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Durango Field Office  
Division of Reclamation,  
Mining and Safety

## INFORM

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June 26, 2013

Mr. Wally Erickson  
Environmental Protection Specialist  
Colorado Division of Reclamation, Mining & Safety  
Durango Field Office  
691 County Road 233, Suite A-2  
Durango, Colo. 81301

Via email to [wally.erickson@state.co.us](mailto:wally.erickson@state.co.us)

Re: Comments on Uncompahgre Pit amendment application, Permit No. M-2013-007

Dear Mr. Erickson,

Thank you for the opportunity to comment on the proposed Uncompahgre Pit gravel operation, located in Montrose County. The Information Network for Responsible Mining is a Colorado-based citizens organization that advocates for the protection of communities and the environment and actively participates in mining reviews. INFORM appreciates your consideration of the following comments and concerns related to the amendment application.

As you are aware, the Uncompahgre Pit application has been controversial locally and has received numerous objections from nearby residents, with the vast majority of them expressing opposition for the future operations of the pit and associated cement and asphalt plants. Although the quality-of-life issues that are expressed in many of the residents' letters are not clearly the jurisdiction of the Division, INFORM also raises general concerns about siting a large gravel, cement and asphalt operation in close proximity to a subdivision and the likelihood that such a facility will create significant nuisances to residents, including those caused by haul traffic, dust, odor, noise, lights and the other impacts associated with an industrial operation. The proposed

mine site is currently grazing land and retains a rural character and a gravel, cement and asphalt operation appears to be a prima facie conflict over land use.

Of primary concern is the likely presence of Gunnison Sage-Grouse and the pending federal designation of critical habitat areas, including critical habitat that is included inside the proposed permit area. It is premature to approve a reclamation permit while this designation is still pending, especially when the final decision date of Sept. 30, 2013, is so close. Already, Montrose County has agreed to delay its issuance of a special use permit for the Uncompahgre Pit pending this decision from the U.S. Fish & Wildlife Service. In close proximity to the permit boundary is an existing grouse lek, the most critical habitat area to preserve if the species is to be both conserved and restored, as required by the Endangered Species Act. Research in support of the endangered species listing for grouse has documented the significant impacts to the species when leks are disturbed by nearby traffic, roads and habitat fragmentation. Noise, in particular, has an oversized impact on the health of lekking areas and their ability to attract birds and support mating rituals. Because the severe decimation of sage habitat throughout Southwestern Colorado has severely impacted the Gunnison Sage-Grouse, preserving critical habitat areas, especially lekking grounds, are imperative for grouse recovery. If the Division is to approve the Uncompahgre Pit's operations, the strongest measures possible should be required to protect the bird; and all critical habitat areas and areas that support critical habitat should be removed from the permitted area. Efforts to conserve the Gunnison Sage-Grouse, including the protection of connecting corridors between habitat areas, which may be particularly pertinent in the vicinity of the Uncompahgre Pit and to recovering the Sims Mesa sub-population, should be strongly supported.

The proposed operations also create significant wildlife impacts to deer and elk, due to the increased traffic leaving the site and entering U.S. Highway 550. This section of the highway is already designated as a wildlife corridor, with restricted speeds and extensive fencing necessary to reduce wildlife-vehicle collisions. The Colorado Department of Parks & Wildlife has raised concerns that operations at the Uncompahgre Pit will increase wildlife collisions and associated car accidents. This type of increase, which could cause fatalities to both people and wildlife, is unnecessary and indicates a general unsuitability of this project with the location. There are also discrepancies in how the traffic and haul trips are being counted, with 1.7 truck trips per hour indicated in the application to the Division, but far higher numbers indicated in the proceedings for the Montrose County special use permit. In addition, the Montrose County Planning Commission authorized an increase in the number of days that asphalt and concrete production would be allowed at the site; any changes to haul traffic that would result from this change have not been updated in the state permit application.

The permit application proposes an operation removing between 100,000 and 200,000 tons of gravel per year for the next 105 years. This is an extremely unrealistic scenario. Within a few miles of the Uncompahgre Pit are two existing, permitted gravel operations, and both have been idled in recent years. Clearly, there is no demand for an increase in local gravel supplies and the market is not viable. These realities indicate that the Uncompahgre Pit is not economically viable

and is speculative in nature. An operation of this magnitude with such wide latitude to operate and convert an agricultural area into an industrial site for over a century should not be allowed. In addition, it appears that the applicant's proposal to use agricultural water appears to be in conflict with a recent executive order from the Governor's Office on May 14, 2013, authorizing the development of a state water plan. This executive order specifically calls out for review the "buy-and-dry" practice of converting agricultural water for non-agricultural uses. The impact of this executive order on the proposed gravel pit should be understood and taken into consideration by the Division. (The executive order may be accessed online at: <http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheadname1=Content-Disposition&blobheadname2=Content-Type&blobheadervalue1=inline%3B+filename%3D%22D+2013-005.pdf%22&blobheadervalue2=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251855355625&ssbinary=true> ) It is clear, however, that the conversion of such water rights in the same manner as proposed for the Uncompahgre Pit is a practice that is being targeted by state water managers.

The Division has provided a lengthy and thorough adequacy review of the application and recently notified the applicant of a number of serious deficiencies on June 19, 2013. These deficiencies included substantial shortcomings with the application, including the lack of engineering designs for an access bridge, the lack of detail related to proposed stormwater management and erosion control, the manner in which Horsefly Creek will be protected from spills and hazardous materials, and the requirement of additional information regarding slope stability and the geohazards of the site, among numerous other concerns. The Division directed the applicant to provide response to these concerns prior to July 12. We agree that all of these items, without exception, must be addressed and the application should be denied if the deadline requirement is not strictly met.

Considering the problematic nature of the proposed Uncompahgre Pit, its undue impacts to residents and wildlife, and the significant deficiencies still evident in the application itself, we encourage the Division to deny the application.

Thank you again for the opportunity to comment.

Sincerely,



Jennifer Thurston  
Director  
INFORM