

# 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



**DATE:** July 9, 2013

**TO:** Steven G. Renner, Pre-hearing Conference Officer

**EC:** John Roberts, AGO for MLRB  
Julie Murphy, AGO for DRMS  
Russ Means, DRMS GJFO

**FROM:** Wally Erickson, DRMS DFO

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

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta E. Pineda  
Director

Please find enclosed copies of the timely comments received by the Division during the two public comment periods for the Uncompahgre Pit application.

### 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
12. Roger & Gail Noble, dated April 12, 2013, received April 17, 2013
13. Stan & Kathy Borinski, dated April 12, 2013, received April 17, 2013
14. Margaret T. Zanin, dated April 24, 2013, received April 17, 2013
15. Susan Berg, dated April 15, 2013, received April 18, 2013
16. Jim & Paula Wyrick, dated April 16, 2013, received April 18, 2013
17. Craig B. Schaff, dated April 19, 2013, received April 22, 2013
18. Amanda Winston, dated April 15, 2013, received April 22, 2013
19. Leigh Robertson, dated April 18, 2013, received April 22, 2013
20. Pam East, dated April 23, 2013, received April 23, 2013
21. Karen Michaelis, dated April 20, 2013, received April 24, 2013
22. Karen Michaelis, dated April 20, 2013, received April 24, 2013
23. Richard Schulz, dated April 20, 2013, received April 24, 2013
24. Richard Schulz, dated April 20, 2013, received April 24, 2013
25. Barbara Bernhardt, dated April 21, 2013, received April 24, 2013

- 26. Dr. Joseph & Mary Scuderi, dated April 4, 2013, received April 26, 2013
- 27. Zoe D. Larkin, dated May 15, 2013, received May 17, 2013
- 28. Rodger & Gail Noble, dated June 14, 2013, received June 17, 2013
- 29. Buckhorn Geotech, dated June 20, 2013, received June 24, 2013
- 30. Barbara Bernhardt, dated May 23, 2013, received June 26, 2013
- 31. INFORM, dated June 26, 2013, received June 26, 2013
- 32. Lee R. Bartlett, dated June 23, 2013, received June 26, 2013
- 33. Janice Wheeler, dated June 23, 2013, received June 26, 2013

Letter of Support:

- 34. Al & Vicki Becker, dated April 2, 2013, received April 4, 2013

Commenting Agency:

- 35. History Colorado, SHPO, dated March 8, 2013, received March 12, 2013
- 36. Colorado Parks & Wildlife, dated April 9, 2013, received April 15, 2013

On or before July 19, 2013, the Office of the Division shall issue its recommendation and rationale on the application.

The Pre-hearing Conference for the Uncompahgre Pit is scheduled for July 25, 2013, in the Centennial Room at 433 South First Street, Montrose, Colorado, beginning at 1:00 pm and terminating at or before 3:00 pm.

The Formal Board Hearing for the Uncompahgre Pit is scheduled for August 14-15, 2013.

WHE

Whe

M-2013-007

February 25, 2013

Division of Reclamation, Mining and Safety

1313 Sherman St. Rm 215

Denver, CO 80203

**RECEIVED**

MAR 06 2013

**DIVISION OF RECLAMATION  
MINING AND SAFETY**

To Whom it May Concern,

I have enclosed a photograph of the Public Notice Posted by Rocky Mountain Aggregate and Construction, LLC ("the Company "hereafter). This "Public Notice" is placed approximately 40 feet INSIDE their property line at the end of a dead end road, T Road. I have also enclosed the Posted sign that is located at the property line. Generally the gate is closed, at the time the photo was taken it was open. In addition, the County listed is Mesa County—this property is in Montrose County, and it is the Montrose County Clerk's office that has the copy of the application. It does not seem that this is an acceptable error for a Public Notice of this magnitude. The location is completely unacceptable as well.

**This gravel pit will have tremendous impact on the local area. According to the Montrose County Master Plan this area not only is not considered a "gravel resource"—see maps on their website, but it is listed as Agricultural, Rural Residential, Critical Mule Deer Habitat, Winter Elk Habitat, and has "Substantial" Wildfire Danger. There are two Diesel tanks requested, one 3,000 gallons and one 10,000 gallons. Should these be allowed year round in "substantial" wildfire danger area? Bio-Logic, who they used to do the wildlife survey, says the area has "no Raptors". We see Raptors every day, all day in this area; from Red Tails to Golden Eagles to Bald Eagles to Falcons. If this statement is inaccurate, imagine how inaccurate their other statements are. The Colorado Department of Parks and Wildlife has listed this property as "Occupied" Sage Grouse territory on their Endangered Species maps. This bird, as you know, is being considered for the Endangered Species list. This land borders BLM on one side and also is home to Mule Deer, Elk, rabbits, red fox, coyotes and many other species found in this area. Every fall the Deer and Elk rut just below the Mesa that the company is proposing to demolish.**

**The Company is proposing a 105 year plan to mine this area! According to their numbers, (which our County planning department says are very low estimates of actual harvest), operating 7 months of the year, 1694 hours, that is 61 trucks per day down T Road, and then most of them return, or one every 6 minutes or so. T Road connects directly to the busy north south highway 550. There are times I sit for minutes just trying to turn onto this highway. The application claims that there would be no noticeable impact on the traffic patterns in this area, this statement is inconceivable.**

**There is a United Gravel pit within one mile of this proposed site. With the extremely poor condition of the economy in Montrose County, I have yet to talk to anyone who sees a need for another gravel pit in this area. While we support healthy competition, why disrupt such a crucial wildlife area AND many people's lives? This property is surrounded on three sides by residences and one side by BLM.**

Please feel free to contact me with questions or additional information, I look forward to hearing from you on this matter at your earliest convenience.

970 209-9630

Thank you for your time and consideration. I am emailing a copy of this letter as well to the email on your website.

Janice Wheeler

67269 T Road

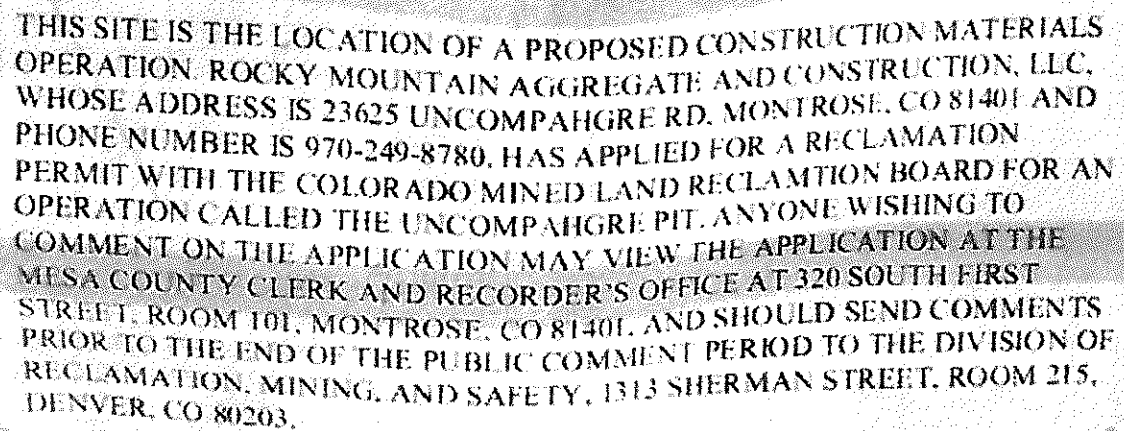
Montrose, CO 81403

**Janice Wheeler**

---

**From:** "Janice Wheeler" <janice@pineconeunlimited.com>  
**To:** "Janice Wheeler" <janice@pineconeunlimited.com>  
**Sent:** Thursday, February 21, 2013 8:32 AM  
**Subject:** Fw: 7 great iPhotos

DSC\_0569.JPG



THIS SITE IS THE LOCATION OF A PROPOSED CONSTRUCTION MATERIALS OPERATION. ROCKY MOUNTAIN AGGREGATE AND CONSTRUCTION, LLC, WHOSE ADDRESS IS 23625 UNCOMPAHGRE RD. MONTROSE, CO 81401 AND PHONE NUMBER IS 970-249-8780, HAS APPLIED FOR A RECLAMATION PERMIT WITH THE COLORADO MINED LAND RECLAMTION BOARD FOR AN OPERATION CALLED THE UNCOMPAHGRE PIT. ANYONE WISHING TO COMMENT ON THE APPLICATION MAY VIEW THE APPLICATION AT THE MESA COUNTY CLERK AND RECORDER'S OFFICE AT 320 SOUTH FIRST STREET, ROOM 101, MONTROSE, CO 81401. AND SHOULD SEND COMMENTS PRIOR TO THE END OF THE PUBLIC COMMENT PERIOD TO THE DIVISION OF RECLAMATION, MINING, AND SAFETY, 1313 SHERMAN STREET, ROOM 215, DENVER, CO 80203.

DSC\_0570.JPG

2/25/2013



DSC\_0571.JPG

DSC\_0572.JPG

DSC\_0573.JPG

DSC\_0574.JPG

DSC\_0575.JPG

who, gmm

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

March 27, 2013

I'm writing in opposition to the application file #m2013007. This proposed gravel pit in the Southwest portion of Montrose, will affect at least 250 residences within a 1 mile radius. I am writing to you so that you might consider the families that this project will negatively affect. In addition to the gravel being mined, there will also be an asphalt plant, and a concrete operation. Some residents that will be affected are unable to open windows in the spring, the traffic (I know this is a local issue) will put undue burden on the capacity of the roadway 550. This is already a hazardous intersection in a rural part of the county.

I know we love gravel in Western Colorado, however, I believe it would be beneficial to have another look at this location. Please let me know what I could possibly do.

*Susan Hansen*  
fr Susan J Hansen  
10990 5880 Road  
Montrose CO 81403  
970-209-0239

Cc: Mike King, Director, Department of Natural Resources

RECEIVED  
✓ MAR 29 2013  
to DIVISION OF RECLAMATION  
MINING AND SAFETY

Dr. Joseph J & Mary A Scuderi  
68044 Tulare Road  
Montrose, Colorado 81403

March 28, 2013

Mr. Wally Erickson  
Division of Reclamation, Mining and Safety  
Durango Field Office  
691 County Road 233, Suite A-2  
Durango, Colorado 81301

RECEIVED  
MAR 29 2013  
Durango Field Office  
Division of Reclamation,  
Mining and Safety

RE: Uncompahre Pit, File No. M-2013-007

Dear Mr. Erickson:

The concerned citizens in Montrose County have many in depth environmental issues that need to be addressed before the State and Montrose County Governmental Agencies approve the gravel, asphalt and concrete plant for Rocky Mountain Aggregate and Construction, LLC.- Permit No. M2013-007. Therefore it is recommended you do not approve this project at the T Road location at this time.

We believe spot zoning is an illegal practice that favors one individual at the expense of others, especially considering the large number of individuals who live in the given area of this pit. The River's Edge subdivision and other minor divisions are affiliate communities directly across from the pit. Numerous residents and a bed & breakfast surround the project. This massive industrial nightmare will result in decades of noise, water and air pollution from mining, petroleum and toxic dust, with a parade of dump trucks clogging narrow county roads and Highway 550 which cannot accommodate the present day two lane traffic much less the hundred plus added large quarry equipment.

There are studies, which show the air and noise pollution harm wildlife living and nesting near gravel, asphalt and concrete plants. We have experienced this first hand on Fountain Creek when the Blue Hereon Crane population was compromised. The Uncompahgre River is a very valuable wetland, which is less than a mile away from this future quarry operation. There are eagles, humming birds, ducks, and geese nests on the river and ponds with a fox den, deer, raccoons and other animals living near the river. The endangered Gunnison Sage Grouse has been seen on the proposed site. The health and welfare of human beings living around and near this pit will be subject to carcinogens and pollution, which could destroy one's health, especially several small children under the age of nine which live in this given area. No two asphalts are chemically alike because of the chemical content of the original crude petroleum form. Concrete, crushed rock and asphalt additives, plus operating temperatures of recycled paving materials cause increase in toxic emissions as is



documented by the EPA Division. (Case-EPA Division 1996) Therefore exposure to fumes and toxic dust from this plant will cause headaches, skin rashes, fatigue, reduced appetite, throat and eye irritation along with coughing and lung disease. The Air Pollution Control Division under the Federal Occupational Safety and Health Administration has documented these facts to be true. There is no biological mechanism for cleaning the body tissues from the toxins released from these types of plant operation pollution.

The water quality may also pose serious health issues to the largely populated area from the pit. The storm water run off and the water being used by this facility can lead to water quality impairment of our drinking water by polluting the aquifer because the sandy soil drains quickly. (Case Va Released 2009 by EPA.) Sediment ponds leak into the aquifer, which will have lime silo and fly ash from the site as stated in their permit. This is not only a health hazard to humans but also wildlife and fish in the area. It would be a true poison to our natural environment.

The irrigation ditch which Rocky Mountain Aggregate and Construction LLC will use is not piped but rather an open ditch carrying water to farmers in the area and the crops they grow could become contaminated with chemicals which infiltrate their fields from this proposed quarry. This would obviously have a negative impact on the agriculture food chain for humans, farm animals and wildlife downstream.

The permit request also states, "the soil area is covered with cobbles, stone, boulders and un-weathered bedrock." There is documentation, which shows a great deal of radioactive materials exists in these materials, which will be crushed at this site. It is well known and has been proven that radioactive material is a carcinogen, and causes respiratory cancer. This substance could be carried in the dust along with crystalline silica created by this plant. The pit will be located in a high wind belt; the wind blow west to east and vice versa. The direction of the wind pattern in this given area will increase the corrosion and is harmful to wildlife, humans, farm animals and vegetation. Breathing the particles from this deadly dust could cause severe health issues for the many residents that live in this area. The dust will be produced from blasting, crushing, screening and stacking operations as well as conveyor belts and loaders plus truck transport on site and off site. Dust is also produced during the overburden removal of berms and wind blowing over stockpiles and across the pit floor. How will the topsoil stockpile stated in Rocky Mountain Aggregate's permit report be secured without blowing dust pollution, if not used for at least a year? If approved, what agency will closely monitor toxic dust pollution and will the same agency make sure the natural berms are not totally destroyed? How often will this be checked? Also will all the heavy equipment be visually present after the pit operation starts and the mining continue for a number of years?

There have been a number of serious accidents at the Tulare and T Roads because the heavy traffic that already exists on Highway 550. What enforcement mechanism will be in place for future accidents, windshield damage to autos caused from gravel

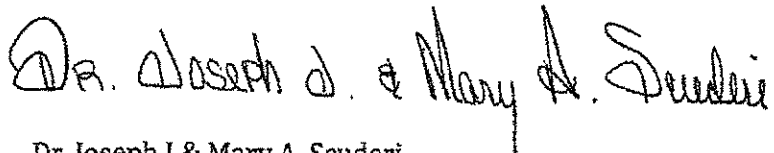
and concrete trucks entering 550? Who will be responsible for the road damage that will occur from the heavy equipment usage on all County and State roadways from this project?

Auburn University Studies show a significant decrease in property values, which are permanent, especially for home and businesses adjacent and next to the quarry operations. Therefore, we are requesting Montrose County conduct a reliable economic impact study by an outside independent firm to learn and document the real cost taxpayers will face in the true future value of their properties.

Converting recreational, historical sites and the residential area into a heavy industrial project is radical change and will cause Montrose County's future overall economic health to stagnate. The pit will be detrimental to the Fort Crawford Historical Site, which is less than 3/10 a mile away, and the scenic route with the majestic San Juan Mountains to the South. These attractions lead to tourist campgrounds and business establishments, which are vital to this community. Are Montrose County Officials concerned about the negative long term financial and health impact this pit will have on its citizens in this populated part of the county? Have government officials considered that two quarries are already in existence south of the proposed gravel site?

In summary, we respectfully request that Montrose County and the State Agencies that would grant permission for this gravel pit to operate, conduct an independent objective study before moving forward with approval of Rocky Mountain Aggregate and Construction, LLC- Permit No.M2013-007. The study should include issues of fragile wildlife and the health and welfare of those living near this proposed pit. The study should include the air, toxic dust and fumes, noise, traffic and property values that will be affected by this project. We request that copies of this research be made available to all the concerned citizens living near the proposed pit and submitted as part of the public record regarding this project.

Sincerely,

A handwritten signature in cursive script that reads "Dr. Joseph J. & Mary A. Scuderi". The signature is written in dark ink and is positioned above the printed name.

Dr. Joseph J & Mary A. Scuderi

March 30, 2013

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

Re: Uncompahgre Pit  
Permit File No. M-2013-007

RECEIVED  
APR 01 2013  
Durango Field Office  
Division of Reclamation,  
Mining and Safety

Dear Mr. Erickson:

We are writing to express our concerns regarding the permit request for another large gravel pit along Hwy 550, south of Montrose. Rocky Mountain Aggregate and Construction, LLC is seeking to operate a 248-acre gravel-mining site, as well as producing asphalt and concrete. Entry to the gravel and asphalt operation will be via T Road, directly across Hwy 550 from the entrance to Rivers Edge at Southmont subdivision and near many other small subdivisions, individual homes and small businesses. While our concerns are many, the major ones are addressed below.

**Highway 550 - Traffic:**

Rocky Mountain Aggregate has told us there could be as many as 100 gravel trucks pulling out of T Road onto 2-lane Hwy 550 on a daily basis. This number was for gravel trucks only and did not include asphalt trucks, concrete trucks, water trucks, diesel trucks, equipment trucks and/or employee and customer traffic.

- During an average off-season workday, Hwy 550 has a constant stream of traffic, both north and south. That traffic becomes heavy during the morning and evening commutes of people working in Telluride and other points south. Shuttles from Montrose to Telluride run several times each day. There are school bus stops and turnoffs along Hwy 550.
- Once tourist season begins, daytime traffic on Hwy 550 never stops. Added to normal traffic are campers, motor homes, motorcycles and other recreational equipment. Tourist season would coincide with the peak production cycle of the Uncompahgre Pit. The combination of heavy truck traffic and frustrated drivers would be a disaster waiting to happen.

**Highway 550 – Our Scenic Byway:**

Two emphases adopted by Montrose County for economic development are (1 )to promote tourism and attract new residents and (2 )to improve public infrastructure.

- Hwy 550 is the main tourist corridor between Montrose, the mountains, and resort areas to our south. So far, that corridor includes two active gravel pits, car-repair shops, used vehicle sales, storage units, and a tire dump. Another gravel pit will neither impress visitors nor encourage people to stay.
- The city of Montrose is growing and the southern part of Montrose County is a prime location for people to live, play and shop. A huge, long-term gravel operation would be detrimental to this potential development opportunity.

**Property Values and Quality of Life:**

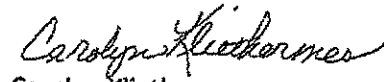
- According to a 2006 study by Diane Hite of Auburn University, all houses within a 3-mile radius of a gravel pit will lose from 4.9% to 30% of its value.\* Most property in Montrose County has already lost value due to the recession. Those of us who would be living next door to the Uncompahgre Pit would never regain full value of our homes.
  - \* *Diane Hite's study methods have been used in many places and for all kinds of quarries, and the results are always the same – i.e., the closer the pit, the more value is lost.*
- Unlike the existing gravel pits nearby, the Uncompahgre Pit would be above and to the west of the Rivers Edge subdivision, as well as many smaller subdivisions and individual homes. With our typical westerly winds, the rock-crusher noise, truck noise, dust from digging, dust from trucks on a dirt road, stink of asphalt production and diesel smells of trucks and heavy equipment will drop on the entire area. *Dust-borne pollutants will invade our air, our homes, our irrigation ditches and our river.*
- Our neighbors in Rivers Edge range from young families with children to retirees. A Mormon church and a bed-and-breakfast border our subdivision at the corner of Hwy 550 and Uncompahgre Road. We enjoy a quiet existence along with deer, rabbits, marmots, foxes, geese, hawks, eagles, a myriad of small birds, and an occasional bear. Like ourselves, many of the retirees left other states to fulfill long-term dreams of living in the Montrose area. Our life savings are in our homes. A noisy, smelly, contaminated gravel/asphalt/concrete business in our backyard would totally destroy everything we have invested.
- The site of the proposed Uncompahgre Pit includes potential habitat for the Gunnison sage grouse. Is not this potential habitat to be preserved? The Uncompahgre Pit permit will span decades. Just because the sage grouse is not currently in the area, can you positively state that it would not make use of the potential habitat in the future?

The Montrose County Mission says the Commission will “..provide services that facilitate public health, welfare, safety and infrastructure to Montrose County citizens..” and the County Vision states the Commission will “..serve as a responsive body to citizen needs, quality of life and individual liberties”.

With the Mission and Vision in mind, please weigh the quality of life and safety of the many against the profit potential of a few - and help us reject the Uncompahgre Pit (M-2013-007) proposal.

Respectfully,

  
Gene Kliethermes  
20462 Tulip Circle  
Montrose, CO  
gkliet@aol.com  
970-252-1498

  
Carolyn Kliethermes  
20462 Tulip Circle  
Montrose, CO  
cskliet@aol.com  
970-252-1498

Whe, grm

Division of Reclamation, Safety and Mining

1313 Sherman St. Room 215

Denver, CO 80203

8 April 2013

RE: File# M-2013-007

RECEIVED

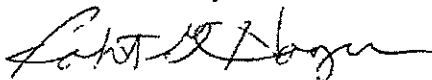
✓ APR 09 2013

DIVISION OF RECLAMATION  
MINING AND SAFETY ✓

For the following reasons we are opposed to the gravel pit and asphalt plant proposed at the end on T Road off of Highway 550 in Montrose County.

- 1) The gravel pit and asphalt plant will devalue the subdivision we live in. We live one mile west of the proposed pit. We worked 40 years to own the home we live in and we should not have to suffer this loss so a land speculator can profit.
- 2) Highway 550 gets a heavy traffic load in the mornings and evenings year round. During the tourist season the traffic is heavy all day. The intersection of T Road-550-Tulare is certainly not set up to handle 100 heavy trucks a day coming into T road and 100 trucks a day pulling out onto 550. This intersection will become a major safety hazard and a major bottleneck to traffic flow on Highway 550.
- 3) We do not welcome the health hazard of asphalt fumes and rock dust on a regular basis.

Robert G. Hooper



Joan D. Hooper

✓ Joan D. Hooper

20537 Tulip Circle

Montrose, CO 81403

Whe, GRM

April 7, 2013

Mr. Wally Erickson DNR Division of Reclamation, Mining and Safety

1313 Sherman St. Room 215

Denver, CO 80203

Mr. Erickson,

RECEIVED

APR 10 2013

DIVISION OF RECLAMATION  
MINING AND SAFETY

I am writing in regard to Permit Application M-2013-007, the Uncompahgre Pit proposed in Montrose County. It is my understanding that there have been several zoning laws passed in recent years to stop Construction in Skylines within scenic corridors in Colorado. The proposed Mine is on the skyline and they intend to run (in their estimation) 250 semi trucks per day on top of the Mesa as well as a large visible mining operation that includes diesel generators, wash plants, rock crushers, asphalt and concrete plants.

Many people have placed their life savings into their homes in this area; they can view this operation from these homes. They would not have purchased these properties if this possibility had been in the County Master Plan.

Why did the County hire people at tremendous expense to help design a Master Plan which recommends all development be north of Montrose and leaving the scenic corridor as it exists? Don't put Industry in amongst Agriculture!

In addition this area is high wind with proposed 77,000 tons of topsoil piled and stored on top of a Mesa 600 feet above the valley. We have recorded 30-40 mile per hour winds regularly with ¼ mile of this site.

The access road connects to a very busy two lane highway with no turn lanes—in their estimation these would pull out or back every 3 minutes.

There is a gravel pit .6 miles south of this location with two permits, one which has never been mined. The other pit has "several years" of product according to the foreman. It is our understanding that there are 15 gravel pit operations within 15 miles of this proposed site. There is very little demand in this area, what is the need for a 105 year 247 acre mine that will destroy many people's life savings and quality of life in one of Colorado's most scenic corridors?

I strongly oppose this Special Use Application. Please do not hesitate to contact me for further information.

Thank you for your consideration.

  
Dennis Schultz

970 209-1419

whe, grm

✓  
Barbara Bernhardt  
20409 Solitude Road  
Montrose, CO 81403

RECEIVED

✓ APR 10 2013

✓ DIVISION OF RECLAMATION  
MINING AND SAFETY

April 7, 2013

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

Re: Permit Application Number m2013007, Proposed Uncompahgre Gravel Pit

I am writing to comment on one of the concerns I have with the above permit application, that being the inaccurate representation of surrounding properties.

A photo in section J-4 (page 53) of the New 112c Application submitted on 2/12/2013 is wrongly identified as 'Picture 5 - Lower valley bottom west of pit showing Irrigation Canal after tunnel under property'. Also, an accurate photograph of nearby properties on the north end of the mesa was not provided. Additionally, no accurate photograph of nearby property owners to the east or south of the proposed pit was provided. Because of the misidentified photo and the omission of other pertinent ones, the actual status of the land as an area with a significant number of residences surrounding the proposed pit is not accurately reflected in the application.

Since I live in the valley west of the proposed pit, I recognize the 'Picture 5' photo on page 53 as having been taken from the far north end of 6565 road, near its intersection with Solar Road, about 1.3 miles to the north of the location wrongly identified in the photo caption. The canal in 'Picture 5' is not the 'West Canal', which travels beneath the mesa to the south, just north of the proposed pit, but rather the 'Montrose and Delta Canal' after it has rounded the northern end of the same mesa. I have included a photo of the Montrose and Delta Canal that I took this afternoon. The road in the picture is Solar Road. Please note the white pickup camper in both photographs.

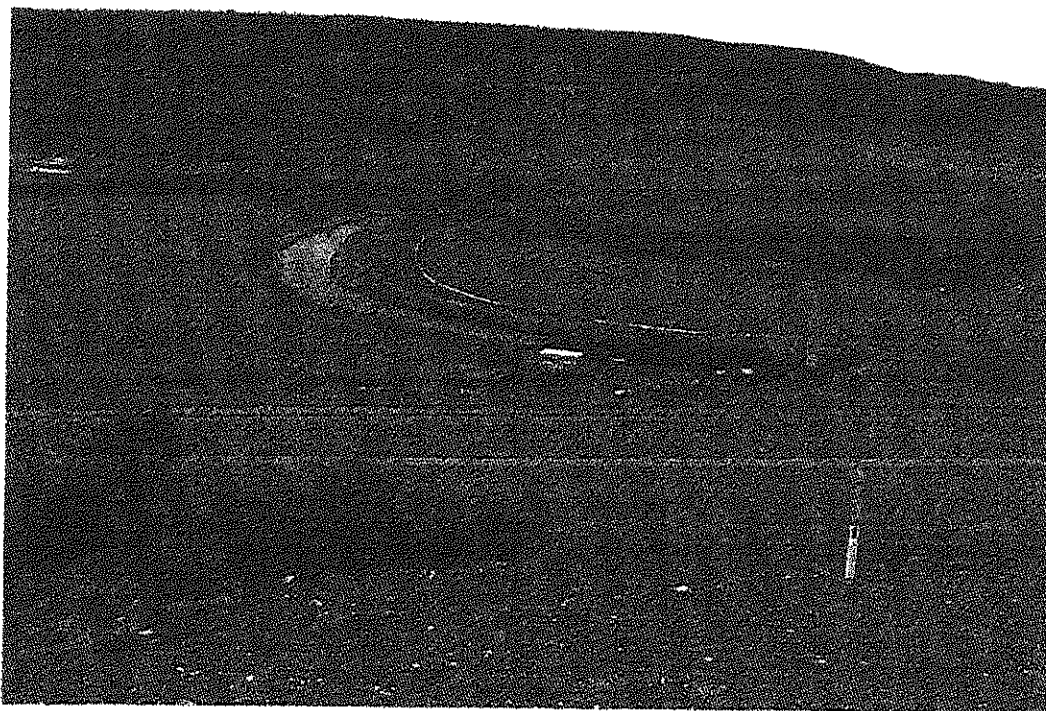
An accurate photograph actually taken from the proposed mine site would have revealed that there are eighteen homes in the valley immediately to the west of the proposed pit. In total, this small valley currently contains 51 homes. On the mesa top immediately north of the proposed pit (of which no photo has been provided by the applicant) there are 8 homes in the Mountain View Mesa Subdivision. A second subdivision, Moonlight Mesa Subdivision, consists of 6 homes and is located to the immediate north of the Mountain View Mesa Subdivision on the mesa top. This brings the total to 14 homes on the small contiguous mesa top just to the north of the proposed pit, and to 65 the number of homes immediately north and west of the proposed pit.

It is interesting to note that Map B-2, Adjacent Landowner Map, and its accompanying Appendix 3, Nearby Landowner List, supplied with the 112c Application, fails to account for any of the landowners living either in the valley to the west or on the mesa top to the north of the proposed pit. Since an accurate representation of the current use of the entire area surrounding the proposed pit has not been provided in the application, and consequently a substantial number of nearby properties and their uses have not been accounted for, it would not be possible for DMRS to render an appropriate decision regarding the permit application.

Sincerely,

A handwritten signature in cursive script, reading "Barbara Bernhardt". The signature is written in dark ink and is positioned above the printed name.

Barbara Bernhardt



View of Montrose & Delta Canal from 6565 Road, approximately 1.3 miles N. of pit



April 8, 2013

Application of Reference: M-2013-007 Rocky Mountain Aggregate, Const LLC  
Uncompagere Gravel Pit

Dear Sir,

This letter is in regard to the above Reference.

I'm sure you are familiar where this proposal is located. Possibly the Board in Denver is not familiar with it.

This area is introduction of seeing the growing up to the San Juan Mountains.

Most people that have moved here in the past ten years was because of the beauty of this area.

We are a retired couple from the Denver area, driving the mountains but never dreaming living here.

Having a business located in Englewood, Co. for 20 years afforded us to move to Montrose.

Our custom built home is in a Mayfield that my husband enjoys irrigating bring back childhood farming memories.

The property this proposal, gravel pit is perpendicular from our home and 10 acres.

The truck road from 550 on T road going up to the pit will be less than a quarter mile away from our home. The road will be cut into the Mesa and an "eye sore" to what we see now "tree covered Mesa. The smells and dust from asphalt and concrete production will take away the air that we moved here for.

My husband has C.O.S.D. and is "biggy" at night.

2  
The Rocky Mtn Aggregate Co. that owns this property  
have two other gravel pit sites south of us that is  
not hindering anyone's homes - and does not produce  
concrete and asphalt. Why do they have to do that here?

It will be a detrimental sight to see from 550 Hwy.  
on top of the mesa with the equipment they will need.

This is a retirement area of beautiful homes  
and landscaped yards and gardens and agriculture too.

It would make potential residents think that  
the "City Fathers" have no regard for what draws  
people to this area and owners of this plan seems  
to care less.

The legacy we thought we created  
for our children will be gone.

Respectfully,

Leaster and Kathleen Stigall  
67751 Wintak Ct  
Montrose, CO 81403

E-mail LNK@Frontier.net

RECEIVED  
APR 11 2013

Durango Field Office  
Division of Reclamation,  
Mining and Safety

April 12, 2013

Carter and Stacy Trask  
67920 Tulare RD.  
Montrose, CO 81403  
(970) 252-1801

RECEIVED

APR 15 2013

Durango Field Office  
Division of Reclamation,  
Mining and Safety

Mr. Wally Erickson  
Division of Reclamation, Mining and Safety  
Durango Field Office  
691 County Road 233, Suite A-2  
Durango, Co 81301

Dear Mr. Erickson:

We are writing in response to the proposed gravel pit located west of Highway 550 and T- road ( File No. M-2013-007; Montrose County special use permit #SU-13-0004) filed by Rocky Mountain Aggregate. We respectfully solicit your support in our efforts to oppose this application because of the negative economic and environmental impact on surrounding residents and motor vehicle safety along Highway 550.

Economic shortfalls will come in the form of reduced new home construction and a lowering of current residential property values. These financial drawbacks will be a direct result of the environmental issues which are inherent in any such operation. Aggregate operations generate large amounts of dust and noise, loss of wildlife habitat, and create large decade long scars on the land. We feel an environmental impact study needs to be done prior to the approval of this permit. Do you know of anyone who wants to live near a gravel pit?

Vehicle safety is another concern for this heavily traveled portion of Highway 550. As we understand, this 250 acre operation may generate in excess of 100 additional vehicles accessing T-road. In the 14 years we have lived at our address we have seen four vehicle accidents at this intersection. They resulted from traffic failing to yield as homeowners were attempting to turn off of Highway 550. Increased heavy truck traffic may also lead to premature road wear and roadway hazards from loose gravel falling from trucks. Will highway 550 be widened, or a turning lane added? Will T-road be paved to reduce dust?

These issues have not been adequately discussed or resolved. Though there are numerous state and federal regulations regarding such sites we feel this location should not be developed with so many serious potential problems and close proximity to numerous homeowners. The homeowners living nearby moved to this area for the great quality of life. We take pride in our homes and the rural undeveloped nature of Montrose County. This special use permit does not appear to promote the best interest of the general public's health, safety and welfare.

Thank you for you time and consideration,

Sincerely,

Carter Trask



Stacy Trask



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

Whe

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](http://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 and Sharon Rasmussen, 20828 Solitude Road, Montrose, CO 81403, 970-240-1699  
CC: Montrose County

M-2013-007 whe

RECEIVED

✓ APR 17 2013

to Division of Reclamation,  
Mining & Safety

April 12, 2013

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

To Whom It May Concern:

My wife and I are property owners in Montrose County adjoining T Road. We own the property at 67409 T Road just north of the property whose owners are in the process of applying to get a Montrose County Special Use Permit to operate a gravel pit on land currently zoned "general agricultural".

We strongly object to a special use permit for a gravel pit. Our property has the most road frontage on T Road (2350 ft. more or less) except for the applicant, and we feel if this gravel pit permit is granted it will have a great negative impact on our property and life there. It will significantly reduce our property value with a 105 year plan and no compensation.

The gravel pit itself will create dust but, also, the big trucks hauling the gravel out (estimated to be as many as 100, 200 ? trucks a day) will create high truck traffic with more dust! The truck traffic not only increases the danger to farming and ranching activities (moving farm machinery and cows), but also is hazardous to anyone walking on the road (school bus students, pedestrians, and their pets). This scenario turns a quiet, rural, country road into a high traffic road with dangerous, heavy loaded, trucks which take more distance to stop safely. We feel this truck traffic turning onto and off of Highway 550 would certainly warrant acceleration and deceleration lanes due to the impact of high traffic and the dangerous situation the gravel pit usage of T Road would create and therefore become even more of a safety issue than exists now from the high traffic volume on Highway 550. A dedicated or private road on the applicant's property would be more appropriate for all concerned.


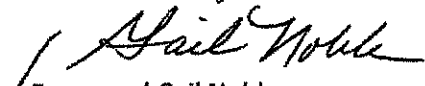
We feel the impact of this type of an operation on T Road negatively affects us and the other residents of the local area. Such a large operation will certainly detract from the agricultural nature of the area, the scenery, the ascetics that attract tourism and the beauty of the area. It will devalue our property, and make it less desirable to live safely on T Road.

We cannot stress enough, how important it is for this application for a special use gravel pit permit to be denied as proposed. Please consider all the different phases of an operation this size. Who will and what will be affected before making any decision in this matter. There is

already two other gravel pits in this local area of Montrose County. We implore your best judgment for all the citizens on this critical issue.

Is a gravel pit worth jeopardizing a whole community of people for one family's gain?

Sincerely,

  
  
✓ Roger and Gail Noble

Cc: Montrose County Planning Commission  
Montrose County Commissioners



67737 Uintah Ct.  
Montrose, CO 81403

Division of Reclamation  
Safety & Mining  
1313 Sherman St., Room 215  
Denver, CO 80203

RECEIVED

APR 17 2013  
Division of Reclamation,  
Mining & Safety

RE: File #M-2013-007

April 12, 2013

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 & Kathy Borinski  
(970) 252-0006

Whe

✓ Margaret T. Zanin  
65010 Solar Rd.  
Montrose, CO 81401  
970-252-8139  
pegpzan@aol.com

1.M-2013-007

Division of Reclamation  
Safety & Mining  
1313 Sherman St., Rm.215  
Denver, CO 80203

RECEIVED

✓ APR 17 2013

✓ DIVISION OF RECLAMATION  
MINING AND SAFETY

April 24, 2013

"OBJECTION LETTER"

Gentlemen:

The possibility of a gravel mine doesn't bother me. They can be made socially acceptable but the possibility of an asphalt plant seems really over the top. That has got to make awful stinks. I have trouble breathing as it is and have to use supplemental oxygen at this elevation. Now you want to poison my air. My daughter has spent the past 2 years fighting for her life with a particularly difficult form of cancer. She is still totally disabled but is making headway toward being a normal person. This cancer is known to be associated with chemical pollution. Your proposal will kill her.

And what about the birds? We have operated a rescue ranch for animals and birds for many years. We have in indoor aviary with about a dozen birds, 4 of which came from the Gabriel Foundation because they couldn't place these birds and didn't have room to keep them so we were asked to foster them. Their veterinarians stress the need for clean air in the birds environment. We're not even allowed to clean the glass in the aviary with Windex because it gives off vapors that will make the birds sick. What will happen to them with an Asphalt Plant on the other side of the hill. And what about migrating birds? This is a flyway for migrating birds. The great blue herons, the whooping cranes and many other species will have to change their flight plan and we will lose the thrill of seeing them coming through.

You may think this area is not heavily populated and therefore not much of an interference. Don't be deceived. There are approximately 60 homes just in Duckett Draw (immediately north of your proposed asphalt plant. There are literally hundreds of homes also tucked into the hillsides and valleys. We get very strong winds, often from the south. They will sweep the fumes from the asphalt directly to us! What will this do to our property values? The assessments on our homes will decrease and the corresponding taxes will drop causing a loss of revenue to the County.

The question arises, would you want a stinky asphalt plant in your back yard? I have to believe the answer would be no. If you destroy the beauty and the cleanliness of our "back yard" it will destroy our property values and our quality of life. That will impact revenue to support the County as well as influence the voting preferences of the residents. We'll have a daily reminder of who caused the demise of our way of life.

Sincerely,

Margaret T. Zanin

RECEIVED

✓ Susan Berg

M-2013-007

APR 18 2013

"Comments"

From: "Susan Berg" <skberg@mountaingrocery.com>  
 To: <swhite@montrosecounty.net>  
 Cc: <dwhite@montrosecounty.net>; <rhenderson@montrosecounty.net>; <gellis@montrosecounty.net>  
 Sent: Monday, April 15, 2013 2:58 PM  
 Subject: strip mine, concrete plant, asphalt plant south of town

DIVISION OF RECLAMATION  
 MINING AND SAFETY ✓

Its 2007, We are an average, hard working, middle class family. We sell everything to be able to move to beautiful South Montrose and into the exceptional Rivers Edge Subdivision so my husband can work in Ridgway. Like almost everyone in our neighborhood we work hard putting in landscaping, irrigation systems, our shop, curbing...everything to improve our home. We are sooo lucky because we have peace and quiet, fresh air and and neighbors you only hear about in stories. We take care of each other and help each other out on a daily basis in in our neighborhood and we all take great pride in the appearance of it. Can you even IMAGINE our fear and shock when we heard that one of our "good neighbors" is trying to start a strip mine, a concrete plant and an asphalt plant right across the highway from us !?!

Asphalt plants mix gravel and sand with crude oil derivatives to make asphalt. These plants release millions of pounds of chemicals into the air during production each year, including many cancer causing toxic air pollutants such as: arsenic, benzene, formaldehyde and cadmium. Other toxic chemicals are released into the air as the asphalt is loaded into the trucks and hauled from the plant site, including volatile organic compounds, polycyclic aromatic hydrocarbons (PHS'S) and very fine condensed particles.

Asphalt processing facilities are major source of hazardous air pollutants such as hexane, phenol, polycyclic organic matter and toluene. Exposure to these toxics may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritations.

A plant producing 100,000 tons of asphalt a year may release up to 50 tons of toxic fugitive emissions into the air. How often will this plant be tested for these emissions and will they have an actual "stack test" or will they just be estimated by computers and mathematical formulas? According to Dr. Luanne Williams, a N. Carolina state toxicologist, 40% of toxins from asphalt plants smokestacks may meet air quality standards and for the other 60% of these emissions, the state lacks sufficient data to determine further data, so people living nearby are still exposed to cancer causing substances that can cause long term damage. These Standards are based on "acceptable risk".

"Acceptable" ... in my eyes, anything harmful to the human body and to our health is totally "UNACCEPTABLE"! Would YOU move your families and grandchildren into our Rivers Edge Subdivision or anywhere near this proposed plant ?!?!

This plant will be one of the biggest in the state of Colorado to date and offers NO benefits! It creates NO outside jobs, and will NEGATIVELY impact our wildlife, environment, property values, health, traffic, residential living, tourism, driving conditions, road quality and local economy. Have we elected the WRONG people to watch out for us and protect us from JUST this very thing? I'd like to think MY elected officials will take great thought in the making of this decision that will negatively affect the lives, health and properties of soooo mant citizens and to ONLY promote positive growth in Montrose. What would that say about our elected officials if all they can attract is businesses that will negatively promote Montrose? Please agree UNANIMOUSLY that this strip mine, concrete plant and asphalt plant NOT BE APPROVED. That would be the RIGHT decision for this wonderful community..

Susan Berg  
 67888 Tumbleweed Rd.  
 (970)240-4323

*Susan Berg*  
 67888 Tumbleweed Rd  
 Montrose, CO  
 81403

4/15/2013

Whe

AM-2013-007

**RECEIVED**

✓ APR 18 2013

April 16, 2013

✓ DIVISION OF RECLAMATION  
MINING AND SAFETY

Div of Reclamation Mining & Safety  
1313 Sherman St Rm 215  
Denver CO 80203

Re: Proposed Gravel Pit

Gentlemen:

We would like to express our opposition to the proposed Uncompahgre Gravel Pit on T Rd west of Hwy 550 in Montrose, Colorado.

Our main concerns are the close proximity to our neighborhood on Moonlight Mesa, which would look down onto the pit. It would result in a lot of dust and noise as well as odor from the asphalt plant operation. The increased truck traffic on 550 would be quite dangerous as well. We also believe our property values would be severely impacted.

Please consider the concerns of the homeowners in the vicinity of this gravel pit. I don't know why anyone would consider putting this so close to so many homes.

Sincerely,

✓ Jim and Paula Wyrick

19488 6565 Rd

Montrose CO 81403

Whe

4M-2013-007

21645 Government Springs Road  
Montrose, Colorado 81403  
April 19, 2013

RECEIVED

APR 22 2013

To Whom It May Concern

DIVISION OF RECLAMATION  
MINING AND SAFETY

Re: Proposed Gravel Pit/Asphalt Plant

I am opposed to the proposition of another Gravel Pit/Asphalt Plant Facility to be established approximately seven miles south of Montrose off Highway 550 on "S" Road. Please understand that I am not against progress or job creation.

I already own a property on Vernal Road which was  $\frac{3}{4}$  of a mile away from The United Gravel Pit. In recent years United has expanded up to Vernal Road, so now we are neighbors. I moved to the "Countryside" for "Country Living". If I wanted to live in an industrial park, I would have purchased property in an industrial park. I would expect that the State of Colorado would have zoning laws to cover this issue. The present location and proximity of the Gravel Pit have significantly devalued my Vernal Road Property. I now live on Government Springs Road, with six acres of "country living" surrounded by ranches and nearby BLM lands. Here comes a proposal

for another Gravel Pit/Asphalt Plant Facility to further devalue my second property, just in case the economy has not produced enough shrinkage in real estate values already.

I think it is time to forget the Gravel Pit on "S" Road. If you must move forward with this project then place it on BLM land where no people live. Another alternative might be to roll back the property taxes to the assessed rates in 1931 for all homeowners within a five mile radius and let the Gravel Pit pick up the difference. If this seems unfair to the Gravel Pit then roll everyone's tax base back to 1931 rates and let the county and state collect less revenue.

In conclusion I have respiratory problems and paid to live in a place with clean air. If you attended the local March meeting on this subject, you would have observed a close call with violence.

I believe April 19, 1775 was the Boston Tea Party - - - if you push people too far it can happen again!

Sincerely,

W Craig B. Schaff

the

State of Colorado  
Division of Reclamation, Safety & Mining  
1313 Sherman St. Room 215  
Denver, Colorado 80203

4/15/13

**RECEIVED**

File M-2013-007

✓ APR 22 2013  
✓ DIVISION OF RECLAMATION  
MINING AND SAFETY

TO WHOM IT MAY CONCERN:

Please be advised that the above mentioned application for permit for a proposed gravel pit/strip mine/asphalt plant/concrete plant, is opposed due to the following

1. The land is zoned Rural/Ag.
2. The area is a regular migration route for Elk and Mule deer.
3. The land is located less than a mile from Hwy 550, and this mining operation will directly affect residents on the only access road (T Road), and also residents within an approximate 10 square mile area. The resulting loss of property values, plus heavy truck traffic, dust and asphalt odor is unacceptable.
4. Hwy 550 is a two-lane, already dangerous highway, which would become even more of a hazard with the added heavy truck traffic.
5. There are already three gravel pit/mining operations within a 20 mile radius.
6. Does the State of Colorado actually need one more strip mine along a beautiful mesa, which is seen by heavy tourist traffic both summer and winter?

I send this letter in the hope that you, our elected and appointed officials, will take note, and strive to maintain the quality of life and beauty of the land, and deny this application for permit to those who seek it only for greed, and self-benefit.

Respectfully,

✓ *Amanda Winston*  
AMANDA WINSTON

20798 Solitude Rd. Montrose, Co. 81403



RECEIVED

APR 22 2013

Durango Field Office  
Division of Reclamation,  
Mining and Safety

April 18, 2013

Mr. Wally Erickson  
Colorado Division of Reclamation, Mining and Safety  
691 County Road 233, Suite A2  
Durango, CO 81301

Dear Mr. Erickson,

Thank you for the opportunity to comment on Rocky Mountain Aggregate and Construction LLC's proposed gravel pit, concrete, and asphalt-producing batch plants on: a tract of land located within the Eastern portion of Section 27, Northeast portion of Section 34, and the Southwest portion of Section 26, all in T48N, R9W of the N.M.P.M., Montrose County, State of Colorado.

To provide some background, I have a B.S. in Natural Resources from The Ohio State University. I have worked for the U.S. Forest Service, The Nature Conservancy, state and county parks, and am the author of *Southern Rocky Mountain Wildflowers* by Falcon Press.

While these are my personal comments, you may want to know that I am the coordinator of the San Miguel Basin Gunnison Sage-grouse Working Group. I've held this position since 2006. The Working Group is comprised of staff from agencies such as the BLM, Forest Service, Colorado Division of Parks and Wildlife, and environmental groups as well as ranchers, businesses, university professors, landowners, and interested citizens. The goal of the group is: *To work together and coordinate efforts to ensure a thriving population of Gunnison sage-grouse in a healthy, conserved sagebrush ecosystem while helping to ensure a sustainable community in the San Miguel Basin, CO.*

This site is located within proposed critical habitat for the Gunnison sage-grouse (GuSG). The grouse was proposed to be listed as an endangered species in January by the U.S. Fish and Wildlife Service (FWS), and the final rule is due by September 30, 2013.

The proposed site for the gravel pit is very close to a historic grouse courtship ground (called a lek). Leks are arguably the most critical part of grouse habitat, and grouse are sensitive to noise and activity near leks. The noise from trucks is particularly disturbing to males on leks (Hicks, et al., 2011).

At the 28<sup>th</sup> Western Agencies Sage and Columbian Sharp-tailed Grouse Workshop, Dr. Gail Patricelli spoke on the impacts of noise on greater sage-grouse (which are very similar to GuSG). Dr. Patricelli's research found, "that noise caused significant declines in male attendance at leks

OVER →

(73% decline from road noise, as compared to control leks). We also found impacts on individual males who remained at noise-playback leks, with elevated stress hormones indicating chronic stress and changes in display behavior consistent with an impact from acoustic masking."

Dr. Patricelli stated that 49 db(A) is too loud for grouse, and it is our understanding that the noise level proposed for the gravel pit could go up to 50 db(A). Dr. Patricelli stated that for grouse the undisturbed ambient level is likely to be at 20-24 db(A) or less. She recommended that stipulations shouldn't allow noise to be over 10 db(A) above ambient levels.

Even though grouse haven't been spotted on this lek in recent years, it may be an area where biologists would like to reintroduce grouse in the future. In addition, it could be possible that grouse are in the area, but haven't been seen by biologists. In addition, this habitat could provide connectivity between various subpopulations of Gunnison sage-grouse, a factor that the FWS stated was important in their proposed rule.

If this gravel pit is denied, I believe the state of Colorado would be showing the Fish and Wildlife Service that they are willing to do what's necessary to protect the grouse and its habitat. This would show the FWS that state agencies can be trusted, and the FWS doesn't necessarily have to come in to ensure that this type of development doesn't occur in grouse habitat. On the other hand, if this permit is approved, it shows the FWS that the grouse really does need endangered species protection at a federal level.

For these reasons I would strongly recommend that this gravel pit, etc. be denied. Thank you for your consideration.

Sincerely,



4/18/13

Leigh Robertson  
596 Sabeta Drive, # D  
Ridgway, CO 81432  
970-316-1650  
LeighRobertson3@gmail.com

Whe

Division of Reclamation, Safety and Mining  
1313 Sherman St. Room 215  
Denver, CO 80203  
Re: File # M-2013-007

RECEIVED

APR 29 2013

DIVISION OF RECLAMATION  
MINING AND SAFETY

April 23, 2013

Dear Division,

I am writing this letter in opposition to permit file number M-2013-007 also known as the Uncompahgre Gravel Pit application in Montrose County, Colorado. My husband, two children and I live within less than 2 air miles of the land proposed to house this site. My objections have to do with the size and scope of the project and in turn the amount of traffic it would generate. I am also concerned with the amount of noise, dust, and contaminants it would produce which would greatly affect the air quality of the surrounding area. Lastly, I do not believe that it is needed as there are already enough local gravel pits to supply demand.

Because this is such a large development it is estimated that with the concrete and asphalt batch plant in operation there is the potential for 130 loads daily which equals 260 semi trucks entering and exiting onto Highway 550 per day. Living in this rural area my family and I commute into town every day, sometimes having to make numerous trips in one day. Thus we spend a lot of time on the stretch of highway that would be most utilized by these trucks. This is an already very dangerous section of road with many accidents and fatalities. Ironically, just this morning the kids and I witnessed a horrific traffic accident on the way to school. There was a fatality and a dump/gravel truck was involved. Because of the high rate of accidents due to wildlife on the roadway, it is already a designated wildlife zone in which speed limits are decreased during the winter months after 5pm. I am extremely concerned that such a huge increase in truck traffic will make traveling Highway 550 south of Montrose even more hazardous.

Currently there is a United Companies gravel pit in operation approximately 2 miles south of the proposed Uncompahgre Pit. Since I travel the highway on a regular basis, I have had numerous encounters with excess gravel and even cobbles which made the highway impassible all spilled from trucks traveling from the United pit. I am also concerned that these types of incidents would only increase with yet another gravel pit operating on the same stretch of road.

Because I also live just down the road from the current gravel pit, I am familiar with how much noise is generated when a gravel pit is in full operation, particularly when the rock crushers are running. The noise level along this highway and valley corridor is what I would consider to be very loud just with the traffic noise alone. Adding more traffic and the noise from the daily operations of a gravel pit would push it to an almost unbearable limit for those of us who live in this area.

In the springtime we have excessive wind storms which when strong enough will carry dust from the deserts to the south and west of us and deposit that dust all over the area. At times the dust is even

thick enough to block out the mid-day sun. The Mountain Studies Institute in Silverton, Colorado documents these dust storms and measures the impact of dust layers in the snowpack of the San Juan Mountains just 30 miles south of here. With such strong wind events which mostly blow from the west and south, I am also concerned that excessive dust would be stirred up by a large gravel pit operation and thus diminish the air quality of the nearby area. The landowners apparently have water rights attached to that land that they propose to use to help control dust. I would argue that in drought years that water needs to be available for the farmers and ranchers who depend on it for their livelihoods rather than being used for dust control. I also believe that toxins from an asphalt batch plant would diminish the air quality to an even greater degree.

According to Montrose County land use records, there are currently approximately 10 gravel pits surrounding the immediate municipality of Montrose. There are most likely more than that as those are the only ones that have been put in place after the county began requiring special use permits in the late 90's. At this time there is also a new pit that was granted a special use permit in 2007 near Highway 50 and Kinikin Road that has not yet begun operating. I would argue that for a municipality of just over 20,000 people, there are enough gravel pits currently to sustain the needs of the area.

I ask that you seriously consider all of these arguments and others before moving forward with this application. Our county commissioners are very pro resource development so if it passes at the state level I am certain that it will have no problem passing locally. Personally I am not anti development and I am sympathetic to economic opportunity. However I do feel that development must be done in a responsible manner and I do not feel as though an operation of this size and magnitude would be responsible. It would have too many negative effects on the rural area and residents that surround it which include a dangerous increase in the amount of traffic in an already hazardous area, air quality issues and water use. There are also currently enough gravel pits in the area to qualify not granting an application for a new one.

Thank you for your time in reading my concerns.

Sincerely,

✓   
Pam East

pameast@centurylink.net

Whe

April 20, 2013

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

Re: Opposition to the Proposed Uncompahgre Pit (Permit File No. M-2013-007)

Dear Sir:

The city of Montrose and Montrose County are largely supported by the tourist industry. The Uncompahgre Valley stretching south out of Montrose is by far the most scenic route in or out of our town. Highway 550 south, which connects the town of Montrose to the tourism reliant communities of Ridgway, Ouray, Silverton, Durango and Telluride, runs directly between the proposed Uncompahgre Pit (File No. M-2013-007) and the Uncompahgre River. This is one reason why our county's master plan does not designate this area for gravel extraction.

The valley south of Montrose is currently occupied by farms, both large and small, and residential acreages of varying sizes. The property between the proposed pit and the Uncompahgre River on both sides of Hwy 550 is filled with private residences. The mesa area north of the proposed pit, accessed by Solar Road, is subdivided and occupied as well as the area immediately to the south, which is accessed by Government Springs Road.

A massive industrial pursuit of this size seems wholly incompatible with the current land use in the valley as well as being contrary to the county's master plan. The proposed pit would virtually gut one of the small mesas which lie just above the valley floor between south end of the Uncompahgre Plateau, the Uncompahgre River, and the undeveloped areas just north of the Cimarron Ridge to the east. The gash it would cut, through this irreplaceable terrain and well-established migration corridor, would be over a mile long north to south and nearly a mile wide.

Anyone who lives south of town can attest to the amount of wildlife in the area. A simple count of the deer on the highway any given evening is a testament to the fact that the entire valley south of town is a very active wildlife corridor. Recently this particular section of the highway, which parallels the proposed pit, has imposed a lowered speed limit from 5pm to 7am from October 1<sup>st</sup> to June 1<sup>st</sup> for this very reason.

RECEIVED

APR 24 2013

✓ Division of Reclamation,  
Mining & Safety

If you climb the dobie hills on the east side of the highway and look back west toward the property in question, it is impossible to deny what a travesty a pit of this magnitude would be for all the local inhabitants. It is simply not feasible to mitigate the grossly negative impacts this type of industrial land use will have on the surrounding area.

The devastation a pit of this size would wreak on this environmentally sensitive and wildlife rich area is irreclaimable. The proposed 105 year permit would allow Rocky Mountain Aggregate and Construction, LLC to inflict a wholly incompatible industry on a peaceful and beautiful valley where the current residents, both human and wild, live in relative harmony.

And in answer to a question a supporter of this proposed pit asked me lately:

*Would I rather have a gravel pit for a neighbor or another subdivision?*

Hands down .. I would much rather have another neighbor for a neighbor.

Thank you for taking the time and making the effort to consider all our comments.

✓ Karen Michaelis  
21115 Uncompahgre Road  
Montrose, CO 81403  
[rakenlee@hotmail.com](mailto:rakenlee@hotmail.com)  
970.240.4790

**RECEIVED**

APR 24 2013

Division of Reclamation,  
Mining & Safety

April 20, 2013

RECEIVED  
APR 24 2013  
Durango Field Office  
Division of Reclamation,  
Mining and Safety

Mr. Wally Erikson  
Division of Reclamation, Mining and Safety  
691 County Road 233, Suite A-2  
Durango, CO 81301

Re: Opposition to the Proposed Uncompahgre Pit (Permit File No. M-2013-007)

Dear Mr. Erikson:

The city of Montrose and Montrose County are largely supported by the tourist industry. The Uncompahgre Valley stretching south out of Montrose is by far the most scenic route in or out of our town. Highway 550 south, which connects the town of Montrose to the tourism reliant communities of Ridgway, Ouray, Silverton, Durango and Telluride, runs directly between the proposed Uncompahgre Pit (File No. M-2013-007) and the Uncompahgre River. This is one reason why our county's master plan does not designate this area for gravel extraction.

The valley south of Montrose is currently occupied by farms, both large and small, and residential acreages of varying sizes. The property between the proposed pit and the Uncompahgre River on both sides of Hwy 550 is filled with private residences. The mesa area north of the proposed pit, accessed by Solar Road, is subdivided and occupied as well as the area immediately to the south, which is accessed by Government Springs Road.

A massive industrial pursuit of this size seems wholly incompatible with the current land use in the valley as well as being contrary to the county's master plan. The proposed pit would virtually gut one of the small mesas which lie just above the valley floor between south end of the Uncompahgre Plateau, the Uncompahgre River, and the undeveloped areas just north of the Cimarron Ridge to the east. The gash it would cut, through this irreplaceable terrain and well-established migration corridor, would be over a mile long north to south and nearly a mile wide.

Anyone who lives south of town can attest to the amount of wildlife in the area. A simple count of the deer on the highway any given evening is a testament to the fact that the entire valley south of town is a very active wildlife corridor. Recently this particular section of the highway, which parallels the proposed pit, has imposed a lowered speed limit from 5pm to 7am from October 1<sup>st</sup> to June 1<sup>st</sup> for this very reason.

If you climb the dobie hills on the east side of the highway and look back west toward the property in question, it is impossible to deny what a travesty a pit of this magnitude would be for all the local inhabitants. It is simply not feasible to mitigate the grossly negative impacts this type of industrial land use will have on the surrounding area.

The devastation a pit of this size would wreak on this environmentally sensitive and wildlife rich area is irreclaimable. The proposed 105 year permit would allow Rocky Mountain Aggregate and Construction, LLC to inflict a wholly incompatible industry on a peaceful and beautiful valley where the current residents, both human and wild, live in relative harmony.

And in answer to a question a supporter of this proposed pit asked me lately:

*Would I rather have a gravel pit for a neighbor or another subdivision?*

Hands down .. I would much rather have another neighbor for a neighbor.

Thank you for taking the time and making the effort to consider all our comments.

Karen Michaelis  
21115 Uncompahgre Road  
Montrose, CO 81403  
[rakenlee@hotmail.com](mailto:rakenlee@hotmail.com)  
970.240.4790



1  
whe

April 20, 2013

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

Re: Opposition to the Proposed Uncompahgre Pit (Permit File No. M-2013-007)

Dear Sir:

My biggest objection to the proposed Uncompahgre Pit (File # M-2013-007) is the destruction of the natural landscape, which will eventually be visible from Highway 550. This road is the main artery running south out of Montrose, through the greenbelt of the valley.

Years ago the first business that travelers and tourists would see on the south side of Montrose was a car parts junk yard - not a good first impression. Gravel pits do not make a good first impression either, particularly one of this size.

For the people who live along T Road this proposed gravel pit is their worst nightmare. Big trucks up and down the road all day long, their lives will never be the same.

With all the current gravel pits in the immediate area, we do not need another one. We certainly do not need a pit of this size, and definitely not in the midst of the most scenic and most visible land in the valley.

Thank you for your time and consideration.

Richard Schulz  
21115 Uncompahgre Road  
Montrose, CO 81403  
970.485.3802

RECEIVED

APR 24 2013

Division of Reclamation,  
Mining & Safety

April 20, 2013

RECEIVED  
APR 24 2013  
Durango Field Office  
Division of Reclamation,  
Mining and Safety

Mr. Wally Erikson  
Division of Reclamation, Mining and Safety  
691 County Road 233, Suite A-2  
Durango, CO 81301

Re: Opposition to the Proposed Uncompahgre Pit (Permit File No. M-2013-007)

Dear Mr. Erikson:

My biggest objection to the proposed Uncompahgre Pit (File # M-2013-007) is the destruction of the natural landscape, which will eventually be visible from Highway 550. This road is the main artery running south out of Montrose, through the greenbelt of the valley.

Years ago the first business that travelers and tourists would see on the south side of Montrose was a car parts junk yard - not a good first impression. Gravel pits do not make a good first impression either, particularly one of this size.

For the people who live along T Road this proposed gravel pit is their worst nightmare. Big trucks up and down the road all day long, their lives will never be the same.

With all the current gravel pits in the immediate area, we do not need another one. We certainly do not need a pit of this size, and definitely not in the midst of the most scenic and most visible land in the valley.

Thank you for your time and consideration.

Richard Schulz  
21115 Uncompahgre Road  
Montrose, CO 81403  
970.485.3802

Barbara Bernhardt  
20409 Solitude Road  
Montrose, CO 81403

April 21, 2013

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

RECEIVED

APR 24 2013

DIVISION OF RECLAMATION  
MINING AND SAFETY

Re: Permit Application Number m2013007, Proposed Uncompahgre Gravel Pit

I am writing to submit a second comment of concern, this time an objection to the permit application on the basis that the applicant has failed to prove that there is a viable gravel resource on this parcel.

In reviewing the application, I noticed that the applicant has submitted that 'their test pits have found gravel' on this mesa, yet they have provided no data to support this statement. What they have provided is a soils map that shows that the soil types they propose to mine consist of two types: Mesa Clay Loam (#760) and Barboncito Rock Outcrop (#30).

In consulting with a professional geologist who has worked on the same mesa that the mine is proposed for, I learned that both soil formations have "'poor" ratings as having gravel resource potential', and that this geologist's experience with this particular mesa is 'that there is a lot of soil mixed with the gravels and the gravels were laid down in a chaotic manner. The deposits are "dirty" and not well sorted. The Barboncito soils are shallow sandstone bedrock with a thin veneer of gravels. Neither mapping unit is a good source for gravel or sand.'"

In parallel with the geologist assessment, the Montrose County Gravel Resource Map does not indicate a gravel resource exists in the region of the mesa of the proposed mine.

Given that the area is critical habitat for a species under consideration for the Endangered Species List, why would the state Division of Mining, Reclamation, and Safety approve a 112c permit for a resource that has not been documented to exist on the proposed site?

Prior to the granting of this permit, I urge you to require that the applicant's claim of the existence of a viable gravel resource within the permit area, based only upon a claim to having dug their own test pits, be verified by a disinterested third party professional geological consulting firm familiar with the area.

Sincerely,

  
Barbara Bernhardt

Dr. Joseph & Mary Scuderi  
68044 Tulare Road  
Montrose, Colorado 81403

April 4, 2013

Barbara J.B. Green  
Sullivan, Green & Seavy  
3223 Arapahoe Avenue  
Boulder, Colorado 80303

RECEIVED  
APR 26 2013  
Durango Field Office  
Division of Reclamation,  
Mining and Safety

Re: Impacts of the Uncompahgre Pit: Rocky Mountain Aggregate LLC- Permit  
NoM2013-007

Dear Ms. Green:

It is our understanding you are a member of the State Reclamation Board. There are many concerned citizens in Montrose County with depth environmental issues that need to be addressed before the State and Montrose County Governmental Agencies approve the gravel, asphalt and concrete plant Rocky Mountain Aggregate Construction, LLC- Permit No. M213-007.

We believe the health and welfare of wildlife and human beings living around this pit will be jeopardized in the years to come if approved. This area is populated with many sub-divisions and businesses. This massive industrial nightmare will result in decades of noise, water and air pollution from mining, petroleum and toxic dust.

As you may know, there are studies, which show the air and noise pollution harm wildlife nesting and living near these types of plants. We have experienced this first hand on Fountain Creek when the Blue Hereon Crane population was compromised.

The Uncompahgre River is a very rare and valuable wetland, which is less than a mile away from the future quarry operation. There are eagles, geese, ducks, humming birds and dove nests along this part of the river and special ponds. We see fox, deer and other animals living near this river. The health and welfare of inhabits living around this pit will be subject to carcinogens and pollution, which could destroy one's health. No two asphalts are chemically alike because of the chemical content of the original crude petroleum form. Concrete, crushed rock and asphalt additives, plus operating temperatures of recycled paving materials cause increase in toxic emissions. Therefore exposure to fumes and toxic dust from the plant will cause headaches, skin rashes, fatigue, and reduced appetite, throat and eye irritation along with coughing and lung disease. The Federal Occupational Safety and Health Administration documents. "THERE IS NO BIOLOGICAL MECHANISM FOR CLEARING THE BODY TISSUES FROM TOXINS RELEASED FROM THESE TYPES OF PLANT OPERATION."

The water quality may also pose serious health issues to the largely populated area around the pit. The storm water run off and the water being used at the facility can lead to water quality impairment of our drinking water by polluting the aquifer because of the sandy soil which drains quickly from the pit. The sediment ponds leak into the aquifer, which will have lime silo and fly ash from the site as stated in their permit. This is not only a health hazard to humans but to wildlife and fish in this area. It would be a true poison to our natural environment in this given area.

The irrigation ditch which Rocky Mountain Aggregate and Construction LLC. will use is not piped but rather an open ditch carrying water to farmers and the crops they grow which could become contaminated with chemicals. This would infiltrate their fields from this proposed large quarry. Obviously having a negative impact on the agriculture food chain for humans, farm animals and wildlife downstream.

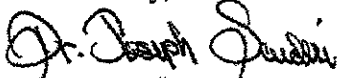
The permit request also states, "the soil area is covered with cobbles, stone, boulders and un-weathered bedrock at the site. There is documentation, which shows a great deal of radioactive materials exists in these materials when crushed. It is well known and has been proven that radioactive material is a carcinogen and causes respiratory cancer. This substance could be carried in the dust along with crystalline silica created by this plant. The pit will be located in a high wind belt; the winds blow west to east. This will increase the corrosion and be harmful to wildlife, humans, farm animals and vegetation. Breathing the particles from deadly dust could cause severe health issues.

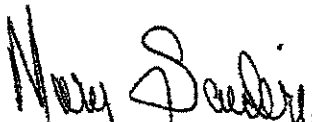
We believe the casualty of this development will destroy habitat. Shouldn't this part of the county continue to be a sustainable healthy riparian for humans, wildlife and a pleasant natural environment, as it now exists on its way to the scenic San Juan Mountains?

Does Montrose County have a master plan to protect the wildlife, which lives in and near this valuable wetland of Uncompahre River? Will State and local government protect the human, plant and wildlife threatened by this 247.76 acres of industrial encroachment?

We are requesting you do not give approval to this massive industrial nightmare, which will result in decades of noise, water, and toxic air pollution and perhaps loss of life for those living near this quarry.

Sincerely,

  
Dr. Joseph Scuderi

  
Mary Scuderi

whe

CM-2013-007

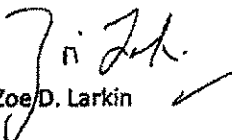
May 15, 2013

To Whom It May Concern:

I am completely opposed to the Rocky Mountain Aggregate and Construction LLC application for a Special User permit to put in a 247 acre gravel pit near T Road. This will have a tremendous negative impact on the local area, including to all of the wildlife- Sage Grouse, Mule Deer, Elk, Coyotes and Red Fox.

Also, please consider the impact on water usage, traffic patterns, local neighbors and increased fire danger. I do not believe this is a good location for this gravel pit.

Thank you for your time and consideration.

  
Zoe D. Larkin

22893 V-66 Trail

Montrose, CO 81403

RECEIVED

✓ MAY 17 2013

✓ DIVISION OF RECLAMATION  
MINING AND SAFETY

Whe

✓ M-2013-007

RECEIVED

✓ JUN 17 2013

✓ DIVISION OF RECLAMATION  
MINING AND SAFETY

June 14, 2013

State of Colorado  
Division of Reclamation, Mining and Safety  
1313 Sherman Street  
~~Room 215~~  
Denver, Colorado 80203

RE: Uncompahgre Pit

Rocky Mountain Aggregate and Construction, LLC has filed for a 112 c Permit with you for a new sand and gravel pit south of Montrose known as the Uncompahgre Pit.

We are not sure what issues are subject to your Office's jurisdiction, but feel a special use permit for over a century is not acceptable nor is it fair for future generations of citizens to have to deal with and live with. Seems most related issues are to be addressed by local governments, which we have sent letters to them about our concerns. However, we want to document our objection with your Office.

We would ask that you deny this application as there are too many questions and damaging issues for all residents, especially adjoining neighbors, that far outweigh the benefit for a few to make money!

Sincerely,

Roger Noble  
*Gail K. Noble*  
Roger and Gail Noble Jr  
Property Owners  
67409 T Road  
Montrose, CO 81401

June 20, 2013

Colorado Division of Reclamation, Mining & Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203**RECEIVED**

JUN 24 2013

WHE

DIVISION OF RECLAMATION  
MINING AND SAFETY**RE: Proposed Uncompahgre Pit, 67057 T Road, Montrose County  
Permit #m2013007**

To Whom It May Concern:

This letter is not written in favor of or in opposition to the proposed gravel pit, but is intended to offer pertinent information the DRMS, Montrose County staff and the public. When it came to our attention that work by Buckhorn Geotech was being quoted in public meetings, we invited a dialog with the proponent of the proposed Uncompahgre Pit in Montrose County, Zane Luttrell. He indicated to us that he is relying on a limited geologic report we prepared in 2006 for a proposed subdivision as the basis for their geologist's analysis of gravel potential at the subject property at 67057 T Road, west of Highway 550 South. For the record, we had prepared the 2006 report for a different client, the Lone Eagle Land Brokerage, Inc. on the 552 acre ranch as a preliminary assessment of the general suitability of the entire property for development of a major subdivision. Our study was not only for a different client but also was intended to preliminarily assess the suitability of the site for home sites and associated shallow infrastructure improvements such as roads, septic systems and foundations. Buckhorn Geotech, Inc. in no way studied nor was asked to study the mineral or gravel potential of this property. Our 2006 report was not intended for use in evaluating mineral or gravel potential and, therefore, is not applicable for such use.

The proponent of the pit continues to quote the gravel content found in the four boreholes from our 2006 study as the basis of their gravel assessment at public meetings, such as the recent meeting held in Montrose on Monday, June 17. We would like to state for the record that we have concerns about the true gravel potential of this site based on the four boreholes that we drilled for the purposes of evaluating the site for a residential subdivision. Our concerns are based on the following factors:

1. We drilled only four boreholes on the top of the mesa in question. These were not evenly spaced nor were they positioned to assess gravel potential. Two of the boreholes were at the northern end of the mesa and two were at the southern end. The main part of the mesa was not drilled (i.e. two boreholes are 1/2 mile apart where the mesa is at its widest). The purpose of our four boreholes was for determining depth to the underlying shale for foundation and slope stability concerns, so we recorded little information about any gravels encountered.
2. We performed no laboratory testing of samples collected in our boreholes below a depth of 12 feet. This indicates that their assessment is based on no quantitative data verifying our geotechnical drilling interpretations.

**RECEIVED**

JUN 24 2013

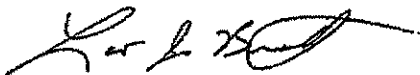
DIVISION OF RECLAMATION  
MINING AND SAFETY



3. Two of the four boreholes did not encounter dense sand and gravel deposits at depth. Those boreholes encountered shale and fine grained soils with little gravel. It appears that the mesa has been scoured to shale as an undulating surface and varying amounts of fines (silt and clay), sand and gravel were subsequently deposited.
4. According to the NRCS Web Soil Survey mapping, the soil type proposed to be mined is "Mesa clay loam, 0-2% slopes" (map unit #760). This soil is a clay, clay loam and gravelly clay to 44 inches underlain by cobbly loamy coarse sand to 80 inches, which is the vertical extent of their mapping. It is identified to have "poor" potential as a gravel or sand resource. I asked our local NRCS soil scientist, Dave Dearstyne, how they comment on a gravel resource when they map to less than 7 feet. He said it is based on their view of the landform upon which the soil develops. In other words, if the mapper does not observe sufficient (i.e. less than 10 to 15 feet of) gravel on the mesa to warrant a resource, they label it as a "poor" resource.

Although there does appear to be gravels on the mesa proposed to be mined, it is our opinion that the gravel deposit is highly variable in thickness and quality and our number of boreholes was insufficient for a resource-level assessment. To base an entire mine development plan on two positive geotechnical boreholes and no laboratory testing is optimistic and likely unrealistic. Therefore, we would like to see a more thorough and substantiated analysis of a resource like this before consideration is given to development of this deposit. Given the controversy that this proposed gravel pit has caused due to potential impacts to wildlife, traffic, dust, noise, water, property values, and quality of life for the local inhabitants, we suggest a comprehensive exploratory examination of the quality of the deposit before more is invested by individuals, the community and Montrose County.

Sincerely,



Laurie J. Brandt, P.G.  
Professional Geologist

Cc: Steve White, Montrose County Planning & Development Director  
Montrose County Board of County Commissioners

Wally Erickson  
Division of Reclamation, Mining, and Safety  
691 CR 233 Suite A - 2  
Durango, CO 81301  
Re: M2013007

RECEIVED  
JUN 26 2013  
Durango Field Office  
Division of Reclamation,  
Mining and Safety

May 23, 2013

Dear Mr. Erickson,

There has been a concerted effort on the part of the applicant for the Uncompahgre Special Use permit to maintain that there are no Gunnison Sage Grouse in the vicinity, and that the permit area can therefore not be considered as critical habitat for a bird that is likely to be listed as endangered by the U.S. Fish & Wildlife Service. However, having personally seen two Gunnison Sage Grouse hens on Sims Mesa in 2012 (much to my surprise), I can state with confidence that Gunnison Sage Grouse are indeed in the vicinity and that the area of the proposed gravel operation, with its sagebrush dominant vegetation, is indeed critical to their survival.

It has come to my attention that my sightings have been publicly discredited by the applicant, at a meeting with the Montrose Chamber of Commerce on 5/13/13. What the applicant does not know (understandably, since we do not know each other), and I would like for the DRMS to know, is that I have hunted Gunnison Sage Grouse prior to 2000, at which point hunting for them was no longer permitted due to concern about their declining numbers, so I definitely know what they look like. There is no other bird that looks like a Sage Grouse that can be expected to be observed in the Sage Brush plant community of our region.

I would hazard a guess that the use of ATV's and high-caliber firearms atop the mesa of the proposed gravel pit are the likely reasons that the former owners and managers of the property have stated that they have not seen Gunnison Sage Grouse on the property. Living across the small valley to the west of the mesa, I have often heard the large caliber rifles being shot on the mesa and found them to be unbelievably loud, so much so that I thought someone was shooting mortars.

Sincerely,



Barbara Bernhardt  
20409 Solitude Road  
Montrose, CO 81403

RECEIVED

JUN 26 2013

Durango Field Office  
Division of Reclamation,  
Mining and Safety

INFORM

INFORMATION NETWORK FOR  
RESPONSIBLE MINING

PO Box 27  
NORWOOD, CO 81423

(970) 497-4482  
JENNIFER@INFORMCOLORADO.ORG  
WWW.INFORMCOLORADO.ORG



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](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)

<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

Mr. Wallace Erickson  
Environmental Protection Specialist  
Colorado Department of Reclamation, Mining and Safety  
1313 Sherman St., Rm 215  
Denver, CO 80203

June 23, 2013

Dear Mr. Erickson,

This letter is written in regards to the Special Use permit under consideration for the Uncompahgre Pit (m/2013007). As you are aware, the Special Use Application located just south of Montrose is both complicated and convoluted.

Specifically, this Heavy Industrial Strip Mining Proposal is **bad** for our community for the following reasons:

Incompatibility with current and historical rural agricultural and residential land usage and zoning: According to the Montrose County Zoning Resolution, in the issuing of special use permits, the Montrose County Zoning Resolution (MCZR) lists "prohibited uses" for special use permits, which include aggregate processing, asphalt and concrete plants, and fuel storage tanks. The proposed strip mine site is currently zoned agricultural. The MCZR states that Agriculture is considered to be a highly valued resource in Montrose County. Numerous farms, ranches, small businesses and residents exist in close proximity to the site. All these people have chosen to live/work in this area because of its agricultural history and current status as a rural community. Under criteria to be considered for Special Use Permitting, one criteria states that the "use promotes the best interest of the general public's health, safety and welfare as set by either federal, state or county regulation."

Creation of long term health hazards: This strip mine will produce crystalline silica dust from pit and quarry activities that will blow off site, onto Montrose area residents' ranches and homes, crops and livestock, and numerous public and private facilities. Silica dust is a known carcinogenic and can kill you. The mitigation measures offered by RMA are inadequate. How far can the crystalline silica dust particles travel? Studies have demonstrated that "larger particles can stay in the air for minutes or hours"

**RECEIVED**

JUN 26 2013

DIVISION OF RECLAMATION  
MINING AND SAFETY

and "travel as little as a hundred yards or as much as 30 miles." The smaller "particles can stay in the air for days or weeks" and travel "many hundreds of miles. The location of the proposed strip mine, open to the winds (sometimes extreme) is optimal for the dispersal of these harmful particles.

**Steep decrease in Property Values:** A strip-mining operation of this magnitude undermines the value of the surrounding land and suppresses residential and agricultural growth and opportunity in the region. Residential and agricultural properties in the surrounding community can expect a steep decrease (up to 50% within a 6 mile radius) in the value of their property. It will be evident to tourists and prospective investors that southern Montrose County is dominated by industrial activity and is unlikely to attract families, retirees, or agriculturalists.

**Significant Traffic/Noise Impacts and Road Degradation:** The proposed strip mine's heavy industrial machinery, trucks, rock crushing equipment, loading and earth moving equipment will create constant noise, traffic, and road degradation. Acceleration and de-acceleration lanes will have to be built on Hwy 550 to accommodate heavy trucks. RMA has not offered an explanation of how or who will pay for all the road degradation over the decades the strip mine will be in operation.

**Major Water Consumption/Pollution Issues:** There is no water present on the Mesa where the proposed Strip Mine will be located. RMA will have to truck all the water into the site. RMA estimates they will need to buy from Tri-County Water 80,000 gallons per day up to 120 days/year. That means **9.6 million gallons** of drinking water a year to make concrete. In addition, RMA will be utilizing agricultural water resources (116+ shares) and another 4+ acre-feet for dust control. RMA has not explained how the transfer of water resources away from intended agricultural and residential uses will affect the current and future regional water availability or what cost increases will occur for all water users in the county. In addition, a separate pit will be dug on the mesa to hold contaminated water on a permanent basis.

**Significant Loss of Natural Habitat and Disruption of Wildlife Movement:** Nearly all of the proposed site is occupied Gunnison Sage Grouse territory according to National Fish and Wildlife Service. This species is being considered for the Endangered Species list, a decision to be made in September of this year. Significant numbers of deer and elk currently utilize the mesa year round for habitat and migration. Numerous other mammals,

birds, reptiles, and insects are present. Many species of plants also currently thrive on the proposed site.

**Economic Losses:** RMA has estimated that the proposed strip mine has the potential to create only 3 new jobs. Currently, seven gravel pit mines operate in the Montrose area, with two located just one mile and two miles south of the proposed strip mine on Hwy 550. One of the pit mines south of town is not in operation due to lack of demand for gravel products. In contrast, the property tax base for the county government will decrease dramatically due to the extensive and permanent decline in property values for hundreds of property owners adjacent to the proposed heavy industrial mining complex. The county will also lose sales tax revenue, as current businesses will have to relocate or close up shop due to the introduction of heavy industrial mining in the area.

**Ineffective Governmental Oversight:** The only oversight of the strip mine required is by The State of Colorado Air Pollution Division. The Air Pollution Division is required to make an on-site visit only once every 6-8 years. The county government has no direct oversight responsibilities.

**Violation with many sections of the 2010 Montrose County Master Plan:** This proposed strip mine is incompatible with many goals for the southern region of the Montrose County master plan. Examples include: maintaining agricultural related uses (Goal 1), protecting the viewsheds on state highways with particular emphasis on Highway 550 (Goal 2) and encourage limited access points for the federal and state highway system (Goal 6).

**Required permit applications not completed:** RMA has not completed its required applications and decisions from the Colorado Department of Transportation and the State of Colorado are still months away. The core samples report in the application is inadequate and was designed for only residential development.

**Erosion of quality of life for thousands of county citizens at the expense of profits for one corporation:** As citizens of Montrose County, we assert that we have rights as a community to protect the health, safety and welfare of the residents and ecosystems of Montrose County.

This Special Use Permit is incomplete, inaccurate, incompatible and includes items specifically prohibited by the County Zoning Resolution. I respectfully request that you deny this permit.



Yours,

A handwritten signature in cursive script that reads "Lee R. Bartlett". The signature is fluid and elegant, with the first and last names being more prominent than the middle initial.

Lee R. Bartlett  
23400 Horsefly Rd.  
Montrose, CO 81403  
970-252-1340

leebart53@gmail.com

✓ Mr. Wallace Erickson  
Mr. Russell Means  
CO DRMS  
1313 Sherman St Rm 215.  
Denver CO 80203

June 23, 2013

Mr. Erickson and Mr. Means,

Re: Permit M-2013-007

**RECEIVED**

✓ JUN 26 2013

✓ DIVISION OF RECLAMATION  
MINING AND SAFETY

While this application has become very involved, complex and a bit convoluted with the Sage Grouse issue and lots of local controversy, I would like to call your attention back to the original application and its numerous errors. The first line of the application states that this permit is 9.0 miles from the City of Montrose. In fact, it is less than 3 miles from the City limits. The next line states that the site is approximately a mile from hwy 550 south. In fact, the permit begins less than 1/4 mile from the highway. For your consideration I have included a photo of the second "public notice" for the pit, this time with the correct County name; it is far off the road and behind numerous trees and bushes. While this may seem petty, it also could be construed as trying to fly under the radar, which clearly this group has tried to do from the beginning. Page A-3 indicates that the "entire permit area is 277.07 acres + 3.69 acres = 247.76 acres" again while these may seem like simple math mistakes, this application is what we have to judge the applicant. There are several of these in the application.

On page G-4 in the "summary of consumptive uses" based on full operation the applicant claims that he is using 0.00 potable water for the operation. In our County Planning Commission meeting April 25th Mr. Luttrell stated that he would be using our local drinking water resource, Tri-County water, for the concrete operations resulting in 80,000 gallons of potable water use daily. There is a note in the application that 50 gallons a month will be used, and purchased "commercially" (section G, #6).

The CDPHE Air Pollution Control Application has many discrepancies from the Amended application filed with you on April 22nd. Of much concern is the difference in haul traffic; the application on file with you is 1.8 trucks/hour and the CDPHE app indicates 87 loads/day resulting in 7.91 trucks/hour. Quite a difference, and this is only the gravel harvest, the asphalt and concrete applications were not completed

when I contacted CDPHE in May. I have written them to indicate these discrepancies. As of June 13 the applicant had not yet completed their CDOT application for access to Hwy 550; this is a huge component of this project and again, obviously a concern as to which set of numbers they are using on the CDOT application. 87 Loads a day results in almost twice that many actual semi-truck trips as most of those vehicles return for repeat loads. They have the 40 trips a day for potable water when the concrete plant is in operation, and trucks for the asphalt operation, including hauling recycle product into the site. The CDPHE application also has different numbers of topsoil storage and haul road length than the application you have.

I would like to reiterate my concern once again in regard to dust from this proposed project. The stockpile of 77,000 tons of topsoil on top of a mesa 300 feet above a valley floor with our far above average winds seems inappropriate at best. The plan does not require this stockpile to be planted for up to one year. If that stockpile had been up there, for example, in the last six weeks, I feel certain that much of it would be down here in the valley. Some sort of consideration must be taken in regard to this issue, I do not know how those things are determined. We have dust days here without this pit where you cannot see the mountain three miles east. The applicant constantly stresses how dry it is up there, and is using our precious resource water for dust control and reclamation. Regardless of the seed mix, it still needs water to germinate. Where is that use accounted for? It is not listed on his "consumptive uses" list.

I was interested to see your adequacy letter of June 14 in regard to this permit. As landowners living north of T Road and the new Haul Road, Mr. Roger Noble and myself utilize the same irrigation head gate as the land owner. This water flows north from the west canal over his farmland to our properties, which own water rights. In a local meeting I questioned the haul road location due to this issue and was assured that it was illegal to not allow water access to us. As you have noted, there are no culverts for natural drainage or for irrigation water flow on the newly planned haul road.

I do want to note a small typographical error in your #1, clerk listed as Montezuma county rather than Montrose. Just a technicality, of course.

#8 is in regard to the sediment ponds. In a public meeting on May 23rd, Mr. Luttrell mentioned when questioned on the issue that he was willing to line these ponds in order to control the selenium concern in this area. The Uncompahgre Valley is a concern in regard to excess selenium in the irrigation water. Has the plan been modified to reflect that? Why would these ponds remain after reclamation when the applicant claims that

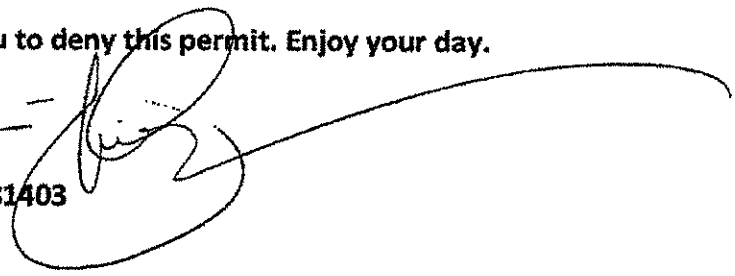
there is no water on this mesa? Shouldn't those ponds be reclaimed to the original landscape? As another issue it is illegal in the state of Colorado to capture rainwater, but that is exactly what this project does. I have contacted DNR water resources on this issue but did not receive an adequate response.

My residence and business, the sole source of my income, is within 200 feet of the permit boundary and haul road. #15 of the adequacy letter would pertain to my guest house, my home and my outbuilding to the east, a licensed commercial kitchen. The guest house is under consideration for the Colorado register of Historic Places as it is the only existing structure left of the 1880's Fort Crawford Army Outpost. At this time the applicant has made no effort to contact me for a damage compensation agreement.

It has come to our attention that the applicant, Zane Luttrell and/or Rocky Mountain Aggregate, has recently had a contract or permit revoked in our region due to the extensive numbers of complaints from neighbors of his operation. I have been told that Mr. Means is aware of this situation and assume it is being taken into consideration when this applicant is asking for a 105 year mining permit. When time allows, I would appreciate a phone call from Mr. Means in regard to this situation as I do not know if my information is accurate and have no interest in spreading untruths. Thank you.

I encourage you to deny this permit. Enjoy your day.

Janice Wheeler  
67269 T Road  
Montrose, CO 81403  
970 209-9630



**Janice Wheeler**

---

**From:** "JANICE WHEELER" <janice@pineconeunlimited.com>  
**To:** "JANICE WHEELER" <janice@pineconeunlimited.com>  
**Sent:** Sunday, June 23, 2013 4:58 PM  
**Subject:** IMG\_5183.JPG



IMG\_5183.JPG

6/23/2013

*Comments*

*W.M-2013-007*

RECEIVED

April 2, 2013

*Whe, grm*

APR 04 2013

DIVISION OF RECLAMATION  
MINING AND SAFETY

To Whom This May Concern:

I am writing to you about the gravel pit proposed south of Montrose, CO.

My husband and I live south of town not too far from the proposed gravel pit and we are all FOR it!! The environmentalists are, as usual, totally out in left field over this one.

We think this gravel pit will be good for our economy and have very little negative impact in the area. We also think that people have a right to do what they want to do with their own land. And we NEED gravel—it is essential for building roads, houses and many other things. All of the people who are over-reacting to this proposed pit live in houses and drive on roads that were provided by gravel.

We are tired of exaggerated fear-mongering and government intrusion and regulations that have hurt business and industry in this nation.

So, for what it's worth, you can put us down for a "yes" vote on this gravel pit.

Sincerely,

*Al & Vicki Becker*

Al & Vicki Becker  
66810 Solar Road  
Montrose, CO 81403

P.S. You also need to know that there are VERY FEW people that even live in the proposed gravel pit area. This is a few people who have too much time on their hands and yell bloody murder over every little thing that they think might put a little dust in the air. Please consider that in the entire state of Colorado you are dealing with less than one tenth of a percent of the population. We probably live closer to the pit than the ones who are making all of the noise.



March 5, 2013

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

Re: Nonce of 112 Construction Materials Reclamation Permit Application Consideration Rocky Mountain Aggregate and Construction, Uncompahgre Pit, M-2013-007 (HC #63673)

Dear Mr. Erickson:

Thank you for your correspondence dated March 1, 2013 (received by our office on March 5, 2013) regarding the subject project. We corrected the project location to Sections 27 and 34, Township 47N, Range 9W, NMI Prime Meridian.

A search of the Colorado Cultural Resource Inventory database indicated eight sites within the project area with the following determinations of eligibility for listing on the National Register of Historic Places:

|          |                              |
|----------|------------------------------|
| 5OR.1960 | Officially eligible 2008     |
| 5OR.1961 | Officially eligible 2008     |
| 5OR.1962 | Officially eligible 2008     |
| 5OR.1963 | Officially not eligible 2008 |
| 5OR.1964 | Officially eligible 2008     |
| 5OR.1965 | Officially not eligible 2008 |
| 5OR.1980 | Field not eligible 2006      |
| 5OR.1981 | Field not eligible 2006      |

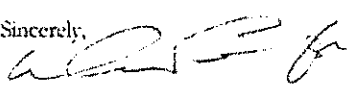
"Field not eligible" means that the person preparing the inventory form believed the site not to be eligible but our office has not officially made a determination. For officially eligible and field not eligible sites, we recommend that they are avoided by the project.

Our files contain incomplete information for this area, as most of Colorado has not yet been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area.

Should human remains be discovered during mining activities, the requirements under State law CRS 24-80 part 13 apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Dan Corson, Intergovernmental Services Director, at (303) 866-2673 or [dan.corson@state.co.us](mailto:dan.corson@state.co.us).

Sincerely,

  
Edward C. Nichols  
State Historic Preservation Officer

RECEIVED

MAR 12 2013 ✓

DIVISION OF RECLAMATION  
MINING AND SAFETY



## 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, Cotton-tail 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 Perncone • 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.

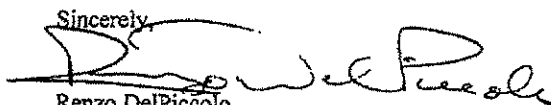
The proposed Uncompahgre Pit will affect winter range for mule deer and elk through direct habitat loss and increased stress to ungulates during their most stressful time of year. Ceasing winter mining activity from December 15<sup>th</sup> through April 30<sup>th</sup>, will minimize stress to wintering 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, Sulfer 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