
Red Rock Gravel Pit Expansion

Special Use Permit

ACTIVITY #: PP2011-018

HEARING DATES: Planning Commission (PC): 6/16/2011 at 6:00 pm
Board of County Commissioners (BCC): 6/28/2011 at 2:00 pm

PETITIONER: Peabody Sage Creek Mining, LLC

PETITION: Special Use Permit for an expansion of an existing gravel pit

LOCATION: West side of RCR 53; approximately 10 miles south of Hayden
In the SW ¼ of Section 20, Township 5 North, Range 88 West

HAUL ROUTE: RCR 53 to Tie-Across Haul Road to RCR 27 to RCR 27A

AREA: Permit boundary: 41.8 ac.

Disturbed area: 23.3 ac.

STAFF CONTACT: Rebecca Bessey

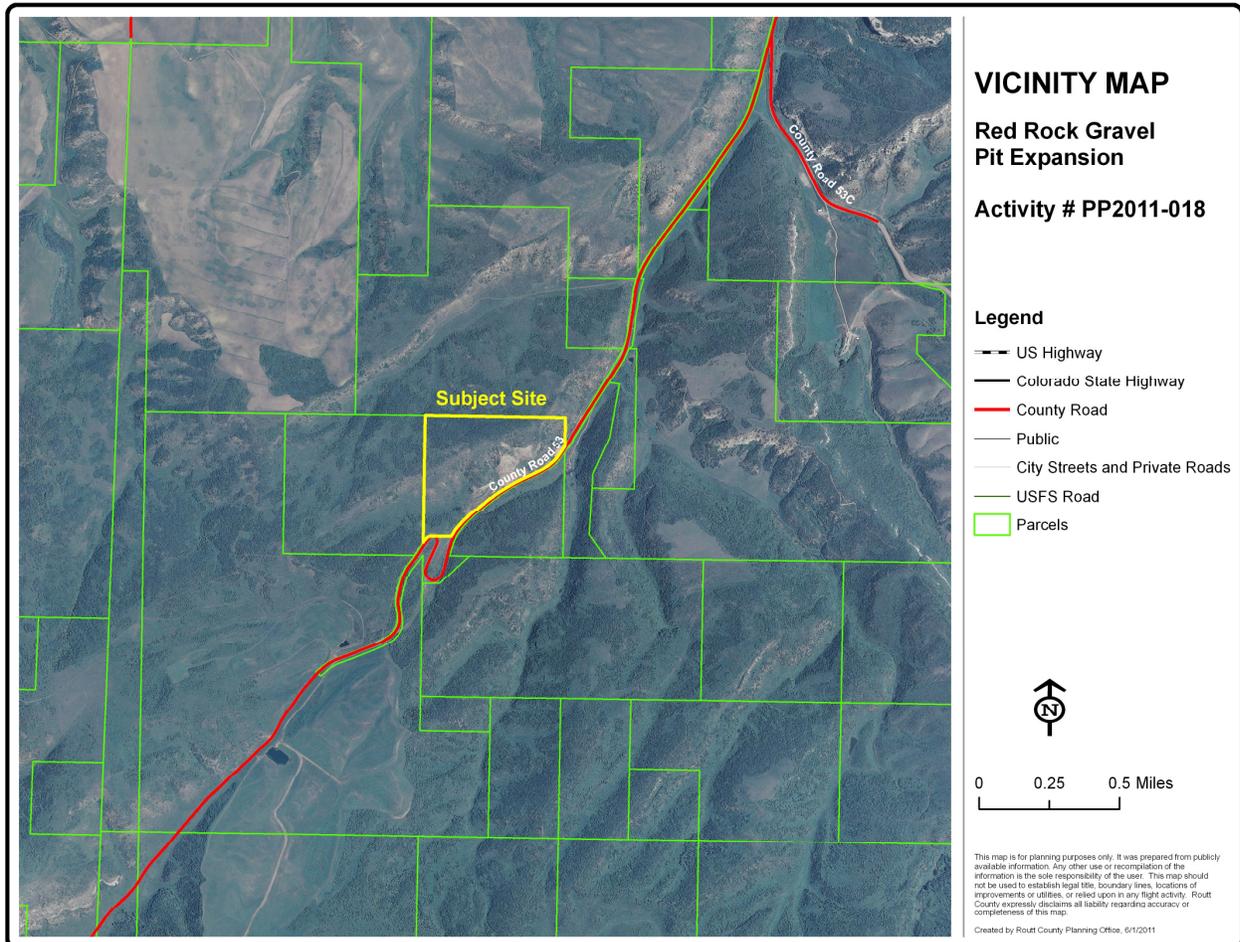
ATTACHMENTS:

- Application / Narrative
- Road and Bridge Department referral
- March 17, 2011 Planning Commission minutes
- April 12, 2011 Board of County Commissioner minutes
- 11x17 Index / Location Map
- 11x17 Red Rock Pit Existing Conditions
- 11x17 Mine Plan
- 11x17 Reclamation Plan

Background and Summary

Site Description

The project area is located approximately 10 miles south of Hayden on the west side of Routt County Road 53. The subject site contains an existing 5-acre gravel pit that has been partially reclaimed. Adjacent land use include rangeland and a single family residence. The subject site and surrounding area is zoned Agricultural and Forestry (AF).



History

The existing 5-acre gravel pit has never been permitted by Routt County; however, it is permitted by the State of Colorado Division of Reclamation, Mining and Safety under Permit M78-315. This State permit was originally issued to Routt County in 1978, but the County and the applicant are currently in the process of transferring the State permit to Peabody Sage Creek Mining, LLC. On January 19, 2011, the County entered into a new lease agreement with Peabody Sage Creek Mining, LLC that allows Routt County Road and Bridge to continue to mine, crush and haul gravel out of the existing mine. It is the intent of both Routt County and the applicant that if the proposed pit expansion is

approved, Routt County will be allowed to mine in the expanded pit. The terms of the lease agreement limit the users of the pit to Routt County and Peabody.

Project Description

Peabody Sage Creek Mining, LLC intends to request a Special Use Permit to allow expansion of the existing 5-acre pit to 23.3 acres total. The purpose of the gravel pit is to provide road base material for Peabody's needs and for road repair material for the Routt County Road and Bridge Department. Mining activities will occur between May and November on an as needed basis. The proposed pit would be mined in three (3) phases. Proposed hours of operation are up to 12 hours per day (daylight hours); days operated will be on an as needed basis, but are not expected to exceed 5 days per week. The proposed operation is not expected to expose groundwater. The application estimates gravel reserves of 300,000 tons. Mining will occur using a truck/shovel/dozer operation. The rock will be excavated using dozers and track/backhoes. The material will be loaded onto road legal trucks using a front-end loader. Access to and from the pit will be from RCR 53. Hauling to the Peabody Sage Creek Mine will be via RCR 53 to Peabody's Tie-Across Haul Road to RCR 27 to RCR 27A.

Routt County's use of the pit will be seasonal and on an as needed basis. Routt County will crush and stockpile gravel on site to use for multiple years. Hauling off site will depend on the Road and Bridge Department's need for gravel. A typical year will include crushing, stockpiling, and hauling gravel for approximately three to four weeks. Routt County's crusher will be in the pit on a temporary, as needed basis, and crushing is not likely to occur every year. Hauling during years with no crushing activity will typically take place within approximately two to three weeks. Routt County Road and Bridge use of the pit will typically occur between the hours of 6:00 a.m. and 4:00 p.m., Monday through Thursday.

Staff Comments

The following Staff Report notes policies and regulations that are relevant to the proposed project. Based on Staff's review of the application package, we highlight the following comments:

1. The applicant has consulted with the Colorado Division of Wildlife (CDOW) to assess potential wildlife impacts from the proposed gravel pit expansion project. Based on the preliminary letter from CDOW dated September 12, 2010 (included with application materials), there are no known threatened or endangered species or critical wildlife habitat in the project area. Columbian Sharp Tailed Grouse use adjacent lands; however, CDOW does not anticipate any direct impacts or significant loss of habitat. Planning Staff has sent a referral request to CDOW and is waiting for a formal response. Informally, CDOW has indicated that there are no real concerns.
2. The proposed disturbed area is 23.3 acres. Because the pit exceeds 10 acres, conservation mitigation is required per Section 9.4.1.D. To comply with this requirement, Peabody intends to preserve a minimum of 13.3 acres within a 5-mile radius of the mine site.

3. The application materials do not indicate whether soil stockpiles will be seeded.
4. Pre-Application Conferences for the proposed project were held with the Planning Commission on March 17, 2011 and with the Board of County Commissioners on April 12, 2011. Minutes from both hearings are attached.

Compliance with Master Plans

The Routt County Master Plan contains dozens of policies regarding land use. The following checklist was developed by Planning Staff to highlight the policies most directly applicable to this petition. Interested parties are encouraged to review the Master Plan to determine if there are other policies that may be applicable to the review of this petition.

Routt County Master Plan (RCMP)

Chapter 5 – Environmental Impacts

Complies		Section	Policies (staff comments in bold)
Yes	No		
_____	_____	5.3.B	While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations. Staff comment: Refer to comments below regarding compliance with RCMP and Zoning Regulations.

Chapter 7 – Mineral Resources

Complies		Section	Policies (staff comments in bold)
Yes	No		
_____	_____	7.3.K	Routt County desires to ensure that new long-term mineral extraction operations shall be mitigated for visual impacts along entryways to growth centers, and to ensure that visual impacts of existing operations are mitigated to the maximum extent feasible. Staff comment: The proposed site is located outside of a growth center and is not along an entryway to a growth center. The past and proposed mining activity will be visible from RCR 53.
_____	_____	7.3.O	Routt County discourages the placement of mining operations that would permanently harm significant wildlife habitat, permanently displace wildlife populations or interfere with migration corridors. Staff comment: The Colorado Division of Wildlife (CDOW) has been consulted on the proposed expansion. As noted in the September 12, 2010 CDOW letter (attached to applicant narrative), there are no known

Complies		Section	Policies (staff comments in bold)
Yes	No		
_____	_____	7.3.P	threatened or endangered species or critical habitat for such species at this location. Columbian Sharp tailed Grouse use adjacent lands, but there would be no direct impacts to this species and no significant loss of habitat. The area experiences seasonal use by mule deer and elk. CDOW recommends that new fence construction incorporate standards to alleviate injury to animals. (Waiting for CDOW referral comments.)
_____	_____	7.3.R	Routt County requires the use of the most technologically advanced procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses. Staff comment: A condition of approval has been suggested.
_____	_____	7.3.R	Routt County encourages the limitation of haul distances. Staff comment: The proposed haul route to the Sage Creek Mine is RCR 53 to the Peabody Tie-Across Haul Road to RCR 27 to RCR 27A. This is the shortest distance from the gravel pit to Sage Creek Mine. Haul routes for Routt County Road and Bridge use will depend upon destination.
_____	_____	7.3.T	Routt County encourages the separation and sufficient spacing of mining operations to prevent cumulative significant negative impacts to roads and to surrounding areas. Staff comment: There are no other existing gravel mines in the area or along the proposed haul route.
_____	_____	7.3.U	Routt County encourages the payment of impact fees, ton-mile fees, up-front road improvement fees, or other fee system to be used to offset costs for maintenance and improvements to roads used for hauling minerals. Staff comment: Refer to Road and Bridge Department referral.
_____	_____	7.3.X	Routt County encourages the reclamation of mining operations for beneficial uses. Where reclamation for wildlife habitat is appropriate, techniques recommended by the Colorado Division of Wildlife should be used. Staff comment: The proposed Reclamation Plan will result in rangeland and wildlife habitat.
_____	_____	7.3.Y	Reclamation should be done to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. Staff comment: The post mining land use will be rangeland and wildlife habitat. Reclamation will include retention of highwall slopes of bare rock and flatter revegetated benches. Refer to Reclamation Plan (attached).
_____	_____	7.3.Z	Long term mining operations and associated uses should be located in areas where they do not greatly impact scenic vistas, where there are compatible agricultural and industrial uses, and where they are not in proximity to residential neighborhoods, recreational, or other incompatible uses. Staff comment:

Complies		Section	Policies (staff comments in bold)
Yes	No		
_____	_____	7.3.BB	Adjacent land uses are primarily open land and rangeland. The nearest residence is directly across RCR 53. The gravel pit will be visible from the County Road.
_____	_____	7.3.BB	Routt County encourages the development and use of haul roads which route haul traffic away from areas of residential, recreational or other incompatible uses. Staff comment: There are no residential neighborhoods along the haul route.
_____	_____	7.3.EE	The provision of local public benefits such as open space, trails, hunting and fishing access, recreational, or agricultural use as a condition for the mining operation is encouraged as part of an end use of the mining activity. Staff comment: Refer to comment regarding RCMP Policy 7.3.X and RCZR Section 9.4.1.D.
_____	_____	7.3.FF	The provision of wildlife parks, reserves, wetland mitigation sites, or other beneficial environmental use is encouraged as an end result of the mining activity. Staff comment: Refer to comment regarding RCMP Policy 7.3.X and RCZR Section 9.4.1.D.
_____	_____	7.3.HH	Routt County discourages the exportation of gravel to surrounding counties. Staff comment: The use of gravel from the proposed mine will be solely for Peabody and Routt County Road and Bridge uses. Initially, hauling by Peabody will be to the Sage Creek Coal Mine. There will be no commercial sales of gravel from the pit.

Chapter 11 – Transportation

Complies		Section	Policies (staff comments in bold)
Yes	No		
_____	_____	11.3.P	Discourage new use permits and zone changes that increase density that will exceed acceptable traffic levels. Staff comment: The number of trucks hauling gravel will vary from year to year. The applicant estimates that while hauling to the Sage Creek Mine for road construction, there will be approximately 900 loads in 2011. Hauling by Peabody will be significantly less in subsequent years. Hauling by Road and Bridge will occur on an as needed basis.
_____	_____	11.3.BB	All County roads used for natural resource extraction shall be restored to their original condition or better. Staff comment: Refer to Road and Bridge Department referral.

Compliance with Routt County Zoning Resolution

The following checklist was developed by Planning Staff to highlight the sections of the Routt County Zoning Regulations (RCZR) most directly applicable to this petition. The following section contains a list of the applicable sections of the Routt County Zoning Regulations. Staff Comments are included in bold where the public, referral agencies, or planning staff have questions/comments regarding the proposal.

Section 5- General Performance and Development Standards

These standards are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties. These standards shall apply in all Zone Districts and to all land uses unless otherwise noted.

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	5.1.2.A	Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any land use approval granted pursuant to these regulations. Staff comment: The proposed mine expansion will need to be permitted by the State Division of Mining, Reclamation and Safety. Refer to comments regarding Routt County Zoning Regulations throughout the Staff Report.
_____	_____	5.7	Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way. Staff comment: The application indicates that the pit access may change with each phase of mining. Access Permits will be required by Road and Bridge for any new access to the County road. In addition, only one access point will be permitted at a time. Refer to the Road and Bridge Department referral.

Section 6 - General Standards & Mitigation Techniques for Land Use Approvals

The following standards shall apply to all Minor, Administrative, Conditional or Special Uses allowed by permit only, PUD plans, Site plans, and Subdivisions:

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.1.2	The proposal shall be consistent with applicable Master Plans and sub-area plans. Staff comment: Refer to previous comments regarding the Routt County Master Plan.
_____	_____	6.1.3.A	Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of a Land Use Approval granted pursuant to these Regulations. Staff comment: Refer to comments regarding RCZR Section 5.1.2.A and Section 5.7.

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.1.4	The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations. Staff comment: Refer to comments regarding RCZR Sections 5.7 and 6.2.
_____	_____	6.1.5	The proposal shall meet or exceed accepted industry standards and Best Management Practices. Staff comment: A condition of approval has been suggested.

Section 6.1.7 – Significant Negative Impacts

The proposal shall not create any significant negative impact in surrounding areas. Significant negative impacts are generally considered to be impacts that do not meet regulatory and/or generally accepted performance and environmental standards. If the Planning Director, Planning Commission or County Commissioners determine a proposed Land Use Change has the potential to create a significant negative impact in the surrounding area, mitigation may be required. Any such mitigation shall meet the Standards of Sections 6.4 through 6.13. If adequate mitigation cannot be accomplished, the use shall not be permitted.

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.1.7.A	Public Roads, Services and Infrastructure. Staff comment: A Right-of-Way Access Permit will be required for any changes to the access. No negative impacts to the County road system are anticipated. Refer to comments regarding RCMP Policy 11.3.BB and RCZR Section 5.7.
_____	_____	6.1.7.B	Road Capacity, Traffic, and Traffic Safety. Staff comment: A Right-of-Way Access Permit will be required for any changes to the access. No negative impacts to the County road system are anticipated. Refer to comments regarding RCMP Policy 11.3.P and 11.3.BB and RCZR Section 5.7.
_____	_____	6.1.7.D	Wildlife and Wildlife Habitat. Staff comment: The subject site is not located within a critical wildlife habitat area. CDOW has indicated that no significant impacts to wildlife are anticipated. Refer to comments regarding RCMP Policies 7.3.X and 7.3.O.
_____	_____	6.1.7.E	Water Quality and Quantity. Staff comment: The proposed mining operation is not expected to expose groundwater. Run-off will be controlled with ditches and small sumps as needed.
_____	_____	6.1.7.F	Air Quality. Staff comment: The application materials reference water use for dust control within the pit. Dust along the unpaved portion of RCR 53 will be controlled during hauling using water and/or magnesium chloride. Water for dust control will be obtained from the Seneca II-West Mine.

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.1.7.G	Visual Amenities and Scenic Qualities. Staff comment: The nearest residence is located directly across RCR 53 from the subject site. The pit will be visible from the County road. Refer to RCMP Policies 7.3.K and 7.3.Z.
_____	_____	6.1.7.I	Noise. Staff comment: The nearest residence is located directly across RCR 53 from the subject site. Refer to RCMP Policy 7.3.Z. Acondition of approval has been suggested.
_____	_____	6.1.7.K	Land Use Compatibility. Staff comment: Refer to comments regarding RCMP Policy 7.3.Z and RCZR Standard 6.1.7.I.
_____	_____	6.1.7.L	Odors. Staff comment: No negative impacts are anticipated.
_____	_____	6.1.7.M	Vibration. Staff comment: Application materials indicate there will be no blasting.
_____	_____	6.1.7.P	Reclamation and Restoration. Staff comment: Reclamation of the site will result in rangeland and wildlife habitat. Where possible, the Reclamation Plan indicates topsoil will be replaced and seeded. Refer to comments regarding RCMP Policies 7.3.X, 7.3.Y, 7.3.EE, and 7.3.FF.
_____	_____	6.1.7.Q	Noxious weeds. Staff comment: A weed management plan has been provided that includes mechanical, chemical and biological controls. The final plan will need to be approved by the Routt County Weed Program.

Section 6.2 – Public Road Use Performance Standards

The purpose of this section is to protect the Routt County road system, and to allow use of Routt County roads at a minimum cost to county taxpayers for upkeep, by requiring that all users pay a fair share for maintenance and upgrading of said roads.

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.2.3.B	Projects shall mitigate their impacts to public roads such that all public roads used for access to a project or development will remain in as good as or better than existing condition. Staff comment: Refer to comments regarding RCMP Policies 7.3.U, 11.3.P, and 11.3.BB and RCZR Section 5.7.
_____	_____	6.2.3.C	All public roads under the County’s jurisdiction used to access the proposed project must be able to accommodate the anticipated traffic. The petitioner may be required at their expense, to evaluate the cumulative effects of existing and anticipated traffic with regard to any or all of the following: 1) Road structure, 2) Road width, 3) Geometry of road, 4) Sight distance, 5) Conditions of surface, 6) Intersections, 7) Road capacity and/or level of service, 8) Acceleration/deceleration lanes, and 9) Non-vehicular use. Staff comment: Refer to comments regarding RCMP Policies 7.3.U, 11.3.P, and 11.3.BB and RCZR Section 5.7.

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.2.3.D	Payment of impact fees, ton-mile fees, up-front road improvement fees, or other fees may be required by the Board of County Commissioners to offset costs for public road improvements and maintenance due to the proposed project. Staff comment: Refer to comments regarding RCMP Policies 7.3.U, 11.3.P, and 11.3.BB and RCZR Section 5.7.
_____	_____	6.2.3.E	Requirements for repairs, upgrades, development, and maintenance of public roads may be included as a condition of any Land Use Approval. Such roadwork will be at the proponent's expense, unless otherwise determined by the Board of County Commissioners. Staff comment: Refer to comments regarding RCMP Policies 7.3.U, 11.3.P, and 11.3.BB and RCZR Section 5.7.
_____	_____	6.2.3.F	Contractor and/or permittee may be required to maintain County roads used for the project to accommodate the additional truck traffic, as required through the approval process. Staff comment: Refer to comments regarding RCMP Policies 7.3.U, 11.3.P, and 11.3.BB and RCZR Section 5.7.
_____	_____	6.2.3.G	Overweight and over length permits shall be obtained from the Routt County Road and Bridge Department prior to an operation. Staff comment: Refer to comments regarding RCMP Policies 7.3.U, 11.3.P, and 11.3.BB and RCZR Section 5.7.
_____	_____	6.2.3.I	Acceleration/deceleration lanes shall be developed as required by the Colorado Department of Transportation (CDOT) and/or the Routt County Road and Bridge Department. A review of the CDOT or County Access Permit will be requested by the County based upon complaints, hazardous conditions, accident records, pertinent new information, or any other concerns or changes in the area or use that may affect traffic to and from the project. Staff comment: Refer to comments regarding RCMP Policies 7.3.U, 11.3.P, and 11.3.BB and RCZR Section 5.7.
_____	_____	6.2.3.K.1	If deemed necessary by the Routt County Road and Bridge Department, the permittee or contractor shall place traffic control signs along haul routes and at intersections, as specified by the Road and Bridge Department. Staff comment: Refer to comments regarding RCMP Policies 7.3.U, 11.3.P, and 11.3.BB and RCZR Section 5.7.
_____	_____	6.2.3.L	Permittee shall undertake dust control resulting from project related traffic as may be required by the Routt County Road and Bridge Department and/or the Routt County Environmental Health Department. Staff comment: Refer to comment regarding RCZR Section 6.1.7.F.

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.2.3.M	Haul trucks associated with the project or development shall not exceed County legal load limits as set forth in the Routt County Road Standards. The Routt County Engineer may require that a scale be set to determine that weight limits are being met. Staff comment: Refer to comment regarding RCZR Section 5.7.
_____	_____	6.2.3.N	Project shall be designed to prevent cumulative impacts of haul trucks along county roads. Staff comment: Refer to comment regarding RCMP Policy 7.3.T.
_____	_____	6.2.3.O	Projects may be required to limit hours of operation to minimize conflicts with peak traffic hours and school bus hours. Staff comment: A condition of approval has been suggested.
_____	_____	6.2.3.P	Projects may be required to limit hours of operation to minimize the effect of poor visibility, fog, or other environmental or road condition. Staff comment: Refer to comments regarding RCMP Policies 7.3.O and 7.3.BB. A condition of approval has been suggested that limits hours of operation to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 7:00 a.m. to 4:00 p.m., Saturday.
_____	_____	6.2.3.Q	Project may be required to route haul trucks to prevent significant impacts to commercial, residential, or recreation areas and/or prevent significant impacts to sensitive wildlife areas. Staff comment: Refer to comments regarding RCMP Policies 7.3.O and 7.3.BB.

Section 6.4 – Mitigation Standards in General

- A. Methods of mitigation of natural hazards and potentially significant negative impacts shall not shift the hazard or impact to another property or to another area on the same property that has been previously developed.
- B. Methods of mitigation shall be directed toward a permanent minimization of the hazard or impact.
- C. Methods of mitigation shall not be terminated after transfer of ownership or final approval of the development.
- D. **The mitigation techniques listed in Sections 6.5 through 6.13 of these Regulations are the minimum standards** (emphasis added). Additional mitigation techniques may be required if warranted by local conditions.
- E. Routt County recognizes that state and federal agencies have programs in place to permit, inspect, and enforce operational and administrative programs to assure protection of certain environmental resources. It is the intent of Routt County to assure that the local land use planning and zoning requirements are addressed without duplication of, or contradiction with, the pertinent state and federal requirements. Routt County reserves the right to enforce more stringent standards and/or mitigation requirements than may be required by state or federal agencies if necessary to address local land use concerns.

F. Monitoring of certain uses may be required to establish whether required mitigation is being implemented and/or compliance with local, state or federal regulations and standards are being achieved.

Section 6.7 – Mitigation Techniques to Reduce Water Quality and Quantity Impacts

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.7.A	Create on-site sediment ponds to prevent erosion into waterways. Staff comment: Refer to comment regarding RCZR Section 6.1.7.E.
_____	_____	6.7.C	Limit the size of the excavated or disturbed area. Staff comment: The total area to be mined will be 23.3 acres. To minimize the amount of open disturbed area at any given time, reclamation will occur in phases as mining activity is complete.

Section 6.8 – Mitigation Techniques to Reduce Air Quality Impacts

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.8.B	Gravel, water or chemically stabilize public and private access roads, stripped areas, transfer points and excavations to minimize dust. Staff comment: No sediment ponds are proposed. Stormwater will be controlled using ditches and small sumps. Refer to comment regarding RCZR Section 6.1.7.F.
_____	_____	6.8.E	Revegetate disturbed areas as soon as possible. Plant stripped areas and soil stockpiles that are planned to remain uncovered for more than one season with rapid growing vegetative cover to minimize dust, erosion and weeds. Staff comment: Control of noxious weeds will occur in accordance with the Routt County Weed Program. The application materials do not indicate whether soil stockpiles will be seeded.
_____	_____	6.8.F	Overburden and topsoil stockpiles shall be contoured and conditioned to a slope conducive to establishing vegetative cover. Staff comment: Refer to comment regarding RCZR Section 6.8.E.

Section 6.9 – Mitigation Techniques to Reduce Impacts to Scenic Quality

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	6.9.B	Conduct reclamations operations concurrently with the mining operation. Staff comment: Refer to comments regarding RCZR Section 6.7.C.

_____	_____	6.9.C	Phase mining or other operations to minimize the amount of disturbed ground at any given time. Staff comment: The proposed mining will occur in 3 phases concurrent with reclamation. The largest mine phase proposed is Phase 2 which is 8.6 acres. The maximum area disturbed at any one time will be 23.3 acres.
_____	_____	6.9.D	Plan reclamation to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas through careful grading and the use of appropriate native species for revegetation Staff comment: Refer to comments regarding RCMP Policies 7.3.X and 7.3.Y.
_____	_____	6.9.E	Provide effective screening of equipment and stockpile areas. Staff comment: Refer to comments regarding RCMP Policies 7.3.K and 7.3.Z.

Section 9 – Regulations and Standards for Mining and Related Uses

Section 9.2 - General Standards for all Mining, Resource Extraction & Accessory Uses

All Mining and accessory uses shall comply with the applicable Standards and Mitigation Techniques of Section 5 and Section 6 of these Zoning Regulations. In addition, all Mining and accessory uses shall comply with the following standards:

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	9.2.A	Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation. Staff comments: Refer to comment regarding RCMP Policy 7.3.Z.
_____	_____	9.2.B	The proposed operation will be located a sufficient distance from other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will determine sufficiency of distance. Staff comment: Refer to comment regarding RCMP Policy 7.3.T.
_____	_____	9.2.C	Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. The Planning Commission and the Board of Commissioners will determine sufficiency of mitigation. Staff comment: The track hoe and dozer will be parked within the secured pit area and will be moved as necessary. Depending on gravel needs, equipment may not be stored on site permanently. The crusher will be located within the pit area and will move as necessary with each phase. Like the other equipment, the crusher is not anticipated to be on site permanently. Refer to comments regarding RCMP Policy 7.3.Z and RCZR Section 6.1.7.G and 6.1.7.I.

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	9.2.D	Shall be operated such that noise generated by the use does not exceed State of Colorado residential noise standards within 150 feet of any residence. Staff comment: Refer to comment regarding RCZR Section 6.1.7.I.
_____	_____	9.2.E	New long-term mining operations will minimize visual impacts along entryways to growth centers or potential growth centers as defined in the Routt County Master Plan. Planning Commission and the Board of Commissioners will determine sufficiency of minimization. Staff comment: Refer to comment regarding RCMP Policy 7.3.K.
_____	_____	9.2.F	Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated. Planning Commission and the Board of Commissioners will determine sufficiency of mitigation. Staff comment: There are no commercial areas or residential neighborhoods along the haul routes.
_____	_____	9.2.H	Unless all disturbance created by the mining operation is covered by a reclamation bond under the jurisdiction of the Colorado Division of Minerals and Geology, or by the federal government on federally owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of Routt County in an amount of at least 150 percent of the cost of restoration of the site and access roads. The required amount of such financial performance guarantee may be increased at the discretion of the Planning Director to account for inflation. A bid for site restoration acceptable to the permittee and Routt County shall be submitted to the Planning Department as evidence of the cost of reclamation for bond setting purposes. Staff comment: A reclamation bond will be required by the DRMS; additional bond requirements are at the discretion of the Board of County Commissioners.
_____	_____	9.2.J	Any land survey monuments shall be recorded in the Colorado Land Survey Monument Records prior to commencement of mining, and if removed, shall be replaced following reclamation. Staff comment: A condition of approval has been suggested.
_____	_____	9.2.K	Routt County requires the use of the most recent technologically advanced and proven procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses. Staff comment: A condition of approval has been suggested.

Section 9.4.1 – Standards for Mining Operations that exceed 9.9 acres of cumulative surface disturbance

The following standards apply to any individual permit, or combination of permits that are part of a single project, and are in addition to the applicable Standards and Mitigation Techniques of Section 5, Section 6, and Section 9.2 of these Zoning Regulations:

Complies		Section	Regulations (staff comments in bold)
Yes	No		
_____	_____	9.4.1.A	New long-term mining operations shall be located a minimum of 1,000 feet from any property that is zoned for residential use. Staff comment: All property within and surrounding the proposed permit area is zoned Agriculture and Forestry (AF).
_____	_____	9.4.1.B	Final reclamation shall be designed to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred. Staff comment: Refer to comments regarding RCMP Policies 7.3.X, 7.3.Y, 7.3.EE and 7.3.FF.
_____	_____	9.4.1.D	Any new surface mine or expansion of the permit boundary of any existing surface mine, that is permitted for a time period of 5 years or greater, and results in a new cumulative surface disturbance greater than 10 acres, shall be required to enter into a development agreement with the County to provide conservation mitigation. Such conservation mitigation shall include one of the following: <ol style="list-style-type: none"> 1. For each area in excess of 10 acres of surface disturbance, an acre of undeveloped land within a 5-mile radius of the mine site will be preserved from future residential or commercial development; OR 2. Local public benefit such as open space, trails, hunting or fishing access, wildlife or agricultural conservation easements that in the determination of the Board of County Commissioners provide an equivalent public benefit to the reduced development rights provided for in Section 9.4.1.D.1. <p>Staff comment: The proposed disturbed area is 23.3 acres. Because the pit exceeds 10 acres, conservation mitigation is required. The applicant has indicated that Peabody will preserve one acre of undeveloped land within a 5-mile radius of the pit for each acre over 10 acres disturbed. A condition of approval has been suggested.</p>

Planning Commission and Board of County Commissioners Options

PC / BCC Options for Approval / Denial / Tabling:

1. **Approve the Special Use Permit request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan and sub area plans.
2. **Deny the Special Use Permit request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan and sub area plans. Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan and the Routt County Zoning Regulations.
3. **Table the Special Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Special Use Permit request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan and sub area plans.

Findings of Fact

Findings of Fact that may be appropriate if the Special Use Permit is **approved**:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.
2. The Special Use Permit with the following conditions will not adversely affect the public health, safety, and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent and neighborhood properties.

Conditions

Conditions that may be appropriate include the following:

General Conditions:

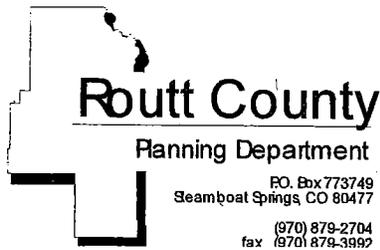
1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6 and 9.
2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Minor amendments may be approved by the Planning Director subject to Section 3.2.10 of the Zoning Regulations.

3. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. This approval is contingent upon all required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to operation.
6. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made. Routt County shall be named as an additional insured on the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
7. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2003 and Routt County noxious weed management plan. A weed mitigation plan shall be developed by the permittee and reviewed and approved by the Weed Supervisor prior to issuance of the Special Use Permit.
8. The Special Use Permit shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
9. Fuel, flammable materials, and hazardous materials shall be kept in a safe area. Any spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
10. No junk, trash, or inoperative vehicles shall be stored on the property.
11. Any land survey monuments shall be recorded in the Colorado Land Survey Monument Records prior to commencement of mining, and if removed, shall be replaced following reclamation.
12. Copies of all financial guarantees related to the project shall be submitted to the Planning Director prior to issuance of the Special Use Permit. The Board of County Commissioners may require a financial performance guarantee to insure restoration of the site and access roads and compliance with other conditions of this permit. The County will not require financial guarantees that are duplicative of that required by the State.

Specific Conditions:

13. The SUP is valid for ten (10) years provided it is acted upon within one year of approval.
14. The permittee shall obtain a Right-of-Way Access Permit from the Road and Bridge Department prior to any change to the site access.
15. Any amendments to the DRMS permit must be approved by the Planning Director and may be cause for a review of the SUP.
16. The hours and days of operation shall not exceed the following:
 - a) Extraction, reclamation, crushing, processing, loading, and hauling: 7:00 a.m. to 7:00 p.m., Monday through Friday.

- b) Extraction, reclamation, loading, and hauling: 7:00 a.m. to 4:00 p.m., Saturday.
 - c) No extraction, processing, hauling, or operation of trucks or other equipment shall occur on Sundays and national holidays, which are Christmas Day, Thanksgiving Day, New Year's Day, Fourth of July, Presidents' Day, Memorial Day, and Labor Day.
 - d) Warming of equipment is allowed 15 minutes prior to startup.
 - e) The Board of County Commissioners may grant temporary waiver of hours and/or days of operation for public projects or for projects with special technical requirements, by special hearing with at least 24 hours notice to adjacent property owners.
 - f) The hours of operation may be amended at the Board of County Commissioners' discretion to avoid conflicts with school busses.
17. The operator shall submit the current DRMS Annual Report for the pit to the Planning Department on or before February 15th each year.
 18. Permittee shall implement the Reclamation Plan in a manner concurrent with the phased mining plan. The Reclamation Plan shall be approved by the DRMS as the final Reclamation Plan for this site prior to the issuance of the SUP.
 19. Prior to any sales, permittee shall enter into an agreement with Routt County to protect from any future residential or commercial development on a contiguous 13.3-acre parcel of land located within five miles of the subject site.
 20. All exterior lighting shall be downcast and opaquely shielded.
 21. Fugitive dust will be controlled by the use of water and other control measures as appropriate, as often as necessary, to reduce, control and minimize all dust generated by traffic, material processing and other activities related to the gravel mine that occur at the site and along the haul route. The Planning Director or Environmental Health Director may require temporary closure of the facility if dust control measures are not effective.
 22. No off-site transport of visible dust emissions shall be allowed.
 23. Noise from all on-site sources and from haul trucks shall be in compliance with the performance standards in the State noise statute (C. R. S. 25-12-101). Violations of performance standards shall be enforceable by the Routt County Environmental Health Department and may be cause for a review of the SUP by Planning Commission and/or the Board of County Commissioners.
 24. The operation shall meet or exceed accepted industry standards and Best Management Practices.
 25. The permittee shall coordinate with the Hayden School District to determine appropriate safety measures for hours that hauling may conflict with school bus routes. Terms and conditions agreed upon by the permittee and Hayden School District shall be submitted to the Routt County Planning Department.



MINERAL DEVELOPMENT APPLICATION FORM	
P11-002	
ACTIVITY #	PP2011-018
PARCEL #	943 203 001

Petition: Peabody Sage Creek Mining LLC - Red Rock Pit

Petitioner's Name: Mike Ludlow

Signature of Petitioner: _____

Landowner Signature (if not same as Petitioner): NA

Petitioner's Mailing Address: PO Box 250
36600 RCR 27
Hayden, CO 81639

Telephone: (970) 276-7001

FAX: (970) 276-7020

Petitioner's Email Address: mludlow@peabodyenergy.com

Representative's Email Address: scowman@peabodyenergy.com

Representative's Mailing Address: Scott Cowman
PO Box 250
Hayden, CO 81639

Telephone: (970) 276-7003

FAX: (970) 276-7020

Type of Operation: Scoria Pit

General Location: Located approximately 10 miles south of Hayden on RCR 53

Legal Description: T5N, R88W, Section 20: portions of NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, all lying north and west of Routt County Road 53.

Staff Contact/Case Manager: _____

Required Submittals

- Cover Application signed by all petitioners
 - Legal Description
 - Area Map
 - Vicinity Map
 - Existing Conditions Map
 - Project History
 - Phasing Plan Sketch
 - Cross-Section of cuts and fills
 - Reclamation plan sketch showing existing and final contours and landscaping
 - Certificate of Liability insurance \$1,000,000 with **Routt County as additional named insured**
 - Names and mailing addresses on mailing labels of all property owners adjacent to the property on which site is located as identified by in the assessors records. Include property owners across rivers and roads. Two sets are required.
 - Names and mailing address of all owners of the property
 - Notice to mineral interest owners
 - Deed to property to be mined or copy of lease
 - Copy of Colorado Division of Reclamation, Mining and Safety Application and bond amount
 - Other: _____
-

PROJECT DESCRIPTION/NARRATIVE:

1. Describe type of project

The project is a "scoria" extraction operation. The mining method will be primarily a truck/shovel/dozer operation. The pit run red rock will be excavated using dozers and track/backhoes. The excavated pit run material will be loaded into road legal trucks with a front-end loader or stockpiled until needed at a later date. Some of the material, depending on the use, would be crushed and stockpiled.

2. Area map

The area map is included in *Attachment A - Map 1, Red Rock Pit Index Map*

3. Type of Mineral(s) to be extracted

The material to be extracted is layered sandstones situated above coal seam outcrops that have been exposed to oxygen and thus "burned". This exothermic reaction provides heat that alters/increases the durability of the sandstone (red rock or scoria). The thickness of the alteration zone is irregular based on a variety of factors including steepness of the slope, thickness of topsoil/overburden, the distance above the coal outcrop, etc.

4. Purpose of mining activity

The purpose of the operation is to provide road base material for the applicant and for road repair material for the Routt County Road and Bridge Department.

5. List of product(s) to be provided on site

The primary product will be Red Rock. There are no anticipated secondary products.

6. Surface owner(s)

Cottonwood Land Company
701 Market Street, Suite 972
St. Louis, Missouri 63101

The permit area and adjacent ownership is shown in *Attachment A - Map 2, Red Rock Pit Existing Conditions*

7. Mineral owner if mineral exploration

NA

8. Mine/batch plant operators

The mine operator is Peabody Sage Creek Mining, LLC. There is no proposed batch plant associated with this operation.

9. Lease interests

Attachment B, Right of Entry contains a copy of the "Right of Entry Agreement" between Cottonwood Land Company and Peabody Sage Creek Mining, LLC

10. Total area to be mined

Permit area = 41.8 acres
Mining area = 23.3 acres

11. Other existing permit approvals

CDRMS Permit No. M-78-315 (issued to Routt County) will be transferred to Peabody Sage Creek Mining, LLC

12. Expected date of commencement

Spring 2011

13. Expected date of termination

2021

14. Total area to be mined

Permit area = 41.8 acres
Mining area = 23.3 acres

15. Estimated mineral reserves

~300,000 tons

SITE/PHYSICAL DESCRIPTION

1. Location, area, yardage and height of stockpile site(s)

- Stockpiles (when present) will be temporary in nature and be located at various available locations within the mined out areas.

- Based on an agreement between Routt County and Peabody Sage Creek, Routt County will crush and screen an amount of material needed for annual road repair plus additional 25% for Peabody Sage Creek use.
- The pit run material used by Peabody Sage Creek will be short-term stockpiled until it can be hauled out.
- Any material left in stockpile is expected to be less than 1,000 tons and will not exceed 20 feet in height.
- *Attachment A - Map 3, Red Rock Pit Mine Plan Map* shows the area of mining by phase.

2. Location and area of processing site(s)

The only "processing" will be conducted by Routt County Road & Bridge in the form of crushing and screening on a schedule to be determined annually. The location will be in a previously mined area somewhere within the pit area.

3. Location and type of on-site facilities/structures

There will be no on-site facilities or structures.

4. Location of stockpiles for topsoil, overburden, etc.

Approximately 5 acres of the pit area was previously mined by Routt County. A small portion of this area will be used to stockpile topsoil removed during the initial phase of operation. After mining proceeds into the second and third phases there will be adequate room for additional topsoil stockpiling in the mined out area. The actual stockpile area will be selected as topsoil is removed.

5. Acreage of all disturbed areas

As shown in *Attachment A - Map 3, Red Rock Pit Mine Plan Map*, the area is divided into three (3) phases totaling approximately 23.3 acres. Each phase of the operation varies in size from; Phase 1 – 8.3 acres, Phase 2 – 8.6 acres, and Phase 3 - 6.5 acres.

6. Drainage control on-site

No surface or ground water is expected to be encountered during the mining operations, therefore no impoundments will needed. Surface water from storm events will be controlled with ditches and small sumps placed as needed.

7. Type of equipment on site

The mining method will be primarily a truck/shovel/dozer operation. The red rock will be excavated using dozers and track/backhoes. The excavated material will be loaded into road legal trucks with a front-end loader

Some of the material, depending on the need, would be crushed and screened, annually or semi-annually. A mobile crushing and screening plant could temporarily be on-site for a short-term duration each year.

8. Access routes (offsite)

a. County, State or Federal road(s) to be used for hauling

Peabody Sage Creek Mining will use RCR 53, 27 and 27A

Routt County will use RCR 53 and surrounding County Roads

b. Condition of roads to be used for hauling

Routt County currently uses RCR 53 for hauling gravel; therefore it is assumed that the conditions are adequate.

RCR 27 has been upgraded to handle high traffic volume and heavy loads.

c. Condition of bridges to be used for hauling

Routt County currently uses RCR 53 for hauling gravel and Seneca Coal Company upgraded and used the lower portion for coal haulage; therefore it is assumed that the conditions are adequate.

RCR 27 has been upgraded to handle high traffic and heavy loads.

d. Access permits (include copies or applications)

NA

e. Number, weight and type of loaded haul trucks

The number of trucks hauling gravel will vary significantly year-by-year.

All haul trucks will be highway legal for weight (up to 25 tons) and length.

f. Destination of loaded haul trucks

Peabody Sage Creek Mining – initial haulage destination will be the Peabody Sage Creek Mine off of RCR 27A.

Routt County – destinations are determined on an as needed basis.

g. Volume of traffic

Peabody Sage Creek Mining – there will be approximately 900 loads of red rock (at 25 tons per load) hauled to the Peabody Sage Creek Mine in 2011 for road construction. Traffic in subsequent years will significantly less.

Routt County – traffic volume is unknown at this time

h. Intersections to be affected

Haulage for Sage Creek Mining will affect the following intersections:

- RCR 53 and Peabody's Tie-Across Haul Road
- Five Points (Xcel Ash Haul Road) and RCR 27
- RCR 27 and entrance (RCR 27A) to Peabody Sage Creek Mine

Haulage for Routt County will affect the following intersections:

- Unknown

Access routes (on site)

Access from RCR 53 will be determined on an as needed basis. There will be only one access point at any one time. The access to each phase will be restricted to a designated gated entry. This gated entry will move from phase to phase as required for access by trucks and equipment. The gated entry will restrict access by the general public.

9. Sanitary facilities on site

Sanitary facilities will consist of one or more porta-pottys.

OPERATIONS PLAN

Mining Plan

Phasing Plan

1. Estimated amount of topsoil to be stripped:

Phase 1 = 2,700 cubic yards

Phase 2 = 6,900 cubic yards

Phase 3 = 5,200 cubic yards

2. Estimated amount of overburden to be stripped:

There is no overburden; all material salvaged will be used as growth medium (topsoil) during reclamation

3. Maximum amount of product to be stockpiled at any one time:

The maximum amount of product to be stockpiled at any one time will be dependent on Routt County Road & Bridge crushing and screening requirements for any single year.

4. Maximum area to be disturbed at any one time including stripping, stockpiles, processing, roads, etc.:

Phase 1 – 8.3 acres

Phase 2 – 16.9 acres (maximum)

Phase 3 – 23.3 acres (maximum)

It should be noted that reclamation will begin during Phase 2 thereby reducing the maximum disturbed area during Phase 2 and 3.

5. Method of extraction:

The mining method will be primarily a truck/shovel/dozer operation. The red rock will be excavated using dozers and track/backhoes. The excavated material will be loaded into road legal trucks with a front-end loader

6. Months of operation during each year:

The periods of operation are expected to occur between the months of May and November.

7. Hours of operation:

Up to 12 hours per day (daylight hours).

Days operated will be on an as-needed basis, but are not expected to exceed 5 days per week.

Number of employees, job responsibilities and workshifts:

Peabody Sage Creek Mining - Employees numbers will vary from 0 to 3 over a week to week basis. Maximum workers = 3 equipment operators, one shift/day

Routt County – to be determined by Routt County Road & Bridge.

8. Blasting:

No blasting will be conducted.

9. Outdoor Storage:

NA

10. Air pollution from equipment, road and site and proposed controls:

Dust will be controlled by watering within the pit area as necessary. RCR 53 will be watered and/or magnesium chloride during hauling.

11. Water pollution from equipment and site and proposed controls:

No surface or ground water is expected to be encountered during the mining operations, therefore no impoundments will needed. Surface water from storm events will be controlled with ditches and small sumps placed as needed.

Care will be taken during equipment maintenance and fueling to avoid spills and ground contamination.

12. Noise abatement:

NA

13. Hours of operation:

Up to 12 hours per day (daylight hours).

Days operated will be on an as-needed basis, but are not expected to exceed 5 days per week.

a. Distance to surrounding homes

Phase 1 – 1,000 feet

Phase 2 – 500 feet

Phase 3 – 750 feet

b. Potential noise from equipment/trucks/mining

Yes

15. Weed control during mining operation (submit plan for review and approval to Routt County Weed Supervisor)

Weed control will be conducted, as needed. The weed control plan for Peabody Sage Creek Mining included in *Attachment C – Reclamation Plan*.

16. Other permits:

- CDRMS – Construction Materials Regular 112 Operation Reclamation Permit
- CDPHE - Storm Water Management Plan

RECLAMATION PLAN

1. Sketch of existing and final contours, retaining wall(s) and other structures. Post reclamation land use(s) and locations:

Attachment A – Map 2, Red Rock Pit Existing Conditions, shows the current existing contours, while *Map 4, Red Rock Pit Reclamation Plan* presents the anticipated configuration to be achieved for final reclamation.

The post reclamation land use will be rangeland.

2. Reclamation techniques:

A. NRCS recommendations:

- 1) plant types
- 2) planting schedule
- 3) topsoil cover
- 4) weed control

The proposed reclamation plan details are contained in *Attachment C – Reclamation Plan*. Since Routt County previously held an approved permit on the Red Rock Pit, the proposed reclamation plan has been based on the current approved Routt County plan

B. CDRMS requirements:

- 1) **amount of bonding:** To be determined by CDRMS
- 2) **timing of process:** Projected startup is May 2011
- 3) **weed control:** The proposed weed control plan will be the same as presented to Routt County.

- C. Phasing/timing:** Phase I – 2 to 5 years
Phase II – 3 to 5 years
Phase III – 3 to 5 years

D. Topsoil replacement:

- 1) **Total amount stripped:** estimated 13,000 to 15,000 cu yds
- 2) **Total amount required for reclamation:** All salvaged topsoil material will be replaced during final reclamation activities.
- 3) **Total amount available for sale:** None
or
- 4) **Required to be imported to complete reclamation:** All salvaged topsoil material will be replaced during final reclamation activities.

3. Landscape plan including plant materials: Refer to *Attachment C – Reclamation Plan*

4. Weed control plan per Weed Control Act of 2003: Proposed weed management is included in *Attachment C – Reclamation Plan*.

VICINITY/ENVIRONMENTAL CONSIDERATIONS

1. Slope of site: 30 to 50%

2. **Vegetative cover:** Bare rock, sage brush/grass, steep mountain brush
3. **Nearest river, creeks, drainages, lakes, etc.:** Dry Creek is +/- 3,000 feet north of the Red Rock Pit area.
4. **Rights for water to use during mining:** Water needed for dust control will be obtained from off-site (the Seneca II-W Mine).
5. **Water Augmentation plan if pond or lake reclamation:** NA
6. **Affected irrigation ditches and/or structures:** None
7. **Visual Impacts:** None
8. **Visual Screening:** None
9. **Wildlife habitat impacts (submit comments from DOW are manager):** A letter from the DOW is included in *Attachment D – Division of Wildlife Comments*.
10. **Adjacent property use:** Rangeland, Routt County Road 53
11. **Nearest residences:** One residence – William & Nancy Brandenburg
Phase 1 (center of) – 1,800 feet
Phase 2 (center of) – 500 feet
Phase 3 (center of) – 900 feet
12. **Radioactive testing:** NA
13. **Geologic hazards (as shown on Planning Department maps):** None
14. **Hydrologic hazards:** None
15. **Soils (report from soil Conservation Service):** Soils description and map (taken from current DRMS permit held by Routt County) are included in Attachment E – Soil Information.
16. **Wetlands (submit application and/or permit from ACOE):** NA
17. **Other mining activity in vicinity:** Seneca II-W Mine – final reclamation
18. **Color of equipment:** variable
19. **Wind patterns:** Regional – West/Southwest
Local – NE/SW
20. **Wildfire hazards:** Unknown

22. Land Values: NA

23. Fencing: The permit boundary will be fenced using the recommended standards of the CDOW.

SECTION 9.4 - Mining Operations that Exceed 9.9 Acres of Cumulative Disturbance

9.4.1A. New long-term mining operations shall be located a minimum of 1,000 feet from any property that is zoned for residential use. NA

9.4.1B. Final reclamation shall be designed to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred. The final reclamation configuration will aesthetically improve the area and provide improve the grazing conditions for livestock and wildlife in the disturbed area.

9.4.1C. Final reclamation shall be designed to limit the amount of exposed groundwater in order to minimize the cumulative impacts of evaporative water loss from reclaimed sites. No ground water exposure is expected. The final reclamation configuration will be steep cliff-like side slopes and level 100 to 200 foot benches. No "lake" or impoundment will be left.

9.4.1D. Any new surface mine or expansion of the permit boundary of an existing surface mine, that is permitted for a time period of 5 years or greater, and results in a new cumulative surface disturbance greater than 10 acres, shall be required to enter into a development agreement with the County to provide conservation mitigation. PSCM is initiating work with Peabody Land Division and Routt County to develop agreement.

RECLAMATION PLAN DETAILS

- The existing land use in the permit area is mining and rangeland and rangeland in the adjacent areas. The postmining land use will be primarily rangeland and secondarily wildlife habitat.
- The types of reclamation will include retention of highwall slopes of bare rock and flatter revegetated benches between the slope toe and Routt County Road 53.

The final reclaimed configuration will consist of steep backslopes (up to 1H:1V) and flatter bench or floor areas parallel to Routt County Road 53. The steeper slopes, a result of the final excavation, will be left natural (no topsoil) whereas the flatter bench areas will be covered with the available stored soil/growth medium. See *Map 4, Red Rock Pit Reclamation Plan (Attachment A)* for the conceptual final topography.

Due to the overall lack of topsoil, there will be no segregation of salvaged soil material. Soil material/growth medium will be salvaged ahead of mining where available and if the slope configuration will safely allow the material to be recovered. The salvaged soil material will be stockpiled for use in the reclamation efforts. The soil material will be placed by scraper or front-end loader. The depth of replaced soil material will be variable and depend on the amount of material available for replacement. It is expected that the replacement depth will range between 0 and 4 inches.

- The reclaimed areas will be broadcast or drill seeded with the following seed mix.

Species	Variety	PLS (lbs/ac)	% of total mix
Slender wheatgrass	Primar	3.0	19%
Bluebunch wheatgrass	Native	5.0	30%
Indian ricegrass	Native	2.5	16%
Western wheatgrass	Arriba	2.5	16%
Intermediate wheatgrass	Amur	<u>3.0</u>	<u>19%</u>
		16.0	100%

Rates are based on drill seeding; rates will be doubled when broadcast seeding is used.

Seeding will occur in the early summer or late fall to take advantage of moisture conditions. No fertilization is proposed. No planting of trees or shrubs is proposed.

- Weed control will be conducted during spring, summer and fall seasons as needed and will adhere to the approved weed control plan.

- The area will be reclaimed in stages, as an area is completed and no further operational use of the area is needed, final reclamation will proceed. The timing of reclamation stages will be based on the amount of red rock removed annually.

As each phase is mined out and no longer needed for gravel storage or crusher/screening pad, the flatter pit bottom will be graded, topsoiled (if available) and reseeded.

- The general reclamation plan is graphically presented on *Map 4, Red Rock Pit Reclamation Plan Map (Attachment A)*.

WEED MANAGEMENT PROGRAM

Noxious Weed Management Program - Noxious weed infestations may occur on areas disturbed from construction activities. In order to minimize potential adverse resource impacts that may result from noxious weed infestations; optimize revegetation success for the reclaimed area; and fulfill sound land management objectives, Peabody Sage Creek Mining LLC (PSCM) will incorporate the following integrated noxious weed management program (weed program) from the approved CDRMS (Colorado Division of Reclamation Mining and Safety) permit as an important component of their mining activities.

PSCM's weed program was developed with reference to the Colorado Weed Management Act (CRS 35-5.5-115), and the CDRMS's "Guideline for the Management of Noxious Weeds on Coal Mine Permit Areas", and in consultation with the local office of the Colorado State University Cooperative Extension Service (CSU-Extension Service, also the Routt County Weed Control agency). PSCM's weed program focuses on those noxious weed species listed by the Colorado Department of Agriculture, and will be modified, as appropriate to address any changes to this list. PSCM's integrated weed program consists of five interrelated components, as detailed in the following sections: Prevention, Identification and Mapping, Management Planning and Scheduling, Application of Selected Control Method(s), and Evaluation of Control Effectiveness.

Prevention - Prevention is the most important component of PSCM's weed program and includes the following items.

- Prevention of new noxious weeds from becoming established by stopping seed production through mechanical, chemical or biological control.
- Seed the reclaimed area in a timely manner after the site has been graded and stabilized using methods outlined the Reclamation Plan.
- Plant only certified weed-free seed for the approved seed mix.
- Monitoring of weed control efforts on an annual basis as described in Identification and Mapping below.
- Assess the need for any supplemental management measures. (ie: fertilization, reseeding, weed control, protection from wildlife, etc.)

Identification and Mapping - PSCM will utilize a range of resources to identify and map any noxious weed infestations within the PSCM permit area. The Environmental Staff will be trained in noxious weed identification and, as a matter of practice, note any noxious weed occurrences observed any time they are in the field. In addition, Environmental Staff, assisted by trained student and summer interns, will conduct spring and fall Environmental Management surveys of active areas, specifically to identify any new noxious weed occurrences, assess the effectiveness of weed management activities, and note any environmental concerns that may require attention. PSCM maintains a working weed program map and records both observed noxious weed occurrences (from all sources, by weed species, location, and extent of infestation) and treatment activities.

Management Planning and Scheduling - Effective management and planning are key elements in assuring the effectiveness of PSCM's weed program. Any new information collected through the ongoing noxious weed identification and mapping efforts, along with treatment information from prior years is reviewed and evaluated. Based on this information, treatment strategies and schedules are developed during the early spring for the annual weed management program using the following steps:

- For mapped weed infestations, treatment method is determined based on the weed species present using recommendations provided by the CSU Extension Service. Selection of treatment method(s) takes into consideration proximity to flowing water or water bodies, croplands, any livestock use, and historical response of identified weed species to prior treatment(s), based on review of control effectiveness. Treatment methods may include mechanical controls (tillage, mowing, burning, cutting/pulling), chemical controls (selective herbicides), biological controls (weed-specific insects or pathogens), or combinations of these methods. In general, treatment method(s) will be selected to achieve the most effective control with the resources available. As an example, where multiple weed species are present, the most effective overall control(s) will be applied, although the method(s) may not be optimal for each individual species.
- Scheduling of weed management treatments will also be based on the CSU Extension Service recommendations for specific weed species. For most species, control effectiveness can be significantly enhanced by scheduling treatment at specific stages of vegetative growth (typically spring and/or fall). To the extent possible, based on staff and contractor availability, treatment will be scheduled to optimize effectiveness.
- Priority and responsibilities for weed control are determined based on weed species present and the location and extent of weed infestations. Certain weed species are extremely aggressive, and first priority will be given to their control to prevent establishment and spread. Previously treated areas are second in priority, in order to maximize control effectiveness. Third in priority are any new weed infestations and areas where the weed infestation covers a large area, to prevent further spread. Lowest priority is given to isolated weed infestations of non-aggressive species which have not been previously treated, since these may be addressed by natural vegetative succession and pose a reduced risk of spread.

Application of Selected Control Method(s) - The following summarizes the proposed treatment methods for listed noxious weed species known to occur within the PSCM permit area. If treatment extends over a longer time period, or if control effectiveness is determined to be lower than anticipated, treatment methods or chemicals may be adjusted to improve long-term effectiveness. Approved or more effective chemicals for targeted weeds may change over time and these modifications will be incorporated as needed.

Routt County Noxious Weed list:

- Yellow toadflax/butter and eggs - Spring spot spraying with Tordon (Banvel is alternative chemical)

- Houndstongue - Spring spraying (full coverage and spot) with mix of Escort, 2,4-D amine, and Activator 90 (Plateau is alternative chemical)

Colorado State Noxious Weed A and B lists:

- Bull thistle - Cutting/pulling prior to formation of seed-heads and then fall spraying with mix of Tordon, 2,4-D amine, and Activator 90 (Banvel and Milestone are alternative chemicals)
- Musk thistle - Cutting/pulling prior to formation of seed-heads and then fall spraying with mix of Tordon, 2,4-D amine, and Activator 90 (Banvel and Milestone are alternative chemicals)
- Canada thistle - Cutting/pulling prior to formation of seed-heads and then fall spraying with mix of Tordon, 2,4-D amine, and Activator 90 (Banvel and Milestone are alternative chemicals)
- Hoary cress (white top) - Spring spraying (full coverage and spot) with mix of Escort, 2,4-D amine, and Activator 90 (Plateau is alternative chemical),

For large areas or significant weed infestations, PSCM may utilize a weed-control contractor to achieve overall control and then utilize in-house resources (Environmental Staff, student interns, summer students, contract labor) for ongoing maintenance control activities. PSCM will maintain an ATV with spray-tank, spray bar, and hand-sprayer, as well as several backpack tank sprayers for weed control. Chemical control activities are overseen by a U.S.-EPA Certified Pesticide Applicator and pesticide storage, handling, and use procedures and personal protective equipment are utilized to prevent potentially hazardous personal or environmental exposures. Where control of extensive weed infestations results in limited vegetative cover or bare-ground, the affected area will either be inter-seeded or ripped and seeded, dependent on site-specific conditions.

Evaluation of Control Effectiveness - Generally, in conjunction with the spring Environmental Management surveys, areas of previously identified and treated noxious weed infestations are inspected and the effectiveness of control measures are evaluated based on reduction or elimination of weed infestations. This information is utilized in the management planning process to determine the need for continued treatment and to modify treatment method(s), if indicated, to improve effectiveness.

STATE OF COLORADO

Bill Ritter, Jr., Governor
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE

AN EQUAL OPPORTUNITY EMPLOYER

Thomas E. Remington, Director
6060 Broadway
Denver, Colorado 80216
Telephone: (303) 297-1192
wildlife.state.co.us



*For Wildlife-
For People*

September, 12 2010

Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

RE: Wildlife Assessment/ Red Rock Gravel Pit; Peabody Energy.

I've reviewed the proposed Red Rock Gravel Pit operation located southwest of Hayden, CO, adjacent to RCR 53. The permit area is T5N R88W in portions of Section 20. The proposed permit area is for 41.8 acres, with disturbed area, including potential affected lands of 23.3 acres.

This area is dominated primarily by sagebrush and mountain shrub communities with bands of rock outcroppings.

There are no known threatened or endangered species or critical habitat for such species at this location.

Columbian Sharp tailed grouse use adjacent lands to the proposed facility but there would be no direct impacts to this species and no significant loss of habitat.

There is seasonal use by mule deer and elk of the permit area with some mule deer utilizing this area during the winter months. It is recommended that any new fence construction incorporate standards to help alleviate injury to animals attempting to cross fences. The CDOW can provide recommended fence standards upon request.

If you have any questions or concerns please contact District Wildlife Manager, Steve Znamenacek at 970 846-3732. Thank you for the opportunity to comment on this project.

Sincerely,

James M. Haskins
Area Wildlife Manager
Steamboat Springs, CO

cc: Ron Velarde, Dean Riggs, Lisa Rossi, Steve Znamenacek, Ed Winters

Rebecca Bessey

From: James, Jay [JJJames@peabodyenergy.com]
Sent: Thursday, June 02, 2011 10:23 AM
To: Rebecca Bessey
Cc: Cowman, Scott; Karo, Roy
Subject: Red Rock Pit - Additional Info
Attachments: DSC_0195.JPG

Rebecca...I'll try this again!

There are 4 photos (separate e-mails) showing the area as it exists today. Two of the photos (196 and 198) show reclamation done by the County and the other two photos show what the final highwall could/would look like (without talus at the base of the slope).

There is no specified location for equipment storage. Depending on the demand for the material, there may not be equipment on-site all the time. The track-hoe and/or dozer will be parked within the secured pit area to allow access by a fuel truck and will probably move weekly. The crusher setup will be up to the contractor and the condition of the pit bottom.

Once again you will receive 4 e-mails, 1 picture per e-mail.

Jay James

JEC Inc/Peabody Energy
970-276-7008 (office)
970-846-9060 (cell)

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Road & Bridge Department Project Referral

Project Name: Red Rock Gravel Pit Expansion

Activity #: PP#2011-018

Petitioner: Peabody Sage Creek Mining, LLC

Location/Legal: RCR 53; within Section 20, T5N R88W

Due date for comments: June 3, 2011

Planner: Rebecca Bessey
Road & Bridge: Heather McLaughlin, Senior Engineer comments in blue ink

PROJECT DESCRIPTION: The applicant is proposing to expand the existing Red Rock Gravel pit to a total area of 23.3 acres.

GENERAL COMMENTS

- Current conditions: Red Rock has been utilized as a gravel pit since 1978. Currently the open portion of this pit is 5 acres.
- General Impacts to the local and/or County road system? The access to this pit is directly off CR 53. It is established and safe.
- Any necessary improvement costs or mitigation? No improvements or mitigation needed.
- Traffic impact report required or recommended? Traffic report not necessary.
- Any anticipated future issues/impacts? The major issue that can arise is access. Applicant will have to apply for an access permit with each phase of mining. Meaning, that we will only allow one access to the pit at a time.

Please provide comments based upon the following Routt County Criteria:

ZONING REGULATIONS

- 5.6 Access to Buildable Lot Standards. **N/A**
- 5.7 Right of Way Access Standards and Permits. [The existing access will be the only permitted access to the pit. Applicant will have to apply for an access permit from R&B each time a new access is proposed. Only one access is allowed for the pit during any period of time.](#)
- 5.8 Road Construction Standards and Permits. **N/A**
- 6.1.7.A and B Significant Negative Impacts. **N/A**
- 6.2 Public Road Use Performance Standards. **N/A**

SUBDIVISION REGULATIONS

- 2.6 Road Review Exempt Subdivision. **N/A**
- 3.1 General Design Standards. **N/A**
- 3.2 Roads, Streets, and Alleys – General Standards. **N/A**
- 4.4 Roads and Street Paving. **N/A**
- 5.1.4 Infrastructure (LPS). **N/A**

PROJECT-SPECIFIC ISSUES:

- [Routt County currently has a lease with the applicant for crushing gravel in the existing pit. If this application is approved and accepted, RC would ultimately amend their lease with applicant to include the newly permitted boundary.](#)
[Use of this pit for County purposes will be seasonal and on an as needed basis. RC will crush and stockpile gravel on site to use for multiple years. Hauling off-site will depend on need for gravel.](#)
[A typical year for RC would include crushing and stockpiling gravels \(approximately 3-4 weeks\) and hauling gravel during the same time frame. The years we are not crushing, hauling would be for approximately 2-3 weeks.](#)

Phillips recommended retaining the standard language as written and noted that the County Attorney could suggest alternative wording. Commissioner Ayer recommended that “to include a forb or sagebrush component and rangeland seed mix as recommended by the Colorado Division of Wildlife” be added to the end of the last sentence in Condition 11. Commissioner Ayer asked that an additional final sentence be added to Condition 14 to read, “Any prolonged departure from the typical hours must be administratively reviewed and approved by the Planning Director.” He asked that a new condition be added to read, “All required or necessary access fencing will be put in place as part of project completion, and any reclaimed areas grazed early on in the reclamation process will be fenced according to the Colorado Division of Wildlife’s specifications.” Commissioner Fry asked whether reclamation occurred at the end of the life of the plant. Mr. Stewart stated that reclamation was ongoing, and noted that three-quarters of the site had already been reclaimed. Thus, the new seed mix would be used on the remaining quarter of the area yet to be reclaimed.

Commissioners Arel and Fry agreed to all of the suggested changes.

The motion carried 7-0, with the Chair voting yes.

ACTIVITY: PP2011-007
PETITIONER: Peabody Sage Creek Mining, LLC
PETITION: Pre-Application Conference for a Special Use Permit (SUP) for an expansion of an existing gravel pit
LOCATION: West side of County Road 53, approximately ten miles south of Hayden in the SW ¼ of Section 20, Township 5 North, Range 88 West

Commissioner Gallagher explained that at a pre-application hearing the Commissioners provided input as to what the petitioner needed to do in order for the petition to move forward; no vote on the pre-application would occur this evening.

Scott Cowman, Senior Environmental Specialist for Peabody Sage Creek Mining, LLC, presented a PowerPoint presentation for continued operation and a proposed future expansion of an existing gravel extraction operation at the Red Rock Gravel Pit. Mr. Cowman noted that the County Road and Bridge Department had previously operated the pit and transferred its permit to Sage Creek. The purpose of the operation was to provide road base material for road development associated with Sage Creek Mine and to continue supplying the Road and Bridge Department with road material that Road and Bridge would crush and screen for its use and leave 25% for Peabody Sage Creek use. The pit would primarily be a truck/shovel/dozer operation that would extract rock with dozers and backhoes; excavated materials would be loaded into haul trucks with a front-end loader. Some extracted material might be crushed and stockpiled. Other permits required for the operation included a CDRMS Operation

Reclamation Permit and a Department of Health and Environment Air and Stormwater Discharge Permit. The anticipated start time would be spring or summer of 2011; termination would be in 2021. The material was a layered sandstone overlying thin coal seam outcrops that had been exposed to oxygen and burned. Heat produced from this exothermic reaction had altered the sandstone to create red rock, or scoria. The thickness varied in correspondence to the slope, thickness of overburden, and distance above the coal outcrop. The permit area was 41.8 acres; the mining area was 23.3 acres; reserve was estimated to be 300,000 tons. The operation would occur in Phases: Phase 1 was occurring presently with approximately half of the 8.3 acres already mined and would last between two and five years; Phase II would involve approximately 8.6 acres and last between three and five years; Phase II would mine 6.5 acres and last between three and five years. He indicated on a map the areas to be mined associated with each phase and noted the location of the nearest residence across from the pit on County Road 53. He stated that the property owner had only expressed concern about dust created from haul trucks and wanted assurance that the road would be watered when hauls occurred. He explained that approximately one mile of gravel road existed from the south end of the permit boundary to the pavement and stated that water and magnesium chloride would be used on that portion of the road. Water would also be used at the pit for dust mitigation. Gates would be installed to prevent public access to the pit. Mr. Cowman stated that the number of haul trucks would vary significantly from year-to-year. Approximately 900 loads would be hauled to the Peabody Sage Creek Mine in 2011 to construct a 14.5-mile road, after which truck traffic would be considerably lessened. Traffic volume on the County Road was unknown at present. He indicated the haul route on a map from County Road 53 to 27A and noted that Twentymile Coal hauled to the Hayden Station on County Road 27 and from County Road 27 to Highway 40 for the Stoker coal haul. He stated that Sage Creek proposed to preserve the required acres for wildlife and grazing in an area adjacent to the operation. The applicant was still working with Planning staff to resolve the issues associated with this requirement. He indicated the probable location of the conserved area on a map and added that the total acreage of the pit area was approximately 35 acres.

Ms. Bessey stated that the existing Red Rock Gravel Pit did not operate under a County Special Use Permit. Routt County had held a State permit since approximately 1978 that was transferred earlier this year to Peabody. A new lease with the County would allow the County to continue mining, crushing, and hauling material from the pit. The existing pit area on which mining had previously occurred was approximately five acres. The existing access point onto the County road had been located there for a number of years. No alterations to that access were proposed at present; if changes were to occur, they would need to be approved by Road and Bridge. Road and Bridge anticipated no truck-hauling impacts to the County road system should the proposal go forward. A referral request had been sent to the Division of Wildlife (DOW) but to date no response had been received. The applicant had consulted

with the DOW and had received a written response that indicated that the DOW anticipated no impacts to wildlife in the area as a result of the operation. No critical wildlife habitat existed within the project's boundaries although Colombian Sharp-Tailed Grouse were in the area. Notice as to this evening's pre-application hearing had been sent to property owners; no responses had been received. Planning staff's main concerns with the proposal pertained to noise and visual impacts to the area's residents and travelers on County Road 53. She showed photographs that depicted the historic and current access point as being immediately off of County Road 53 and the mined area as being on a shelf of land directly behind that point. The conclusion was that mitigation of the visual impacts would be difficult. She noted that Road and Bridge had stated that some reclamation had occurred at the site.

Commissioner Ayer asked how much deeper into the slope excavation would go. Mr. James replied that the proposal was to go from the edge of the County Road right-of-way into the hillside a maximum of 200 feet, depending on the quality of the rock excavated. Commissioner Arel noted that, based on the map, proposed excavation appeared to stop at the treeline. Mr. James agreed but noted that some sloping of the hillside would have to occur.

Commissioner Goldich asked who would operate the pit. Mr. Karo, an employee of Peabody who had been involved with the pit for fifteen years, replied that the County had crushed the available red rock at various times and then hauled it. Peabody had a lease agreement that it would excavate and haul gravel and the County would crush and haul what had been crushed. Commissioner Goldich asked whether the County would crush the gravel for the 900 anticipated Peabody loads. Mr. Karo stated that pit-run gravel would be used for the Sage Creek Mine road underlayment. That gravel would be dug and hauled without being crushed. Mr. Cowman reiterated that in 2011 Peabody would take 25% of the County-crushed material for its new road. Commissioner Fry asked whether the County would crush for the mine. Mr. Cowman said that Peabody would probably not use any crushed material this year, nor did the County intend to crush any this year.

Commissioner Fry asked about noise and commented that crushing would probably be the noisiest aspect of the operation. In regard to the visual impacts, he stated that on a busy day, perhaps forty cars traveled County Road 53, so not many people would see the pit.

Commissioner Ayer observed that the pit seemed to be a shallow one. He asked how deep the extraction areas would be. Mr. James answered that mining would start where the County had been working. Phase I would extend the operation south to the permit boundary and would go deeper to create a trench. Phases II and III would proceed north of the existing mined area, remain at the same elevation as the County road, and create a bench into the hillside that would be topsoiled and revegetated. He commented that mining would be tight because

the hillside was steep and the permit area was long but narrow. He noted that the red rock was essentially exposed.

Commissioner Ayer said that given the topography and the location of the crusher on the surface, there was little opportunity for noise mitigation. He asked about berms or stockpiling to reduce noise. Mr. James replied that since the operation was at a higher elevation than the nearby residence, that would be a natural noise mitigation.

Commissioner Ayer asked about truck loading. Mr. James said that they would be loaded on the existing access road to the pit or the maximum 200-foot width.

Commissioner Gibson asked whether the phases could be shorter to start reclamation sooner. Mr. James said that reclamation would occur as a phase was finished. During Phases I and II, the County access would be used for staging and loading. Since only one access was allowed at a time, the proposal was to gate wherever the access was at that time, to close off any other access points, and to create a new access point as the operation moved. Commissioner Fry noted that Road and Bridge had stated that no additional access points would be permitted. Mr. Karo thought that that was a matter of semantics. Mr. Cowman stated that only one access would exist at a time, but that point might move. Mr. James added that previous access points would either be bermed or fenced. He understood the Commissioners' point and stated that that issue would be clarified.

Commissioner Gibson asked the location of other gravel pits in the area. Mr. Cowman stated that Mesa Gravel Pit was the closest, but it was not of the type of material needed for Peabody's road base. Ms. Bessey explained that the application was not for a commercial pit so the use of the pit was not comparable to other pits in the area. Commissioner Gibson wanted to ensure that other opportunities for gravel resources were not being overlooked.

Commissioner Ayer asked about ownership of the haul trucks. Mr. Ludlow thought that all hauling would be sub-contracted since Peabody did not own the trucks to be used. Commissioner Ayer said that since the operation was not commercial, he anticipated that haul trucks would have no schedule pressures or need to speed. He noted that no condition of approval required that trucks be numbered. Mr. Cowman said that County Road 32 going west was a former haul road from Seneca so the road was well constructed and could accommodate loaded trucks.

Commissioner Goldich asked whether the road being a former haul road was the reason no upgrades to the road were being required. Mr. Cowman said that that was part of the reason; the other was that the road had been built to accommodate a larger traffic volume and surface mining that occurred to the south.

PUBLIC COMMENT

Commissioner Gallagher called for public comment. None was forthcoming. Commissioner Gallagher closed public comment.

ROUNDTABLE DISCUSSION

Mr. Karo asked whether the mitigation and conservation acreage of ten acres or more applied to the proposed project. Commissioner Gallagher stated that that requirement did apply, and the proposal indicated that the requirement would be met using land on the back side of the hill from the operation. Mr. Cowman said that he intended to study the regulations and talk with Planning staff because he thought that gravel used for a coal operation did not need to meet that requirement. Commissioner Gallagher said that the direction to the applicant would be to clarify that issue with Planning staff prior to submitting a full application.

Commissioner Ayer saw no major problems with the proposal proceeding through the application process. He said that to honor past applications, for the sake of consistency with other gravel pit permits, and in deference to the nearby homeowner and the weekend traveling public, he asked that a condition specifying times of crushing and hauling, excluding Sundays and national holidays, and reducing operations on Saturdays be included and specify hours of operations and exclusions. He stated that in regard to fencing, the proposal had mentioned barbed wire fencing, and the DOW wanted wildlife-friendly fencing, so that issue should be resolved. Also, in the fact packet, staff had commented on issues that needed additional information, such as the school bus routes. He said to respond to those issues would satisfy the additional information needed for a complete application.

Commissioner Fry said that the petitioner should verify whether the County would crush for the operation because that would relieve the applicant of any noise mitigation requirement. Thus, crushing should be separated in the application so the applicant would not be blamed when the County was crushing for its own use. Another issue to resolve was the access permit and its rolling nature. He noted that the material was good quality road base if capped with other material.

Commissioner Gibson said that no reclamation plan was included in the material provided by the applicant. She commented that a steep slope would remain after mining, and she was concerned about effective erosion control. She would like the seed mix to be specified as well and a landscaping and a reclamation plan included in the application.

Commissioner Goldich recommended that Phase I be completely reclaimed as Phase II was initiated to keep the disturbed acreage to a minimum.

Commissioner Arel was concerned about the residents in the area even though they had had no issues in the past. Mr. Karo said that he had spoken with Ms. Brandenburg the previous day, and she had asked about dust control. He had explained that magnesium chloride and water would be used. She had expressed no issues with the County's past crushing operations. Mr. Cowman added that being a good neighbor was important to Peabody so any issues that arose would be addressed.

Commissioner Fry commented that Peabody did a good job on reclamation. Mr. James stated that the majority of the site was high rock wall so little erosion would occur but the slope would be completely seeded.

In addition to the comments regarding access and reclamation, Commissioner Gallagher stated that the applicant should review the Mineral Resources chapter of the Routt County Master Plan and the zoning regulations, which were statutory and included negative impacts as outlined in Section 6.1.7, particularly E, F, I, and Q, which related to air quality, visual amenities, and noxious weeds, as well as 6.2.3, which addressed roads, and 6.6, which covered mitigation standards.

Ms. Bessey added that when a formal application was submitted, complete information as to the County's operation would be provided. She thought that the manner in which Peabody and the County worked together and crushing occurred were stipulated in the lease agreement. Commissioner Gallagher added that hopefully Road and Bridge adhered to noise standards and operations timeframes.

ADMINISTRATOR'S REPORT

Mr. Phillips reminded Planning Commission that the Sweetwood Ranch site visit would occur on April 7, 2011. That application and a pre-application for the Frentress gravel pit west of Hayden would be the two agenda items for the April 7th Planning Commission meeting. On April 21, 2011, the agenda would include an application for expansion of the Betger gravel pit and an expansion of the Hogue pit.

Commissioner Fry said that gravel pit applications for hauls for use only by an applicant did not seem to be a public benefit. Mr. Phillips said that no conservation mitigation was required, but it was often confused public benefit.

Ms. Bessey said that on April 24, 2011, a joint City/County Planning Commission meeting regarding the presentation to be taken to the public pertaining to the update of the Steamboat Springs Area Community Plan would begin at 5:30 p.m. The presentation would include an interactive poll to encourage feedback about the presentation. After the joint meeting, the presentation would be given the City Council and the County Commissioners; the presentation would be modified to incorporate suggestions offered, then taken to the public in community meetings throughout the County. The goal was to obtain information in order to

sagebrush component and rangeland seed mix as recommended by the Colorado Division of Wildlife.

12. Routt County has the authority to close any county road at their discretion if such road surface is in poor condition and would be further damaged by additional use.

13. The permits/approval shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.

Specific Conditions:

14. Typical hours of operation shall be from 6:30 a.m. to 5:00 p.m., Monday through Friday. Any prolonged departure from the typical hours must be administratively reviewed and approved by the Planning Director.

15. The Operator shall submit an annual report to the Planning Department that details total materials hauled and remaining disposal capacity.

16. Disturbed acreage is defined as all areas not covered by water, pavement, or substantially noxious weed free vegetation. Reclamation shall be conducted according to approved plans including grading, topsoiling, and seeding.

17. All internal haul roads shall be watered or chemically stabilized to minimize dust. Watering operations shall be increased immediately in response to periods of high wind. The operator shall take all appropriate actions to mitigate and control dust from all sources. The Routt County Environmental Health Director or the Planning Administrator may require temporary closure of facility if dust control measures are not effective.

18. Prior to commencement of operations, the haul road and County Road 27 crossing shall have adequate signage and safety lighting as approved by the Road and Bridge Director.

19. This site is specifically for the disposal of ash, associated emission control byproducts and other solid waste approved for disposal at the facility by the CDPHE. It is not for public use but for the exclusive use of Xcel Energy and/or its subsidiaries.

20. All required or necessary fencing will be put in place as part of the project completion and any reclaimed areas grazed early on in the reclamation process will be fenced according to the Colorado Division of Wildlife's specifications.

Commissioner Monger seconded; the motion carried 3-0.

EN RE: PEABODY SAGE CREEK MINING, LLC (PP2011-007)

PRE-APPLICATION CONFERENCE TO EXPAND THE RED ROCK GRAVEL PIT

Chad Phillips and Rebecca Bessey, Planning; Scott Cowman, Mike Ludlow, and Jay James, Peabody Sage Creek Coal, and Tom Ross, Steamboat Today, were present.

Page 2011-154

April 12, 2011

Routt County Board of County Commissioners' Minutes

Commissioner Mitsch Bush stated that no decisions were made at a pre-application hearing; only suggestions as to additional information and direction would be provided by the Board.

Ms. Bessey said that a pre-application conference was held with the Planning Commission on March 17, 2011 at which the petitioners provided a PowerPoint presentation that they would present this day to the Board. At that meeting, the Planning Commission was concerned about the landscaping and reclamation plans and suggested that additional information, including details as to the phasing timeframe, be provided as the application went forward. Questions as to the County's use of the pit and the way in which operations would occur had been posed by Planning Commissioners, and the recommendation was that more clarification on the County's use of the pit was needed in the actual application.

Mr. Cowman presented a PowerPoint presentation for continued operation and a proposed future expansion of an existing gravel extraction operation at the Red Rock Gravel Pit located southwest of Hayden near the Sage Creek permit area. He noted that the County Road and Bridge Department had previously operated the pit and had transferred the operation of the pit to Sage Creek. The purpose of the operation was to provide pit-run road base material for road development associated with Sage Creek Mine and to continue supplying the Road and Bridge Department with road material that Road and Bridge would crush and screen for its annual road repair use and leave 25% for Peabody Sage Creek mine use. The pit would primarily be a truck/shovel/dozer operation that would extract rock with dozers and backhoes; excavated materials would be loaded into road-legal haul trucks with a front-end loader. Some extracted material might be crushed and stockpiled. Other permits required for the operation included a CDRMS Operation Reclamation Permit and a Department of Health and Environment Air and Stormwater Discharge Permit. The anticipated start time would be spring or summer of 2011; termination would be in 2021. The material to be extracted was a layered sandstone overlying a thin coal seam outcrop that had been exposed to oxygen and burned millennia ago. Heat produced from this exothermic reaction had altered the sandstone to create red rock, or scoria. The thickness varied in correspondence to the slope, thickness of overburden, and distance above the coal outcrop. The permit area was 41.8 acres; the mining area was 23.3 acres; reserve was estimated to be 300,000 tons. The operation would occur in phases: Phase 1 was occurring presently with approximately half of the 8.3 acres already mined and would last between two and five years; Phase II would involve approximately 8.6 acres and last between three and five years; Phase III would mine 6.5 acres and last between three and five years. He indicated on a map the areas to be mined associated with each phase and noted the location of the nearest residence across from the pit on County Road 53. He stated that the property owner had only expressed concern about dust created from haul trucks and wanted assurance that the road would be watered when hauls occurred. He explained that approximately one mile of gravel road existed from the south end of the permit boundary to the pavement and stated that water and magnesium chloride would be used on that

portion of the road. Water would also be used at the pit for dust mitigation. Fences and gates would be installed to prevent public access to the pit. Sage Creek would comply with the Division of Wildlife (DOW) fencing requirements. Mr. Cowman stated that the number of haul trucks would vary significantly from year-to-year. Approximately 900 loads would be hauled to the Peabody Sage Creek Mine in 2011 to construct a 14.5-mile road, after which truck traffic would be considerably lessened. Traffic volume on the County Road was unknown at present. He indicated the haul route on a map from County Road 53 to 27A and noted that Twentymile Coal hauled to the Hayden Station on County Road 27 and from County Road 27 to Highway 40 for the Stoker coal haul. He stated that Sage Creek would reclaim each section of the permitted area as a phase was completed to keep the active disturbed acreage under ten acres and thereby avoid conservation easements requirements. He said that the project would not alter the landscape; it was simply a temporary disturbance.

Commissioner Monger asked whether any blasting would occur. Mr. Cowman said that no blasting would take place; it was strictly a track-hoe operation. Commissioner Monger asked about the steepness of the slope. Mr. James replied that the material would be removed from the exposed hillside approximately 500 feet into the slope. Commissioner Monger asked about fencing. Mr. Ludlow said that fencing had been installed by the County around the perimeter of the County's boundary, but fencing would be installed before mining began. He stated that the DOW had written a letter that specified that wildlife-friendly fencing should be installed. Commissioner Monger asked about reclamation and road boundaries. Mr. Ludlow said that gates would be installed to prohibit access. Mr. James added that the roadside of the operation would continue to be fenced after mining had been completed. Commissioner Monger asked whether a berm could be constructed to protect the road from falling rock. Mr. James said that the banking face would be stable, like the sandstone cliffs up and down the valley. He explained that wherever a level bench could be created, topsoil would be added and seeded. He said that the cliff face would be set back approximately 200 feet from the County Road. Commissioner Monger asked about hours of operation. Mr. James said the pit would operate during daylight hours in the summertime. Sage Creek would work with the adjacent landowners in regard to evening hours. Mr. Ludlow said that a 6:00 a.m. to 6:00 p.m. or 7:00 a.m. to 7:00 p.m. day might occur during short-term heavy construction periods.

Commissioner Mitsch Bush asked about hauling. Mr. Ludlow said that the haul to Sage Creek was 14.5 miles. Commissioner Mitsch Bush asked about the road surface and steepness. Mr. Ludlow said that the County road was gravel and was a 5-6% grade; the tie-cross road was not paved. He said that Sage Creek was working with Road and Bridge on a roundabout design. In regard to dust control, Mr. James said that the haul road would be watered and magnesium chloride would be applied.

Commissioner Mitsch Bush asked about the reclamation plan. Mr. Cowman said that the operation was associated with Seneca Coal so the reclamation practices were well refined and had been utilized for decades. Reclamation would occur based on the

DOW's recommendations. He said that the topography was cliffs that had limited topsoil. The cliffs would be further exposed; no productive pastureland would be created as a result of reclamation. Mr. James added that the overburden would be saved then spread atop the cliffs and topsoil added. The amount of overburden would be unknown until removal of it began. Commissioner Mitsch Bush recommended that the plan contain details such as the locations on which topsoil would be applied and the types of seed mixes that would be used.

Commissioner Monger confirmed that no commercial sales would occur at the pit. Mr. James noted that that was stipulated in the agreement with the County.

Commissioner Monger asked about the volume of the operation. Mr. Cowman said that approximately 900 loads would be hauled in 2011.

Commissioner Monger asked whether a referral letter had been sent to the Road and Bridge Department. Ms. Bessey said that one had. Commissioner Monger thought that some type of notification regarding trucks hauling would be beneficial since travelers were unused to truck traffic on that section of road. Mr. Phillips said that residences along the haul road could be notified.

In regard to the comment regarding conservation mitigation made by Mr. Cowman during his presentation, Commissioner Stahoviak cited Section 9.4.1.D, Standards for Mining Operations. Mr. Cowman had stated that if less than ten acres were disturbed at any one time, no conservation mitigation was necessary. She said that the regulations stated that, "Any new surface mine or expansion of the permit boundary of any existing surface mine that is permitted for a time period of five years or greater and results in a new cumulative surface disturbance greater than ten acres shall be required to enter into a development agreement with the County to provide conservation mitigation." She explained that even though ongoing reclamation was planned, the total disturbed acreage would exceed ten acres. Thus, conservation mitigation was required. Mr. Cowman asked whether only permitting Phase I would negate that requirement. Commissioner Monger said that the Camilletti and Connell pits had already asked about that issue and the Board had advised both operations that they would have to mitigate both phases of their operations. He said that a conservation easement was one mitigation option; another was to enter into a development agreement with the County. Mr. Cowman said that the land was part of a large reserve that had the potential to be developed for coal extraction, both through surface reserves and underground reserves. Also, he stated that the outcrops would be removed with the scoria excavation operation, and the land would be in better condition than it was prior to any gravel extraction. Thus, given the situation and the resultant topography, he could not understand why conservation mitigation was being required. Commissioner Monger said that consistency in applying the regulations for all gravel operations was essential. Commissioner Mitsch Bush noted that the conservation mitigation had two options that the applicant could consider. Mr. Cowman said that he would review the options and resolve the situation with Planning prior to submitting a completed application. Mr. Ludlow noted that one of the options was to preserve land

from future residential or commercial development. He asked whether that excluded mining. Commissioner Monger said that the other option was to provide a public benefit, which might be more amenable in the present situation.

Ms. Bessey showed photographs of the existing access and mined area.

Commissioner Monger mentioned fencing. Mr. Ludlow pointed out that the operation would have a single access point, but that access would move as each phase of the operation moved from north-to-south.

Mr. Phillips asked how close to natural the slope would look after excavation and reclamation had been completed. Mr. Ludlow said that the slopes would be semi-natural but there would be a scar that would match the natural sandstone cliffs in the area. The slope would not be a long, denuded slope; rather it would match the existing sloping hillsides. Mr. Phillips suggested that some after-mining simulations of the topography be included in the full application, particularly since that was a major concern of Planning Commission members.

Commissioner Monger asked about the road surface. Mr. Ludlow said that the scoria was good for a limited-access road's sub-base; the road would probably be topped with gravel from the Mesa Gravel Pit.

Commissioner Monger thought that the proposal was a good use of the pit.

EN RE: LEGAL / ERICK KNAUS

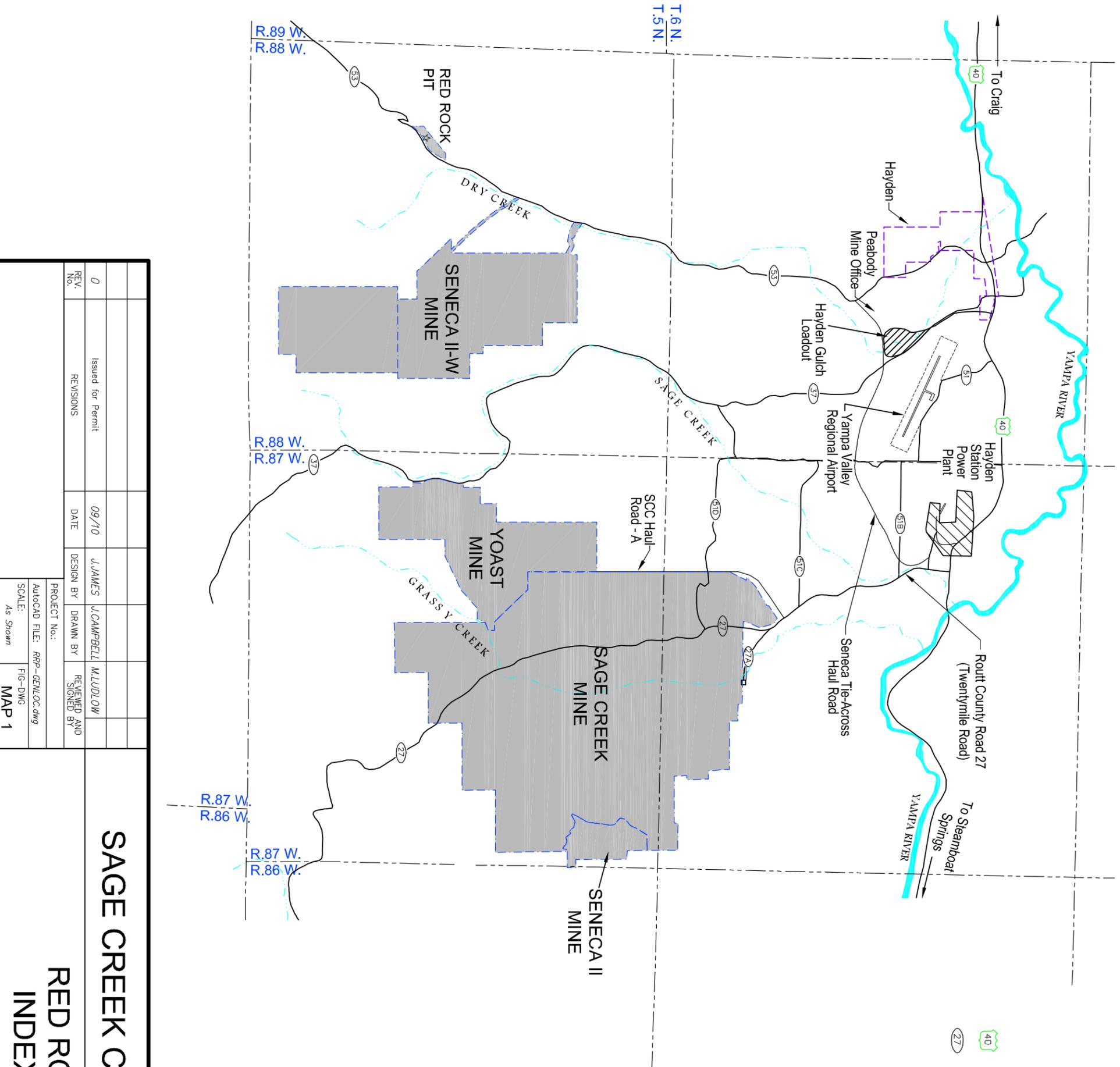
MEMORANDUM OF AGREEMENT FOR COUNTY ROAD 14 PROJECT

Mr. Knaus reviewed a Memorandum of Agreement pertaining to the acquisition of a right-of-way related to the County Road 14, Phase 4, project. He noted that the agreement before the Board was one of the final agreements to be negotiated. He asked that the Board authorize the Chair to sign the agreement when the final Memorandum had been received and signed by the landowners.

MOTION

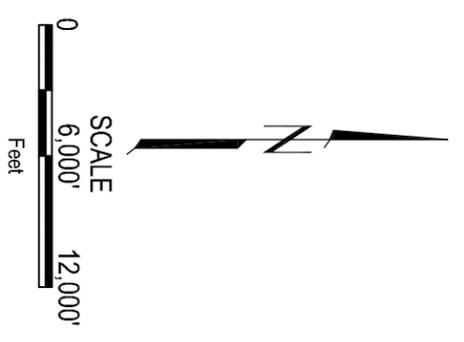
Commissioner Monger moved to approve and authorize the Chair to sign the Memorandum of Agreement with Erik Steinberg and Katherine Billington Steinberg for the purchase of right-of-way on Parcel Number 11, for the County Road 14, Phase 4, project, in the amount of \$28,445.00, contingent on the Agreement having no substantial changes from the one before the Board this day.

Commissioner Stahoviak seconded; the motion carried 3-0.



LEGEND

 U.S. HIGHWAY 40
 COUNTY ROAD



REV. No.	REVISIONS	DATE	DESIGN BY	DRAWN BY	REVIEWED AND SIGNED BY
0	Issued for Permit	09/10	J.JAMES	J.CAMPBELL	M.LUDLOW

PROJECT No.:
 AUTOCAD FILE: RRP-GEWLOC.dwg
 SCALE: FIG-DWG
 As Shown

SAGE CREEK COAL COMPANY

RED ROCK PIT

INDEX MAP

MAP 1

