



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

August 8, 2022

Robert Young, Jr.
Young Ranch Resource, LLC.
5455 Ulysses Street
Golden, CO 80403

Re: Findings of Fact, Conclusions of Law, and Order, Young Ranch Resource, LLC.
File No. M-2021-009

On August 5, 2022 the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. Because this document is the final order of the Board, it is legally binding on and affects the above-captioned operation, and we strongly advise that you read this document carefully.

Sincerely,



Camille Mojar
Board Administrator

Enclosure(s)

Certified Mail
7018 2290 0001 8923 1380

cc:
Amy Eschberger
Michael Cunningham
Jeff Fugate
Scott Schultz
Charles Kooyman
Ben Langenfeld
Mark E. Lacis
Mamie Ling
David Blauch
Clare Stone
Jonalyn Agar
Dienne Powell



BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

**IN THE MATTER OF THE APPLICATION FOR 112C PERMIT OF YOUNG
RANCH RESOURCE LLC; File No. M-2021-009**

THIS MATTER came before the Mined Land Reclamation Board ("Board") on June 22, 2022 via videoconference for a hearing to consider the application of Young Ranch Resource LLC ("Applicant") for a 112c permit, file number M-2021-009.

Amy Eschberger, Michael Cunningham, and Senior Assistant Attorney General Scott Schultz appeared on behalf of the Division of Reclamation, Mining and Safety ("Division"). Robert Young, Jr.; Mark Lacis, Esq.; Mamie Ling, Esq.; Ben Langenfeld, P.E. of Lewicki & Associates; and David Blauch, PWS of ERC, Inc. appeared on behalf of Applicant. Objectors Clare Stone, Jonalyn Agar, and Dienne Powell appeared on their own behalf.

The Board, having considered presentations, testimony, materials submitted, and being otherwise fully informed of the facts in the matter, enters the following:

FINDINGS OF FACT

1. Applicant filed an application with the Division for 112c reclamation permit for a site known as the Young Ranch Resource Quarry in Gilpin County and Clear Creek County, Colorado ("Application"). Located in Section 28, Township 3 South, Range 72 West, 6th Principal Meridian, the Young Ranch Resource Quarry would mine granite, gneiss, and gravel for construction aggregate to be processed at on-site facilities.

2. The Application proposes a total of 469.7 permitted acres, with a total 335.1 acres to be affected by the operation. The Application's mining plan anticipates using conventional drill and blast techniques to ultimately develop two large excavation areas with highwalls maintained at benched configuration. The site will include crushing, screening, and washing of aggregate products. The operation will proceed through five phases of operations with concurrent reclamation as the operation progresses.

3. In accordance with Rules 1.6.2(1)(d) and 1.6.5(1) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials, 2 CCR 407-4 ("Rules"), the Applicant published notice in the Clear Creek Courant, the Mountain-Ear, and the Weekly Register-Call once a week for four consecutive weeks and mailed required notices in accordance with the

Rules. During the public comment period, the Division received forty timely letters of objection and one comment letter from History Colorado.

4. The Division provided an extended comment deadline of August 22, 2021 to the City of Idaho Springs, which provided its concerns in a timely comment letter.

5. During the review period, the Division generated five adequacy review letters. The Applicant addressed all of the Division's adequacy issues to the Division's satisfaction.

6. The Division received 14 objection withdrawals during the application review period.

7. On May 17, 2022, based on the applicable requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials, Article 32.5 of Title 34, C.R.S. ("Act") and the Rules, the Division issued and served on all parties both a written recommendation for approval of the Application over objection and a written rationale for that recommendation.

8. On June 6, 2022, the Board, through a prehearing officer, conducted a prehearing conference. Eight objectors attended the prehearing conference and retained party status. The prehearing officer issued a draft prehearing order. Among other things, the draft prehearing order identified jurisdictional issues to be presented to the Board.

9. Prior to the June 22, 2022, Board meeting, an additional four objectors submitted Party Status Withdrawal Forms to the Board.

10. At the hearing, the Division presented information about the Application, the mining plan, and the application process. Regarding wildlife issues, the Division explained that though Colorado Parks and Wildlife ("CPW") did not submit a comment letter, it participated in an inspection of the site that provided an opportunity for its officers to provide input on the Application. The Division also presented testimony regarding the scope of its review under the Act and Rules, including that the Application was reviewed based on its impacts to the site rather than the potential for aggregate impacts with other nearby land uses beyond the proposed permit boundaries. The Division also presented testimony that though its review is limited by law to the permit boundaries, CPW does consider cumulative impacts on wildlife for an entire area when providing feedback on a permit application.

11. Ms. Agar raised concerns regarding an increase of traffic from the proposed operation and the impacts that traffic could have on the area. Though Ms.

Agar stated that she understood that the Board and Division do not consider traffic to be a jurisdictional issue under the Act, she wanted to raise the issue.

12. Ms. Powell raised concerns regarding water quantity impacts from the operation and whether the Applicant's water use plan was viable given current drought conditions. Ms. Powell also raised other concerns regarding alternative uses for the site and cumulative impacts that were not jurisdictional.

13. Ms. Stone also expressed concerns regarding the cumulative impact of the Application's proposed operation and other nearby mines and roads on wildlife and traffic.

14. Applicant presented testimony regarding the Application. With concurrent reclamation, the mining operation will reduce impacts and reclaim the land as soon as possible after each stage of mining was completed. The land within the permit boundaries is owned by the Applicant as a family and reclamation and minimizing impacts to wildlife is important to the owners. Consultants for Applicant conducted a comprehensive analysis of wildlife issues in the area, including using CPW feedback and maps. The southern side of the site was found to be important to wildlife, including bighorn sheep, and will become a deed-restricted wildlife corridor to allow bighorn sheep to move freely. Applicant will also install fencing, ramps, and overpasses for wildlife on the Central City Parkway where Applicant owns land on both sides of the parkway, including the site.

15. Applicant also presented testimony regarding water issues. The Applicant is in the process of securing sources of water for the mining operation. Regarding water quality, there are three discharge points in the Application, two to the north off the waste rock area and one to the south. Applicant will collect and sample any water moving off the waste rock area and that will act as a final compliance point under a Colorado Department of Public Health and Environment ("CDPHE") discharge permit. The discharge point to the south will come into play during the last stages of mining when a road is created during final reclamation. This point will also be covered by a CDPHE permit. Applicant stated that it will comply with all applicable discharge permit requirements.

16. The Division recommended approving the permit Application.

CONCLUSIONS OF LAW

17. The Board has jurisdiction over Applicant and this matter pursuant to the Act.

18. Under section 34-32.5-115(4), C.R.S., "the applicant must comply with the requirements of this article and section 24-4-105(7), C.R.S."

19. Under Rule 1.4.1(10), the Applicant “has the burden of demonstrating that the application meets the minimum requirements of the Act, Rules, and Regulations.”

20. Under Rule 2.8.1(1) and section 24-4-105(7), C.R.S., “the proponent of an order shall have the burden of proof.” As the party initiating this matter by filing the Application, Applicant was the “proponent of an order” at the hearing and, therefore, has the burden to prove that the Application is consistent with applicable laws and rules, and should be approved by the Board.

21. Under the Act, the Division and the Board shall grant a permit to an applicant who complies with section 34-32.5-115(4), C.R.S. The Application complies with section 34-32-115(4), C.R.S.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board hereby approves the Application over objection.

DONE AND ORDERED this 5th day of August 2022.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD



Nell Wareham-Morris, Chair

NOTICE OF JUDICIAL REVIEW RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing a complaint with the district court within thirty-five (35) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2021) and the Colorado Rules of Civil Procedure. In the event that a complaint for judicial review is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Camie Mojar.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 8th day of August 2022 addressed as follows:

By certified mail:

7018 2290 0001 8923 1380

Robert Young, Jr.
Young Ranch Resource LLC
5455 Ulysses Street
Golden, CO 80403

By electronic mail to:

Ben Langenfeld: benl@lewicki.biz

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Mamie Ling: mling@irelandstapleton.com

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Camille Mojar, Board Administrator