

# WASTELINE INC.

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18 February 2022

Colorado Division of Reclamation Mining and Safety  
ATTN: Dustin Czapla  
1001 E. 62<sup>nd</sup> Avenue (formerly 1313 Sherman Street), Room 215  
Denver, CO 80216  
VIA Email [dustin.czapla@state.co.us](mailto:dustin.czapla@state.co.us)

Subject: Response to Objections Oakbrush Hill Gravel (on Dutton Ranch) File M2021-064

Dear Mr. Czapla:

As requested in your 02 FEB 2022 letter "Objections Regarding 112c Application", this letter and the enclosed report respond to the issues, both jurisdictional and non-jurisdictional. Copies of this letter are being provided both to Archuleta County Development and the US Forest Service District Ranger since many of the issues raised are not jurisdictional to DRMS but are or may be to the County and USFS.

C&J Gravel Products Inc. and Silesia Properties LLC, and their respective owners and managers, fully understand the concerns of adjacent and nearby landowners, other residents in the community, and others about the issues raised in their objections and in other venues. We believe these issues and objections deserve a proper response, even when we believe that some issues raised may not be accurately stated in the objections. Many of the objectors have the same concerns and issues.

We believe that all the objections raised which are jurisdictional for DRMS are answered completely and fully in this letter and do not show any evidence which would preclude the Division or the Board from issuing a reclamation permit. We are attempting to satisfy all the objectors but do not anticipate being able to do so, so we also wish to provide information to the Division to present to the Board in a Public Hearing.

It is fully the intent of C&J Gravel Products Inc. as applicant and mine operator to fully comply in every possible way with all State, federal and local laws and regulations, and to operate and reclaim the operation in such a manner as to preserve and protect the natural and human environment, including the health and safety of our miners, neighbors, the community, and travelers. We are and will continue to coordinate and cooperate fully with the Division, other State agencies, the County and community leaders, federal agencies, and our customers and their customers. We believe that this operation is essential to the basic needs of the community. We recognize that there ARE impacts which present inconveniences and potential negative consequences. These may not be fully eliminated but *can* be mitigated to an acceptable level, especially as compared to the environmental and safety impacts of alternatives to this operation, both short and long term.

We received in the objections from 19 individuals. Many objections identify identical or very similar issues. As discussed, we will address issues raised for each objection separately. As much as possible, our responses reference the application(s) and fact sheets in this report. These provide more detailed information and analysis on these comments.

This response is related to the County hearings on 23 FEB with the Planning and Zoning Commission, and on 01 MAR with the Archuleta BOCC. Since most of the objections are seemingly addressed to the County, we believe we must have these responses prepared for those meeting. Following those meetings, we ask your indulgence to provide additional responses as soon as possible, to reflect any conditions imposed by the County and related matters. However, we may not have time to provide that by 4 March 2022.

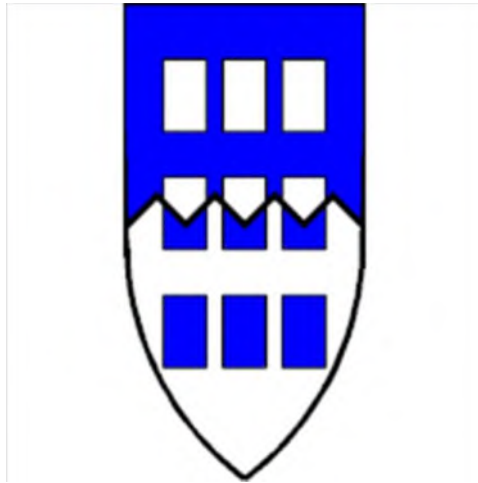
Please feel free to contact me at any time with questions and concerns. Thank you for your help.

Respectfully,

A handwritten signature in blue ink, appearing to read "Nathan A. Barton".

Nathan A. Barton, CE, PE, DEE  
Environmental Engineer

# WASTELINE, INC.



## **WL-PM-E/Ltr to D Czapla, DRMS** **Subject: M2021-064 Response to** **Objections**

Nathan Barton

5064.10-22-0001



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## 1. Matrix of Objectors and Issues

### 1.1 List of Objectors and Summaries of Issues Raised by Each

1. Elizabeth Dragoo: mining and transporting, noise, dust (in spring), homes, water contamination (lakes, wells)
2. Douglas Dragoo: mining already begun, traffic impact study, health and noise study, wildlife impact study, water & water rights study, property impact study, County land use codes, delay hearings, county conditions for state/fed permits, too large acreage, CDOT, DRMS, CPW, CDPHE (waste water discharge permit), construction/APEN distribution to residents, full background checks owners/operators), form citizens advisory group, performance bond (health and safety, in addition to DRMS), professional land survey of permitted area, larger buffer zone (750 feet), screening walls, green space, landowner is major Texas concrete operator, zoning conflict AR or AE, (what is "Pagosa Gravel Mine.lr.pdf")
3. William Bulaich includes Brinkley LETTER (see that one (#16) for breakout of issues)
4. Jack Rutherford: wildlife (elk, deer), community health, business, tourism, esthetics, noise pollution, traffic safety, survival of the roads, survival of the animals, industrial zone available, property devaluation, machinations of developer,
5. Tom Glissmeyer: problems on adjacent property, many studies need to be performed, more resident involvement, noisy, smells OTHER: Traffic and infrastructure overuse. Studies: noise, dust, traffic, water/hydrology, others. "slash and burn" inappropriate land use. NOTE: Requested to be anonymous.
6. Manuela Heaton: air pollution by silica dust, prevailing winds, pollution damage to surrounding vegetation, land scarring not repairable for many years, noise (concrete plant next door coming back), inadequate road maintenance (quality and safety of citizens), water wells (chemicals), former USFS land
7. Bill Lemon: public safety, wildlife habitat, wildlife migration, pollution, contamination, not compatible with land use, problems and damage to surrounding areas. Checked off but did not provide supporting documents.
8. Rick Harris: wildlife migration from OBH to Martinez Canyon, dust and vehicle pollution, pollute underground aquifer, noise, vibration (from trucks), destroy tranquility, school buses, narrow roads, destruction of roads by trucks, visual impacts, dust, noise,
9. Dale and Deanna Hockett: NOTE: Noise, increased traffic on CR-600 and road condition.
10. Michael Gamboa: property value, traffic volume and impact/maintenance/safety, noise, dust, vibrations from equipment, runoff from destruction of terrain, loss of aesthetics, incompatible noise in residential area, migratory wildlife/habitat lost forever, tranquility
11. Bryant Lemon Sr: Dutton migratory trail (wildlife), Dutton Ditch running into Stevens Lake Reservoir, discharge into Stevens Lake Reservoir, Heavy traffic on CR-500, bus and residential traffic on CR-600, danger to children/community. Letter attached was published as letter to the editor in Sun, 20 JAN 2022.



LETTER TO EDITOR: No need for another gravel pit in town. 20 years, and trucking material in from elsewhere to crush at this location, ugly, close proximity, beauty and use of CR-600 by locals and tourists, property values, disaster to tourism, truck traffic all day, CR-600 maintenance, traffic hazards, constant noise (crushers, alarms, engine noise), dust, diesel fuel air pollution, disrupt migration (elk, deer, bobcats, turkeys, lynx), scarring requiring hundreds of years to reforest, clearcutting acres of pristine forest

12. Craig Bishop: Traffic study, road core samples of CR-600 (potholes and washboard), environmental impact (migratory birds, mammals and endangered species (dust, noise)), migrator consideration at Dutton Creek and surrounding area, noise study, air pollution study, visual impact, effect on tourism, reclamation considerations, water requirements, water source, runoff on surrounding properties, Stevens Lake contamination (PWS), FAA airborne contaminants, compatibility of operation with surrounding area (PUD/high-density, Agricultural farming, agriculture estate) inappropriate, inspection immediately for compliance currently, HAS 8 PHOTOS, some which appear to be other construction on Dutton Ranch and not mining
13. Craig Carroll: does not belong in area, major eyesore, detriment long term to environment, wildlife, water, and air. Letter to Lucas West, DRMS, 21 January 2021.

LETTER TO L WEST: Claim that was told that site belongs to USFS, incorrect use for zoning, request for temporary location of plants (RMC, HMA), truck calculations, other equipment in constant use, noise, dust, air quality, processing plant, facilities and structures on-site, elk migration routes, other wildlife harm, damage to waterways.

14. Davi (David) Dragoo: REPRESENTING Shareholders of Essex Corporation, including at least one already listed and what may be relatives of others. Comments very similar to other Dragoo and Website.
15. Evelyn Jones: Dutton migratory trail (wildlife), Dutton Ditch running into Stevens Lake Reservoir, discharge into Stevens Lake Reservoir, diatribe against USFS and claim “developer” promised 35-acre parcels, noise, pollution, within 1 mile of Stevens Lake, air quality (reaching lake), hundreds of thousands of cubic yards to extract 76,000 tons of gravel, 7600 10-ton truckloads, poor repair of CR-600, danger to residential drivers, includes 1 vertical aerial photo (same as items 12 and 17).
16. Snell and Wilmer LLP (Jason Brinkley, Esq.): Letter attached (same as attached to #3)

LETTER TO Various Archuleta County agencies: request delay, mis-stated zoning (AR vs. AE), incompatible with land use, traffic, noises and vibrations, air water and land pollution, encroachment upon views of Pagosa Springs wilderness/harmful effects to scenic quality, unsavory and annoying smells from mining, processing and transportation; health and safety concerns, reduce ability to engage in agricultural and grazing activities; already demonstrated. Runoff going directly into neighbor’s ponds, noise noticeable from client’s residences, smell of exhaust, violation of State and local law/codes. Vague and general language in permit applications, inadequately addressing specific issues and actions. Requesting delay in hearings, traffic impact study, health and noise study, wildlife impact study, water and water rights study, consideration of alternative sites (including parcel near Airport zoned industrial). Copy clearly furnished to other objectors who used it intact or for points. Also furnished to Nathan Davis and Shane O’Connor – relationship unknown.



17. Michael Caponnetto: represent “ownership of surrounding property to SE. Endanger ingress and egress, noise, air pollution, Dutton Creek migratory route, CR-600 (school buses, frightening curves, poor condition). Traffic study, road core samples, environmental impact including wildlife, migratory considerations, noise pollution, air pollution, visual impact, effect on tourism, reclamation considerations, water requirements (including CR-600), Stevens Lake contamination, FAA requirements for airborne contaminants, compatibility with surrounding land use, improper zoning, immediate inspection (nearly identical to item 12.) Includes 8 photos all duplicate of item 12 and 1 same as item 15.)
18. Clayton Braatz: land value, noise problem, ground water, surface water, off-site damage, wildlife. Many points match letter and website.
19. Leann Wilson: Noise pollution.

NOTE: The website “Stoptherocks.com” includes many of the concerns and much of the language provided by objectors. This report does not directly address the contents of the website and its links to other documents as these are not formal objections. If desired, response and information to respond to the objections listed on the website can be provided for C&J Gravel Products and the Landowner.

We very much respect the concerns of those who are objecting, and our goal is to demonstrate to them and the Division that these concerns have been addressed in our planning and will be addressed (as described in the application and supplementary information) during the operations of Oakbrush Hill Gravel. We stand ready to answer further questions.



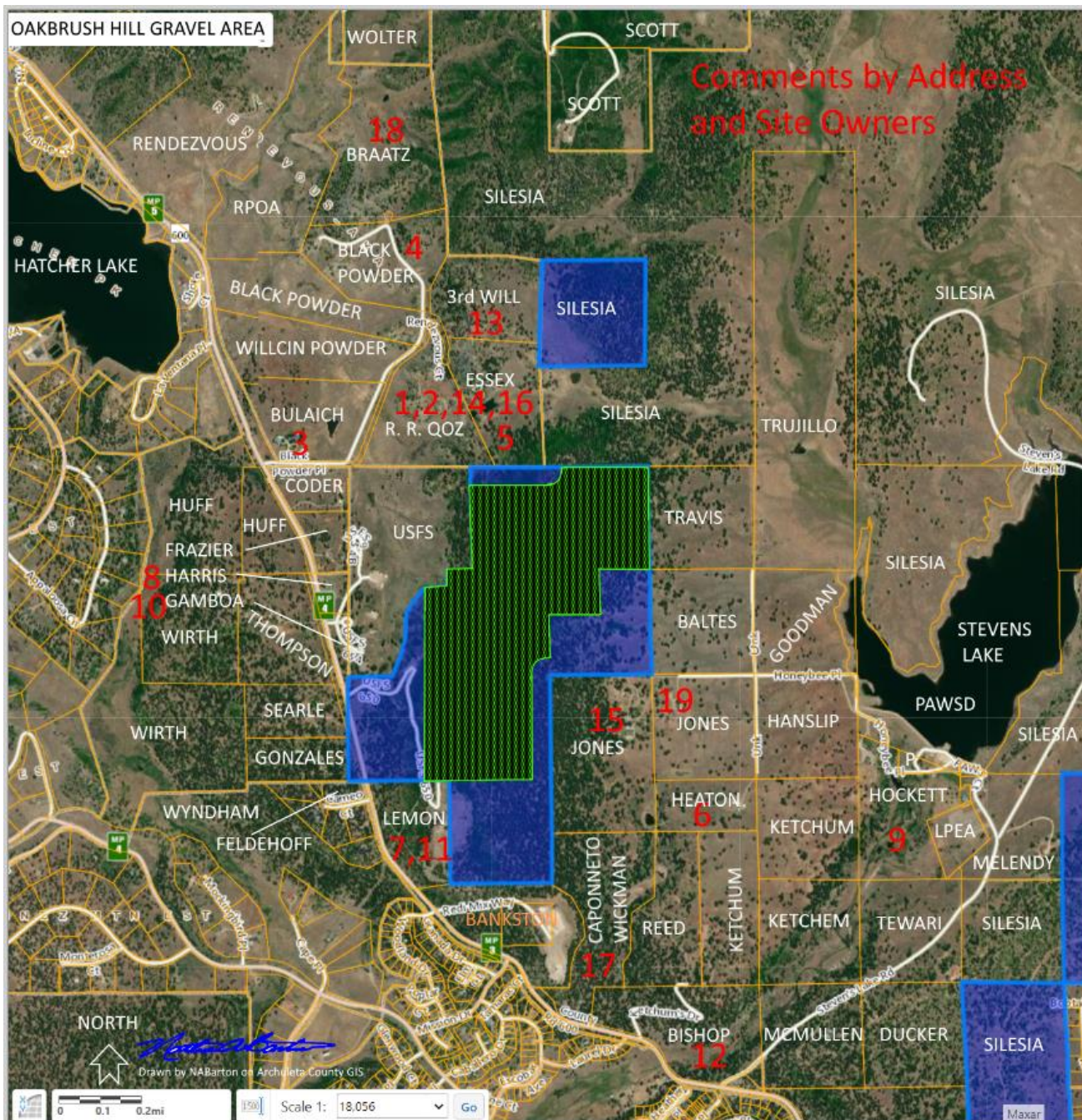
1.1.1 Matrix Table of Objectors

A Illegal mining			B Ground water/water well							C Surface/Storm Water							D Mine Plan compliance							E Signs and markers							F Financial Warranty							
G Processing waste/tailings			H Fish/Wildlife							I Off-site damage							J Explosives/blasting							K Revegetation							L Recl Plan compliance							
M Dust			N Acid or Toxic							O Property damage							P Waste mgmt./dumping							Q Overburden/dev waste							R Backfilling/Grading							
S Processing facilities			T Erosion/Sedimentation							U Roads							V Topsoil							W Weeds														
X Other			Y Traffic							Z Zoning/Land use							1 Noise							2 Air Quality							3 Request Study(ies)							
4 Tourism			5 Community Health							6 Visual/viewshed							7 Too large/too long							8 Land values							9 Smell							
			A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	1	2	3	4	5	6	7	8	9	
1.	Elizabeth	Dragoo	✓	✓	✓				✓					✓		✓		✓				✓		✓		✓	✓	✓	✓						✓			
2.	Douglas	Dragoo	✓	✓	✓	✓			✓	✓		✓	✓	✓		✓									✓	✓	✓	✓	✓	✓		✓		✓				
3.	William	Bulaich	✓	✓	✓	✓			✓														✓		✓	✓	✓	✓	✓		✓	✓			✓	LTR		
4.	Jack	Rutherford							✓														✓		✓	✓	✓	✓		✓	✓	✓	✓		✓			
5.	Tom	Glissmeyer	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓					✓			
6.	Manuela	Heaton		✓					✓	✓		✓	✓	✓		✓						✓	✓		✓	✓		✓				✓	✓					
7.	Bill	Lemon		✓	✓				✓	✓							✓							✓		✓		✓				✓						
8.	Rick	Harris		✓					✓					✓									✓		✓		✓	✓			✓	✓						
9.	D & D	Hockett																							✓		✓											
10.	Michael	Gamboa			✓				✓	✓				✓									✓		✓	✓	✓	✓				✓		✓				
11.	Bryant	Lemon Sr			✓				✓			✓	✓	✓							✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		LTR			
12.	Craig	Bishop	✓	✓	✓				✓				✓	✓	✓							✓	✓		✓	✓	✓	✓	✓	✓	✓		✓					
13.	C	Carroll		✓	✓				✓				✓	✓									✓		✓	✓	✓	✓	✓	✓		✓			LTR			
14.	Davi	Dragoo	✓	✓	✓	✓			✓					✓		✓		✓					✓		✓	✓	✓	✓	✓		✓		✓	✓				
15.	Evelyn	Jones			✓				✓												✓				✓	✓	✓	✓	✓									
16.	Jason	Brinkley	✓	✓	✓	✓			✓																	✓	✓	✓		✓		✓			✓	LTR		
17.	M.	Caponnetto	✓		✓	✓			✓				✓	✓										✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					
18.	Clayton	Braatz		✓	✓				✓	✓																	✓							✓				
19.	Leann	Wilson																									✓											
TOTAL			6	12	12	5	1	1	2	14	4	0	2	3	8	1	4	2	1	1	1	2	8	2	0	3	12	8	13	8	5	3	6	9	1	4	2	166
The ✓ indicates that item is checked or addressed in DRMS comment form and/or attachments.																																						
Items A-W (indicated with yellow) are DRMS jurisdictional.																																						
Items X-9 (indicated with orange) are <b>not</b> DRMS jurisdictional.																																						



## 1.2 Map of Objector Locations

Information from Archuleta County GIS and Assessors Records on-line, accessed 10-15 February 2022. Silesia Properties LP lands in this specific County parcel are shown in blue and green stripes. (Silesia also owns other parcels, as shown. The proposed M2021064 permit area shown in green stripped area.







## 2. Objectors Individually Answered

As requested by Mr. Czapla in the letter of 2 February 2022, there is a specific individual page and table, some with comments, to respond to each objector. This page in turn references fact sheets which provide detailed information on the various issues brought up by the objectors.

Below is our list of each objector with their complaints listed out, as well as referencing their specific comments and explaining what responses that we are going with. The following abbreviations apply to all the objectors.

Note that the abbreviations used on the 19 sheets are:

- FS: Fact Sheet, followed by short name of the fact sheet  
Located in Appendix D.
- IIR: Inspection/Investigation Report, Lucas West, 09 FEB 2022  
Appendix B.
- POIR Pre-Operational Inspection Report, Lucas West, 16 FEB 2022  
Appendix C.

Following items are not in this report as they have already been furnished to the Division/County:

- DCP: Dust control plan (aka Fugitive Dust Control Plan)
- Ex: Exhibit (to DRMS application) followed by letter of exhibit
- SWMP: Surface Water Management Plan (including storm water)
- TIS: Traffic Impact Study
- WCP: Weed control plan

Other commonly used and recognized abbreviations are used to reduce the size of this document and keep these answers to one page.

The intent is to simplify individualizing responses to the 19 objections/complaints by being able to create PDFs or hardcopy printouts of the individual tables (with notes and attachments) together with the pertinent Fact Sheet(s) to that person's objections.

Note: Items A-W (indicated with yellow) are DRMS jurisdictional.

Note: Items X-9 (indicated with orange) are **not** DRMS jurisdictional.



## 2.1 Elizabeth Dragoo

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well	✓ Wells that may be contaminated	Fact Sheet: Wells
C	Surface/Storm Water	✓ Ranchers have concerns	Fact Sheet: Ponds
D	Mine Plan compliance	✓ No specific comments	Fact Sheet: No Issues, Ex C&D
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ No specific comments	Ex H, Fact Sheet: Wildlife
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust	✓ Dust... terrible in the spring	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic		
O	Property damage	✓ No specific comments	Ex S, Fact Sheet: General
P	Waste mgmt./dumping		
Q	Overburden/dev waste	✓ No specific comments	Ex C, D Fact Sheet: General
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation	✓ No specific comments	Ex E, F Fact Sheet: Reclaim
U	Roads		
V	Topsoil	✓ No specific comments	Ex F, I Fact Sheet: Reclaim
W	Weeds		
X	Other		
Y	Traffic	✓ Transporting the gravel	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use		
1	Noise	✓ Noise carries for miles	Fact Sheet: Noise
2	Air Quality	✓ Dust... terrible in the spring	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)		
4	Tourism		
5	Community Health		
6	Visual/Viewshed		
7	Too large/too long		
8	Land values	✓ Multi-million dollar homes...	Fact Sheet: General, Studies
9	Smell		



## 2.2 Douglas Dragoo

Issue			Specific comments (summary)	Response
A	Illegal Mining	✓	Mining already begun.	Answered by DRMS, County
B	Ground water/water well	✓	Study requested	Fact Sheet: Wells
C	Surface/Storm Water	✓	Study requested	Fact Sheet: Ponds
D	Mine Plan compliance	✓	Application "wrong"	Fact Sheet: No Issues, Ex C&D
E	Signs and markers			
F	Financial Warranty			
G	Processing waste/tailling			
H	Fish/Wildlife	✓	Study requested	Ex H, Fact Sheet: Wildlife
I	Off-site damage	✓	Study requested	Fact Sheet: General
J	Explosives/blasting			
K	Revegetation	✓	Study requested	Fact Sheet: Reclaim
L	Recl Plan compliance	✓	Permit required	Fact Sheet: General
M	Dust	✓	Study requested	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic			
O	Property damage	✓	Request property impact study	Ex S, Fact Sheet: General
P	Waste mgmt./dumping			
Q	Overburden/dev waste			
R	Backfilling/Grading			
S	Processing facilities			
T	Erosion/Sedimentation			
U	Roads			
V	Topsoil			
W	Weeds			
X	Other	✓	Comments about landowner	Not germane
Y	Traffic	✓	Study requested	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓	Wrongly zoned, wrong use	Fact Sheet: Siting
1	Noise	✓	Study requested	Fact Sheet: Noise
2	Air Quality	✓	Study requested	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)	✓	See all listed "study requested"	Fact Sheet: Studies
4	Tourism			
5	Community Health	✓	Study requested	Fact Sheet: General
6	Visual/Viewshed			
7	Too large/too long			
8	Land values	✓	Study requested	Fact Sheet: General, Studies
9	Smell			

Note: much of the comment appears to be quoting from the Brinkley letter (Objector #16) with some editing and additions.



## 2.3 William Bulaich

Issue			Specific comments (summary)	Response
A	Illegal Mining	✓	Specifics listed in Brinkley letter	Answered by DRMS, County
B	Ground water/water well	✓	Specifics listed in Brinkley letter	Fact Sheet: Wells
C	Surface/Storm Water	✓	Specifics listed in Brinkley letter	Fact Sheet: Ponds
D	Mine Plan compliance	✓	Specifics listed in Brinkley letter	Fact Sheet: No Issues, Ex C&D
E	Signs and markers			
F	Financial Warranty			
G	Processing waste/tailling			
H	Fish/Wildlife	✓	Specifics listed in Brinkley letter	Ex H, Fact Sheet: Wildlife
I	Off-site damage			
J	Explosives/blasting			
K	Revegetation			
L	Recl Plan compliance			
M	Dust			
N	Acid or Toxic			
O	Property damage			
P	Waste mgmt./dumping			
Q	Overburden/dev waste			
R	Backfilling/Grading			
S	Processing facilities			
T	Erosion/Sedimentation			
U	Roads	✓	Specifics listed in Brinkley letter	Fact Sheet: Tourists
V	Topsoil			
W	Weeds			
X	Other			
Y	Traffic	✓	Specifics listed in Brinkley letter	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓	Specifics listed in Brinkley letter	Fact Sheet: Siting
1	Noise	✓	Specifics listed in Brinkley letter	Fact Sheet: Noise
2	Air Quality	✓	Specifics listed in Brinkley letter	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)	✓	Specifics listed in Brinkley letter	Fact Sheet: Studies
4	Tourism			
5	Community Health	✓	Specifics listed in Brinkley letter	Fact Sheet: General
6	Visual/Viewshed	✓	Specifics listed in Brinkley letter	Fact Sheet: Tourists, Siting
7	Too large/too long			
8	Land values			
9	Smell	✓	Specifics listed in Brinkley letter	Fact Sheet: No issues

Brinkley letter (objector 16) is addressed at that item. The only specifics provided here are from that letter attached to this objection.



## 2.4 Jack Rutherford

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well		
C	Surface/Storm Water		
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailing		
H	Fish/Wildlife	✓ Middle of major migratory route	Ex H, Fact Sheet: Wildlife
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust		
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation		
U	Roads	✓ Item in list to BOCC	Fact Sheet: Tourists
V	Topsoil		
W	Weeds		
X	Other	✓ Item in list to BOCC	TO BE DETERMINED
Y	Traffic	✓ Item in list to BOCC	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓ Item in list to BOCC	Fact Sheet: Siting
1	Noise	✓ Item in list to BOCC	Fact Sheet: Noise
2	Air Quality		
3	Request Study(ies)	✓ Item in list to BOCC	Fact Sheet: Studies
4	Tourism	✓ Item in list to BOCC	Fact Sheet: Tourism
5	Community Health	✓ Item in list to BOCC	Fact Sheet: General
6	Visual/Viewshed	✓ Item in list to BOCC	Fact Sheet: Tourists, Siting
7	Too large/too long		
8	Land values	✓ Impact on property values	Fact Sheet: General, Studies
9	Smell		





## 2.5 Tom Glissmeyer

Issue			Specific comments (summary)	Response
A	Illegal Mining	✓	Nature of complaint-no details	Answered by DRMS, County
B	Ground water/water well	✓	Nature of complaint-no details	Fact Sheet: Wells
C	Surface/Storm Water	✓	Nature of complaint-no details	Fact Sheet: Ponds
D	Mine Plan compliance	✓	Nature of complaint-no details	Fact Sheet: No Issues, Ex C&D
E	Signs and markers	✓	Nature of complaint-no details	No comments
F	Financial Warranty	✓	Nature of complaint-no details	Fact Sheet: General
G	Processing waste/tailling	✓	Nature of complaint-no details	Fact Sheet: No issues
H	Fish/Wildlife	✓	Nature of complaint-no details	Ex H, Fact Sheet: Wildlife
I	Off-site damage	✓	Nature of complaint-no details	Fact Sheet: General
J	Explosives/blasting	✓	Nature of complaint-no details	Fact Sheet: No issues
K	Revegetation	✓	Nature of complaint-no details	Fact Sheet: Reclaim
L	Recl Plan compliance	✓	Nature of complaint-no details	Fact Sheet: General
M	Dust	✓	Nature of complaint-no details	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic	✓	Nature of complaint-no details	Fact Sheet: No issues
O	Property damage	✓	Nature of complaint-no details	Ex S, Fact Sheet: General
P	Waste mgmt./dumping	✓	Nature of complaint-no details	Fact Sheet: General
Q	Overburden/dev waste	✓	Nature of complaint-no details	Ex C, D Fact Sheet: General
R	Backfilling/Grading	✓	Nature of complaint-no details	Ex F, Fact Sheet: Reclaim
S	Processing facilities	✓	Nature of complaint-no details	Fact Sheet: No issues
T	Erosion/Sedimentation	✓	Nature of complaint-no details	Ex E, F Fact Sheet: Reclaim
U	Roads	✓	Nature of complaint-no details	Fact Sheet: Tourists
V	Topsoil	✓	Nature of complaint-no details	Ex F, I Fact Sheet: Reclaim
W	Weeds			
X	Other			
Y	Traffic	✓	Listed – no details	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓	Way outside of town	Fact Sheet: Siting
1	Noise	✓	“noisy”	Fact Sheet: Noise
2	Air Quality			
3	Request Study(ies)	✓	Requested a list of studies	Fact Sheet: Studies
4	Tourism			
5	Community Health			
6	Visual/Viewshed			
7	Too large/too long			
8	Land values			
9	Smell	✓	“smells”	Fact Sheet: No issues



## 2.6 Manuela Heaton

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well	✓ Chemicals, quality, quantity	Fact Sheet: Wells
C	Surface/Storm Water		
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ Impact on wildlife	Ex H, Fact Sheet: Wildlife
I	Off-site damage	✓ Surrounding vegetation	Fact Sheet: General
J	Explosives/blasting		
K	Revegetation	✓ Silica dust, water	Fact Sheet: Reclaim
L	Recl Plan compliance	✓ Land scarring and time	Fact Sheet: General
M	Dust	✓ Silica dust, wind direction	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic		
O	Property damage	✓ Surrounding vegetation	Ex S, Fact Sheet: General
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation	✓ Land scarring	Ex E, F Fact Sheet: Reclaim
U	Roads	✓ Inadequate maintenance	Fact Sheet: Tourists
V	Topsoil		
W	Weeds		
X	Other		
Y	Traffic	✓ County road maint, safety	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓ Former USFS land	Fact Sheet: Siting
1	Noise	✓ From OBH and RMCP nearby	Fact Sheet: Noise
2	Air Quality	✓ Silica dust, wind direction	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)		
4	Tourism		
5	Community Health	✓ Silica dust, wind direction	Fact Sheet: General
6	Visual/Viewshed	✓ Land scarring	Fact Sheet: Tourists, Siting
7	Too large/too long		
8	Land values		
9	Smell		

Claims to be landowner of affected land – assume this is a misunderstanding of term.



## 2.7 Bill Lemon

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well	✓ Pollution	Fact Sheet: Wells
C	Surface/Storm Water	✓ Pollution	Fact Sheet: Ponds
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ Habitat and migration	Ex H, Fact Sheet: Wildlife
I	Off-site damage	✓ To surrounding areas	Fact Sheet: General
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust		
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping	✓ Pollution	Fact Sheet: General
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation		
U	Roads		
V	Topsoil		
W	Weeds		
X	Other	✓ Public safety	TO BE DETERMINED
Y	Traffic		
Z	Zoning/Land use	✓ Not compatible with established	Fact Sheet: Siting
1	Noise		
2	Air Quality	✓ Pollution	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)		
4	Tourism		
5	Community Health	✓ Impacts on	Fact Sheet: General
6	Visual/Viewshed		
7	Too large/too long		
8	Land values		
9	Smell		

Claims to be landowner of affected land – assume this is a misunderstanding of term.



## 2.8 Rick Harris

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well	✓ Pollute aquifer	Fact Sheet: Wells
C	Surface/Storm Water		
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ Migration of wildlife	Ex H, Fact Sheet: Wildlife
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust	✓ Dust and vehicle pollution	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation		
U	Roads	✓ Destruction by trucks	Fact Sheet: Tourists
V	Topsoil		
W	Weeds		
X	Other		
Y	Traffic	✓ Noise, vibration, school buses	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use		
1	Noise	✓ Truck noise, vibration	Fact Sheet: Noise
2	Air Quality	✓ Dust, vehicle pollution	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)		
4	Tourism		
5	Community Health	✓ Safety: school buses	Fact Sheet: General
6	Visual/Viewshed	✓ See and hear dust and noise	Fact Sheet: Tourists, Siting
7	Too large/too long		
8	Land values		
9	Smell		



## 2.9 D & D Hockett

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well		
C	Surface/Storm Water		
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailing		
H	Fish/Wildlife		
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust		
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation		
U	Roads		
V	Topsoil		
W	Weeds		
X	Other		
Y	Traffic	✓ County Road can't take traffic	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use		
1	Noise	✓ Can hear noise from house	Fact Sheet: Noise
2	Air Quality		
3	Request Study(ies)		
4	Tourism		
5	Community Health		
6	Visual/Viewshed		
7	Too large/too long		
8	Land values		
9	Smell		





## 2.10 Michael Gamboa

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well		
C	Surface/Storm Water	✓ Water/snow runoff	Ex C,D, Fact Sheet: Ponds
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ migratory routes, habitat	Ex H, Fact Sheet: Wildlife
I	Off-site damage	✓ Vibrations from traffic, equipt.	Fact Sheet: General
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust	✓ Dust pollution	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation		
U	Roads	✓ Volume, safety, dust	Fact Sheet: Tourists
V	Topsoil		
W	Weeds		
X	Other		
Y	Traffic	✓ Volume, safety, damage	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓ Tranquility, quiet zone	Fact Sheet: Siting
1	Noise	✓ Quiet zone in residential area	Fact Sheet: Noise
2	Air Quality	✓ Dust – vehicles and operations	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)		
4	Tourism		
5	Community Health		
6	Visual/Viewshed	✓ Aesthetics, natural beauty	Fact Sheet: Tourists, Siting
7	Too large/too long		
8	Land values	✓ Negative impact	Fact Sheet: General, Studies
9	Smell		

Mr. Gamboa is not an adjacent landowner to the permit: his property is west of the USFS property but does touch a corner of the Dutton Ranch parcel. The north and west faces of Oakbrush Hill will not be mined: he appears to think that they will be.



## 2.11 Bryant Lemon Sr.

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well		
C	Surface/Storm Water	✓ Dutton Ditch, flow to Stevens L	Fact Sheet: Ponds
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ LTE Dutton migratory trail,	Ex H, Fact Sheet: Wildlife
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation	✓ LTE: clearcutting, 100s of years	Fact Sheet: Reclaim
L	Recl Plan compliance	✓ LTE Scar, hundreds of years	Fact Sheet: General
M	Dust	✓ LTE: dust/Diesel fuel pollution	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities	✓ LTE: post-mining haul to site	Fact Sheet: No issues
T	Erosion/Sedimentation		
U	Roads	✓ Heavy traffic, maintenance	Fact Sheet: Tourists
V	Topsoil		
W	Weeds		
X	Other	✓ Safety: buses	TO BE DETERMINED
Y	Traffic	✓ LTE Heavy traffic maintenance	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓ Other places to mine	Fact Sheet: Siting
1	Noise	✓ LTE crusher, alarms, engine	Fact Sheet: Noise
2	Air Quality	✓ Diesel fuel, dust	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)		
4	Tourism	✓ Impact to Piedra Rd.	Fact Sheet: Tourism
5	Community Health	✓ Road use danger to children	Fact Sheet: General
6	Visual/Viewshed	✓ LTE: Ugly scar, 100s of years	Fact Sheet: Tourists, Siting
7	Too large/too long	✓ Haul matl. to site after mining	Fact Sheet: No Issues
8	Land values		
9	Smell		

LTE: Letter to Editor published in Pagosa Sun on 20JAN2022 "No Gravel Pit" was attached.



## 2.12 Craig Bishop

Issue			Specific comments (summary)	Response
A	Illegal Mining	✓	Not following current permit	Answered by DRMS, County
B	Ground water/water well	✓	Study requested	Fact Sheet: Wells
C	Surface/Storm Water	✓	Study requested, water use	Fact Sheet: Ponds
D	Mine Plan compliance			
E	Signs and markers			
F	Financial Warranty			
G	Processing waste/tailling			
H	Fish/Wildlife	✓	Study requested: migratory	Ex H, Fact Sheet: Wildlife
I	Off-site damage			
J	Explosives/blasting			
K	Revegetation			
L	Recl Plan compliance	✓	Study requested	Fact Sheet: General
M	Dust	✓	Study requested	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic	✓	Study requested: Stevens Lake	Fact Sheet: No issues
O	Property damage			
P	Waste mgmt./dumping			
Q	Overburden/dev waste			
R	Backfilling/Grading			
S	Processing facilities			
T	Erosion/Sedimentation	✓	Study requested: Stevens Lake	Ex E, F Fact Sheet: Reclaim
U	Roads	✓	Water use, road testing	Fact Sheet: Tourists
V	Topsoil			
W	Weeds			
X	Other	✓	FAA violations	Fact Sheet: No Issues
Y	Traffic	✓	Study Requested	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓	Compatibility of PUD etc.	Fact Sheet: Siting
1	Noise	✓	Wildlife impacts	Fact Sheet: Noise
2	Air Quality	✓	Study requested	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)	✓	See all listed in this column	Fact Sheet: Studies
4	Tourism	✓	Negative impact	Fact Sheet: Tourism
5	Community Health			
6	Visual/Viewshed	✓	Impact to cmty, eyesore to N	Fact Sheet: Tourists, Siting
7	Too large/too long			
8	Land values			
9	Smell			

Comment included 8 photos on-site and from aircraft: some photos show other ranch work not associated with extraction/processing. List of studies appears to be expanded from website list of demands.



### 2.13 Craig Carroll

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well	✓ General – no specifics	Fact Sheet: Wells
C	Surface/Storm Water	✓ General – no specifics	Fact Sheet: Ponds
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ General – migration routes	Ex H, Fact Sheet: Wildlife
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance	✓ Long term detriment to environ.	Fact Sheet: General
M	Dust	✓ General – only specific trucks	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation		
U	Roads	✓ Truck traffic (calculations)	Fact Sheet: Tourists
V	Topsoil		
W	Weeds		
X	Other	✓ USFS maps	Not Applicable
Y	Traffic	✓ Noise, traffic density	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓ Incompatible (incl. RMC HMA)	Fact Sheet: Siting
1	Noise	✓ Trucks, equipment	Fact Sheet: Noise
2	Air Quality	✓ Trucks, equipment	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)	✓ Implied by language	Fact Sheet: Studies
4	Tourism	✓ Landscape damage	Fact Sheet: Tourism
5	Community Health		
6	Visual/Viewshed	✓ Implied by language	Fact Sheet: Tourists, Siting
7	Too large/too long		
8	Land values		
9	Smell		

Mr. Carroll's comment includes a 2-page letter to DRMS (Lucas West) which expands on some of the very general comments on the form. The points in the letter are included above.



## 2.14 Davi (David) Dragoo

Issue		Specific comments (summary)	Response
A	Illegal Mining	✓ Mining and hauling on CR-600	Answered by DRMS, County
B	Ground water/water well	✓ Study requested	Fact Sheet: Wells
C	Surface/Storm Water	✓ Study requested	Fact Sheet: Ponds
D	Mine Plan compliance	✓ Illegal mining	Fact Sheet: No Issues, Ex C&D
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ Study requested, in Crit. Hab.	Ex H, Fact Sheet: Wildlife
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust	✓ Study requested	Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic		
O	Property damage	✓ Study requested	Ex S, Fact Sheet: General
P	Waste mgmt./dumping		
Q	Overburden/dev waste	✓ Study requested	Ex C, D Fact Sheet: General
R	Backfilling/Grading		Ex F, Fact Sheet: Reclaim
S	Processing facilities		Fact Sheet: No issues
T	Erosion/Sedimentation		
U	Roads	✓ Study requested	Fact Sheet: Tourists
V	Topsoil		
W	Weeds		
X	Other	✓ Absent proper permits	Answered by DRMS, County
Y	Traffic	✓ Study requested	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓ Improper use and procedure	Fact Sheet: Siting
1	Noise	✓ Hundreds of yards	Fact Sheet: Noise
2	Air Quality	✓ Dust	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)	✓ List from website in this column	Fact Sheet: Studies
4	Tourism		
5	Community Health	✓ Study requested	Fact Sheet: General
6	Visual/Viewshed		
7	Too large/too long	✓ Shocking activity	Fact Sheet: No Issues
8	Land values	✓ Study requested	Fact Sheet: General, Studies
9	Smell		

Mr. Dragoo states that he represents Essex Corporation (a nearby landowner) and several shareholders of Essex, who appear to be other commentors or relatives of others. The comment is both an objection and complaint about illegal mining. 1 photo attached to comment shows ranch operation and how terrain and trees mitigate visual impacts and dust.





## 2.15 Evelyn Jones

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well		
C	Surface/Storm Water	✓ Dutton Ditch, Stevens Lake	Fact Sheet: Ponds
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ Dutton migratory trail	Ex H, Fact Sheet: Wildlife
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust		
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities	✓ 100s of 1000s of CY pitrun	Fact Sheet: No issues
T	Erosion/Sedimentation		
U	Roads	✓ Heavy traffic	Fact Sheet: Tourists
V	Topsoil		
W	Weeds		
X	Other	✓ USFS and promises by owner	Not Applicable
Y	Traffic	✓ Heavy traffic, road work, safety	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓ Many homes	Fact Sheet: Siting
1	Noise	✓ From industrial project	Fact Sheet: Noise
2	Air Quality	✓ Local incl. Stevens Lake	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)		
4	Tourism		
5	Community Health		
6	Visual/Viewshed		
7	Too large/too long		
8	Land values		
9	Smell		

LTC and Mrs. Jones operate an inn and own two 40-acre parcels with three houses to the east of OBH. Comments include some items from the website and other letters. Comment included one photo (from aircraft)/



## 2.16 Jason Brinkley

Issue			Specific comments (summary)	Response
A	Illegal Mining	✓	See discussion of letter	Answered by DRMS, County
B	Ground water/water well	✓	See discussion of letter	Fact Sheet: Wells
C	Surface/Storm Water	✓	See discussion of letter	Fact Sheet: Ponds
D	Mine Plan compliance	✓	See discussion of letter	Fact Sheet: No Issues, Ex C&D
E	Signs and markers			
F	Financial Warranty			
G	Processing waste/tailling			
H	Fish/Wildlife	✓	See discussion of letter	Ex H, Fact Sheet: Wildlife
I	Off-site damage			
J	Explosives/blasting			
K	Revegetation			
L	Recl Plan compliance			
M	Dust			
N	Acid or Toxic			
O	Property damage			
P	Waste mgmt./dumping			
Q	Overburden/dev waste			
R	Backfilling/Grading			
S	Processing facilities			
T	Erosion/Sedimentation			
U	Roads			
V	Topsoil			
W	Weeds			
X	Other			
Y	Traffic	✓	See discussion of letter	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓	See discussion of letter	Fact Sheet: Siting
1	Noise	✓	See discussion of letter	Fact Sheet: Noise
2	Air Quality			
3	Request Study(ies)	✓	See discussion of letter	Fact Sheet: Studies
4	Tourism			
5	Community Health	✓	See discussion of letter	Fact Sheet: General
6	Visual/Viewshed	✓	See discussion of letter	Fact Sheet: Tourists, Siting
7	Too large/too long			
8	Land values			
9	Smell	✓	See discussion of letter	Fact Sheet: No issues

Mr. Jason Brinkley is attorney with Snell and Wilmer LLP, representing Essex Corporation (whose Vice Chair also submitted objection/complaint) and Rendezvous Ranch QOZ, LLC and the Rendezvous Ranch Homeowner's Association. It is likely that owners of the LLC and members of the Association also commented. See next page for detailed discussion of Mr. Brinkley's letter.



Subject: Brinkley (Snell and Wilmer LLP) letter of 21 January 2022 to various Archuleta County agencies.

This letter was an attachment to William Bulaich's comment. This letter may also be the original source of some of the specific objections and language in other comments or was written based on those comments and objections. The language is similar in many ways.

The issues raised in this letter are addressed in detail in the various fact sheets. This discussion is to further respond to some items that are primarily procedure or unique to this letter. Although some of the points are within DRMS jurisdiction, the tone and content of the letter (and its heading) is directed mostly at the County. Ultimately, the County must address many of the remarks directly by actions or in response to the letter.

1. Issue 1. Request for delay: Not within purview of Applicant. De facto given by delay in hearings caused by health problems in County agencies.
2. Issue 2. Zoning: Letter cites ACLUR Section 3 but does not cite Table 3, which indicate this land use IS appropriate and permitted on the property as zoned. The paragraph continues to restate facts regarding the proposed operations on the site.
3. Issue 3. Impacts and Concerns: The letter states several of the potential impacts, all of which have been addressed in the applications specifically in response to Section 9 of the ACLUR. Although the language sometimes exaggerates and borders on the hyperbolic, all five issues are discussed both in applications and the fact sheets. The applicant does not believe these matters will harm either nearby landowners or the public and will not reduce anyone's ability to engage in agricultural activities, including grazing.
4. Issue 4. Impacts of current ranching activities. The letter includes several statements which are incorrect, as determined by a formal DRMS investigation of operations conducted on 25 January 2022: there is no runoff leaving the site and the operations do not violate either Colorado State law or the ACLUR. (The DRMS allowed operations to resume immediately following the inspection.) Other statements regarding matters outside DRMS jurisdiction also appear to be incorrect or exaggerated but are addressed (and mostly refuted) in the Fact Sheets: noise, odors. Neither of these issues appear to be of significant levels to violate State or County laws.
5. Issue 5. Insufficiency of the application. (This discussion assumes this refers to the County application, but most of that application consists of the various elements of the DRMS 112c Application.) Both DRMS and the County Planning Office and Development Director have and are reviewing the applications and have already contacted the applicant with specific comments regarding the adequacy of the information provided. If more detail or specificity is needed by State or County agencies, the Applicant will furnish those.
6. Issue 6. Failure to address standards. As discussed above, information applying to many County Standards (including those listed in the letter) is provided in the DRMS Application included in the County Application. The State and County agencies are the competent authorities under law to determine whether the information is satisfactory.
7. Issue 7. Request for studies. As explained in Fact Sheet: Studies, these four studies are already in the applications and for some, further work is underway to address concerns of various persons. If the current versions of studies as available now or at the public hearings are insufficient, the County may make completion of such studies conditions of the Major Sand & Gravel Permit. DRMS has authority to delay approval and issue the Reclamation Permit until it is satisfied with the response and information for those issues which are jurisdictional.



8. Issue 8. Alternative locations. Prior to applying for the Oakbrush Hill Gravel operation, C&J Gravel Products and other construction materials firms have searched for many years to find and permit construction materials mines. The last sand and gravel operation permitted in Archuleta County was the Lob Lolly Pit near Arboles in 2008. Multiple locations have been “seriously explored and considered” and applications for at least four have been submitted and denied or withdrawn due to issues and opposition.

Gravel is where you find it. Mr. Brinkley suggests that a parcel owned by Silesia Properties LP (likely Parcel 569909100034) is a possible substitute for the Oakbrush Hill location. He also incorrectly states that parcel is zoned Industrial. It is zoned Agriculture Ranching (AR) according to the Archuleta County GIS map (accessed on 16 FEB 2022). It is 114.48 acres in size, but rather oddly shaped, and Silesia owns no adjacent parcels. It is also wedged between an active runway and taxiway of a Commercial Airport and an industrial park. As AR (like AE and AF) can be used for mining, processing, and selling sand and gravel (Table 3, Section 3 – Zoning Regulations), theoretically, it would be possible at this location.

However, there are many reasons this is not a suitable site: First, it is too small. By the time necessary setbacks and mitigation measures and access and other issues are addressed, it is very likely that less than half the site could be mined. Second, it is too near the airport, and would have height and other restrictions as well as the potential for directly impacting on airport operations. While the impact of Oakbrush Hill on the Airport, two miles away, is virtually non-existent despite claims to the contrary, there WOULD be significant negative impacts on a runway just 500 feet away. Third, that property has a pond within 200 feet and intermittent streams across the property, which are wetlands. It is highly likely that groundwater would be quickly exposed in any excavation. But the primary reason is that it is almost certain that there is not good enough quality and insufficient quantities of construction materials on the site, and that overburden is very thick above any mineable materials.

Other locations around Pagosa Springs and as far west as Chimney Rock P.O. and the boundary with Hindsdale County, as well as up and down the San Juan and Piedra Rivers have been examined and considered for construction materials extraction. None which were not government land or had private owners willing to consider selling or leasing, which would generally meet State or County requirements and be economical to design, permit, prepare and operate have been found.

9. In summary, the Applicant believes that the information necessary to evaluate and analyze the proposed Oakbrush Hill Gravel operation has been provided. And that there has been (and is on-going) through evaluation, analysis, and assessment of the proposed operation by both State and County agencies and officials. We believe that permitting of the Oakbrush Hill Gravel permits is in the best interests of Archuleta County, the Pagosa Springs Community, and the State of Colorado, both for its value in providing essential materials to support the people and businesses, and the protection of the rights of property owners, including that of Silesia Properties LP as the owner of the Dutton Ranch.
10. We very much understand and appreciate the efforts of Mr. Brinkley to represent his clients, but his objections simply do not provide adequate justification for the State and County to deny the permits requested.



## 2.17 Michael Caponnetto

Issue			Specific comments (summary)	Response
A	Illegal Mining	✓	Immediate inspection	Answered by DRMS, County
B	Ground water/water well			
C	Surface/Storm Water	✓	Stevens Lake, CR-600	Fact Sheet: Ponds
D	Mine Plan compliance	✓	Claim of 40 years	Fact Sheets:General, No Issue
E	Signs and markers			
F	Financial Warranty			
G	Processing waste/tailling			
H	Fish/Wildlife	✓	Migratory routes	Ex H, Fact Sheet: Wildlife
I	Off-site damage			
J	Explosives/blasting			
K	Revegetation			
L	Recl Plan compliance	✓	Not fully addressed	Ex E, F, Fact Sheet: General
M	Dust	✓	Air pollution	Fact Sheet: Dust-Air
N	Acid or Toxic			
O	Property damage			
P	Waste mgmt./dumping			
Q	Overburden/dev waste			
R	Backfilling/Grading			
S	Processing facilities			
T	Erosion/Sedimentation			
U	Roads			
V	Topsoil			
W	Weeds			
X	Other	✓	Claim of 40 years	Fact Sheets:General, No Issue
Y	Traffic	✓	Endanger access	Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use	✓	Compatibility, FAA	Fact Sheet: Siting
1	Noise	✓	Noise, study requested	Fact Sheet: Noise
2	Air Quality	✓	Air pollution, study requested	Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)	✓	List of studies (like 3, 16)	Fact Sheet: Studies
4	Tourism	✓	Life blood of Pagosa Springs	Fact Sheet: Tourism
5	Community Health	✓	My health and wellbeing	Ex M1 Fact Sheet: Air-Dust
6	Visual/Viewshed	✓	Eyesore to community to north	Fact Sheet: Tourism
7	Too large/too long			
8	Land values			
9	Smell			

Mr. Caponnetto's property is adjacent to the Dutton Ranch parcel but is located approximately 0.2 miles from the proposed permit boundary. His comments are nearly identical to others. 8 photos are attached, apparently identical to #12 photos (Craig Bishop).





## 2.18 Clayton Braatz

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well	✓ Affect ground water	Fact Sheet: Wells
C	Surface/Storm Water	✓ Affect surface water	Fact Sheet: Ponds
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailling		
H	Fish/Wildlife	✓ Affect wildlife	Ex H, Fact Sheet: Wildlife
I	Off-site damage	✓ Affect off site damage	Fact Sheet: General
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust		
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation		
U	Roads		
V	Topsoil		
W	Weeds		
X	Other		
Y	Traffic		
Z	Zoning/Land use		
1	Noise	✓ Significant problem	Fact Sheet: Noise
2	Air Quality		
3	Request Study(ies)		
4	Tourism		
5	Community Health		
6	Visual/Viewshed		
7	Too large/too long		
8	Land values	✓ Severely affect	Fact Sheet: General, Studies
9	Smell		

Claims to be landowner of affected land – assume this is a misunderstanding of term. His property is located about ¾ mile north of proposed permit boundary.



## 2.19 Leann Wilson

Issue		Specific comments (summary)	Response
A	Illegal Mining		
B	Ground water/water well		
C	Surface/Storm Water		
D	Mine Plan compliance		
E	Signs and markers		
F	Financial Warranty		
G	Processing waste/tailing		
H	Fish/Wildlife		
I	Off-site damage		
J	Explosives/blasting		
K	Revegetation		
L	Recl Plan compliance		
M	Dust		
N	Acid or Toxic		
O	Property damage		
P	Waste mgmt./dumping		
Q	Overburden/dev waste		
R	Backfilling/Grading		
S	Processing facilities		
T	Erosion/Sedimentation		
U	Roads		
V	Topsoil		
W	Weeds		
X	Other		
Y	Traffic		
Z	Zoning/Land use		
1	Noise	✓ Noise pollution for the are. (sic)	Fact Sheet: Noise
2	Air Quality		
3	Request Study(ies)		
4	Tourism		
5	Community Health		
6	Visual/Viewshed		
7	Too large/too long		
8	Land values		
9	Smell		



Summary and Index of Responses for all DRMS issue categories and non-jurisdictional (for DRMS, presumed County-jurisdictional) issues as organized by preparer. See Sec 1.1.1.

Issue		Specific comments (summary)	Response
A	Illegal Mining		Answered by DRMS, County
B	Ground water/water well		Fact Sheet: Wells
C	Surface/Storm Water		Fact Sheet: Ponds
D	Mine Plan compliance		Fact Sheet: No Issues, Ex C&D
E	Signs and markers		No comments
F	Financial Warranty		Fact Sheet: General
G	Processing waste/tailing		Fact Sheet: No issues
H	Fish/Wildlife		Ex H, Fact Sheet: Wildlife
I	Off-site damage		Fact Sheet: General
J	Explosives/blasting		Fact Sheet: No issues
K	Revegetation		Fact Sheet: Reclaim
L	Recl Plan compliance		Fact Sheet: General
M	Dust		Ex M-1, Fact Sheet: Air-Dust
N	Acid or Toxic		Fact Sheet: No issues
O	Property damage		Ex S, Fact Sheet: General
P	Waste mgmt./dumping		Fact Sheet: General
Q	Overburden/dev waste		Ex C, D Fact Sheet: General
R	Backfilling/Grading		Ex F, Fact Sheet: Reclaim
S	Processing facilities		Fact Sheet: No issues
T	Erosion/Sedimentation		Ex E, F Fact Sheet: Reclaim
U	Roads		Fact Sheet: Tourists
V	Topsoil		Ex F, I Fact Sheet: Reclaim
W	Weeds		Fact Sheet: Reclaim
X	Other		TO BE DETERMINED
Y	Traffic		Ex M4,TIS, Fact Sheet: Tourists
Z	Zoning/Land use		Fact Sheet: Siting
1	Noise		Fact Sheet: Noise
2	Air Quality		Ex M1 Fact Sheet: Air-Dust
3	Request Study(ies)		Fact Sheet: Studies
4	Tourism		Fact Sheet: Tourism
5	Community Health		Fact Sheet: General
6	Visual/Viewshed		Fact Sheet: Tourists, Siting
7	Too large/too long		Fact Sheet: No Issues
8	Land values		Fact Sheet: General, Studies
9	Smell		Fact Sheet: No issues



**Appendix A. Letters**

**Appendix A.1 Copy of DRMS E-Mail**

February 2, 2022

Cesar Valenzuela  
C & J Gravel Products, Inc.  
27661 Hwy 160-E  
Durango, CO 81301



1313 Sherman Street, Room 215  
Denver, CO 80203

***RE: Oakbrush Hill Gravel, File No. M-2021-064, Objections Regarding 112c Application***

Mr. Valenzuela:

On January 20 and 21, 2022 the Division of Reclamation, Mining and Safety (Division) received objections (copies enclosed) to the above referenced application from:

Elizabeth Dragoo

Douglas Dragoo

William Bulaich

Jack Rutherford

Tom Glissmeyer

Manuela Heaton

Bill Lemon

Rick Harris

Dale and Deanna Hockett

Michael Gamboa

Bryant Lemon, Sr.

Craig Bishop

Craig Carroll

David Dragoo

Evelyn Jones

Snell and Wilmer LLP

Michael Caponnetto

Clayton Braatz

Leann Wilson



Please provide the Division with your response to each of the jurisdictional issues presented by each of the objectors by March 4, 2022.

If you require additional information, or have questions or concerns, please contact me.

Sincerely,



***Dustin Czapla***

Environmental Protection Specialist

Division of Reclamation, Mining and Safety

Phone: (303) 866-3567, ext. 8188

dustin.czapla@state.co.us

**Cc:**

Nathan Barton

Wasteline, Inc.

4725 Croyle Court

Rapid City, SD 57709



**Appendix A.2 Copy of WASTELINE, Inc. Cover Letter**

18 February 2022

Colorado Division of Reclamation Mining and Safety  
ATTN: Dustin Czapla  
1001 E. 62<sup>nd</sup> Avenue (formerly 1313 Sherman Street), Room 215  
Denver, CO 80216  
VIA Email [dustin.czapla@state.co.us](mailto:dustin.czapla@state.co.us)

Subject: Response to Objections Oakbrush Hill Gravel (on Dutton Ranch) File M2021-064

Dear Mr. Czapla:

As requested in your 02 FEB 2022 letter "Objections Regarding 112c Application", this letter and the enclosed report respond to the issues, both jurisdictional and non-jurisdictional. Copies of this letter are being provided both to Archuleta County Development and the US Forest Service District Ranger since many of the issues raised are not jurisdictional to DRMS but are or may be to the County and USFS.

C&J Gravel Products Inc. and Silesia Properties LLC, and their respective owners and managers, fully understand the concerns of adjacent and nearby landowners, other residents in the community, and others about the issues raised in their objections and in other venues. We believe these issues and objections deserve a proper response, even when we believe that some issues raised may not be accurately stated in the objections. Many of the objectors have the same concerns and issues.

We believe that all the objections raised which are jurisdictional for DRMS are answered completely and fully in this letter and do not show any evidence which would preclude the Division or the Board from issuing a reclamation permit. We are attempting to satisfy all the objectors but do not anticipate being able to do so, so we also wish to provide information to the Division to present to the Board in a Public Hearing.

It is fully the intent of C&J Gravel Products Inc. as applicant and mine operator to fully comply in every possible way with all State, federal and local laws and regulations, and to operate and reclaim the operation in such a manner as to preserve and protect the natural and human environment, including the health and safety of our miners, neighbors, the community, and travelers. We are and will continue to coordinate and cooperate fully with the Division, other State agencies, the County and community leaders, federal agencies, and our customers and their customers. We believe that this operation is essential to the basic needs of the community. We recognize that there ARE impacts which present inconveniences and potential negative consequences. These may not be fully eliminated but *can* be mitigated to an acceptable level, especially as compared to the environmental and safety impacts of alternatives to this operation, both short and long term.

We received in the objections from 19 individuals. Many objections identify identical or very similar issues. As discussed, we will address issues raised for each objection separately. As much as possible, our responses reference the application(s) and fact sheets in this report. These provide more detailed information and analysis on these comments.

This response is related to the County hearings on 23 FEB with the Planning and Zoning Commission, and on 01 MAR with the Archuleta BOCC. Since most of the objections are seemingly addressed to the County, we believe we must have these responses prepared for those meeting. Following those meetings, we ask your indulgence to provide additional responses as soon as possible, to reflect any conditions imposed by the County and related matters. However, we may not have time to provide that by 4 March 2022.

Please feel free to contact me at any time with questions and concerns. Thank you for your help.

Respectfully,



Nathan A. Barton, CE, PE, DEE  
Environmental Engineer






**Appendix B. Copy of DRMS Investigation Report**



**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> OakBrush Hill Gravel	<b>MINE/PROSPECTING ID#:</b> M-2021-064	<b>MINERAL:</b> Aggregate, gravel and sand	<b>COUNTY:</b> Archuleta
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Lucas West	<b>INSP. DATE:</b> January 25, 2022	<b>INSP. TIME:</b> 11:50
<b>OPERATOR:</b> C & J Gravel Products, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Hank Boeschert	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> February 9, 2022	

**GENERAL INSPECTION TOPICS**

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING----- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION----- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN----- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

This inspection was conducted by the Colorado Division of Reclamation, Mining and Safety (Division) in response to several public complaints. The site is known as the Oakbrush Hill Gravel Pit, and currently has a Permit Application for a 112(c) Reclamation Permit under review by this office. The site is located approximately 3.8 Miles North of Pagosa Springs, CO just off Piedra Road (CR600), and lies entirely on private property. No Financial Warranty has been set for the site due to the application being under review and a decision has not been rendered. Nine photos accompany this report to illustrate the current site conditions.

Between January 20 and 21, 2022 the Division received a total of 3 citizen complaints alleging that mining operations had commenced prior to a permit being issued and that material was leaving the property. The applicant had been given permission to begin excavating and processing for private use on the property as detailed in the enclosed email, dated July 30, 2021. Authorization for excavation and processing of gravel for private use was also granted by Archuleta County. On Friday January 21, 2022, in response to the complaints, the Division contacted the applicant and gave them a verbal Cease and Desist until such time as the investigation could be conducted. The Division inspection was conducted on Tuesday January 25, 2022. As listed on Page One of this report, Hank Boeschert of C & J Gravel Products, Inc. was present and represented the Applicant. Also present was Nathan and Gareth Barton of Wasteline Inc., a consultant for the Applicant.

Access to the site is a locked gate off Piedra Road providing access to the private property. The entrance area can be seen in Photo One. The access road leads approximately 2,500 feet into the property leading to the area of excavation. Evidence of material being placed on the road to mitigate muddy conditions was observed, and examples can be seen in Photos Two and Three. During the inspection, conversations with the Applicant confirm that approximately 600 tons of material had been laid on the road, using the front end loader on site. No Dump or haul trucks were used in this activity. Evidence of dump or haul truck traffic was not observed on the road. All tracks observed appear to be from standard sized pickup trucks. The proper notice signs for the pending application were posted on the gate, at the entrance to the site as is required for the application process. The access road winds along the base of the ridge, turning south leading to the area of excavation.

The area of excavation was observed, but was not active at the time of the inspection in accordance with the verbal Cease and Desist given to the Applicant. An aerial image of the whole area can be seen in Photo Four. Equipment present included an excavator, front end loader, crusher with conveyors and stackers, support trailers including a self-contained diesel gen-set, skid steer and other equipment. Examples of the equipment present can be seen in Photos Five and Six. The area being excavated is currently a small footprint, containing two "benches" referred to as the upper and lower highwalls respectively. The highwalls are approximately 20 feet tall, with a length of approximately 60 linear feet in a general crescent shape. The area of excavation can be seen in Photos Seven and Eight. The highwalls appeared stable at the time of the inspection and no evidence of settling, slumping or erosion was noted. Just up gradient from the highwall, native soil material has been stripped back and stockpiled. The stockpiles were covered in snow, but appeared stable and in good condition at the time of the inspection. A larger area of approximately 2-3 acres had trees and vegetation removed in preparation for excavation. The harvested trees have been stockpiled on the property for later use. Evidence of wildlife traffic was observed by way of tracks in the snow of the area that has been cleared.

The crusher area was orderly, and free from trash and debris. The conveyors and stackers lead to a large stockpile of crushed three inch material. Based on visual observations and conversations with the Applicant the estimated volume of material crushed is approximately 15,000 tons. The stockpile can be seen in Photo Nine. The volume of stockpiled material appeared to be consistent with the void volume of the area of excavation. The stockpile appeared stable at the time of the inspection and was in good condition. The pit floor contained some standing water from melting snow, and no evidence of groundwater, seeps or springs being encountered was noted.

Based on the observations made during this inspection such as the lack of evidence of dump or haul truck traffic, volumetric estimations of the stockpile matching the area of excavation and general condition of the site, the Division has determined that no material left the property. The Applicant is operating in accordance with their approvals granted from the Division as well as Archuleta County. The complaints received appear to be inaccurate. Verbal approval to continue excavation and crushing operations were granted to the Applicant at the conclusion of this inspection, and affirmation was provided that no material may leave the site until such time as a decision is rendered for the pending Application, file number M-2021-064, and a permit is issued by the Division. Also, during the inspection, several loaded gravel trucks, not associated with this project were observed on Piedra Road heading northbound to an unrelated construction site located north of the property.

All responses to this report should be directed to Lucas West at the Colorado Division of Reclamation, Mining and Safety's Active Mines Program at Room DRMS, Room 215, 1001 E. 62<sup>nd</sup> Ave, Denver CO, 80216. Direct contact can be made at the Division's Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at [lucas.west@state.co.us](mailto:lucas.west@state.co.us).

**Inspection Contact Address**

Hank Boeschert  
C & J Gravel Products, Inc.  
27661 Highway 160-E  
Durango, CO 81301

Enclosure: Email Correspondence, 7/30/2021

CC: Travis Marshall, DRMS  
Dustin Czapla, DRMS  
John Gilliland, C & J Gravel Products, Inc.  
Cesar Valenzuela, C & J Gravel Products, Inc.  
Nathan Barton, Wasteline, Inc.  
Gareth Barton, Wasteline, Inc.



## PHOTOGRAPHS



Photo One: View northeast, showing the gate and entrance area of the private road just off Piedra Road. Also visible is the Notice of County Planning Hearing posted on the gate.



Photo Two: View northeast, showing the lower reaches of the access road. Evidence of application of crushed rock can be seen, however no evidence of dump or haul truck traffic was observed.















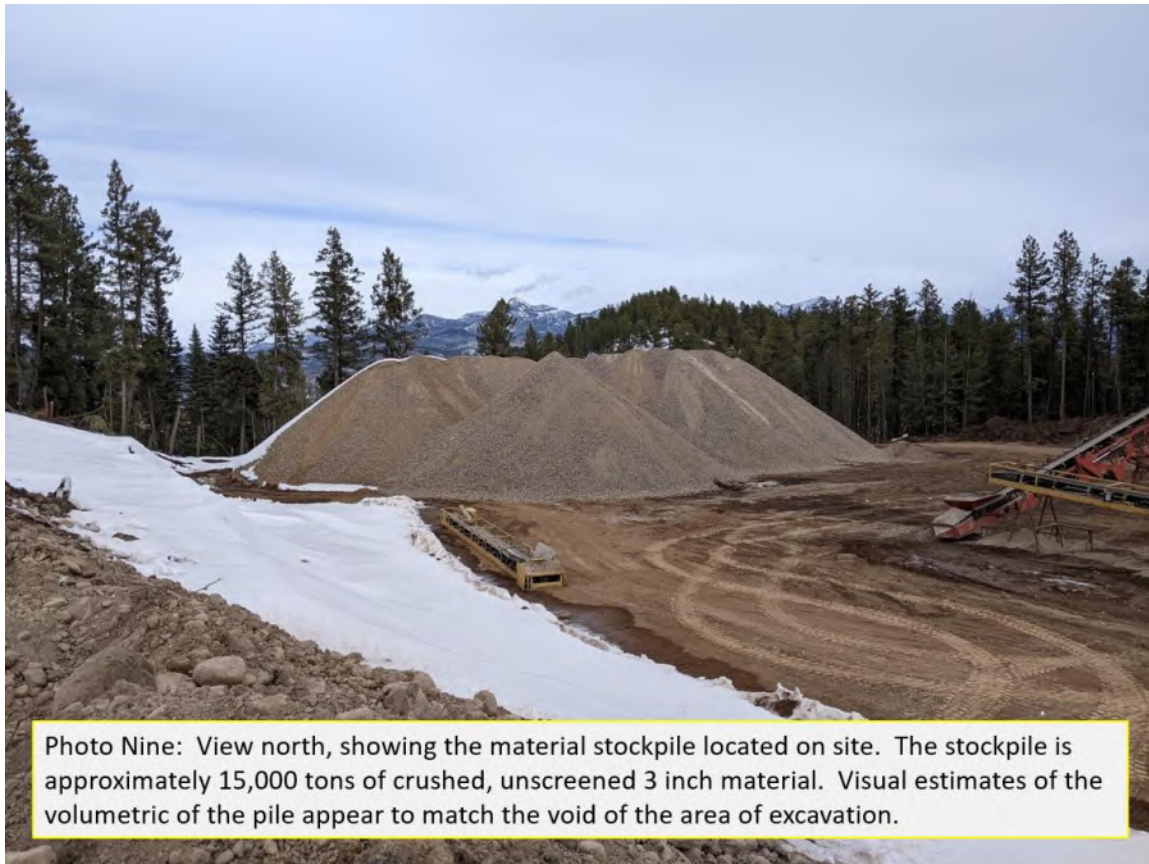


Photo Nine: View north, showing the material stockpile located on site. The stockpile is approximately 15,000 tons of crushed, unscreened 3 inch material. Visual estimates of the volumetric of the pile appear to match the void of the area of excavation.

STATE OF  
COLORADO

West - DNR, Lucas &lt;lucas.west@state.co.us&gt;

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**Dutton Ranch construction materials operation**

5 messages

**Wasteline Four Corners** <wasteline.84532@gmail.com>

Fri, Jul 30, 2021 at 9:05 PM

To: pflowers@archuletacounty.org

Cc: John Gilleland &lt;johnnyg@cjgravel.com&gt;, Lucas West - DNR &lt;lucas.west@state.co.us&gt;, nbarton@wastelineinc.net, wasteline.81321@gmail.com

Please find attached the letter providing information on the proposed excavation and processing of construction materials for internal ranch use on the Dutton Ranch.

Please let me know if you have any questions.

Nathan

--

Deborah A Barton, Executive Officer, MOLO, CBA

Nathan A Barton, Comptroller and Engineering Manager, CE, PE, DEE

**WASTELINE, INC.**

PO Box 88, Cortez, CO 81321-0088 (970) 564-1380

PO Box 3471, Rapid City, SD 57709-3471 (605) 348-0244

Email: [nbarton@wastelineinc.net](mailto:nbarton@wastelineinc.net), [wasteline.84532@gmail.com](mailto:wasteline.84532@gmail.com)

*Environmental engineering services in the Four Corners, the Dakotas, Wyoming, the Eastern Plains and elsewhere.*

*Air quality, water quality, land quality (including mining and site planning), solid waste, hazardous materials/wastes, emergency response, quality assurance and management assistance for environmental compliance, NEPA/ASTM environmental assessments, and training in environmental protection, safety and health (MSHA/OSHA)*

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**2 attachments****2021-0730 Dutton Ranch Archuleta County.pdf**

451K

**Att 1 Dutton Ranch LOA.pdf**

63K

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**West - DNR, Lucas** <lucas.west@state.co.us>

Mon, Aug 2, 2021 at 9:21 AM

To: Wasteline Four Corners &lt;wasteline.84532@gmail.com&gt;

Cc: pflowers@archuletacounty.org, John Gilleland &lt;johnnyg@cjgravel.com&gt;, nbarton@wastelineinc.net, wasteline.81321@gmail.com

Nathan,

Thanks for sending this over, as I have discussed with you and John the internal pit operations to serve the ranch will not require a permit through the Division so you are all clear to get started! I will be watching for the 112c application to come in when you are ready and we can go through the process and get it permitted for commercial sales. Let me know if you need anything else from the Division but at this time you are good to go. Thanks again,

Lucas

Lucas West

Environmental Protection Specialist

Minerals Program, Grand Junction Field Office



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

P 303.866.3567 Ext. 8187 | F 970.241.1516 | C 303.919.2997

101 S. 3rd St., Suite 301, Grand Junction, CO 81501

[lucas.west@state.co.us](mailto:lucas.west@state.co.us) | <https://drms.colorado.gov/>

[Quoted text hidden]

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**Pamela Flowers** <pFlowers@archuletacounty.org>

Tue, Aug 3, 2021 at 10:38 AM

To: Wasteline Four Corners <wasteline.84532@gmail.com>

Cc: John Gilleland <johnnyg@cjgravel.com>, Lucas West - DNR <lucas.west@state.co.us>, "nbarton@wastelineinc.net" <nbarton@wastelineinc.net>, "wasteline.81321@gmail.com" <wasteline.81321@gmail.com>

Attached is the Determination Letter regarding your request for gravel operations on the Dutton Ranch.

Let me know if you have any further questions on this project.

**PAMELA S. FLOWERS**

Development Director

Archuleta County Development Services

1122 HWY 84 | PO Box 1507

Pagosa Springs, CO 81147

P (970) 264-8381 | F (970) 264-3338

[www.archuletacounty.org](http://www.archuletacounty.org)

*All communication to and from this e-mail address may be subject to public disclosure in accordance with the Colorado Open Records Act C.R.S. 24-72-201.*

[Quoted text hidden]



**Dutton Ranch Gravel Determination Letter, Parcel 569906100003, 210803.pdf**  
150K

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**Wasteline Four Corners** <wasteline.84532@gmail.com>

Tue, Aug 3, 2021 at 11:46 AM

To: Pamela Flowers <pFlowers@archuletacounty.org>

Cc: John Gilleland <johnnyg@cjgravel.com>, Lucas West - DNR <lucas.west@state.co.us>, "nbarton@wastelineinc.net" <nbarton@wastelineinc.net>, "wasteline.81321@gmail.com" <wasteline.81321@gmail.com>

Thank you! We will start on the CUP application as soon as we get the application package from you. I assume it can all be sent to me electronically.

Nathan

[Quoted text hidden]

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**Wasteline Four Corners** <wasteline.84532@gmail.com>

Tue, Aug 3, 2021 at 11:47 AM

To: John Gilleland <johnnyg@cjgravel.com>, Hank Boschert <hankthetank365@yahoo.com>, Cesar Valenzuela <cesar@cjgravel.com>, Lucas West - DNR <lucas.west@state.co.us>, Beth Ochsenreiter <Beth@cjgravel.com>

Good to go! We need to be sure and keep track of hours and tons and locations.

[Quoted text hidden]



**Dutton Ranch Gravel Determination Letter, Parcel 569906100003, 210803.pdf**

150K




**Appendix C. Copy of DRMS Pre-Operational Inspection Report**



**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> OakBrush Hill Gravel	<b>MINE/PROSPECTING ID#:</b> M-2021-064	<b>MINERAL:</b> Aggregate, gravel and sand	<b>COUNTY:</b> Archuleta
<b>INSPECTION TYPE:</b> Preoperation Inspection	<b>INSPECTOR(S):</b> Lucas West	<b>INSP. DATE:</b> January 25, 2022	<b>INSP. TIME:</b> 11:50
<b>OPERATOR:</b> C & J Gravel Products, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Hank Boeschert	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Pre-operation Inspection	<b>BOND CALCULATION TYPE:</b>	<b>BOND AMOUNT:</b> No Bond Held	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> February 16, 2022	

**GENERAL INSPECTION TOPICS**

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited



## **OBSERVATIONS**

This inspection was conducted by the Colorado Division of Reclamation, Mining and Safety (Division) as a Pre-operational inspection for new application. In addition to the on the ground inspection, the Division performed an aerial inspection by way of an Unmanned Aerial Vehicle. The Oakbursh Hill application details a 112c operation totaling 167.2 acres in support of the surface extraction of sand and gravel resources. The current land use is wooded rangeland and the intended post mining land use upon completion of the mining operations and reclamation is rangeland. The site contains a current disturbance related to excavation, crushing and stockpiling activities being conducted for ranch use that has been approved by the Division as well as Archuleta County. The site is located approximately 3.8 Miles North of Pagosa Springs, CO just off Piedra Road (CR600), and lies entirely on private property. No Financial Warranty has been set for the site due to the application being under review and a decision has not been rendered. A reclamation cost estimate will be performed as part of the permitting process. Ten photos accompany this report to illustrate the current site conditions.

Access to the site is a locked gate off Piedra Road providing access to the private property. The access road leads approximately 2,500 feet into the property leading to the area of excavation. Evidence of material being placed on the road to mitigate muddy conditions was observed. During the inspection, conversations with the Applicant confirm that approximately 600 tons of material had been laid on the road, using the front end loader on site. The proper notice signs for the pending application were posted on the gate and can be seen in Photo One. The access road winds along the base of the ridge, turning south leading to the area of excavation. An example of the access road can be seen in Photo Two.

The application details a phased mining operation consisting of four separate phases, the most extensive being phases one and two. Phase one of the operation will be located to the south of the current excavation area, and is currently undisturbed with the exception of a small, 5.5 acre area that historically used as a Forest Service pit, when the property was administered by the US Forest Service years ago. An aerial view of the phase one area can be seen in Photos Three and Four. Phase two of the mining operation will be located to the northeast of the current area of excavation and includes approximately 39.7 acres of the permit area. This phase can be seen in Photos Five and Six.

The current area of excavation was observed and found to be in good condition. An aerial image of the whole area can be seen in Photo Seven. Equipment present included an excavator, front end loader, crusher with conveyors and stackers, support trailers including a self-contained diesel gen-set, skid steer and other equipment. Examples of the equipment present can also be seen in Photo Seven. The area being excavated is currently a small footprint, containing two "benches" referred to as the upper and lower highwalls respectively. The highwalls are approximately 20 feet tall, with a length of approximately 60 linear feet in a general crescent shape. The area of excavation can be seen in Photos Eight and Nine. The highwalls appeared stable at the time of the inspection and no evidence of settling, slumping or erosion was noted. Just up gradient from the highwall, native soil material has been stripped back and stockpiled. The stockpiles were covered in snow, but appeared stable and in good condition at the time of the inspection. A larger area of approximately 2-3 acres had trees and vegetation removed in preparation for excavation. The harvested trees have been stockpiled on the property for later use.

The crusher area was orderly, and free from trash and debris. The conveyors and stackers lead to a large

stockpile of crushed three inch material. Based on visual observations and conversations with the Applicant the estimated volume of material crushed is approximately 15,000 tons. The stockpile can be seen in Photo Ten. The volume of stockpiled material appeared to be consistent with the void volume of the area of excavation. The stockpile appeared stable at the time of the inspection and was in good condition. The pit floor contained some standing water from melting snow, and no evidence of groundwater, seeps or springs being encountered was noted.

The overall footprint of the site is in good condition and no problems or possible violations were noted. No evidence of settling, slumping or erosion of the current excavation area was observed and no evidence of State Listed Noxious Weeds was observed. The Division will continue to work with the Applicant through the permitting process until a decision can be rendered on the application. All responses to this report should be directed to Lucas West at the Colorado Division of Reclamation, Mining and Safety at Room 215, 1001 E 62<sup>nd</sup> Ave. Denver, CO 80206, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

**Inspection Contact Address**

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John Gilleland, C & J Gravel Products, Inc.  
Nathan Barton, Wasteline, Inc.  
Gareth Barton, Wasteline, Inc.

## **PHOTOGRAPHS**

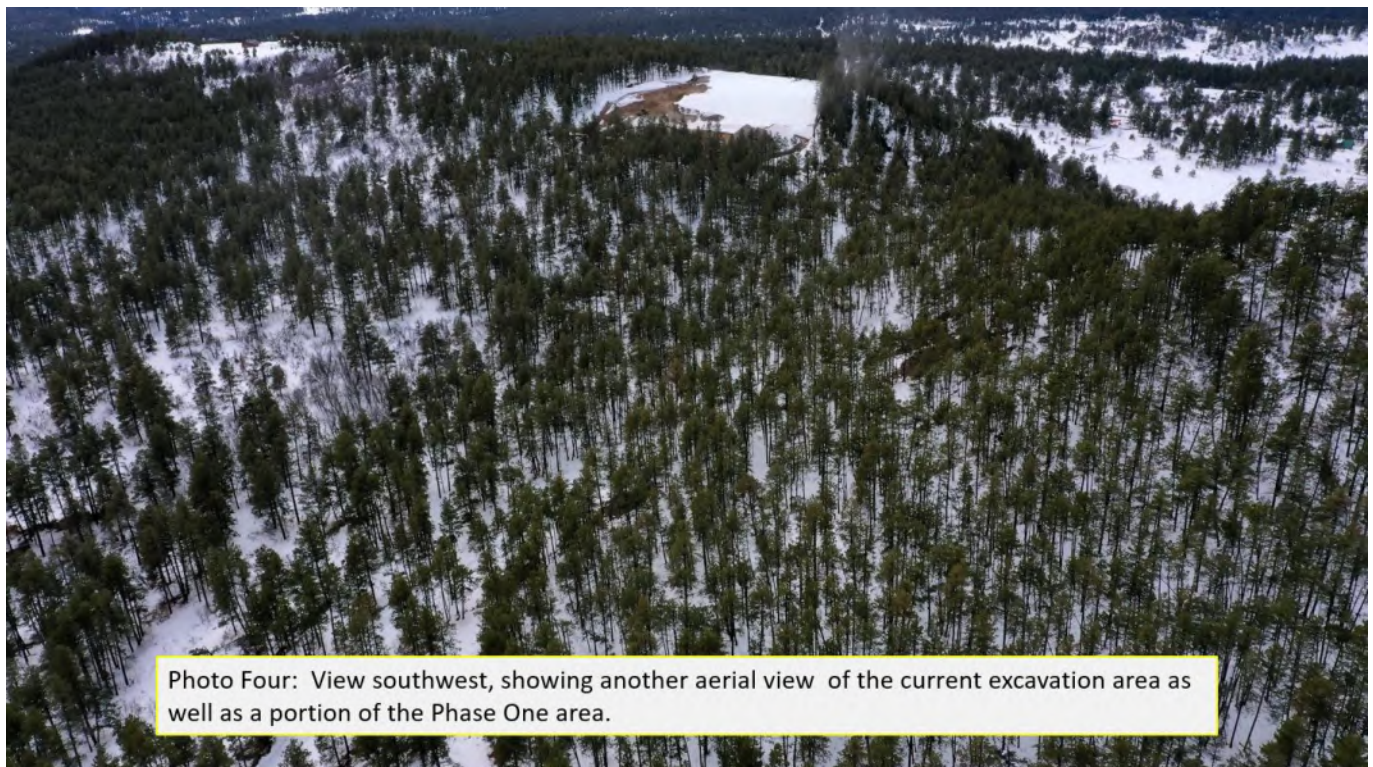


Photo One: View east, showing the entrance to the site located just off Piedra Road, also visible is the required notice sign for new applications.



Photo Two: View northeast, showing an example of the existing access road on private property that will be used to serve the pit.





















**Appendix D. Fact Sheets**

	Short Title	Long Title	Pages
D.1	Fact Sheet: Air-Dust	Potential air pollutants of the Oakbrush Hill Gravel Operation	2
D.2	Fact Sheet: Ditch	The Dutton Ditch and Dutton Pipeline	3
D.3	Fact Sheet: General	General concerns about the Oakbrush Hill Gravel Operation	3
D.4	Fact Sheet: No Issues	Concerns identified by objectors that do not apply	3
D.5	Fact Sheet: Noise	Noise concerns	2
D.6	Fact Sheet: Ponds	Oakbrush Hill Gravel and Nearby Surface Waters	5
D.7	Fact Sheet: Reclaim	The timing of mining and reclamation	2
D.8	Fact Sheet: Siting	Suitability of siting and zoning	3
D.9	Fact Sheet: Studies	Requests for Additional Studies	4
D.10	Fact Sheet: Tourists	Oakbrush Hill Gravel Impact on Tourism and Roads	1
D.11	Fact Sheet: Wells	Wells near the Oakbrush Hill Gravel Operation	2
D.12	Fact Sheet: Wildlife	Wildlife Impacts of the Oakbrush Hill Gravel Operation	2



**Appendix D.1      FACT SHEET: AIR DUST**

***Potential air pollutants of the Oakbrush Hill Gravel Operation***

Purpose and Scope: To respond to concerns about air pollution, including dust and silica issues, and related aspects of the proposed M2021064 Oakbrush Hill Gravel operation.

Summary: Air emissions are carefully addressed and limits enforced by State agencies at levels which are not injurious to human health or the environment. C&J Gravel Products has and continues to meet these requirements at all its operations at all times.

Air pollution, particularly by respirable, very fine dust particles, is of great concern to the public and to all operators of mines. It is therefore carefully monitored and regulated by federal and State agencies. Operators expend considerable time, money, and attention to protect air quality by limiting and monitoring air emissions. The Operator has and implements plans for management and control of emissions from all aspects of the mining. These plans and their execution is in compliance with federal and State standards, conditions, and requirements. Note this is not a DRMS jurisdictional issue but is under jurisdiction of the Colorado Air Pollution Control Division of CDPHE, working with the San Juan Basin Health Department.

The Operator and the landowner realize that the concern people in our community have for clean air is warranted, and they have the right to ensure that such concerns are properly addressed.

Objections and complaints made concern the discharge into the air of emissions from excavating, crushing, screening, washing, and transporting sand and gravel, soil, and overburden. Specific concerns include respirable silica particles, diesel fuel vapors and combustion emissions, visible emissions (dust and exhaust), and the impact of such emissions on human health, plants, wildlife, soil and visibility.

Types of emissions: The air pollutants which may be released from a sand and gravel operation include dust or particulate (including respirable: PM<sub>2.5</sub> (particles less than 2.5 microns in size), PM<sub>10</sub> (fine (PM<sub>10</sub>) and Total Suspended Particulates, larger particles that are easily transported by air currents and wind. Some of these respirable particulates may also be the cause of various ailments, including cancer, lung disease (such as silicosis) or worsen certain health conditions (such as asthma). Other potential pollutants include fumes and vapor (as well as particulate) from the storage and transfer, and combustion, of Diesel fuel and other petroleum hydrocarbons. These can dirty the air (smog, etc.) and may also present specific health risks. In addition, dust can reduce visibility, cover plants and animals, and potentially crust over soil while changing the soil's characteristics.

How these are controlled – either eliminated or mitigated: As explained in the Dust Control Plan (DCP) and various applications, Colorado requires permits for emissions of both point-source emissions (as from engine exhausts, storage tanks, crushers and screens) and fugitive emissions (primarily dust from conveyors, roads, stockpiles and previously wind-deposited materials). Both the quantity and rate of emissions dictate the conditions which must be met in order for such discharges to be legal. The Congress and General Assembly establish legal limits on emissions based on ensuring that air is safe to breath and preventing other effects. Both quantitative monitoring and demonstration of specific actions may be required. Among the methods (as described in the DCP) used are:

- Wetting and spraying of water to ensure adequate moisture to reduce/prevent dust when excavating, transporting, crushing, screening, and stockpiling pitrun and processed material.
- Screening, often with high efficiency air filter systems such as baghouses and cyclones to capture and store dust and ash.



- Use of ultra-low sulfur Diesel, other fuels, and Diesel Emissions Fluid (DEF) to reduce pollutants such as nitrous oxides, sulfur dioxide, and ash.
- Proper maintenance of equipment to minimize pollutants such as carbon monoxide, unburned fuel vapors and fumes, and visible emissions.
- Proper construction, maintenance, and use of roadways and work areas, to reduce dust: such as use of mag-water or other environmentally friendly dust control agents, watering (spraying), enforcement of speed limits, tarping of loads, and control of excess water creating mud.
- Proper arrangement of the work area, including careful, prompt stripping, excavating, and reclaiming areas, maintaining good surface conditions for stockpiles and plants, use of water and agents for dust control, including techniques such as crusting to reducing wind erosion.
- Frequent observation and documentation of both point and fugitive emissions to ensure that they meet the strict State standards for maximum-allowed opacity.
- Best management practices for cleanup, reclamation, repair and maintenance, and inspection of air pollution control measures.
- Observing, recording and reporting operating conditions, emissions, exceedances, and implementing corrective action plans (CAP).

Some specific limitations:

- Visible emissions are generally limited to 10% to 20%, based on size and type of equipment. In some cases these limits may be exceeded for a very short time (usually less than six minutes) during startup or shutdown.
- No visible emissions crossing permit boundaries.
- No dilution of exhaust to meet limits on actual emissions.
- No use of equipment (such as engines) that do not meet current State standards.
- No bypass of emissions controls.
- Equipment tested and certified by manufacturer; state may require additional testing for compliance.

Open burning: Except for slash from timber-cutting, the Operator does not intend to burn anything, and definitely not solid waste. Open burning of slash will be done in strict accordance with Colorado's new opening burning laws and regulations, in accordance with permits issued by the County or CDPHE.

Fuel will be stored in closed containers with secondary containment and dispensed in accordance with good practice to prevent air pollution, spills, and tracking. Incidental spills will be cleaned up immediately, with contaminated soils disposed of/recycling off-site at permitted facilities.

Benefits: One important element of having good gravel and sand resources closer to the primary users of construction products is the reduced distance the materials must be hauled. This results on less air pollution from haul trucks, less wear and tear on highways, and improved safety by reducing contacts between trucks and other vehicles.

Odors: Sand and gravel operations do not require any refining of materials or any chemicals with potential for odor, other than the storage, transfer, and burning of Diesel fuel, and the use of dust control chemicals (such as magnesium chloride brine (mag-water) or lignan sulfide, and small amounts of chemicals routinely used in maintenance of vehicles and equipment.



**Appendix D.2      FACT SHEET: DITCH**  
***THE DUTTON DITCH AND DUTTON PIPELINE***

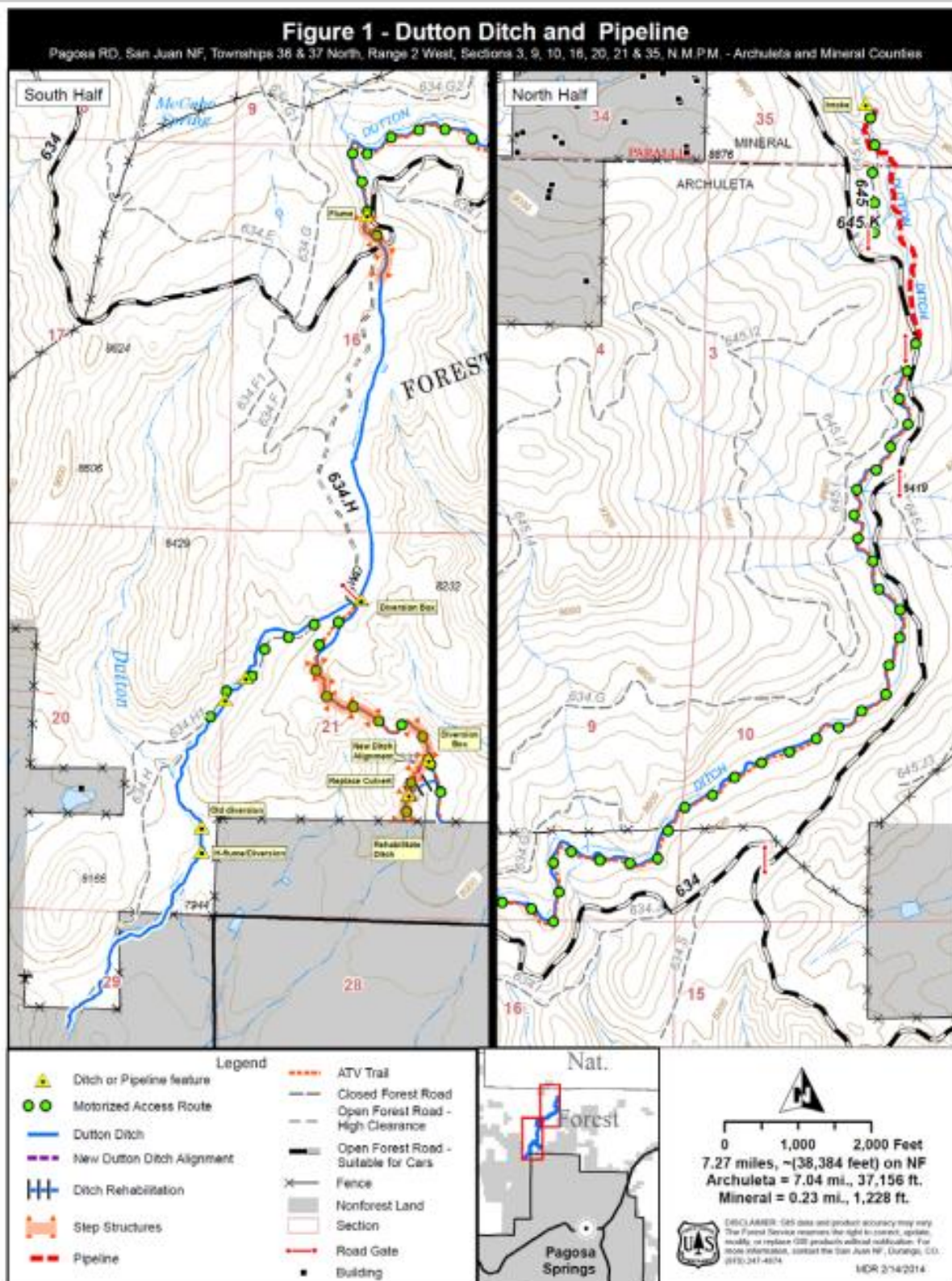
Purpose and Scope: Various objectors are concerned that the Dutton Ditch will be impacted by the proposed M2021064 Oakbrush Hill Gravel operation, apparently either by discharge of stormwater associated with industrial activities (mining including processing of sand and gravel) or by impacts on the surface and groundwater sources for the Dutton Ditch.

Summary: This fact sheet states why such impacts are very unlikely, due to location, topography and hydrology.

Note: this fact sheet is not intended to address a related issue of claimed impacts on Stevens Lake.

- a) The following objections/complaints were submitted to CDRMS and Archuleta County which referenced impacts on the Dutton Ditch:
  - a) Item #11 (Bryant Lemon Sr.)
  - b) Item #15 (Evelyn Jones)
- b) The Dutton Ditch is important to all the users of that water, both for domestic and commercial use by PAWSD and by the Landowner of Dutton Ranch and other agricultural users of the water. C&J and the Dutton Ranch owners share the concern and will protect that ditch and its sources.
- c) The only Dutton Ditch (also known as the Dutton Collection Ditch) registered with the Colorado State Engineer, based on searching of the website (the Colorado Decision Support System, [Map Viewers | Colorado's Decision Support Systems](#)) is located in extreme northern Archuleta County and in Mineral County. It is 8.1 miles long and has 25 structures.
- d) As shown in Figure 1 (from the US Forest Service Environmental Assessment, March 2014, [NEPA-Environmental Assessment \(fs.fed.us\)](#)), the Dutton Ditch originates at an elevation of approximately 8500 feet, east of Cade Mountain off Forest Service Road 645. Its highest (most upstream) source is located at UTM Coordinates 318660E 4140636N (37.3448, -107.0486) and is a transbasin diversion. Other water sources for the ditch are McCabe Creek and FourMile Creek, diverted at multiple locations, the furthest south (and downstream) being at UTM Coordinates 316766.5E 4137252.1N (37.3639, -107.0692) from McCabe Creek with elevation of 8510 feet.
- e) The northeast corner of the permit area for the Oakbrush Hill Gravel operation is at UTM Coordinates 315000E 4131207N), or 1,767 meters west and 6,045 meters south of the nearest Dutton Ditch source (3.9 miles) and elevation of 7820 feet (690 feet lower).
- f) The Dutton Ditch feeds the Dutton Pipeline, which begins near UTM Coordinates 315975E 4134639, elevation about 8000 feet. This is about 12,000 feet (2.23 miles) from and about 150 feet above the proposed pit boundary. The pipeline supplies the Hatcher Reservoir, located 4200 feet to the N64°W at an elevation of about 7750 ft (about 100 feet lower than the proposed permit area). The Hatcher Reservoir or Lake is in the Martinez Creek drainage, a different drainage from which the mining on Oakbrush Hill will be located. The pipeline is at its closest when it discharges into the lake, about 4300 feet northwest of the pit boundaries. This is shown in Figure 2.
- g) If water does not enter the Dutton Pipeline, it discharges down Dutton Creek and flows into Stevens Reservoir, about 6300 feet (1.2 miles) east of the pit's northeast corner.
- h) It is highly improbable that operations at the Oakbrush Hill Gravel site will have any impact on the Dutton Ditch or Dutton Pipeline.





from USFS Environmental Assessment

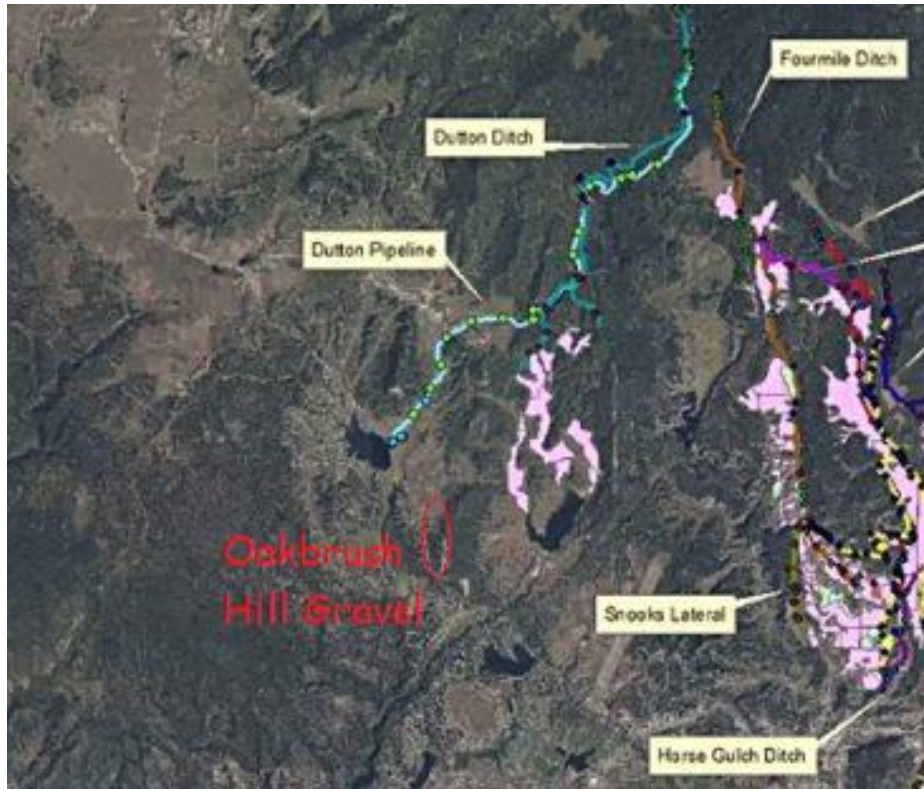


Figure 2. From Pagosa Area Water and Sanitation District, via Pagosa Daily Post (online) with annotations by N Barton.

References:

1. CDNR-WRD, Colorado Decision Support Systems (CDSS) with links above). [Map Viewers | Colorado's Decision Support Systems](#)
2. USDA-USFS, Environmental Assessment, Dutton Ditch Special Use Permit, March 2014. [NEPA--Environmental Assessment \(fs.fed.us\)](#),

Article, Pagosa Daily Post, [EDITORIAL: Digging Into the Ditches, and Such, Part Two | Pagosa Daily Post News Events & Video for Pagosa Springs Colorado](#)



**Appendix D.3 FACT SHEET: GENERAL**

**GENERAL CONCERNS ABOUT THE OAKBRUSH HILL GRAVEL OPERATION**

Purpose and Scope: To respond to concerns about damage and negative impacts caused by the proposed M2021064 Oakbrush Hill Gravel operation, due to various aspects of the operation, which are very general in nature, or which seem to apply to actions or procedures not yet underway.

Summary: This fact sheet discusses why certain specific concerns are not germane due to generality or because they address matters which are not yet being done.

Note: C&J Gravel Products Inc. (the applicant) and the landowner realize that the persons objecting to this operation are legitimately concerned about these specific items and issues. This fact sheet is not intended to dismiss the concerns arbitrarily. Other concerns are addressed in separate fact sheets.

There are seven issues of concern which are too general or not yet appropriate:

- a) Backfilling/grading (1 comment) Not yet underway
- b) Community Health (non-jurisdictional for DRMS) (6 comments)
- c) Financial warranty (1 comment) Not yet underway
- d) Other (4 comments)
- e) Property damage (4 comments)
- f) Reclamation Plan compliance (3 comments) Not yet underway
- g) Waste management and dumping (2 comments)
- h) Land values

In many cases, the objection was too general to be able to be addressed in a reasonable manner without making assumptions which may be unfounded, or may be based on specific concerns covered by other topics.

- a) Backfilling and grading: Backfilling and grading will be done in accordance with the mining and reclamation plans, which specifically cite State standards and good mining practice. These plans have not yet been approved. The objective is to produce a sustainable, safe and environmentally sound post-mining landscape. Compliance must be demonstrated to the landowner, the County, NRCS and DRMS before financial warranties are released. Backfilling will use on-site materials (overburden, reject materials, fines) and imported materials as discussed in item d above. Reclaimed post-mining reclaimed slopes must be stable, requiring appropriate and adequate compaction grading, soil placement, and revegetation. Requirements of air quality and water discharge permits must continue to be met.
- b) Community health: The objections stating that community health was an issue of concern appear to be based on objections about traffic, air quality, water quality and availability, noise, and hazardous wastes or materials. No specifics were provided. Concerns on these issues are addressed in other fact sheets and the original applications with responses to comments.
- c) Financial warranty: Neither DRMS nor Archuleta County has yet determined the amount of the financial warranty (bond) that the Operator must post before the permits can be issued. It is assumed that the DRMS and County warranty requirements will not overlap or require duplicate posting of the bond for the same requirements for reclamation. The County DOES have jurisdiction to comment on and reject a request for warranty release by the Operator, as part of DRMS regulatory requirements. The Operator must post a financial warranty, in cash, surety





bond, or other approved method that meets the State's and County's requirements before any product (construction materials) can move off the Dutton Ranch.

- d) Other: Three comments checked off "other" but did not identify which other issues were of concern. We assume this might have been emphasizing other issues which the three objectors did not specify in their individual objections, or were referring to the issues raised on the Stoptherocks.com website. Therefore, we assume these refer to various issues generally not jurisdictional for DRMS, including traffic and roads, zoning/land use, noise, requesting studies, viewshed/visual impacts, and land values. These issues are addressed in other fact sheets.
- e) Reclamation Plan compliance: The Operator (Applicant) has submitted a reclamation plan (Exhibits E and F of the DRMS application) for the review and approval by the County and State. The plan cannot be implemented until it is approved, and the permits issued. There is therefore no way to comply or demonstrate compliance at this time. Compliance is anticipated to be a special condition of the County's permit, and is of course obligatory for the DRMS Reclamation Permit. Failure to do reclamation as stated would be dealt with by the State by revocation of the financial warranty to be used to reclaim the property as approved.
- f) Property damage: No specifics were given as to what kind of property damage was being commented on. We assume this is referring to damage to structures or personal property, since "off-site damage" is a separate item. To the best of our knowledge and belief, there has been no damage to any structures or personal property. In addition, the DRMS Inspection/Investigation Report (IIR), issued on 9 FEB 2022, reports no evidence of such damage has been found. In addition, any damage to off-site property, once DRMS has financial and performance warranties, is a violation of the statutes, rules and permit conditions. DRMS would immediately order "cease and desist" (as was done in January of 2022 when complaints were filed) and immediately investigate and issue orders to repair any damage and restore conditions as well as financial penalties. We believe that the County has similar powers. This could include termination of the permit and revocation of the warranty. Persons claiming property damage can file their complaints with DRMS, the County Development Director, and directly to the County Commissioners. The Operator believes that there is no possibility of off-site damage to any property that might result from operations at the site.
- g) Waste management and dumping. The IIR reported that the site is presently in good condition with no waste or scrap present. The mining and reclamation plan (Exhibits C,D,E&F) and Exhibit M (Other permits) (in the DRMS application) address waste management and dumping, among other requirements and tasks. To summarize:
  - 1. No municipal solid waste (MSW) or hazardous waste (HW) generated by operations on-site will be disposed of on-site. Nor will MSW or HW generated off-site be brought on-site.
  - 2. All MSW and any HW generated by operations will be stored in accordance with good mining practice and all regulations. It will be transported to and disposed of in a licensed recycling facility or waste disposal site (transfer station/landfill), either by the Operator or a contractor.
  - 3. Illegal dumping by travelers and members of the community is a common problem for mines. The Operator will periodically (daily when miners are present) inspect the entrance, access road, and all working areas for any dumping of waste (intentional or unintentional, illegal or not) and as necessary clean up and properly store and dispose of





that waste. The Operator will take action to attempt to identify and file complaints against any illegal dumper under State law.

4. The operation will accept a very limited selection of construction and demolition debris (CDD or C&D) at the site to use for backfill and soil enhancement as part of reclamation and for recycling into construction materials with the screening and crushing equipment. This will be limited, in accordance with Colorado law and regulations, to clean materials: soil, earth from excavations, Portland cement and Asphaltic cement concrete (PCC/ACC), and clean vegetative materials (leaves, needles, branches, grass, hay, straw; to be used with similar materials from on-site). All such materials will be inspected and certified and documented for review by agencies. CDD will be stored appropriately to prevent air and water pollution until used for reclamation or recycling. Miners on-site have the authority to reject any materials which fail to meet the criteria.
- h) Land values. Land values are a very important issue for landowners. Any and all uses of adjacent lands potentially impact prices. They are highly subjective, and unique to every community. It is difficult, if not impossible, to objectively evaluate and establish conclusions and findings on the impact of a sand and gravel operation on land values both near or more distant from the operation. All concerned parties will contest those conclusions and findings over various issues. The Applicant has committed to many actions and limits to reduce impact of any type on neighboring properties and the community, which will somewhat mitigate impacts on land values. However, this is a political issue in many ways, and at present there is no good solution. This operation is limited in time so that in the long-term, the impacts will go away.

In summary, these concerns are difficult to answer but are not significant impacts because the concern is based on wrong assumptions or assumed violation of laws, regulations, and permit conditions, or the person objecting was not fully aware of the actions to be required and taken to deal with these issues, or was provided with incorrect information.



**Appendix D.4      FACT SHEET: NO ISSUE**  
***CONCERNS IDENTIFIED BY OBJECTORS WHICH DO NOT APPLY TO THE OAKBRUSH  
HILL GRAVEL OPERATION***

Purpose and Scope: Various objectors have expressed concerns about damage and negative impacts caused by the proposed M2021064 Oakbrush Hill Gravel operation, due to various aspects of the operation.

Summary: This fact sheet discusses why certain specific concerns are unfounded because the operations will not create such impacts.

Note: C&J Gravel Products Inc. (the applicant) and the landowner understand that the persons objecting to this operation are legitimately concerned about the impacts they have identified. This fact sheet is not intended to dismiss the concerns arbitrarily. Other concerns are addressed in separate fact sheets.

The applicant identifies seven concerns or issues which are unfounded:

- a) Processing water and tailings.
- b) Explosives and blasting
- c) Acid or toxic materials or discharge
- d) Processing facilities
- e) Too large an operation
- f) Too long a period of operation
- g) Smells

Although shown as a single, related issue in the matrix, “Too large” and “Too long” have been split in this fact sheet.

Note: Items a-d are DRMS jurisdictional. Items e-g are not DRMS jurisdictional.

- a) Processing water and tailings: The operation is mining and processing construction aggregates: sand and gravel. The only processing being done is screening and crushing that material excavated to produce materials for construction that meet various local and state specifications. There is no chemical treatment as part of processing the materials. There is no ore which would be processed leaving a residue (tailings) stored in ponds, basins, or piles. Fines which may not have a market value will be used in reclamation of mined areas as backfill and for final grading, and if suitable, for soil amendment. While there may be washing of materials on occasion, the wash water will be in a closed recycle loop with sediment basins which do not discharge and have freeboard of at least one foot. Material from sediment basins is fine and will be used as just described.  
Concerns with processing water and tailings are unfounded or already addressed.
- b) Explosives and blasting: There will be no blasting as part of the operations, and therefore no drilling will be done, and no explosives will be detonated. Although there were no comments specifically addressing explosives and blasting, concerns about Property Damage may be based on an assumption that blasting could create safety issues.  
Concerns with explosives and blasting are unfounded.
- c) Acid or toxic material or discharge: the aggregates being mined and processed are not expected to produce any acidic material or discharge of any type. Toxic materials being used in the operation are limited to typical petroleum, oils and lubricants related to operating and maintaining equipment, and will all be stored and used within berms and swales that serve as



secondary or tertiary containment, and certified and well-maintained equipment/tanks.  
Concerns with acid or toxic materials or discharge are unfounded.

- d) Processing facilities: For State permitting purposes, we have included the possibility of ready-mixed concrete plants (RMCP), hot-mix asphalt facilities (HMAF), aggregate wash plants, and crushing and screening plants being operated for various periods of time.

This will be done ONLY as required to meet requirements of customers or government agencies, and ONLY in accordance with specific approvals, normally to “time certain” by County and State agencies, as well as the landowner.

This is not expected to be a regular practice, but might be needed to reduce, mitigate, or eliminate other impacts to the environment and projects. Before having any RMCP or HMAF on the site, we would apply for such to the County in accordance with County regulations and would not operate without all approvals.

Both HMAF and RMCP must have State (CDPHE-APCD) permits to relocate to any site and operate anywhere in Colorado, with conditions limiting dust and other air emissions. The County permits would likewise have conditions limiting hours, emissions, odors, noise, and other conditions.

Concerns about impacts of processing facilities have already been addressed in applications.

- e) Two large an operation: The area of 167.2 acres is large but not even the largest mine currently operating in Archuleta County (Lob Lolly Pit near Arboles is 171.7 acres. Other pits in the Pagosa Springs area are more than 100 acres, as are other operations in the Colorado mountains and Southwest Colorado.)

Not all of the 167.2 acres will be significantly affected:

1. Many areas are intended to be buffer zones to be used to mitigate visual, noise, and other impacts, with only minor impacts (access trails, storm water controls, tree thinning, etc.) on these areas. This includes the western edge of the permit area (29.4 acres) as shown in Exhibit C.
2. Phases 3 and 4 (totaling 36.0 acres) may not be mined at all. The alluvium/colluvium in this area may not be thick enough, compared to the depth of overburden to be removed, and cannot be determined until the reclamation permit is issued allowing test holes to be dug. That decision will be made while Phase 2 is being mined, and applications made for amendments or revisions submitted to DRMS and the County as appropriate.
3. As mining progresses, areas already mined will be reclaimed (that is, with final slopes, soil replaced, and revegetation begun) so that a small number of acres (varying but around 15-25 acres at a time, including 6.1 to 13.2 acres for the plant and stockpile area) will be used for excavation, processing, stockpiles, and transportation. This concurrent and phased reclamation is intended to reduce impacts and costs of reclamation.

Concerns about too large an operation are unfounded, based on the mining and reclamation plan and the site.

- f) Too long a period of operation: Archuleta County DOES have limits to the number of years mining may be done, as stated in County Land Use Regulations Section 9.1.6.4(7), to 20 years, though the BOCC may renew a permit under certain conditions.

There is NO intent to request a grant of 40 years of operation as some have claimed.



Note that a five-year review by the County is mandated, and the County may require mining to cease and immediately begin reclamation. Also note that there is no limit to the life of a mining operation in a State (DRMS) permit, but the County may impose such a limit.

Concerns about too long a period of operation have already been addressed in applications or are unfounded.

- g) Smells: The only smells associated with mining sand and gravel are generated by transfer of fuel (primarily diesel) and operation of combustion engines (either diesel or gasoline). Smells are often carried further when there are higher winds (like dust). This is one reason operations are reduced and curtailed during periods of high winds. However, the level of odor associated with these activities is similar in scope and intensity to that experienced in Pagosa Springs, Stevens Airport, Highway 160 and even CR-600. Although odor control is not a condition of air emissions permits issued by CDPHE, compliance with those regulations and conditions greatly reduces odors generated by storage, transfer, and burning of diesel and gasoline. Although prevailing winds are stated as being from the NW, the plant site location on the eastern slope of Oakbrush Hill is on the lee side. In addition, dense pine forest stands filter odors from the air similar to reducing sound levels. Odors generated by sand and gravel operations are no different and generally less intense than found in/around truck stops, convenience stores, in commercial areas, and along major highways with heavy traffic.

Concerns about smells are apparently based on a misunderstanding of accepted practices and the nature of odors generated.

In summary, these concerns, though valid and important matters, are not significant impacts because the concern is based on wrong assumptions, the person objecting was not fully aware of the actions to be required and taken to deal with these issues or was provided with incorrect information.



**Appendix D.5 FACT SHEET: NOISE**

***NOISE IMPACTS OF THE OAKBRUSH HILL GRAVEL OPERATION***

Purpose and Scope: To respond to concerns that the proposed M2021064 Oakbrush Hill Gravel operation creates and will create significant noise issues from surrounding properties and travelers.

Summary: This fact sheet explains noise generated by the proposed operation and includes results of testing done on 12 February 2022, to present information on noise impacts, especially as addressed by state and local limits, including Archuleta County Land Use Regulations (ACLUR) Note this is not a DRMS jurisdictional issue.

The Landowner and the Applicant, C&J Gravel Products Inc. appreciate that those raising these issues are sincerely concerned about noise impacts in the area. This fact sheet is not intended to dismiss the concerns arbitrarily. Other concerns are addressed in separate fact sheets. The Applicant also recognized that Archuleta County Commissioners are the body which will ultimately decide these matters.

Based on the sound survey, similar issues in other mining locations, and mitigation measures either already existing or which may be implemented, it does not appear that noise is a significant problem.

- a) The State limits sound levels generated by any activity to 55 dBA as measured at the receptor; that is, the residence or facility which is located off-site where noise may be heard. C&J policy is to measure sound levels of operating crushers and screens at the permit boundary, to ensure that noise there does not exceed 50 dBA.
- b) Noise issues are addressed in Exhibit M of the DRMS application as a portion of Section M-2 Operations. Among conditions to be followed by the Operator that reduce noise impacts are:
  1. Limits in operating hours: no nighttime, Sunday, or holiday processing.
  2. Restrictions on operating during high wind conditions.
  3. Overall limiting of actual production (processing) to 50-100 days per year.
  4. Configuration of operations to use natural barriers (terrain and forest) to sound and use of operational features (mining below original grade, berms, stockpiles, etc.) to reduce off-site sound.
  5. Limiting speed limits, limits to use of louder equipment, and training of miners and drivers.
  6. Procedures to receive and investigate/resolve noise complaints, and periodic monitoring.
- c) At this time of year (limited access due to snowpack and impact of snowpack and ice on reflecting soundwaves), and with current activities underway on Oakbrush Hill, (crushing, screening, and stockpiling: no haul), it is not possible to conduct a full sound survey and fully develop an Installation Compatible Use Zone (ICUZ), a standard method of addressing and dealing with sound and noise. So the sound survey is preliminary, but does provide sufficient information to evaluate noise impacts, and compare those from Oakbrush Hill to other noise generators in the area, including Stevens Airfield, traffic (especially on Stevens Lake Road and CR-600 (Piedra Road)).
  1. Although sounds of equipment operating (engine and backup beepers, crushing and screening of rock) can be detected from some off-site locations, the sound level is significantly less than the 55 dBA State standard. Sound levels are significantly lower than sounds of non-mining traffic on CR-600 and from airport operations and traffic at





Stevens Airfield, and comparable to normal traffic noise in nearby rural and residential areas.

2. Sound is energy and therefore subject to the physical inverse-square law, whereby sound levels diminish as the square of the distance from source to receptor. At the same time, it is important to remember that (a) quality of sound is as much a concern as quantity of sound, and so monitoring and mitigation must be regularly done, and (b) any area with large-scale human activities have relatively high background noise levels which reduce the impact of noise from mining and traffic associated with construction materials.
3. Secondary sources of noise and vibration are mobile equipment (loaders, dozers) which will also be working in the direction of the edge of the permit and parcel, and mostly below the natural grade, so that the equipment and the natural soil and rock serve to block and therefore mitigate sounds effectively, together with buffers of Ponderosa pine. In addition, there will be no operations during hours of darkness or early morning hours in periods of extended sunlight.
4. The noise levels for adjacent properties in all directions will be very similar to sound levels experienced when the USFS was mining on Oakbrush Hill and when various firms operated the Triangle Gravel Pit and the Ready-mixed Concrete Plant just to the South, in recent years. While there is more development in the area in the last twenty-five years, this development has resulted in increased background noise levels as well.

In summary, these concerns are perhaps overstated, and Oakbrush Hill Gravel operations are being conducted and will continue to do so, in compliance with State standards, while responding to and working with neighbors and other concerned persons on control of sound levels and types.



**Appendix D.6      FACT SHEET: PONDS**  
**OAKBRUSH HILL GRAVEL AND NEARBY SURFACE WATERS**

Purpose and Scope: Various objectors are concerned that various surface water bodies (ponds, lakes, and streams) will be impacted by the proposed M2021064 Oakbrush Hill Gravel operation, either by discharge of stormwater associated with industrial activities (mining including processing of sand and gravel) or by impacts on the surface and groundwater sources of those water bodies.

Summary: This fact sheet states why such impacts are very unlikely, due to location, topography, hydrology, and proposed operations and mitigation measures.

Note: this fact sheet does not address claimed impacts on the Dutton Ditch and Pipeline or wells.

- a) The following objections/complaints were submitted to CDRMS and Archuleta County which referenced impacts on surface water:
  - 1. Item #1 (Elizabeth Dragoo)
  - 2. Item #2 (Douglas Dragoo)
  - 3. Item #3 (William Bulaich) (duplicates Item #16 (Jason Brinkley))
  - 4. Item #5 (Tom Glissmeyer)
  - 5. Item #9 (Dale and Deanna Hockett)?????
  - 6. Item 10 (Michael Gamboa) runoff
- b) Response: The proposed operation is located and designed in a way that prevents contamination of surface water: none of the identified ponds are nearer than about 800 feet from any potentially disturbed land, and intermittent streams are at least 660 feet from those areas. Inventoried wetlands are at varying distances. The edge of the disturbed land is designed to be built to allow infiltration of surface water into the remaining aggregate layers to provide water to supply the wetlands and headwaters.
- c) General discussion of the hydrologic (surface water) setting of the proposed Oakbrush Hill Gravel operations. A detailed discussion is provided in paragraph 7 of this fact sheet.
- d) Information in this fact sheet was obtained from the Colorado Decision Support System, National Wetland Inventory, and National Map.
- e) Extraction and processing of sand and gravel for ranch operations (pre-mining permit work):
- f) Proposed mining (including stripping, extraction, processing, storage, transport, and reclamation) is described in detail in the DRMS and Archuleta County applications. Briefly:
  - 1. The edge of the affected (disturbed/excavated) area shall have a swale and berm to collect water and prevent surface discharge of water, directing water to evaporation/infiltration basins.
  - 2. The edge of the aggregate layer not mined will be exposed and allow for infiltration and groundwater flow downhill/downgradient, while the sand and fines in the unmined layer will filter water.
  - 3. Additional berms and basins around the plant/stockpile area will prevent surface discharge and allow constant inspection for any contaminants in the water.
  - 4. Areas shown as later phases of mining on the north and west slopes of Oakbrush and North Oakbrush Hill are mainly intended to be used to establish stable post-mining slopes for reclamation, removing material in an appropriate manner to meet and exceed state standards for slope.



5. The sand and gravel operation, including all activities (stripping, construction of exterior berms and swales, excavation, processing, stockpiling, and loading) is designed to have **NO** surface discharge of water which has come in contact with disturbed earth or rock or with materials, processing equipment, fuel/lubricant storage, and all other activities.
  6. The mining plan does not include any excavation which would cause water to flow from disturbed areas to the west and north faces of the hills, and thus into the Martinez Creek drainage. Any disturbance to the west/north of the divide along the crest of the two hills or in the saddle between them will be graded to ensure that drainage is into the disturbed area and not into undisturbed forest.
- g) Known/observed surface water in the vicinity:
1. Oakbrush Hill and North Oakbrush Hill (OBHs) form the divide between:
    - i. the Martinez Creek watershed to the west (on both sides of Piedra Road) and
    - ii. the Dutton Creek watershed to the east (including Stevens Lake).



Figure 1. Map showing drainage systems around Oakbrush Hill Gravel

2. Dutton Creek's nearest approach to the permit area is about 2050 feet, about 80 feet lower.
  - i. Stevens Lake is downstream on Dutton Creek from OBH. An intermittent stream heads up to the east of the permit area (on the Dutton parcel), discharging into the left arm of Stevens Lake. The nearest shore is approximately 2300 feet east of the permit area and 75 feet lower.
  - ii. Another unnamed intermittent stream heads up approximately 1500 feet east of the permit area and flows south into Dutton Creek.
3. Martinez Creek's nearest approach to the permit area is about 2700 feet, about 420 feet lower.
  - i. Adjacent to Martinez Creek is Hatcher Reservoir, fed by the Dutton Pipeline and Martinez Creek. It is not downstream from the permit area and is about 2400 feet from and 80 feet lower than the permit area.

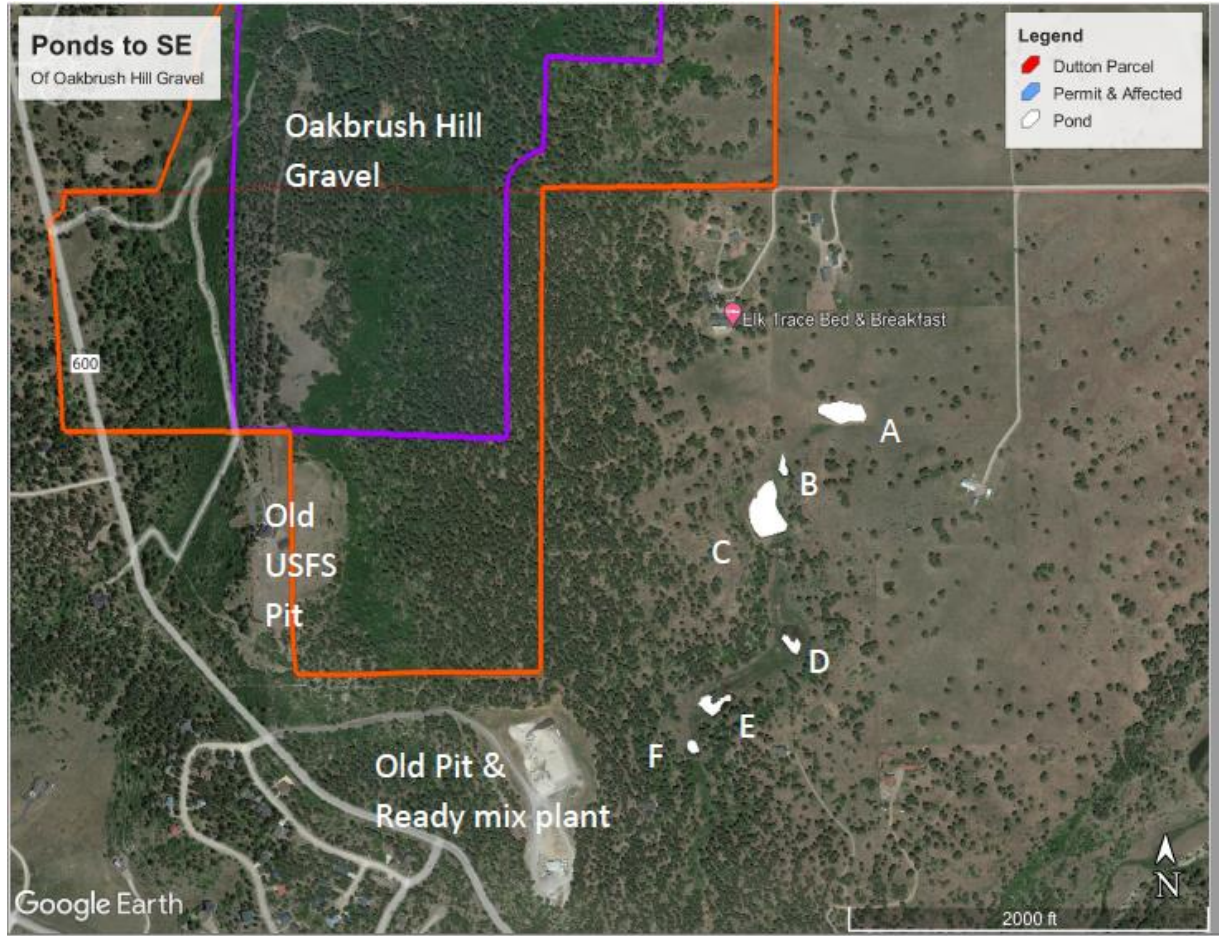


- ii. North and west of the OBH permit area, an unnamed intermittent stream heads up north of North Oakbrush Hill and west of the saddle between the two hills, and flows north-northwest into Martinez Creek. It does NOT enter Hatcher Lake.
4. Both creeks are part of the Stollsteimer Creek watershed which flows into the Piedra River.
5. There is a total of twelve identified but unregistered ponds around the proposed permit area which intercept surface water in the two basins.<sup>1</sup>
6. Six ponds southeast of the permit area which flow into Dutton Creek:
  - i. Pond A: A pond with no observable inlet or outlet, of 0.52 acres, elevation 7722.
  - ii. Pond B: A dugout or impoundment on the stream, of 0.09 acres, elevation 7761.
  - iii. Pond C: An impoundment on the stream, of 0.99 acres, elevation 7760.
  - iv. Pond D: An impoundment on the stream, of 0.14 acres, elevation 7737.
  - v. Pond E: An impoundment on the stream, of 0.23 acres, elevation 7732.
  - vi. Pond F: An impoundment of the stream, of 0.10 acres, elevation 7725.
7. Three ponds north of the permit which flow to Dutton Creek:
  - i. Pond G: An impoundment, of 0.70 acres, elevation 7841.
  - ii. Pond H: An impoundment, of 0.20 acres, elevation 7839.
  - iii. Pond I: An impoundment, of 0.44 acres, elevation 7757.
  - iv. Pond J: An impoundment or dugout, of 0.10 acres, elevation 7763.
  - v. Pond K: A double-lobe impoundment or dugout, of 0.32 acres, elevation 7753.
8. Three ponds on the Martinez Creek drainage, north and west of the permit area:
  - i. Pond L: an impoundment on the stream, of 1.00 acres, elevation 7750.
  - ii. Pond M: an impoundment of the stream, of 0.21 acres, elevation 7805.
  - iii. Pond N: an impoundment of the stream, of 0.53 acres, elevation 7816.

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<sup>1</sup> Measurements and elevations taken from Google Earth, using image of June 2016. Ponds assumed to vary in size seasonally and from year to year: depths and volume unknown.



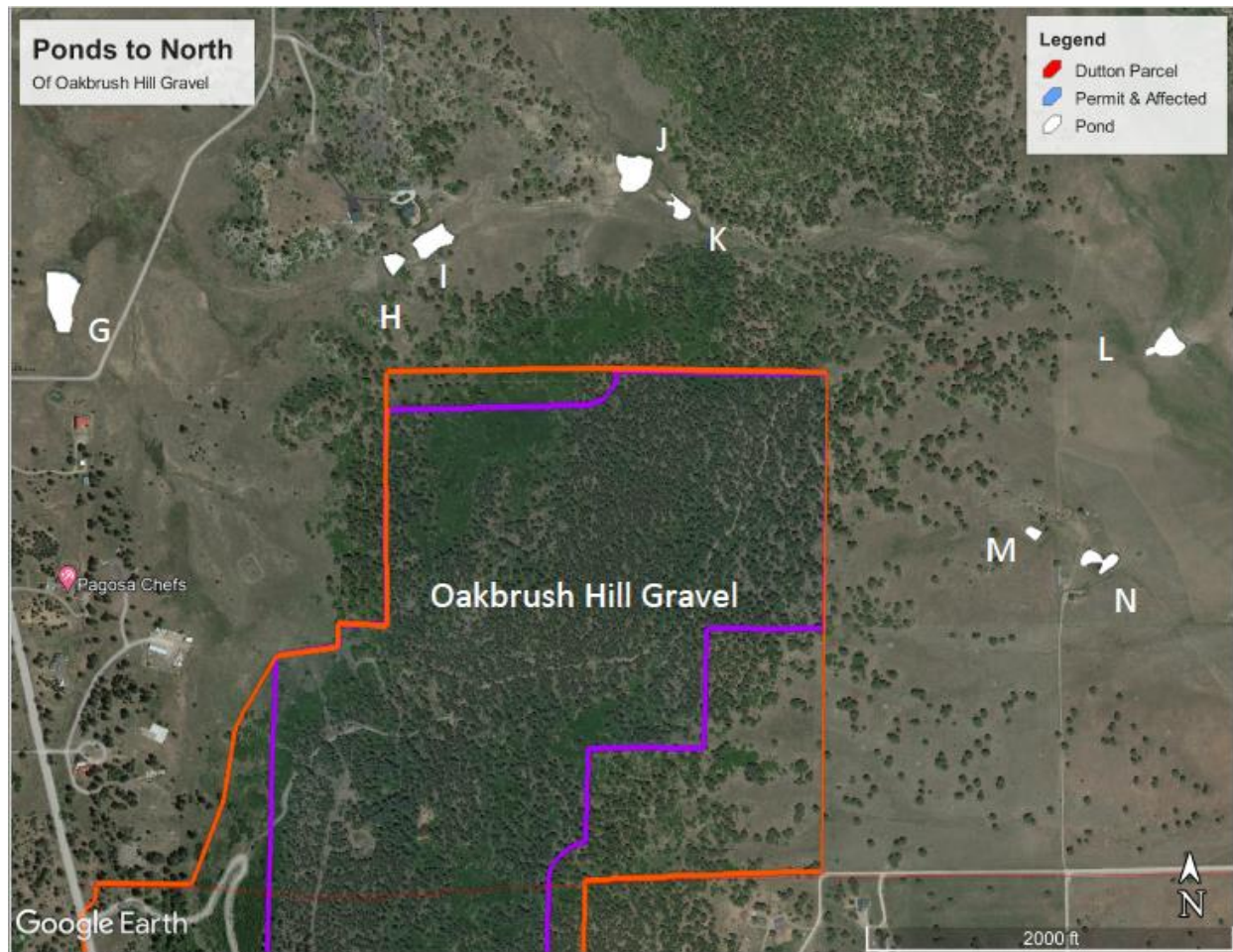


h)

Figure 2. Map showing the southeastern ponds ↑North

- i) The steams and ponds and some adjacent areas are identified as wetlands in the National Wetland Inventory. Except for the intermittent stream flowing into Stevens Lake, ownership is uncertain but presumed to be the surface owner: some are on two separate parcels with different owners.





Map showing the northern ponds ↑North

References:

1. CDNR-WRD, Colorado Decision Support Systems (CDSS) with links above). [Map Viewers | Colorado's Decision Support Systems](#)
2. [Google Earth, photograph July 2016.](#)
3. [USGS National Map Viewer, https://apps.nationalmap.gov/viewer/](https://apps.nationalmap.gov/viewer/) accessed 7 FEB 2022.
4. [National Wetland Inventory, USFWS/USACE, https://www.fws.gov/wetlands/Data/Mapper.html](https://www.fws.gov/wetlands/Data/Mapper.html) accessed 7 FEB 2022.



**Appendix D.7      FACT SHEET: RECLAIM**  
**THE TIMING OF MINING AND RECLAMATION OF OAKBRUSH HILL GRAVEL**  
**OPERATION**

Purpose and Scope: Various objectors have expressed concerns about issues related to disturbance of the land and long-term damage and negative impacts to land and biota caused by the proposed M2021064 Oakbrush Hill Gravel operation.

Summary: This fact sheet describes and summarizes information on the timing of mining (excavation and processing) and reclamation, using information from the original application and responses, as well as other fact sheets. This fact sheet gives reasons that the concerns about long-term scarring and destruction of the ecosystem are unsupported. The operations will not create such impacts.

Note: C&J Gravel Products Inc. (the applicant) and the landowner understand that those who are concerned about long-term negative environmental impacts are sincere in their concerns. We do not intend to reject these concerns, dismiss or whitewash them. We believe that both the applications submitted and C&J's track record demonstrates that the mining and reclamation can be done to State and county standards and do and will protect the environment.

- a) During the entire period of mining operations, the plant area (where the processing plant (crushing, screening, and washing) and stockpiles are located) will remain in a disturbed condition, with soil and overburden stored for future use. This area will be reclaimed at the end of the permitted project with much of it put into grassland for ranch use, and a portion reserved for mining, processing, and storage of materials for future ranch use on the Dutton Ranch.
- b) The areas to be mined, between 1 and 2 acres annually, will be prepared in the previous year by constructing swale(s) to control water runoff, timbering and clearing/preserving slash, stripping and preserving topsoil (after the first several years by moving directly to a mined-out area), and stripping and moving overburden.
- c) The next year, that area will be excavated and the pitrun material moved to the plant area for processing, stockpiling, and hauling to users.
- d) As mining progresses, areas already mined will be reclaimed (that is, with final slopes, soil replaced, and revegetation begun) so that a small number of acres (varying but around 15-25 acres at a time, including the 6.1 to 13.2 acres for the plant and stockpile area) will be used for excavation, processing, stockpiles, and transportation. This concurrent and phased reclamation is intended to reduce impacts and costs of reclamation.
- e) In the year following excavation, the 1-2 acre area disturbed two years ago will be backfilled and graded to the final post-mining slope, then have soil placed on it and the seedbed prepared and seeded with the seed mix. That mix is approved by the San Juan Conservation District and DRMS.
- f) Assuming average weather conditions, the reseeded area will be vegetated to meet district, county, and State standards in one or two growing seasons. During that period, weeds and livestock will be controlled to prevent damage, reseeding may be done to portions, and site inspected frequently.
- g) Once an area or areas are determined to meet standards of complete reclamation, the Operator will request the District, County, DRMS, and Landowner for "reclamation release." This formal process requires comment and approval by all three agencies. It may result in release of a portion of the financial warranty provided to the State, or that warranty may be used for another area. (The cost of reclamation and therefore the required financial warranty are reviewed and recalculated by DRMS every five years.)



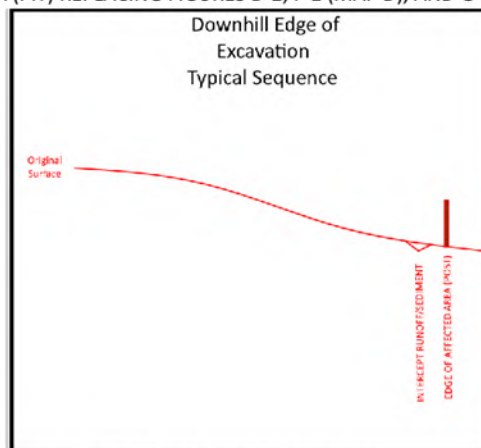
Concerns about reclamation and future affected areas can be addressed to any of the three agencies at any time, but particularly during the process to request release.

PROFILE OF DOWNHILL EXTERIOR EDGE OF WORKING AREA (PIT) REPLACING FIGURES D-2, F-1 (MAP D), AND G-2

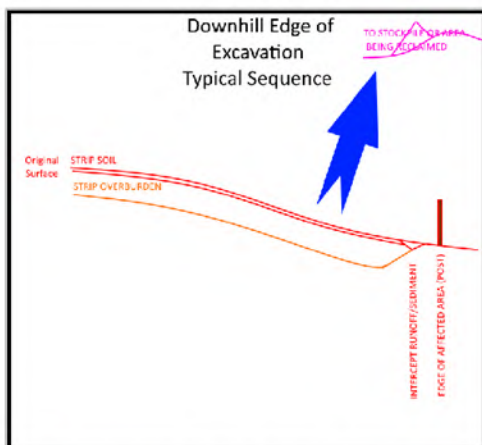
These five panels show the sequence of preparation, excavation, and reclamation for a typical exterior, downhill edge of the working face (facing East and Southeast from the toe of the Oakbrush Hills).

These are NOT to scale, and simplified to show exaction, movement, temporary, and permanent placement. Panels A through E show actions expected to be done over a three-year period: 1 preparation, 2 excavation, and 3 reclamation.

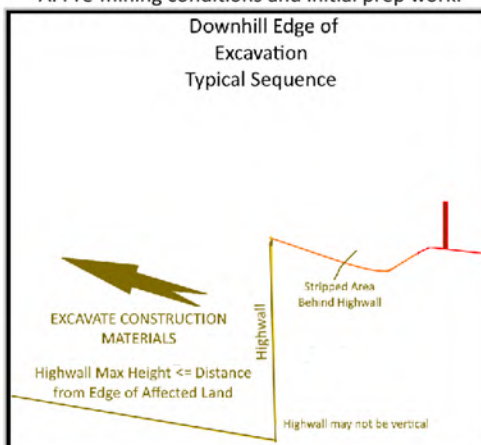
Drawn by N.A.Barton 14FEB2022. Best viewed in color.



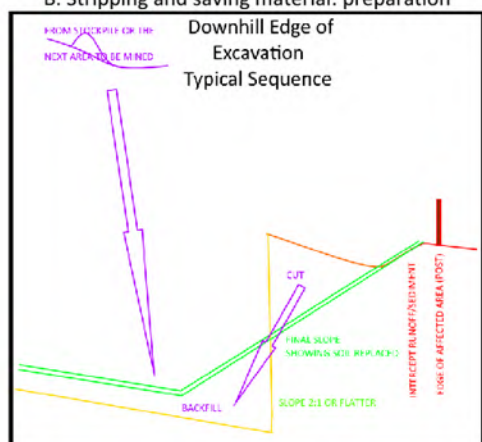
A. Pre-mining conditions and initial prep work.



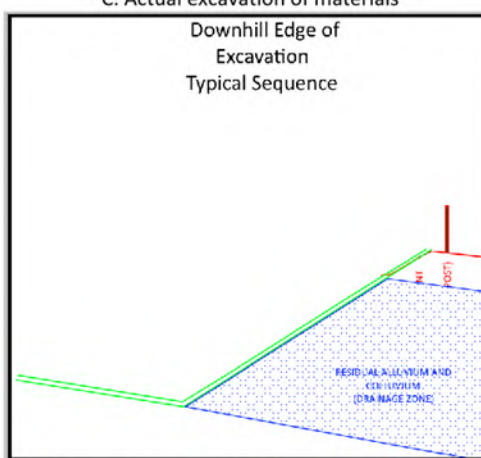
B. Stripping and saving material: preparation



C. Actual excavation of materials



D. Reclamation: reducing slopes and placing soil



E. Completed reclamation (except revegetation)



**Appendix D.8 FACT SHEET: SITING**

***SUITABILITY OF SITING AND ZONING FOR THE OAKBRUSH HILL GRAVEL OPERATION***

Purpose and Scope: To respond to objections that the proposed M2021064 Oakbrush Hill Gravel operation is improperly sited and in violation of zoning, because of the nature of the area, presence of nearby residential and commercial areas, and the industrial nature of mining.

Summary: This fact sheet explains that the proposed operation is fully compatible with the area in which it is located and complies (in the opinion of the applicant) with Archuleta County Land Use Regulations (ACLUR), including zoning. Note this is not a DRMS jurisdictional issue.

The Applicant, C&J Gravel Products Inc., and the landowner realize that the persons raising these issues are sincerely concerned about these issues. This fact sheet is not intended to dismiss the concerns arbitrarily. Other concerns are addressed in separate fact sheets. The Applicant also recognized that Archuleta County Commissioners are the body which will ultimately decide these matters.

(The numbers provided (i.e. 9.1.2(a)) are sections in the ACLUR.)

- a) The location is suitable for sand and gravel (construction materials) mining and processing, based on history, characteristics, and scale of the area, and reinforced by measures to mitigate impacts on neighbors and travelers, while providing critical materials essential to the community, as compared to alternatives.
  1. History of the site.
    - i. USFS land and uses, including mining. (Google Earth photos showing development and mining pre-1999.
    - ii. Transfer to private ownership
    - iii. "Ranch use" in 2021.
  2. History of construction materials demand and supply for Archuleta County and Pagosa Springs.
    - i. Production of sand and gravel essential for economy and society of County and City.
    - ii. Gravel is where you find it.
    - iii. Past production along Piedra Road and at other locations near Pagosa Springs.
    - iv. Production in last two decades only in more remote areas or with pits now exhausted or nearing exhaustion.
    - v. Failure to establish and operate pits in County in last 10 years.
    - vi. Alternatives to production at this location.
    - vii. Limits on sand and gravel from Federal Lands.
  3. Need for construction materials in 2022 and beyond and associated costs.
    - i. Current annual consumption of sand and gravel in Archuleta County and Pagosa Springs
    - ii. Example: USFS Piedra Road (FSR-630) project in 2021: 50,000 tons all coming from
    - iii. Anticipated growth of County and City business and residential development from 2022 on
    - iv. Need for highway and road work: new construction, repair, and maintenance
    - v. Costs of production versus transportation
    - vi. Environmental, safety, and socio-economic impacts of long-distance transportation
  4. Compatibility of operation with surrounding [land] uses. Article 9.1.6.1.





- i. The surrounding area is a mix of agricultural (ranching, and estate) and forestry use. Though there are residential areas nearby, the surrounding [land] uses are primarily agricultural and forestry. See Exhibit B Map B-2.
  - ii. Truck traffic, while passing through or near residential and commercial areas on Piedra Road (CR-600), is mitigated by the status of CR-600 as a primary highway which has extensive use for industrial and commercial as well as residential and recreational use.
  - iii. A. Visibility to adjacent surrounding residences. The mining site is not visible to adjacent surrounding residences due to existing thick forest stand of Ponderosa pine and natural landforms, particularly Oakbrush and North Oakbrush Hills themselves.  
B. Placement of operation. the mining plan includes additional mitigation to keep visibility to adjacent properties reduced as much as possible, including buffers within the Dutton Ranch parcel itself, and careful use of existing natural landforms (Oakbrush and North Oakbrush Hills).  
It is also 1000 feet or more from public roadways (CR-600, Black Powder and Rendezvous and Honeybee Place.
  - iv. Equipment visibility from adjacent surrounding residences. The location of the plant and stockpile area (see Exhibit D-1 Mining Map) was selected to conceal the crushing and screening plant and stockpiles, as well as scales and other equipment when not in use from adjacent properties. The sequence of mining is also designed to keep mobile equipment (loaders, dozers, etc.) from being visible off-site and the minimize visual contact.
  - v. Control of noise or vibration apparent to surrounding residences. Primary sources of noise and vibration are the crushing and screening plant and loading of trucks, limited to the plant and stockpile area, which is at least ¼ mile from all surrounding residences. Secondary sources of noise and vibration are mobile equipment (loaders, dozers) which will also be working in the direction of the edge of the permit and parcel, and mostly below the natural grade, so that the equipment and the natural soil and rock serve to block and therefore mitigate sounds effectively, together with buffers of Ponderosa pine. In addition, there will be no operations during hours of darkness or early morning hours in periods of extended sunlight.
5. Alternative locations suitable for mining (engineering, environmental, and legal)
- b) Zoning and land use regulatory compliance.
- 1. Nature of operation: The Oakbrush Hill Gravel operation requires a major sand & gravel permit in Archuleta County (9.1.5) and has requested a Conditional Use Permit (aka Sand & Gravel Permit) in accordance with ACLUR Section 9 (Mining).
  - 2. Several different zoning designations have been identified for the Dutton Ranch parcel. Information on these is provided:
    - i. Requirements and allowed activities in Agriculture Ranching (AR) zone. (3.1.2.2) are identified in Table 3 of the ACLUR.
    - ii. Requirements and allowed activities in Agriculture Estate (AE) zone. (3.1.2.3) are identified in Table 3 of the ACLUR.
    - iii. ACLUR Table 3 (Section 3 (Zoning Regulations) on Page 6 specifically allows "Resource Extraction, Processes, and Sales" in Zones AF, AR, and AE. It references Section 9.1.





- iv. ACLUR Table 3 also states that Asphalt Batch Plants (a/k/a Hot Mix Asphalt Facilities) and Concrete or Cement Plants (presumably including Ready-mixed Concrete Plant) as being limited to Commercial (C) and Industrial (I) Zones (together with “Recycling Facility”).
- 3. Zoning of adjacent and nearby parcels. The operation is compatible with surround uses as shown by the criteria: (1) (2) (3)).
- 4. Further remarks: The DRMS Application M2021-064 specifically identifies potential Hot-mix Asphalt facilities and Ready-mixed Concrete Plant to be located for limited (to time specific) periods and operations. This is restated in the County application for the Sand & Gravel Permit. These clearly state that such a temporary plant operation would be done only with approval in advance by the landowner and County and State officials. Though not explicitly stated, we believe that this approval can be obtained from the Archuleta BOCC only through requesting an exemption to Zoning regulations OR by platting and rezoning of a portion (an enclave) within the Dutton parcel to Commercial or Industrial Zoning. This was previously granted for the 8-acre parcel on Redi-Mix Way (3157 CR-600) for a Ready-mixed Concrete Plant.

In summary, these concerns are difficult to answer but are not significant impacts because the concern is based on wrong assumptions or assumed violation of laws, regulations, and permit conditions, or the person objecting was not fully aware of the actions to be required and taken to deal with these issues or was provided with incorrect information. While there are obvious challenges to locating the gravel operations in this location, there are very important reasons to locate this operation to support the community, and the issues of concern can be mitigated. C&J Gravel Products and the Landowner are committed to operating in a safe and environmentally sound manner.



**Appendix D.9 FACT SHEET: STUDIES**

**REQUESTS FOR ADDITIONAL STUDIES OF THE OAKBRUSH HILL GRAVEL OPERATION**

Purpose and Scope: To respond to demands that the State or County conduct additional studies of various aspects of the proposed M2021064 Oakbrush Hill Gravel operation.

Summary: This fact sheet explains that the studies demanded are already done or in progress. Most are contained in the DRMS and Archuleta County applications and have been or are being reviewed by those agencies; and that those agencies in turn cooperate with other agencies (local, State, and federal) on the conclusions and findings of those studies. Some are still in preparation. Note this is not a DRMS jurisdictional issue.

The Applicant, C&J Gravel Products Inc., and the landowner realize that the requests for studies are made by persons greatly concerned about these issues and whether the impacts of this operation and alternatives to it have been properly addressed. This fact sheet is not intended to dismiss the concerns arbitrarily.

In the website STOPTHEROCKS.COM, first published on 20 JAN 2022 together with a large advertisement in the Pagosa Springs Sun and at least one letter to the editor, there is a list of several specific studies of potential impacts of the operation. Several of the 17 objections received by DRMS on the 20<sup>th</sup> and 21<sup>st</sup> of January 2020 quote the list verbatim; others clearly are modifications of the list.

Studies requested, and status:

- a) Traffic impact study: Done (both Level I in Exhibit M-4 and Bechtolt Level III submitted separately) and reviewed by County (CDOT review still underway). No warrant for deceleration lanes. Operation not in a "largely residential area."
- b) Health and noise study: identified more specifically as a "dust study." Study of dust done and included in the applications (Exhibit M-1), which include draft Air Pollution Emissions Notice (APEN) and Dust Control Plan (DCP). Noise study underway but addressed in the applications (Exhibit M-2). Terrain, vegetation, distance, and noise controls provide strong evidence that State and County standards for noise levels and other characteristics can be complied with.
- c) Wildlife impact study: Included in applications (Exhibit H) and reviewed by Colorado Parks and Wildlife (CPW) as part of DRMS review of application: no significant negative impacts were identified, and CPW recommendations had already been incorporated into the mining and reclamation plans.
- d) Water and Water Rights Study: Done as part of the Applications (Exhibit G) with additional information provided in responses to adequacy review. No surface discharge is proposed, and no ores or other water priority chemicals will be released; fuels and other water priority chemicals stored and used on site will be located within secondary containment, spill prevention and response plan already prepared. Project will not expose ground water: all wells are hundreds of feet deeper than the maximum bottom of the operations and in formations (aquifers) which will not be exposed or mined by the operation. No water rights requested for operation: water will be brought to site to use for dust control and other purposes.
- e) Property impact study: This study has not been done. Such a study is highly subjective and subject to bias and challenge on virtually every portion.
- f) Review of permit compliance with County Land Use codes: Underway by the County Development Director, Planning Department, and Planning and Zoning Commission, to be reviewed and accepted or disapproved by the Archuleta Board of County Commissioners. This



included all legally required times for public review and will include all legally-required public hearings. Specific demands:

1. “lowest-use level” permit – unsure of meaning, but believe and provided justification to the County for the need for a Major Sand & Gravel Permit as the operation does not meet the requirements for a Minor Permit or other conditional-use permit.
2. “requiring smallest acreage possible” – as described in applications (Exhibits C, D, E, F) and Fact Sheet: Reclamation, the necessities of mining and reclamation conditions as well as anticipated demand for materials dictates that 15-25 acres are the smallest possible: the project is phased to do this and already includes anticipated and generally required “stipulations.”
3. “all necessary state and federal permits successfully obtained for the life of the Permit” – this is a standard condition for both the County and DRMS, but many permits are NOT issued for “life of the Permit” (either DRMS, which is for “life of the mine” or County, which may be up to 20 years). Rather, they are often issued for five years (air quality and water quality) and then reissued, or for some specific standard to meet conditions or “to time specific.”
4. “reviewed by the County on an annual basis” – reviews after various periods of time are already part of County regulations. DRMS reviews mine operations annually (upon submission of an annual report by the operator) and upon receipt of any complaint, DRMS normally physically inspects the operation every other year or more often, including upon application for full or partial release of financial warranty, and US Mine Safety and Health Administration (MSHA) inspects health and safety at least every two years, while requiring quarterly reports on accidents and injuries.
5. Additional permits demanded: The applications already include a table of permitting required from local, State, and federal agencies (Exhibit M). Here is additional info.
  - i. Colorado Department of Transportation: consultation underway at this time as CDOT reviews Level III traffic impact study: initial feedback is that a CDOT access permit will NOT be required but if CDOT determines otherwise, will apply at that time.
  - ii. Colorado Division of Reclamation Mining and Safety (DRMS) – not a department and not with the name used in the objection. That application was made some months ago, has been deemed administratively complete and now in process of adequacy review and response. Copy of application available online and at County Clerk and Recorder.
  - iii. Colorado Parks and Wildlife (CPW) – not a department and not just wildlife – does not issue permits.
  - iv. Colorado Department of Public Health and Environment (CDPHE) – at least two applications for permits will be submitted following DRMS and County review (if approved) to ensure information provided CDPHE is accurate and complete:
    - a. Water Quality Control Division: application for coverage under general storm water permit for discharges associated with mining sand and gravel (Even though no discharge is planned or proposed). Draft surface water management plan (SWMP) included in applications (Exhibit G)



- b. There is no “waste water discharge permit” required for the planned operations. Dust control and wash water either evaporate or are contained within product hauled from site.
  - c. Air Pollution Control Division: Air Emissions Permit for mining more than 70,000 tons per year (together with APEN which includes DCP). Draft application and APEN included in applications (Exhibit M-1).
  - d. Processing equipment moved to the site and operating there will have its own APCD permit and APEN, including operating limits and requirements.
- 6. “Require any and all construction and air pollution emission notices are lawfully distributed to residents in the County.” DRMS, APCD and WQCD all have their permits and related documents posted online in State of Colorado websites and are available to all persons inside and out of the County.
- 7. “Be made public” – As stated above, those documents are currently available online – on State websites. SOP for State Agencies is that these documents are available indefinitely. Availability of documents on the County website is a matter to be determined by the County.
- 8. “Require a full background check from all owners and operators of the permit... publicly available” – Both C&J Gravel Products and Silesia Properties are registered with the Colorado Secretary of State and that information is available to the public. Background checks of either companies or individuals as done by law enforcement agencies are protected from public disclosure to protect rights of privacy and prevent identity theft and other crimes. Such checks are not required, to our knowledge, for the State or County permits or business operations or land ownership.
- 9. “Citizen Advisory Committee” would appear to be a duplication of the County Planning and Zoning Commission and its requested “rights” would duplicate functions of various State and federal agencies.
- 10. “Performance Bond” from both “operator(s) and owners of the Permit” – as pointed out in the objection, this (assuming what is meant is a financial warranty”) would duplicate the DRMS financial and performance warranties required by Colorado law. This specifies “health and safety of pit operations” but that is very difficult to accurately quantify.  
Miners as employees of C&J, which would be the Operator and therefore “own” the Permit (but not the land) already have workers’ compensation insurance and other benefits to use for safety and health, and by MSHA (federal) laws and regulations, C&J is required to provide training, personal protective equipment, and other support to protect the miners’ health and safety.  
C&J already also has liability insurance for its operations, including vehicles and equipment, which would pay for any proven injury or damage to persons or property. So again, this would be a duplication of items already in place. Please note that DRMS is a “third party” and that the preparer of this fact sheet and the applications is also a third-party: a contractor employed by the landowner and Applicant to design, plan, and permit the operation, in cooperation with State and county agencies.
- 11. “Professional land survey of the Permitted areas... recorded in the public records” – A metes and bounds survey prepared by a Professional Engineer (the preparer of this fact sheet) and based on a parcel survey (again, metes and bounds) prepared several years ago by a



Professional Land Surveyor is part of the applications. This already provided the exact boundaries of the permit area.

12. "Larger buffer zone... at least 750 feet in all areas" – This would reduce the area able to be mined by a significant amount and is far in excess of the 200-foot limit distance to significant structures required by Colorado law.
13. "Appropriate screening walls and green space" – While we are unsure exactly what is proposed with these walls, it may be something like Weld County requires around oil and gas drilling operations: walls as much as 60 feet tall (CHECK THIS NUMBER). If so, that would have a far greater visual impact on neighbors and travelers than the proposed operations, and would be likely to create more negative environmental impacts to construct and remove than the proposed activities. The proposed operation already has established green space both within the property boundaries (200 feet from neighbor to the east and neighbor to the north).

DO WE EXPLAIN THE SITUATION WITH LEMON HERE?

There are additional buffer zones (green space) within the permit boundary, ranging from 200 to 400 feet, where impact on the existing terrain and vegetation will be minimal (trails, roads, water control/crossing points, etc.). With forests on adjacent properties, this already provides a densely forested buffer zone of 400-500 feet to residences and outbuildings. We believe, based on other operations in Archuleta County and neighboring counties, this provides good protection against impacts on surrounding landowners.

In summary, virtually all the studies and permits demanded have been done as part of the permitting process by DRMS and County Development and are either completed and accepted or being revised based on comments from those agencies and other agencies. The one study not done or in progress is one which is highly subjective and would likely be the subject of constant challenges, regardless of the findings and conclusions. Some permits demanded do not exist.

The location is suitable for sand and gravel (construction materials) mining and processing, based on history, characteristics, and scale of the area, and reinforced by measures to mitigate impacts on neighbors and travelers, while providing critical materials essential to the community, as compared to alternatives. The demanded actions do not significantly reduce impacts and may even increase negative impacts, or would make the project completely unfeasible.

We believe that the studies and permits as included in the applications and this fact sheet are sufficient to provide the necessary information to the State and Archuleta County decision-makers. However, we are prepared to provide additional information or clarification to the Planning and Zoning Commission, the Board of County Commissioners, and Colorado State Agencies.





**Appendix D.10 FACT SHEET: TOURISTS**

***OAKBRUSH HILL GRAVEL OPERATION IMPACT ON TOURISM AND ROADS***

Purpose and Scope: To respond to concerns about the impact of the proposed M2021064 Oakbrush Hill Gravel operation on roads and tourism in Pagosa Springs and Archuleta County, given the importance of CR-600 Piedra Road as a major tourist route'

Summary: The actions taken to mitigate and eliminate environmental and health concerns, including visual impact, also reduce and often eliminate impact on tourists and therefore on tourism and tourism-oriented businesses in the community. The design and operation of Oakbrush Gravel takes these impacts into consideration, and much of the site layout and concept is specifically limit by our desire to prevent any and all negative impacts possible. Note this is not a DRMS jurisdictional issue.

The Applicant, C&J Gravel Products Inc., and the landowner realize that tourism is critical to our community – the "lifeblood" as some have stated. We believe that this operation is overall highly beneficial to tourists, our tourism industry, and businesses and residents of the community.

The layout of operations will prevent any direct view of ongoing excavation, processing, and transfer of construction materials and site preparation, processing and reclamation. Oakbrush Hill and North Oakbrush Hill block direct observation of the working areas from Piedra Road. The dense forest and buffers, including the slope, prevent direct view of the plant area from the east and southeast of the operation (including Stevens Lake and nearby residences). Haul trucks entering and leaving the operation will be visible for a few hundred feet from CR-600. (Piedra Road)

As analyzed in the traffic impact study, haul trucks and other support traffic present no significant threat to recreational vehicles or travelers.

A close, local source of gravel and sand, including road base, material for concrete, and material for snow and ice control benefits tourist-oriented business and therefore the tourists by providing abundant supplies of these vitally needed materials far more economically than hauling from 30, 40, or 50 miles. The shortened haul also reduces other environmental impacts such as truck emissions, tracking and damage to highways, and improves safety for travelers.

Experience at other locations in the mountains of Colorado has shown that tourists adjust to the presence of necessary if sometimes unsightly commercial and industrial activities in the areas though and to which they travel. They understand the need for such facilities and do not refuse to visit an area because of the presence of sand and gravel operations, or truck traffic on the highways.

Truck traffic, both semi-tractor/trailers and tandem (with or without pups – trailers) are hard on roads, much harder than passenger cars or pickups. However, large truck traffic is also essential to build, maintain, and replace those highways. Current costs to Archuleta County and its taxpayers for gravel, asphalt, and concrete needed for roads, streets, houses, and businesses are extremely high and reduce the amount of improvements and maintenance that can be done. This operation will help control those costs and allow for better and quicker repair and maintenance.

Like the drivers of school buses, delivery trucks for food and other goods, and County and State road crew, the drivers of construction materials haul trucks must have Commercial Drivers Licenses (CDL) and be excellent drivers. They have very good safety records, and drivers for this operation are local people familiar with the area and conditions to be encountered.



**Appendix D.11      FACT SHEET: WELLS**  
**WELLS NEAR THE OAKBRUSH HILL GRAVEL OPERATION**

Purpose and Scope: Various objectors have expressed concerns that their wells and those of other persons will be damaged by the proposed M2021064 Oakbrush Hill Gravel operation, either the geotechnical impacts (blasting and heavy equipment) or by reducing water levels and quantities, or contaminating the water.

Summary: This fact sheet states why such impacts are very unlikely, due to location, topography and hydrology of ground water, and the methods of operation.

Note: this fact sheet is not intended to address concerns about impacts on the Dutton Ditch and Pipeline or Stevens Lake. (See separate fact sheets.)

- a) Twelve of the nineteen objections/complaints submitted to CDRMS and Archuleta County based their objections on matters of groundwater and wells, either on their own property or in general.<sup>2</sup>
- b) We understand the concern of persons, especially landowners, regarding their domestic water supply. Both C&J and the Landowner share those concerns, and the site's layout and operations take protection of surface and ground water very seriously.
- c) The conditions which are intended to protect groundwater and therefore wells and aquifers include:
  - 1. No discharge of surface water from the mining operations.
  - 2. No exposure of groundwater in mining operations.
  - 3. Collection of surface water runoff in detention basins and swales, within the mining operations and allowing it to infiltrate (preferable) or evaporate but only after filtration through suitable in-place sand and gravel (portions of Qtg4 formation not mined) before infiltration.
  - 4. Frequent inspection of water in basins or swales to identify and deal with any contamination, such as oil and grease (visible film or sheen).
  - 5. Training and equipment for miners to deal with any water or soil contamination inside the mining operation, to prevent and mitigate any potential contamination.
- d) As shown in Figure G-3 in the Exhibits to the Application (from the Colorado Decision Support System, there are 12 registered wells within ½ mile of OBH permit boundaries. There are 4 other wells located in Section 5 to the Southwest, between OBH and Stevens Lake and Dutton Creek. (There may be others which are not registered.) None are within 600 feet of the proposed affected land. These are identified as 1 located in the Mancos shale<sup>3</sup> and 2 in the Dakota sandstone aquifer. Based on depth, the remainder are probably in the Dakota aquifer or immediately above it in alluvium. (These are identified as "all other aquifers.")
- e) The proposed mining will not include excavation of material from either the Dakota sandstone or the Mancos shale. The alluvium being mined will leave an exposed face of the alluvium on the downhill side of the pit, which will be covered with backfill and soil, allowing runoff from the excavation both to be filtered and infiltrate into the alluvium down-gradient.

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<sup>2</sup> 1. E. Dragoo, 2. D. Dragoo, 3. Wm. Bulaich, 5. T. Glissmeyer, 6. M. Heaton, 7. B. Lamon, 9. R. Harris, 11. B. Lemon, 12. C. Bishop, 13. C. Carroll, 16. Jason Brinkley, 17. M. Caponnetto, 18. C. Braatz.

<sup>3</sup> Given the Mancos shale characteristics and the lack of data on this well, this is likely to actually be in the Dakota.



- f) As shown in figure 1, most of the wells within 3000 feet of the permit boundary have even the wellhead (surface) at elevations below the deepest part of the proposed excavation. And even the most shallow wells have the bottom of hole more than 100 feet below the bottom of pit.
- g) It is highly improbable that operations at the Oakbrush Hill Gravel site will have any impact on the known wells in the area.

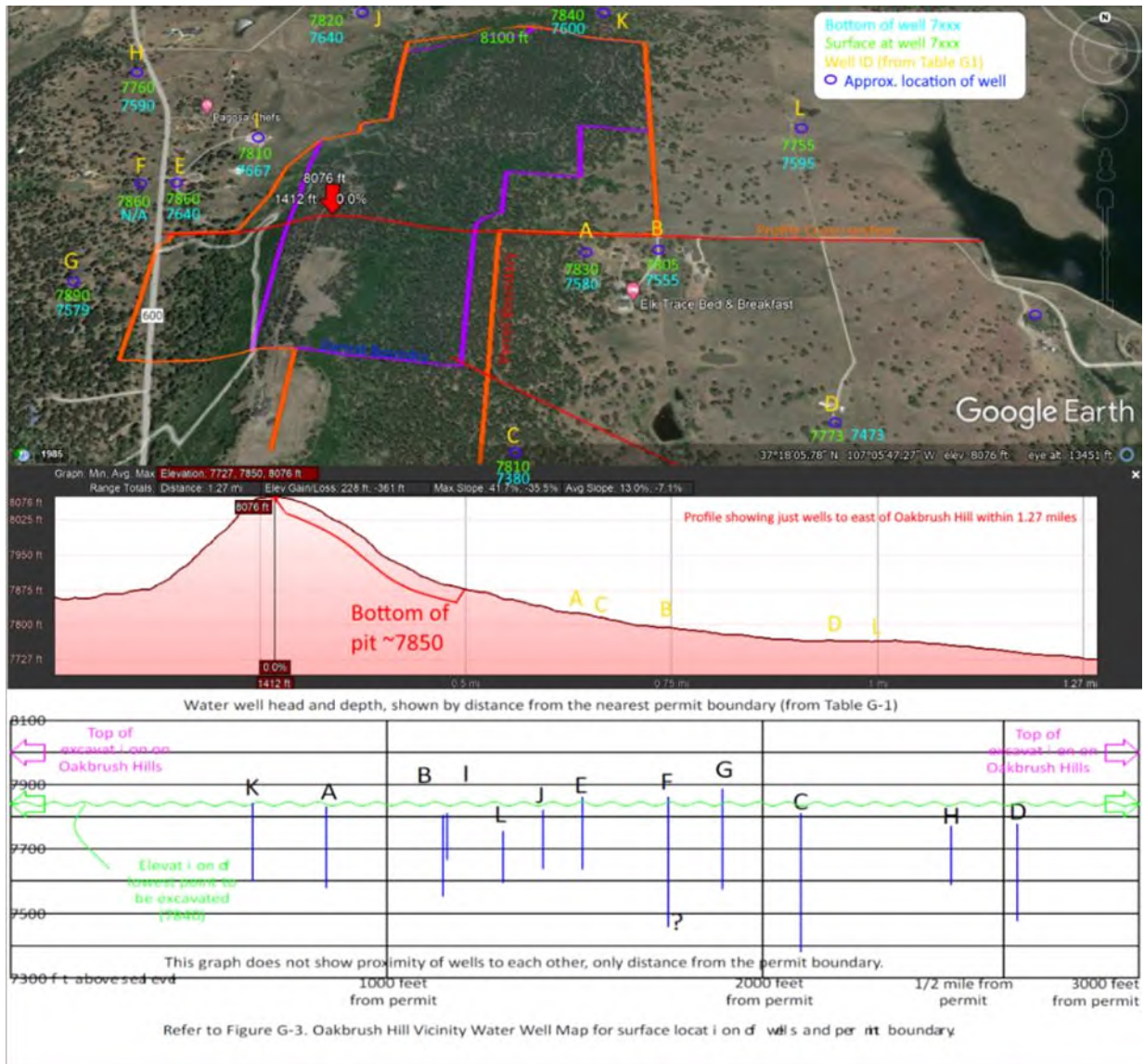


Figure 1. Profile of wells and Oakbrush Hill (from Google Earth) showing well distances and depths compared to excavation.

References:

1. CDNR-WRD, Colorado Decision Support Systems (CDSS) with links above). [Map Viewers | Colorado's Decision Support Systems](#)
2. M2021-064 112c Application, Exhibit G (Water).



**Appendix D.12 FACT SHEET: WILDLIFE**

***WILDLIFE IMPACTS OF THE OAKBRUSH HILL GRAVEL OPERATION***

Purpose and Scope: To respond to concerns that the proposed M2021064 Oakbrush Hill Gravel operation will have a severe negative effect on wildlife and wildlife habitat and migratory routes..

Summary: This fact sheet explains information, investigation, and review of wildlife, wildlife habitat (including migration), threatened, endangered, and candidate species in and around the Oakbrush Hill Gravel operations proposed permit area. The nature, scale, and timing of the proposed operations pose no significant negative impact on wildlife in the area, as determined through independent study and as reviewed by US FWS and CPW.

The Landowner and the Applicant, C&J Gravel Products Inc. appreciate that the persons and organizations objecting because of these issues are sincerely concerned about wildlife and other parts of the natural environment, both on their property and in general. This fact sheet is not intended to dismiss the concerns or present new information but to explain the systems in place to protect environmental quality, including biotic elements.

- a) A key portion of the DRMS application for a reclamation permit to prevent mining is Exhibit H Wildlife Information, supplemented by information in Exhibits I (Soils) and J (Vegetation). This is similar to information found in a federal NEPA Environmental Assessment and is required by the Colorado Land Reclamation Act for the Extraction of Construction Materials (CRS 34-32.5), “protection of wildlife and aquatic resources” as specified in the Mineral Rules and Regulations Section 3.1.8 (Wildlife) and includes such issues as nesting, migration routes, and similar considerations. DRMS has concluded that the mining and reclamation plans take into account the safety and protection of wildlife.
- b) In preparation of the DRMS and County applications, US FWS and CPW were contacted and provided information directly or through web-based data. Following submission of the DRMS application, DRMS also formally consulted with CPW. The preparers of the application are familiar with the nature of the wildlife and habitat and experienced in biotic assessment and preparing wildlife statements for various projects, including mining, in the Rockies, Black Hills, Great Basin, and Great Plains. The application (Exhibit H) meets the requirements of MRR Section 6.4.8 (Exhibit H).
- c) Although wildlife habitat is NOT a proposed use of the private land being mined after reclamation, wildlife does and will continue to use the land together with humans and livestock. The NRCS and local natural resources conservation district have reviewed aspects of the applications and had an opportunity to provide comment. Zoning and land use regulatory compliance.
- d) Presently, as operations are ongoing to produce construction materials for use on the Dutton Ranch, large game animals and other wildlife are commonly seen on the actual affected land, in and around the processing equipment and vehicles, by miners and visitors. It is very common to see large herds of game animals such as elk and deer, and their predators, on large and small mining operations throughout the Four Corners and Colorado. Miners and drivers are trained on dealing with wildlife.
- e) Wildlife migration routes along Dutton Creek and in the vicinity of Stevens Lake were specific points of concern. The proposed operation is not located particularly close to either the creek or lake (1/2 mile or more) and CPW did not identify any migration routes through the proposed permit area.
- f) The property is not currently within a County-designated Wildlife Habitat Overlay District (ACLUR 5.2.2.3) to the best of our knowledge.





In summary, these concerns have already been fully addressed and reviewed by competent authority. No significant migrations routes have been identified and the area is not identified as highly-significant critical habitat: 4<sup>th</sup> or 5<sup>th</sup> Priority of 8 (see Figure 1). Although there will be both temporary and permanent changes to habitat, as well as some effects on wildlife due to the operations, these are neither significant nor long-lasting. Although not a primary goal of reclamation, there is expected to be some improvement to habitat for certain species, by opening up dense forest and providing more grazing and browse vegetation. In addition, the plan for mining (disturbing relatively small areas and concurrent reclamation) reduces impact on wildlife movement and use.

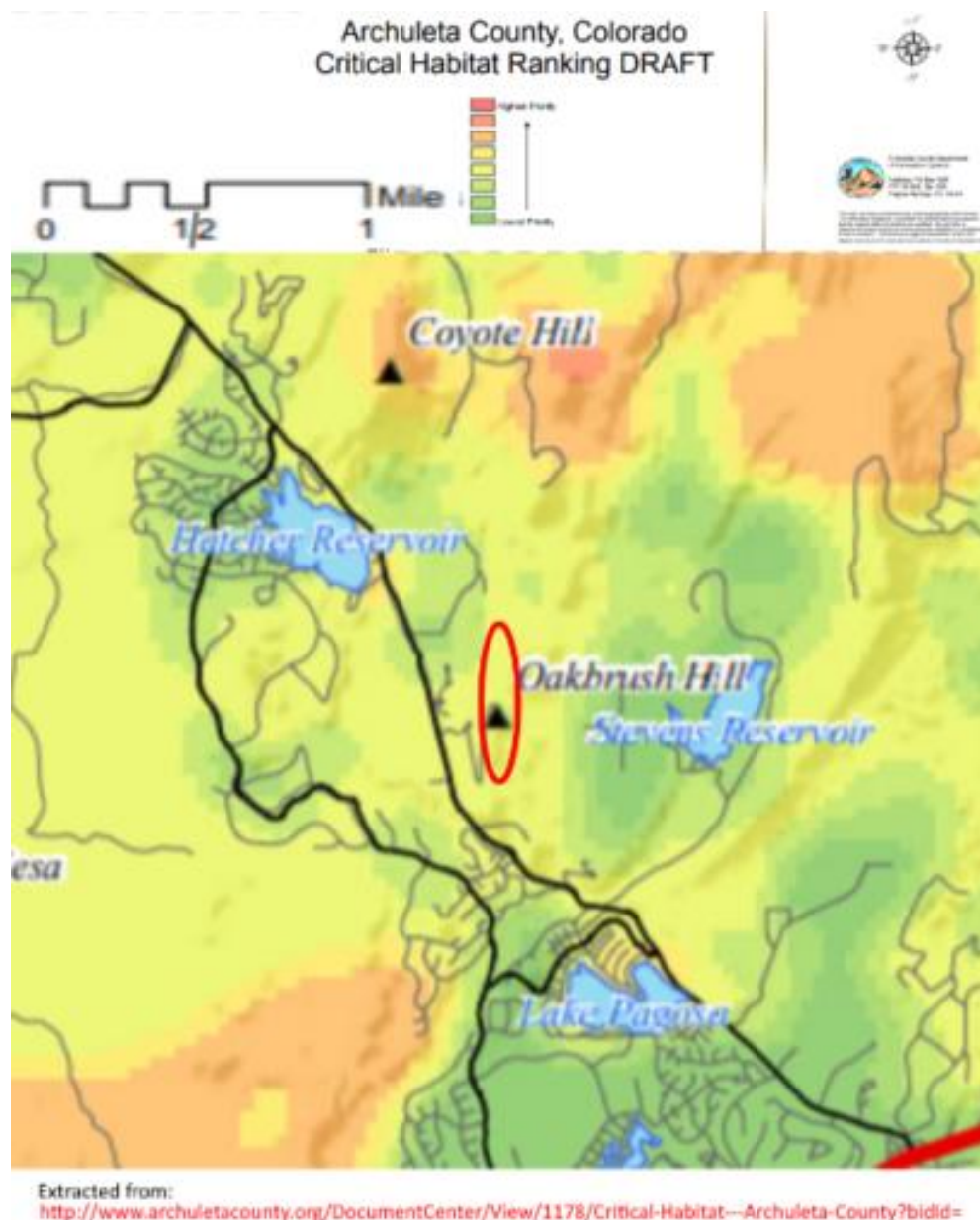


Figure 1. County Draft Critical Habitat Ranking (Wildlife)

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WASTELINE, INC  
**Nathan Barton**