



12 March 2025

Mr. Todd Jesse, Environmental Protection Specialist
Minerals Program, Grand Junction Field Office
Colorado Division of Reclamation Mining and Safety
Room 215, 1011 E 62nd Avenue
Denver, CO 80216

VIA E-MAIL (hard copy to follow)

SUBJECT: LINE CAMP PIT M-2001-001 AM-2 Response to Comments and Request for extension to decision date

Dear Mr. Jesse:

I requesting an extension of up to 30 days from the current date of Monday, 17 March 2025 for consideration of the amendment. Although I believe this letter does address the comments, the request for extension is asked if you need more information. If this letter does satisfactorily respond to the comments, and if you have enough time to finish your review more quickly, please do not extend the decision date, so that we can proceed.

As I understand it, the only items to which we need to respond are comments from CPW and the State Engineer's Office (DWR). I have not received any additional requests for clarification or more information from you that I am aware of.

REASONS FOR EXTENSION:

A combination of having to respond to other State agencies on air and water quality issues related to other operations of Smith's Materials and other clients has been time-consuming and we've been unable to devote the time needed to obtain the information needed to respond to CPW and DWR. We also have been trying to avoid anything that would constitute an amendment to the application that would further delay the approval of the amendment. We have requested and searched for the data on the Water Court decisions/approvals for ponds, but still have not found that information to support our response. I was hoping to get that info this week but have not.

RESPONSE TO CPW COMMENTS

We appreciate the detailed information that CPW provided, and their recommendations.

We have implemented, over the 20+ year life of the operation to date, the BMP and design features recommended to reduce hazards to wildlife, including "permeability for migrating ungulates." This includes buffer zones of approximately 400 feet wide on the south edge and 1000 feet wide on the north edge of the 1-mile length of the property. In addition, gaps between work areas and ponds, the buffer along the river and the highway, and the west slope of the valley allow for migration both across the valley and up/downstream. Slopes of berms, ponds, and operating areas have proved to not seriously impact wildlife movement in and through the operations. We do not propose any new fencing.

While we understand the value of using a wildlife-friendly seed mix, we believe that the current DRMS-approved seed mix meets that criterion as well as the stated desire of the landowner. We will coordinate with CPW on the vegetation and seed mix for the areas outside the disturbed area (buffer zones to the north and south).

We recognize the importance and status of the Dolores River, both for the value of the property and its importance to our local economy. The handling of water when dewatering the working areas of the pit, the discharge of water to maintain pond levels, and avoiding any direct surface discharge into the Dolores River (even during high water events) are designed to prevent erosion and sedimentation from entering the river and will continue to do so. We continue to monitor (and as necessary, sample) water pumped or flowing from the ponds and working areas to ensure that there is no contamination of the river.

We have and maintain a weed control plan in coordination with (and approved by) the Montezuma County Weed and Pest Control Office, which includes active weed management at all times. In addition to the Division-approved seeding plan for reclamation, we have observed natural, volunteer establishment of plants suitable for the valley bottom around the ponds and areas already reclaimed (but not released).

RESPONSE TO STATE ENGINEER/DWR COMMENTS

The specific comment regarding “more sections than indicated” (bottom of DWR page) appears to be based on the incorrect location of section lines on the USGS Topographic Quadrangle map.

Storm water is mingled with alluvial ground water exposed by mining and irrigation water supplied by the Home Ditch. The system of ponds, water use for dust control, washing of construction materials, transport of materials, and discharge (by gravity flow and dewatering pumping) to the river were reviewed by DWR and the Water Court and deemed to meet all requirements of the Statutes: and met (and meets) all statutory and administrative requirements, both of DWR and CDPHE-WQCD (which permits the discharges).

The substitute water supply plan (SWSP) maintained for the Line Camp Pit from 2002 to 2015 was replaced by the augmentation plan approved by the Water Court Division 7 in case numbers 2011CW32 and 2011CW33. These decrees allow for irrigation water from the Home Ditch which had previously irrigated the lands now in and around the ponds to be used for operations and evaporation of Line Camp Pit. As stated in a DWR letter of 17 June 2014, the last SWSP expired on 30 April 2015 after the Court Decrees took effect, which in effect made the SWSP “absolute.” We have attempted to find copies of the decrees on the Laserfiche imaged documents but have been unable to do so yet, which is one of the reasons why we have delayed our response.

It may be necessary to obtain a new or amended court decree to increase the total surface area from expanded operations. We will coordinate with DWR, the Water Court, and Smith’s Materials’ attorney to determine the need for this. We have already begun that coordination. At the present time, though the pond basins are larger, we believe that the average (as calculated on an annual basis) exposed surface area is less than 10.1 acres as allowed in the SWSP and the Decrees.

Until such time as that issue is resolved, either by determination of “no action necessary” or a new SWSP/Court Decree, Smith’s Materials commits to NOT exposing ground water in the expansion area. This involves excavating only to not less than 2 feet above the ground water level.

To summarize:

1. I believe that we have and do address all concerns and comments of Colorado Parks and Wildlife’s response of 7 January 2025.
2. I believe that we have and do address all concerns and comments of the Colorado Division of Water Resources’ response of 30 December 2024, but understand that we need to coordinate with the DWR to ensure that we remain in compliance with the Water Court Decrees.
3. I believe that there are no other items outstanding. If there are, or you need more information, I conditionally request an extension to the decision date. If what I have provided is sufficient, the decision date can continue.

Please let me know if I need to get anything else. As I mentioned, the Line Camp Pit is reasonably free of snow and can be accessed and inspected at any time. The sooner the better, as the demand for material is already picking up.

Respectfully submitted,



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