sanders and discussed the alleged activity. The citizens complaint inspection was conducted May 8, 2021. At the time of the complaint and the May inspection, the Division assigned File No. M-2021-036 for this site. A copy of the May inspection report is available on the Divisions imaged documents, Laserfiche.



## **GENERAL APPLICATION PROCEDURES**

1. The Division received the following comments for this application;

Scott Eckbury received 12/9/2021
Email from Routt County received 12/8/2021
History Colorado letter received 12/7/2021
Clay Meyer letter received 12/7/2021
Colorado Cattlemen's Agricultural Land Trust comment received 12/1/2021
Corp of Engineers letter dated 11/26/2021
Arie Hoogendoorn letter received 11/17/2021

The letters are attached for your review. Please inform the Division how the Applicant intends to address the issues raised by the Objectors and make changes to the application as necessary.

2. In the application document under "Responsibilities as a Permittee" Please note that item number 10 only applies "For joint venture/partnership permittee" and should not be initialed for this application.

## EXHIBIT A – Legal Description and Map (Rule 6.3.1)

- **3.** A map is required to delineate the coordinates of the entrance to the site and Exhibit A maps should have a north arrow. Please revise a to include the four boundary corner coordinates of the entrance. The Division notes that these coordinates are provided in the text of the application, however these coordinates should be shown on a map.
- **4.** Please specify ownership of the access road, and address comments received in relation to right of entry on the access road.
- **5.** Please resubmit Exhibit A-5, which is the "Agreement for access and utility easement and improvement". Not all pages provided to the Division are legible.

## **EXHIBIT B – Site Description**

**6.** Please locate the permit boundary on the soils map, and identify the soil units within the permit boundary.

## **EXHIBIT C - Mining Plan (Rule 6.3.3)**

- 7. Please identify/clarify which areas within the permit boundary are included in Phase I, which note 12 inches of topsoil will be stripped, and where that stripping switches to 22 inches.
- **8.** Please provide additional detail on the dimensions of the proposed sediment pond to ensure the pond is an appropriate size for the area of runoff and to allow the Division to calculate the reclamation cost of the pond.
- 9. Please identify ownership and minerals owners on the mine plan maps in Exhibit C.

## **EXHIBIT D - Reclamation Plan (Rule 6.3.5):**

- **10.** Please provide the size and depth of the proposed graveled area at reclamation vs the area planned to be topsoiled and seeded. Please also specify if the gravel to be used for reclamation will be stockpiled from gravel on site or if this will be purchased and brought to the site. Please make any required updates to the reclamation cost estimate using these dimensions.
- **11.** The Division will calculate the total required financial warranty for the site following the responses to this adequacy letter. A copy of the Division reclamation cost summary will be forwarded to you for review prior to the decision date or the Division will accept the reclamation cost estimate you provided in Exhibit D. *No response is needed.*

### **EXHIBIT L – Man Made Structures:**

12. The Applicant has identified there are two structures located within 200 feet of the permit boundary and both are owned by the Applicant. However, Tara Sanders (induvial) is the applicant and Tara Sanders Sole Proprietor 401k PSP is the landowner. In accordance with Rule 6.3.7, the Applicant has provided a legal right to enter document whereas Tara Sanders Sole Proprietor 401k PSP has given Tara Sanders (induvial) the legal right to enter the property to conducting mining and reclamation. Per Rule 6.3.12(a) Please provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or comply with Rule 6.3.12 regarding these structures. Please also update Exhibit B in accordance with Rule 6.3.2(b) to reflect the ownership of these structures.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on December 24, 2021, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by December 24, 2021, and the request for additional time. This must be received no later than the deadline date.

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 **720-618-0860**, or by email at <a href="mailto:tabetha.lynch@state.co.us">tabetha.lynch@state.co.us</a>.

Sincerely,

Tabetha Lynch

Tatha Tonoh

**Environmental Protection Specialist** 

Adequacy Review – M-2020-017 Page **4** of **4** 

Enclosure:

Comment Letters (7) Jason Musick, Senior EPS, DRMS CC:



DEC 14 2021

December 9, 2021

DIVISION OF RECLAMATION, MINING & SAFETY-MINERALS

Routt County Clerk and Recorder's Office
522 Lincoln Avenue
Steamboat Springs, CO. 80487

Division of Reclamation, Mining & Safety

1313 Sherman Street Room 125

Denver, CO. 80203

RE: Application for a mining permit (Gravel Pit) – Tara Sanders Application

### To Whom it May Concern:

I received a certified letter today (12-9-21), postmarked 12-1-2021, from Holsinger Law (copy of envelope and letter are attached). In this letter and speaking with my neighbors today, I was informed of a proposed gravel pit.

I recently purchased the land sharing a lot line with Tara Sanders, and we share a driveway easement as well. I was aware that Tara Sanders was previously operating an illegal pit, and when I contacted Routt County, they confirmed and informed me that it was indeed an unlawful pit. Due to the pit operating illegally and for commercial use, the Routt County Sherriff had shut them down. They also informed my realtor and me that Routt County was making them reclamate the scar that was put into the land as it is a tremendous eyesore. My land looks directly at this eyesore, and I was happy to hear that it would be repaired.

My adjacent 50 acres was purchased on September 7, 2021, for \$800,000. It was purchased with the knowledge of the zoning in the area and the assurance that this scar in the land would be repaired.

The easement accessing this pit is not a road and is a single lane on a very steep slope. This road cannot accommodate two vehicles passing, let alone gravel trucks. Also, the easement comes out on a major highway, just above an S curve. Turning out onto the road in a private passenger car is scary as there are blind spots in the S curve with vehicles traveling at high rates of speed.

This is a beautiful ranching community overlooking the Elk River and Valley. My property looks directly at this pit, and the value would be significantly diminished should any commercial operation be allowed right on my lot line.

Further, I don't feel that our community or county needs an additional gravel pit. We have one in each direction of this property, and there isn't a need for another gravel pit.

Several ranches surrounding Sander's property have land in conservation as the beauty of this land is indescribable. We purchased this land to build our dream home. I can't imagine a commercial gravel pit operating on this proposed site. The road would need to be widened on such a steep slope, and this road is my driveway and is the only access to my property.

Please keep me informed with any updates to this proposed application.

Thank you for your time and consideration in this matter.

Sincerely,

Scott Eckburg\_

Shred Arc, LLC (legal landowner)

PO Box 773839

Steamboat Springs, CO. 80477

(970) 846-4281

seckburg@gmail.com

Olsinger Law, LLC 100 Glenarm Place, Suite 500 enver, CO 80202

PH MEY POWES TO THE PARTY OF TH 

Steamboat Springs, CO 80477 Shred Arc LLC PO BOX 773839

00477-303030

րդեսուլ գուրդություն հերակարդություն հայ

### PUBLIC NOTICE

Tara Sanders (P.O. Box 771932, Steamboat Springs, Colorado 80477; (970) 481-6732), has filed an application for a Construction Materials Limited Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Sanders Gravel Pit, and is located at or near Section 33, Township 8 North, Range 85 West of the 6th Prime Meridian.

The proposed date of commencement is October 1, 2021, and the proposed date of completion is October 1, 2031. The proposed future use of the land is rangeland/pastureland.

Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Routt County Clerk and Recorder's office (522 Lincoln Ave, Steamboat Springs, CO 80487), or the abovenamed applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. on December 7, 2021.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

Scott · Nicole Eckburgi PO BOX 773839 Steamboat Springs, co. 8 RECENED DEC 14 2021

80203

U.S. POSTAGE PAID FCM LETTER STEAMBOAT SPRINGS, CO

Division of Reclamation, Mining 2 Safety)
1313 Sherman Street Room 125 Denver, co. 80203

DIVISION OF RECLAMATIONS
THINING & SAFETY MINERALS



## Sanders Gravel Pit; M-2021-066

Alan Goldich <agoldich@co.routt.co.us>
To: "Lynch - DNR, Tabetha" <tabetha.lynch@state.co.us>

Wed, Dec 8, 2021 at 4:06 PM

Tabetha,

Routt County is submitting comments in relation to Tara Sanders' application for a gravel pit in Section 33, T8N, R85W. The permit number is M-2021-066. Gravel pits in Routt County require a Special Use Permit (SUP). To date, a complete application for the SUP has not been submitted. Regardless if a permit from the state is granted for this operation, if a SUP from the County is not obtained, the pit will not be able to operate. Please add a condition to the state's permit requiring evidence of an issued SUP for the operation from Routt County.

Thank you and please let me know if you need any additional information.

Alan Goldich

Routt County Planning

970-879-2704

136 6<sup>th</sup> St., Suite 200

Steamboat Springs, CO 80477

Agoldich@co.routt.co.us



Please consider the environment before printing this email.

Need local information about COVID-19 (coronavirus) in Routt County?

Email for COVID-19 related questions: CountyInfo@co.routt.co.us

Routt County COVID-19 website: www.covid19routtcounty.com

### **Disclaimer**

The information contained in this communication is confidential and intended solely for use by the recipient(s). If you are not the recipient, understand that any disclosure or distribution of the contents is strictly prohibited and may be unlawful. This email has been scanned for viruses and malware, and may have been automatically archived.



Tabetha N. Lynch Division of Reclamation, Mining and Safety 1313 Sherman Street, Room 215 Denver, Colorado 80203

Re: Sanders Gravel Pit, File No. M-2021-066 (HC# 80710)

Dear Ms. Lynch:

We received your letter dated November 24, 2021 initiating consultation with our office on the subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1 et. seq.

A search of our database indicates that no properties of historical significance included or nominated for inclusion in the state register have been recorded within the proposed permit area. Please note, as most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

Please note that if the fill or disposal site location is associated with a Federal undertaking, 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 Holly McKee-Huth, Cultural Resource Information/Section 106 Compliance at (303) 866-4670/holly.mckee@state.co.us.

Sincerely,

Dawn DiPrince

State Historic Preservation Officer

Ally Kathyn Noop

## RECEIVED

DEC 072021

December 1, 2021

DIVISION OF RECLAMATION MINING AND SAFETY

Routt County Clerk and Recorder's Office 522 Lincoln Avenue Steamboat Springs, CO 80487

Division of Reclamation, Mining & Safety 1313 Sherman Street Room 215 Denver, CO 80203

To Whom It May Concern:

This letter is in response to a notice posted - Notice Rule 1.6.2 (1) (b)

I live at 47600 County Road 129 and the proposed reclamation permit applied for by Tara Sanders would be using my driveway. The access to the mine is not on a county road – it's use is as an easement for access to property owners. It is NOT a road. Again, it serves basically as my driveway. It is not wide enough for family vehicles and dump trucks to pass by each other safely. Currently, my mailbox has been hit twice and there is serious concern for the safety of our mail carrier in addition to our daily access by this proposed permit. Prior to applying for this permit, they were heavily running dump trucks in and out of the property without communicating with any neighbors. During this time, it was extremely dangerous for us to even check our mailbox. The noise, dust and wear on my driveway is not what I moved up here for.

A mining operation would make it a very dangerous situation for the families that use this as access to their properties. I certainly didn't move here to live next to a mining operation with all that it brings and ultimately will reduce our property values and severely impact our quality of life.

I can be reached at:

47600 County Road 129 Steamboat Springs, CO 80487 claymeyer61@gmail.com 970.566.1380

Thank you for your time.

Clav Mever

Augul 129 Thumbart SpR65, (10 80487

THO WE MID DIVISION OF RECLAMATION UEC 072021

DENVER CO 802

2 DEC 2021 PM2 L

DINISION OF RECONNAN MENORS SHEY M 215 Dinver, (080203

# **DRMS Comment OR Objection Intake Tool**



By submitting this form, you are providing a comment or objection to the public record of a permitting action currently under review by the Division of Reclamation, Mining and Safety.

CONTACT INFORMATION
Date of Comment or Objection 12/01/2021
*Indicates a Required Field
Comment or Objection *  Objection Support General Comment Agency Comment
Contact Type *  Individual Group Agency Attorney Please select the appropriate option above to identify who you represent.
Agency Name *
Colorado Cattlemen's Agricultural Land Trust
Your First Name * Megan
Your Last Name * Knott
Your Address * PO Box 773014
Your Address 2
Your City * Steamboat Springs
Your State CO
Your Zip Code *  Maximum of 10 digits. (Example) 80202  80477

Email Address *						
Enter a valid email address in this field to receive a confirmation e-mail.						
megan@ccalt.org						
Your Phone Number *						
Used only to follow up.						
7205578272						
Extension						
Alternate Phone Number						
Used only to follow up.						
Alternate Phone Extension						
Connection to Operation *						
Select all that apply						
✓ Land Owner of affected land	$\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ $					
☐ Mineral Owner	☐ Nearby Resident					
Adjacent Land Owner	Concerned Citizen					
Government Agency	Other					

## **DESCRIPTION OF COMMENT OR OBJECTION**

(Please be as specific as possible)

### Comment/Objection Narrative \*

The Colorado Cattlemen's Agricultural Land Trust (CCALT) holds the Conservation Easement on the Circle Bar Ranch dated November 14, 2000 and recorded on November 15, 2000 as Reception Number 536403 as Amended on July 6, 2021 at Reception No. 826769 in the land records of Routt County, Colorado, (the "Conservation Easement"), which encumbered approximately 836 acres of land located in Routt County, Colorado (the "Property") owned by Shellsteve LLC and represented by Ari Hoogendorn. The Conservation Easement was funded in part by the Natural Resource Conservation Service, Routt County, and Great Outdoors Colorado. To the extent that the Sanders Gravel pit would require an expansion of County Road 129 for a turning land to ensure trucks can safely access the gravel pit, the Conservation Easement is problematic. The Property is along both sides of 129 just south of the access road to the Sanders Gravel Pit. The Conservation Easement does not allow subdivision and would not allow an expansion of the county road. Any expansion of the county road would have to be condemned. Given the Federal, State, and County interests in the Property, a condemnation would be very expensive and a condemnation of the federal interest may not be possible. CCALT takes the defense of our conservation easements very seriously and would oppose actions that impacts our interest.

### Permit Number \*

Enter valid letter and then numbers, for example M1977999, M1999777UG or C1981201.

M2021066

### **Permitting Action Type**

Select revision type or leave blank if comment pertains to a new permit application or NOI

### **Permit Type**

110c

### County \*

Routt

Enter one county only

O'L-	0.1			
Site	N	а	m	e

Sanders Gravel Pit

**Permittee/Operator Name** 

## **ADDITIONAL INFORMATION**

Are there supporting photos, maps, or documents you wish to upload? \*

○ Yes ● No

By submitting this form electronically you agree to receive any/all follow up correspondence from the Division of Reclamation, Mining, and Safety at the email address you have provided.



### DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS, ALBUQUERQUE DISTRICT 400 ROOD AVENUE, ROOM 224 GRAND JUNCTION, CO 81501-2520

November 26, 2021

Colorado Division of Reclamation, Mining and Safety Attn: Tabetha Lynch 1313 Sherman Street, Room 215 Denver, CO 80203 tabetha.lynch@state.co.us

Dear Ms. Lynch,

We are responding to your November 24, 2021, request for comments on the proposed Sanders Gravel Pit Permit Application (Permit No. *M2021066*). The project site is located at 26650 Wheeler Drive, in Section 33, Township 8 North, Range 85 West, Sixth Principal Meridian, approximately 6 miles northwest of the City of Steamboat Springs, Routt 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. Any 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.

For future projects, to ascertain the presence of waters of the United States 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.

If you have any questions, please contact me at the Northwestern Colorado Branch, 400 Rood Avenue, Room 224, Grand Junction, Colorado 81501, by email at <a href="mailto:tucker.j.feyder@usace.army.mil">tucker.j.feyder@usace.army.mil</a>, or telephone at (970) 243-1199, extension 1017.

We would appreciate your 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 <a href="https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits">https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits</a>.

Sincerely,

Tucker J. Feyder Project Manager NW Colorado Branch

**RECEIVED** 

November 9,2021

NOV 15 2021

Routt County Clerk and Recorder's Office 522 Lincoln Avenue Steamboat Springs, CO 80487 DIVISION OF RECLAMATION MINING AND SAFETY

Division of Reclamation, Mining & Safety 1313 Sherman Street Room 215 Denver, CO 80203

To whom it may concern. My name is Arie L. Hoogendoorn and am the owner of the Circle Bar Ranch (formerly known as the Warren Ranch) and doing business as SHELLSTEVE, LLC. My ranch is located at 47545 and 47325 CR 129. As you are probably aware my ranch is in conservation with the Colorado Cattlemen's Agricultural Land Trust.

As per posted notice ...Notice Rule 1.6.2 (1) (b) I was invited to make comments regarding the request by Tara Sanders to obtain a Reclamation Permit with the Colorado Mined Land Reclamation Board for a mining operation.

The mining operation site in question is located adjacent to a driveway and utility easement which was established in 2005. It was recorded June 25, 2005 at reception No. 620829 as a certain Agreement for Access and Utility Easement and Improvements.

At that time and for several years thereafter it was a two-track ranch road serving access to CR 129 for several homes and my ranch from CR 129 to my upper Big Creek Ridge Parcel.

Since it was a two-track ranch road and difficult to navigate by car one of the home owners improved it (the easement) for easier access but still a one lane trail. This owner sold his property to I believe Tara Sanders about 2 years ago and this spring a small sand and gravel pit grew into a full blown sand and gravel mining operation.

When in operation relatively old dump trucks were used for transport which created a lot of noise, a large big hole, traffic challenges on the easement and the intersection between the easement and CR 129. We were relieved at the discontinuation of this operation by the authorities but it appears this may not be permanent. But what holds for the future?

The eye sore of the large hole in the ground with the adjacent elevated land scape and the excess noise are relatively minor to the serious safety issues this operation exposes to us all. For example this easement is used by my family and ranch personnel for hiking, biking, small farm vehicles, horseback riders and the movement of cattle between the ranch compound on CR 129 and the Big Creek Ridge Parcel. Also as mentioned before homeowners use this easement to and from their homes. The easement has some significantly sloping parts and an out of control truck could create havoc to say the least!

I will not further address the inadequate link between the easement and CR 129.



Last but not least is zoning. Does present zoning allow the presence of an industrial enterprise in a residential and ranching area?

In conclusion I am very concerned if an official mining /reclamation permit would be issued for future use!

Thank you for the opportunity to comment. I can be reached at 970-879-1750.

Arie L. Hoogendoorn

PO Box 776370

Steamboat Springs, CO 80477

2





7021 0350 0002 1187 6139

2 NI )



1023



U.S. POSTAGE PAID FCM LETTER STEAMBOAT SPRINGS, CO 80487 NOV 10, 21

\$4.33 R2309W155135-07

RECEIVED

NOV 152021

DIVISION OF SECLEMATION MINING AND SAFETY Division of Reclamation

Mining and Safety

1313 Sherman Steet

Room 215

Deriver Com 80211An Brillian in international information in the second second