

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



April 19, 2013

Zane Luttrell

Rocky Mountain Aggregate and Construction

23625 Uncompahgre Road

Montrose, CO 81401

Greg Lewicki

Greg Lewicki and Associates

11541 Warrington Court

Parker, CO 80138

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

RE: Comments to a 112c Application, Uncompahgre Pit, File No. M-2013-007

Dear Mr. Luttrell and Mr. Lewicki:

As of April 17, 2013, the Division has received comments to the above referenced permit application from the following parties and/or interested persons:

Letters of Objection:

1. Janice Wheeler, dated February 25, 2013, received March 6, 2013
2. Susan J. Hansen, dated March 27, 2013, received March 29, 2013
3. Dr. Joseph J. and Mary A. Scuderi, dated March 28, 2013, received March 29, 2013
4. Gene and Carolyn Kliethermes, dated March 30, 2013, received April 1, 2013
5. Robert G. & Joan D. Hooper, dated April 8, 2013, received April 9, 2013
6. Dennis Schultz, dated April 7, 2013, received April 10, 2013
7. Barbara Bernhardt, dated April 7, 2013, received April 10, 2013
8. Lester & Kathleen Stigall, dated April 8, 2013, received April 11, 2013
9. Carter & Stacy Trask, dated April 12, 2013, received April 15, 2013
10. Stan & Kathy Borinski, dated April 12, 2013, received April 17, 2013
11. Keith & Sharon Rasmussen, not dated, received April 17, 2013

Letter of Support:

12. Al & Vicki Becker, dated April 2, 2013

Commenting Agency:

13. History Colorado, SHPO, dated March 8, 2013, received March 12, 2013
14. Colorado Parks & Wildlife, dated April 9, 2013, received April 15, 2013

Please find enclosed copies of the written comments from Mr. and Mrs. Borinski, Mr. and Mrs. Rasmussen, and Colorado Parks & Wildlife. Copies of all other written comments have been

previously forwarded. Please inform the Division how the Applicant intends to address the jurisdictional issues raised by the timely comments.

Please contact me at the Division's office in Durango at 691 County Road 233, Suite A-2, Durango, CO 81301, phone (970) 247-5469, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wallace H. Erickson", with a stylized flourish at the end.

Wallace H. Erickson
Environmental Protection Specialist

Enclosure: Comment letters 10, 11 and 14, as listed above

cc w/enclosure: Greg Lewicki, Greg Lewicki and Associates
Russ Means, DRMS GJFO

67737 Uintah Ct.
Montrose, CO 81403

Wally Erickson
Division of Reclamation - Safety & Mining
691 County Road 233, Suite A-2
Durango, CO 81301

RE: File #M-2013-007

April 12, 2013

RECEIVED
APR 17 2013
Durango Field Office
Division of Reclamation,
Mining and Safety

This letter is to voice our opposition to the proposed gravel pit/strip mining operation located nine miles south of Montrose on Highway 550, on land currently zoned general agriculture.

The new owners of the land, Lazy K-Bar Land & Cattle Company, LLLP, have proposed to lease out a portion of the parcel that is not conducive to ranching to Rocky Mountain Aggregate and Construction. A strip mine of horrendous magnitude, covering over 250 acres, is proposed for this portion. The beautiful mesa will be totally destroyed.

The owners of the parcel of land withheld information from the public regarding their intentions right from the start. When landowners near the site such as ourselves were finally informed about the operation, we discovered that significant changes had already been made to widen T Road and that a single-family home was purchased to serve as an office and scale site, in anticipation of the project already being approved.

If the gravel pit/strip mining operation is allowed to proceed, the value of all property near the facility will plummet. We and many of our neighbors have invested much of our retirement in our home and land. An operation of this size would result in sizable decreases in equity. It is unfair for the Lazy K-Bar Land & Cattle Company to be able to enhance the value of their property at the expense of so many others.

Over the last several years, Montrose County has been experiencing strong winds & dust storms during the spring months. The operation will carry even more dust and dirt in the air and neighboring landowners will be subjected to the strong, unpleasant odor from the asphalt processing plant.

The extensive operation will also have a negative effect on the wildlife, including deer, elk, coyotes, foxes, bobcats, mountain lions, bears, eagles, hawks, kestrels, various songbirds, and possibly Gunnison sage grouse. With plant activity, noise, and pollution, these animals will be forced to relocate.

Montrose relies on tourism for its economy and on the retirement community for its growth. An eyesore like the gravel pit/strip mining operation and its heavy truck traffic will surely not appeal to tourists and prospective newcomers. There has been much invested in real estate both to the east and west of the mesa. The most rapid growth of Montrose is south of town. The operation will also have a detrimental effect on the value of vacant land and subdivisions waiting to be developed in the area.

It is estimated that there will be anywhere from 30 to 100 trucks per day entering and leaving the gravel pit/strip mining facility. This will include loaded and unloaded gravel trucks, cement trucks, asphalt trucks, fuel trucks and trucks delivering concrete and asphalt to be recycled. This is a very significant increase in traffic and poses a threat for oncoming traffic traveling 60 mph. The increased truck traffic also represents a hazard for school buses that travel on the highway.

To summarize, the strip mining operation will negatively impact:

- wildlife
- the environment
- property values
- residential living
- tourism
- the local economy
- driving conditions
- road quality

The attorney for Rocky Mountain Aggregate and Construction has publically admitted that this gravel pit/strip mining will be one of the largest of its kind in Colorado. As such, the negative aspects of this type of operation are multiplied. The company has made some concessions for the community, such as adding ingress/egress lanes to their facility. However, unless many larger concessions are made to the residents in the immediate vicinity and to the city and county at large, the impacts of project will be too significant. **Therefore, we ask that you deny this operation.**

Sincerely,

Stan Borinski
Kathy Borinski

Stan & Kathy Borinski
(970) 252-0006

✓
"OPPOSITION Letter

RECEIVED

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

✓
APR 17 2013
to Division of Reclamation,
Mining & Safety

RE: File # M-2013-007

As Colorado residents since 1994, we believed we'd found the perfect retirement spot – a quiet valley with amazing wildlife, 350 degree views of surrounding mountains, no road or city noise – total solitude, as our street address indicates.

Now we are told we will be experiencing an invasion of this solitude due to a gravel strip mining operation application that is within a mile of another gravel operation and 15 miles with 14 other pits. (www.montrosecounty.net – Master Plan Maps) The designated gravel mine location is labeled Agricultural/Rural Residential, also on the master plan.

As believers in the entrepreneurial society in which we live, we do question why a gravel strip mine would be allowed to interfere with a location that has been labeled "Mule Deer Critical Winter Range" and "Elk Winter Concentration Area" (Montrose County Master Plan Wildlife Map) and also lies within the historic habitat of the recently highlighted Gunnison Sage-grouse.

In addition to affecting the wildlife, why would the state allow a mesa, which can be seen from U.S. Hwy. 550 beginning at the Montrose city limits and viewed to the Montrose/Ouray County border, be made into a commercial eye-sore when one of the most economic draws is state tourism. The drive from Montrose to Ouray is one of the most beautiful in Colorado.

Not only will landscape views be affected, but tourists will have to deal with gravel trucks exiting and entering the operation at County Road T on Hwy. 550 – an estimated 200 trucks daily. How will this impact tourist travel? How will this affect the road condition of Hwy. 550? Will road repairs increase? Who pays?

The winds across Duckett Draw and up over the mesa (proposed mining area) can be very forceful. How will the state enforce dust control when even the dust of nature can make Hwy. 550 cloudy? The application makes comment that there should be limited dust impact and indicates the Air Quality Control Division of the CDPHE regulates this impact. How often will this be inspected?

Finally, we are in a drought and water rights have already been cut – water used to grow crops and feed animals for nutrition. How can the state justify using water for dust control, concrete batching, asphalt operation and crushing and screening gravel? Once again, who oversees the amount of gallons used for this operation and how much water do these other 14 gravel mines use? A gravel operation at this time and in this location certainly seems redundant!

A gravel mine situated within established residential communities highlights a selfish interest of a few while affecting many! We question this application and oppose such a development in this location.

Sincerely,

Keith W. Rasmussen

Sharon Rasmussen

Keith and Sharon Rasmussen, 20828 Solitude Road, Montrose, CO 81403, 970-240-1699
CC: Montrose County



COLORADO PARKS & WILDLIFE

2300 S. Townsend Avenue • Montrose, Colorado 81401
Phone 970 252-6000 • FAX 970 252-6053
wildlife.state.co.us • parks.state.co.us

✓
M-2013-007

"Comment" ✓

April 9, 2013

Wallace H. Erickson ✓
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman St, Room 215
Denver, Colorado 80203

RECEIVED

APR 15 2013

DIVISION OF RECLAMATION
MINING AND SAFETY

Re: Uncompahgre Pit, Rocky Mountain Aggregate, Colona, Colorado

Mr. Erickson,

Thank you for the opportunity to comment on the possible impacts the Uncompahgre Pit may have on wildlife. Colorado Parks and Wildlife (CPW) has reviewed the plans and visited the site of the proposed project. CPW does have concerns for certain wildlife issues that will be affected by the proposed Uncompahgre Pit.

The area of the proposed Uncompahgre Pit consists primarily of sage-brush vegetation on the upper terrace, with pinyon-pine and juniper trees on the surrounding slopes. The proposed site is significant winter range for deer and elk, Cottontail rabbit, red fox, coyote, small rodents, raptors, and song birds also utilize the sage brush and pinyon pine and juniper ecosystem. Small mammals and song birds rely on the sage brush ecosystem as protected nesting and foraging sites. With the adjacent agriculture fields in the surrounding valleys, many raptors, including bald and golden eagles will utilize the proposed site for foraging, as well as perching in the pinyon and juniper on the slopes.

The proposed pit site is critical winter range for both mule deer and elk, being utilized every winter and even greater use during severe winter conditions. Mule deer are browsers relying on the sagebrush flats for foraging and the steep, treed slopes for foraging, cover and bedding areas. Mule deer will prefer to forage on the sagebrush flats, as sagebrush is a winter staple to their diet, while forbs and grasses make up a smaller portion of their diet. The proposed site lies within the largest mule deer concentration area in the Uncompahgre valley, with animals that migrate from the Uncompahgre Plateau population to the west and the Cimarron population to the east. Mule deer exhibit high site fidelity toward their selected home ranges returning to the exact same area year after year. Disturbance to mule deer winter ranges can cause them to select alternative areas that provide lower quality forage and cover, potentially increasing their risk of conflicts with agricultural producers, predation, and decreased survival and fawning rates leading to subsequent population declines.

Elk utilize the sage flats as bedding and foraging areas, as well as the treed slopes. Elk are not constantly present in the area during winter, but do utilize the available food resources throughout the winter. Elk are grazers, preferring to forage in the sagebrush flats on grasses and during heavy snow years on the sagebrush as well. Elk show site fidelity to their selected home ranges, but are generally quicker to shift habitat selection and home range use following disturbance, which can result in shifting their distribution to areas that create greater conflict on the large agricultural fields below the mesa.

The proposed site with large sagebrush flats and the cover of the treed slope's, are used by both deer and elk as a buffer between the higher pinyon-juniper forests and the agriculture fields in the valley. Currently, Moonlight Mesa experiences very little human activity, which is partially why the mule deer and elk utilize it extensively throughout the winter. With increased disturbance, it is expected that both deer and elk will

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castilian • Jeanne Home
Bill Kane, Vice-Chair • Gaspar Pemcone • James Pribyl • John Singletary, Chair
Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar

come down to the valley, increasing damage to agriculture fields coupled with a significant increase in highway crossings.

The proposed Uncompahgre Pit will affect winter range for mule deer and elk through direct habitat loss and increased stress to ungulates during their most stressful time of year. Ceasing winter mining activity from December 15th through April 30th, will minimize stress to wintering ungulates. Proper re-vegetation with appropriate native plant seeding similar to current species composition will help restore the winter range and minimize affect on winter range over the long term. It will be important to minimize road structure and disturbance to the surrounding treed slopes of the pit area to minimize habitat loss, fragmentation and spread of weeds. Outside of direct removal of sagebrush habitat, the introduction and spread of invasive weeds poses the second greatest threat to sagebrush habitat loss through increased fire frequency, erosion, and decreased plant species diversity.

Proper re-vegetation will be important for re-establishing habitat for all wildlife species that currently utilize this area. A mix consisting of shrubs and forbs and to a lesser extent grasses will be needed for natural habitat restoration. CPW suggests a seeding mix of Daisy Fleabane at 1lb per acre, Dusty Penstemon at 1lb per acre, Sulfur flower Buckwheat at 2lbs per acre, Small Burnet at 3lbs per acre, and Sagebrush at 1lb per acre. Galleta, Indian Ricegrass, Winterfat, Shadscale, Scarlet Globemallow, Bottlebrush, Rabbitbrush, Four-winged Saltbrush would also be good to mix in. CPW recommends avoiding Crested Wheatgrass or Pubescent Wheatgrass as they tend to out compete native plants and don't provide quality forage for wildlife.

The specific area of the proposed pit, Moonlight Mesa, was where the last confirmed sighting was recorded for Gunnison sage-grouse from the Sims Mesa population. In January of 2013 the USFWS proposed to list the Gunnison sage-grouse under the U.S. Endangered Species Act. The listing proposal includes maps identifying "critical habitat" essential to the conservation of the species. The proposed gravel pit project falls within an area mapped by the USFWS as critical habitat for Gunnison sage-grouse because it contains physical and biological habitat features essential to the conservation of the species. CPW recommends that DRMS and the operator consult with the USFWS to ensure compliance with the Endangered Species Act.

If you have further questions please contact Matt Ortega, 970-209-2367, or myself.

Sincerely,



Renzo DelPiccolo
Area Wildlife Manager
970.252.6010

cc: Matt Ortega-DWM, Patt Dorsey-SW Region Manager