

STATE OF
COLORADO

Girardi - DNR, Chris <chris.girardi@state.co.us>

Response to M2009-018 Tierra Piedra Gravel Pit AM-1 Adequacy Review #2

1 message

Nathan Barton <NABarton@wastelineinc.net>

Fri, Sep 5, 2025 at 1:38 PM

To: "Girardi - DNR, Chris" <chris.girardi@state.co.us>

Cc: Mike <mike.petrox@gmail.com>, Ryan Clark <ryan@petrox-resources.com>, Brian Abeln <brian.abeln@crossfireaggregate.com>

Dear Chris:

Enclosed is our response to the review. Again, as we have discussed, we'll not send a hard copy by mail unless you need me to do so. Please let me know if this needs to be posted on the ePermitting portal.

Pray you have a great weekend! Summer is fleeing quickly! Thanks for your work.

Respectfully,

Nathan

NATHAN A. BARTON, CE, PE, DEE

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05 September 2025

SUBJECT: Response to M2009-018 Tierra Piedra Gravel Pit AM-1 Adequacy Review #2

Mr. Chris Girardi
Environmental Protection Specialist
Colorado Division of Reclamation Mining and Safety

VIA E-MAIL chris.girardi@state.co.us

Dear Chris:

Thank you for your work on this project. We believe that these issues can be resolved as follows:

1. Rule 6.3.2. Exhibit B

Operator Response: This is private land, and a very small area. We do not believe, based on nearly 20 years observation, that continuing winter activities will not significantly affect deer or elk. Therefore, we will NOT abide by CPW recommendations and reserve the right to operate the pit during the winter season (December 1st to April 30th) if customers need materials. In support of our decision to do so, we point out that:

- a. The Lob Lolly Pit (aka Piedra Pit, M-2013-066), located only a few hundred yards south of the Tierra Piedra Gravel Pit, has been operating for well over a decade and does not have a requirement for the winter shutdown. Deer, elk and other species are continually present on the properties for at least a mile in both directions up and down the Piedra River, including wintertime, and have exhibited no signs of impact from any ongoing operations.
- b. This restriction was not made part of the original 110c M-2009-018 reclamation permit in 2009 and there have been operations in wintertime since then, again with no signs of impact on wildlife.
- c. This and other operations provide good corridors both in the affected land (current and proposed) and adjacent unaffected land both for easy movement of wildlife up and down and across the valley. Among other issues, there is an abundance of alternative forage in the area. Immediately to the east of the proposed expansion is an irrigated (center-pivot) alfalfa field of more than 100 acres. As Lob Lolly Pit to the south is nearing the end of production, reclamation, including ponds and grassed areas, provides still more forage. There are other large areas of mixed grass and browse vegetation available.

We have again reached out to CPW (Durango Office) to discuss this and other matters and will speak with the officer currently responsible for that area. We will keep you posted.

2. Rule 6.3.3 Exhibit C

Operator Response: If imported materials are brought to the site, the Operator commits to submitting a TR and signed affidavit before importing material from outside the permit area. The

Operator may file a formal objection to the change in policy which requires a TR and associated fee when the application or an amendment clearly states that the imported material, regardless of specific source, is clean and inert and will be placed for a particular purpose in accordance with sound engineering and environmental practice. Thank you for the clarification regarding the affidavit and notarization; this clarifies the procedure.

To again clarify the proposal, the Operator or its agent/leasee proposed to accept clean inert construction/demolition debris for the purposes of recycling, backfill/grading for reclamation, and/or improvement of permanent access roads on the permitted area or other property of the Operator. Examples of such clean materials include rock and earth, Portland Cement concrete, Asphaltic Cement concrete, and soil amendments. As approved in advance by the Operator, such materials shall be received, processed, and used as intended in an expedient manner to minimize storage time, impacts, and in accordance with all permit conditions at the time of acceptance and good environmental and engineering practices. Sources of such clean, inert materials will vary and include construction and demolition projects, and will not include household or commercial solid waste, hazardous materials, or materials which would hinder the establishment and growth of vegetation, contaminate surface or groundwater, or air. The Operator will maintain records of the specific sources of material, quantities, locations placed on the affected lands, and use.

3. Rule 6:3.4. Exhibit D

Operator Response: The Operator notes that (1) the existing pre-mining use of the expansion area is cropland and used for alfalfa and other crops (alfalfa is also considered grazing land by many ranchers and farmers), (2) primary use was indicated as “rangeland” and not “grazing”, (3) wildlife habitat was originally referencing the pond and immediate shoreline of the pond, (4) the area immediately outside the proposed permit boundary is also cropland on which alfalfa is grown, (5) alfalfa is a favored feed for both elk and deer, and (5) the wildlife in the area are documented to graze regularly in these fields and other areas, both on and off the permit area, and immediately around the pond, as well as along the riverbank.

That said, the Operator commits to submit an Amendment which would include provision to revise the post-mining land use to cropland.

The Operator may suggest and propose that the application form and process allow for multiple Primary future (Post-mining) land use in item 12 of the 110c and 112c application forms, as even a 9.9-acre site may have more than one “primary” land use. The “check one” requirement should not be viewed as prohibiting other uses of land after mining and reclamation which would trigger a full Amendment process. And there is no clearly-defined difference between “cropland” and “pastureland” and “rangeland” that we have been able to find in statute, rules or guidance.

4. Rule 6.3.9. Exhibit I

The Operator will place the required documents with the Archuleta County Clerk and Recorder and provide an affidavit that has been done. We will do this as soon as we understand that this response is complete and we can get to Pagosa Springs during County Clerk business hours, or sooner if they will accept it being placed with them by email to print out and add to the copy already on display there.

5. Financial warranty

We will review the reclamation cost estimate separately in the next day or so and respond accordingly.

Please let me know if this needs to be posted on the ePermitting portal.

Respectfully,

A handwritten signature in black ink, appearing to read "Nathan A. Barton". The signature is fluid and cursive, with the first name "Nathan" being more prominent.

NATHAN A. BARTON, CE, PE, DEE

Comptroller/Engineering Manager, WASTELINE, Inc.

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