



**Duckels Construction, Inc.
Dba Yampa Aggregates
Hogue Gravel Pit**

May 12, 2022

Duckels Construction, Inc. dba Yampa Aggregates
3500 Duckels Court
Steamboat Springs, CO 80487

Re: Routt County General Application for Extending the Special Use Permit (SUP) for the
Hogue Gravel Mining Operation SUP PP2012-044
Applicant: Duckels Construction, Inc. dba Yampa Aggregates

Dear Review Personnel:

Duckels Construction, Inc. is requesting an extension of the existing Special Use Permit number PP2012-044, which was an amendment to PP2001-063 located off HWY 40 west of Steamboat Springs, CO. The permit is for an existing sand and gravel pit mining operation which has been operated continuously by Duckels Construction, Inc. dba Yampa Aggregates. We request Routt County extend the County SUP for another 10-year period. The mining area is entirely on property owned by the Hogue Ranch Limited Partnership. The estimated life of the operation is difficult to predict, however, if the market demand for the product is as in past years the mine could be expected to be in operation for the extension period and beyond.

Name, address, and phone number of the Applicant Operator:

(The applicant and operator are the same)

Duckels Construction, Inc. dba Yampa Aggregates
3500 Duckels Court
Steamboat Springs, CO 80487
Phone No: (970) 879-6074

_____, _____ 2022
Signature Date



RPM, Inc., 25049 E. Alder Dr., Aurora, CO 80016 Phone: (303) 854-7499 Email: hlhumphries2@comcast.net

The authorized representative of the Applicant/Operator

Regulatory Permits Management, Inc.

25049 E. Alder Dr.

Aurora, CO 80016

Phone No: (303) 854-7499

Email: hlhumphries2@comcast.net

, April 29, 2022
H. Bruce Humphries, Consultant

Respectfully,

H. Bruce Humphries

Regulatory Permits Management, Inc.

Consultant for Duckels Construction Inc., dba Yampa Aggregates



Hogue River Pit SUP Extension Application

1.0 General Information:

- The proposed mine site is located 6 miles west of Steamboat Springs, on the south side of US HWY 40. The only permanent road will be the access road.
- The terrain at the site consists of river valley lowlands. The Hogue River Pit is adjacent to the Yampa River.
- Duckels Construction proposes to continue aggregate extraction at the Hogue Pit's Phase 2 of the most recent expansion (2012). The total affected area will be 62.7 acres once Phase 2 is mined. The affected area is entirely on property owned by the Hogue Ranch Limited Partnership. The Parcel number is 937042001 and consists of 1081.49 acres
- There are no special features associated with the Hogue River Pit.

2.0 *Statement of approval from the property owner:*

Please see Attachment I.

3.0 *Application Fee:*

Submitted at the time of application, enclosed with the SUP Extension Application.

4.0 *Proof of Ownership:*

Please see Attachment II.

5.0 *Statement of Authority:*

(Not needed unless directed by Routt County)

6.0 *Vicinity Map:*

"Illustrating site location, nearby residences, property lines, water wells, irrigation ditches, and roads."

Please see Attachment IV.

7.0 *"Written narrative / detailed description of subject site and proposed use, including the following information, as applicable."*

7.1 *"Description of existing conditions (soils, vegetation, land uses, wildlife habitat, geologic hazards, etc.)."*

- **Soils:** (From Exhibit I, Soils Information, Page 32, 12/102010 Mining and Reclamation Application)



RPM, Inc., 25049 E. Alder Dr., Aurora, CO 80016 Phone: (303) 854-7499 Email: hlhumphries2@comcast.net

- Soil types (Map Unit Symbols refer to symbols on Soils Map. The expansion area consists of the following soil map units:
- **Soils Map/Report:**



United States
Department of
Agriculture



NRCS
Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Routt Area, Colorado, Parts of Rio Blanco and Routt Counties

Lower Mining Area



June 16, 2010





Custom Soil Resource Report

MAP LEGEND		MAP INFORMATION
Area of Interest (AOI) Area of Interest (AOI) Soils Soil Map Units Special Point Features Blowout Borrow Pit Clay Spot Closed Depression Gravel Pit Gravelly Spot Landfill Lava Flow Marsh or swamp Mine or Quarry Miscellaneous Water Perennial Water Rock Outcrop Saline Spot Sandy Spot Severely Eroded Spot Sinkhole Slide or Slip Sodic Spot Spill Area Stony Spot	Very Stony Spot Wet Spot Other Special Line Features Gully Short Steep Slope Other Political Features Cities Water Features Oceans Streams and Canals Transportation Rails Interstate Highways US Routes Major Roads Local Roads	<p>Map Scale: 1:3,010 if printed on A size (8.5" x 11") sheet.</p> <p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p> <p>Please rely on the bar scale on each map sheet for accurate map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov Coordinate System: UTM Zone 13N NAD83</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Routt Area, Colorado, Parts of Rio Blanco and Routt Counties Survey Area Data: Version 4, Sep 25, 2007</p> <p>Date(s) aerial images were photographed: 7/18/2005</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>

Custom Soil Resource Report

Map Unit Legend

Routt Area, Colorado, Parts of Rio Blanco and Routt Counties (CO648)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
49A	Menbar, gravelly substratum, 0 to 3 percent slopes	20.5	60.4%
W	Water	2.4	6.9%
X25A	Toponas loam, 0 to 3 percent slopes	11.1	32.7%
Totals for Area of Interest		33.9	100.0%



Custom Soil Resource Report

Routt Area, Colorado, Parts of Rio Blanco and Routt Counties

49A—Menbar, gravelly substratum, 0 to 3 percent slopes

Map Unit Setting

Elevation: 6,900 to 8,400 feet

Mean annual precipitation: 20 to 30 inches

Mean annual air temperature: 37 to 41 degrees F

Frost-free period: 30 to 60 days

Map Unit Composition

Menbar, gravelly substratum, and similar soils: 95 percent

Minor components: 5 percent

Description of Menbar, Gravelly Substratum

Setting

Landform: Flood plains, flood-plain steps

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Concave

Parent material: Alluvium derived from mixed sources

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.60 to 2.00 in/hr)

Depth to water table: About 21 to 27 inches

Frequency of flooding: Rare

Frequency of ponding: None

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Available water capacity: Moderate (about 6.1 inches)

Interpretive groups

Land capability classification (irrigated): 5c

Land capability (nonirrigated): 5c

Typical profile

0 to 2 inches: Slightly decomposed plant material

2 to 23 inches: Loam

23 to 30 inches: Loam

30 to 39 inches: Loamy fine sand

39 to 60 inches: Extremely cobbly sand

Minor Components

Cryaquolls

Percent of map unit: 5 percent

Landform: Depressions, oxbows

Ecological site: Mountain Meadow (R048AY241CO)



Custom Soil Resource Report

W—Water

Map Unit Composition

Water: 100 percent

X25A—Toponas loam, 0 to 3 percent slopes

Map Unit Setting

Elevation: 6,400 to 8,100 feet

Mean annual precipitation: 20 to 24 inches

Mean annual air temperature: 37 to 41 degrees F

Frost-free period: 35 to 65 days

Map Unit Composition

Toponas and similar soils: 90 percent

Minor components: 5 percent

Description of Toponas

Setting

Landform: Flood plains, flood-plain steps

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Concave

Parent material: Alluvium derived from mixed sources

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.60 to 2.00 in/hr)

Depth to water table: About 11 to 19 inches

Frequency of flooding: Rare

Frequency of ponding: None

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Available water capacity: Low (about 4.5 inches)

Interpretive groups

Land capability classification (irrigated): 6c

Land capability (nonirrigated): 6c

Typical profile

0 to 4 inches: Loam

4 to 11 inches: Loam

11 to 17 inches: Sandy loam

17 to 24 inches: Sandy loam

24 to 29 inches: Sandy loam



29 to 60 inches: Extremely gravelly sand

Minor Components

Eachuston

Percent of map unit: 5 percent

Landform: Oxbows

(Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://Websoilsurvey.nrcs.usda.gov/> accessed 6/16/2010.)

- **Vegetation:**

- **Description of the present vegetation:**

The vegetation is typical of seeded pasture grass, in fair condition as to cover and production. It was being grazed by cattle prior to being fenced to exclude livestock while the area is being mined.

- **Describe the relationship of the present vegetation to the soils:**

The vegetation is grazed pastureland. It has been impacted by grazing. The plant species are likely a mix of native species and species that typically invade an area subject to grazing in a pasture setting.

- **Estimate of site plant production for croplands or rangelands:**

The Hogue River Pit expansion area was grazed pastureland. There is no available estimate of annual production known to the Applicant/Operator.

- **Land Uses:** (From Exhibit E, Reclamation Plan, Page 14, 12/102010 Mining and Reclamation Application)

- This site is in an area with various uses to include rangeland, agricultural (pasture) and some areas of residential/commercial. The proposed post mining land use will be pond for wildlife use, and possible home sites. The Hogue Ranch home site is located immediately west of the proposed expansion area. It is located more than 200 ft. from the proposed affected area.



- **Wildlife Habitat:** (From Exhibit H, Wildlife Information, Page 31, 12/10/2010 Mining and Reclamation Application)
 - **Description of game and non-game resources on and in the vicinity of the Operation:**
 - The existing site is a mining operation and pastureland. The vicinity includes a mix of agricultural land, wildlife habitat, rangeland, commercial areas, and residential areas. Wildlife is generally opportunistic and will use what suits its immediate needs.
 - **Significant wildlife resources on the affected land:**

The present land uses of the site are mining and pastureland. The only area where typical wildlife habitat is present is a narrow strip along the Yampa River.
 - **Seasonal use of the area:**

The present use of the expansion area is pasture. Wildlife use is limited to large ungulates moving from the Yampa River on to typical deer and elk habitat located to the north.
 - **The presence of threatened or endangered species:**

There are no known threatened or endangered plants or animal species on the proposed affected land. However, as described below, bald eagles are shown on the Colorado Division of Parks and Wildlife (CDPW) species habitat maps show use. Please see specific discussion in Section 6.6.
 - **Describe the effect of mining and reclamation activity during and after the proposed operation on existing wildlife:**

Based on the Operator's response to Items 6.4.8(a), (b) and (c), the proposed activities should minimally impact wildlife. Once mining and reclamation are complete, portions of the area will be available to wildlife as a wetland with a ground water lake surrounded by trees, shrubs, and grass.
 - **Division of Wildlife comments:**
 - ❖ Correspondence was sent the Colorado Division of Wildlife during the DRMS permit application review process requesting comments. Where possible, the Operator/Applicant will attempt to satisfy the DOW concerns.



RPM, Inc., 25049 E. Alder Dr., Aurora, CO 80016 Phone: (303) 854-7499 Email: hlhumphries2@comcast.net

❖ CDPW letter:

STATE OF COLORADO

John W. Hickenlooper, 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*

May 3, 2011

Rebecca Bessey
Routt County Planning Department
PO Box 773749
Steamboat Springs, CO 80477

RE: PP2011-002, Duckels Construction Pre-Application for Hogue River Gravel Pit Expansion

Dear Ms. Bessey,

This is a follow-up letter referencing the previous letter the Colorado Division of Wildlife (CDOW) sent to the County on April 5, 2011 regarding the pre-application for the Hogue River Gravel Pit Expansion. Since that previous letter was sent, Duckels Construction has provided the CDOW with a more detailed copy of their reclamation plan as well as a revegetation plan for the Hogue River Pit. Looking at these plans, the CDOW is satisfied with the proposed slopes for the reclaimed pond as well as the seed mixture selected for revegetation work. The plan also shows that a permanent embankment will be a part of the reclaimed pond design, preventing flooding from the river into the pit as well as pike establishment during a 100 year flood event. Finally, the petitioner also stated that no new cottonwood trees would be impacted by the proposed expansion.

While most of our concerns have been addressed, our Aquatic Biologist Bill Atkinson is still interested in a site visit of the property. Even though the CDOW realizes that the expansion area will have more than a 100 foot setback from the river, he would still like to look at the bank stability and flow pattern of the river at this location. Mr. Atkinson would also like to discuss and look at the final plans for the overflow channel structure to ensure it will not allow immature pike to enter the pond.

Thanks again for the opportunity to comment on this proposal. The CDOW also appreciates the petitioner's willingness to work with us on these and any future issues. If you have any questions regarding this issue please contact District Wildlife Manager Danielle Domson at (970) 846-3056 or Aquatic Biologist Bill Atkinson at (970) 871-2868.

Sincerely,

James M. Haskins
Area Wildlife Manager
Area 10-Steamboat Springs

DEPARTMENT OF NATURAL RESOURCES, Mike King, Executive Director
WILDLIFE COMMISSION, Tim Glenn, Chair • Robert Streeter, Vice Chair • Mark Smith, Secretary
Members, David R. Brougham • Dorothea Farris • Allan Jones • Gaspar Perricone • John Singletary • Dean Wingfield
Ex Officio Members, Mike King and John Salazar



7.2 “Description of mining operation ((method of extraction; hours of operation (mining, process, hauling); number of employees; phasing; maximum area to be disturbed; type of equipment and vehicles; expected volume of resources per year and life of mine, etc.).”

7.2.1 Method of Extraction: (In part, from Mining Plan Exhibit D, December 9, 2010)

- The existing Hogue River Pit Permit, to include the mining plan and mine plan maps, and all past amendments are/were incorporated herein by reference. *The proposed mining plan and methods are a continuation of the Hogue River Pit sand and gravel mining operation.* Please see updated map Attachment III. The land which was permitted is pasture, controlled by the Hogue Ranch Limited Partnership (HRLP). The post mining land use will be a pond for wildlife habitat. The Landowner may want to use a portion of the post mining area as home sites.
- The Operation’s wash plant, screening and crushing facilities will continue to be used for the Hogue River Pit expansion.
- Earthmoving:
 - The final pit slopes will be mined to no steeper than the proposed reclaimed slope. Mining operations may be benched to make full use of the existing gravel reserves. Benching requirements, if found necessary, will be determined by the depth of sand and gravel reserves and operational safety considerations. In addition, the perimeter of the pond may be flattened or slightly leveled to create additional wetland areas.
 - Topsoil will be removed using conventional equipment such as bottom loading scrapers, front end loaders and rear dump haul trucks. Approximately 36,000 bcyds of topsoil shall be available for use if just the top 12 inches of the two soil units are removed and stockpiled.

The NRCS soils report (Exhibit I) indicates two major soil units, Menbar, gravelly substratum (0 – 23 inches, loam, and 23 – 30 inches, loam); and Toponas Loam (0 -11 inches, loam). The proposed area for extraction is dissected by these two soil units. All topsoil will be removed. Sufficient topsoil exists to replace 8 – 12 inches on the reclaimed shorelines, shallow areas, and upland areas for vegetation establishment.

Topsoil stockpiles have been used to create berms along the north side of the active mining pit to minimize the visual impact along U.S. Highway 6 & 40. These areas have been stabilized per the recommendations of the National Resource Conservation Service. At the request of the landowner, upon



completion of mining, topsoil in berms not needed for reclamation will be leveled and blended into the surrounding topography and the adjacent shoreline. In addition, excess topsoil may be sold to facilitate stockpile leveling.

Expansion area mining will remove the southward extension of the existing berm. It will be used to the extent possible for reclamation at that time. Remaining topsoil from the southward berm extension will be used to start the creation of the new berm along and between the Pit extension and the railroad right-of-way. The remainder of the new berm will be constructed with topsoil.

7.3 “Description of haul route and anticipated traffic:

- Taken from Section 8.0 of the original SUP expansion application, dated 12/2/2012.
 - Item 8.6: “Routt County indicated a traffic study is not required.”
 - ❖ No anticipated change to the existing operations. (From Item 10.0 SUP expansion application, dated 12/2/2012)
 - Item 8.8: “The only road is the drive-way entrance from US 40 into the Hogue mining operation.”
 - ❖ The road use plan will be to continue to use the existing in-pit haul roads and to gain access to US Highway 40 from the existing driveway. Please see the attached Division of Reclamation, Mining and Safety Permit Application Mine Plan Map. (From Item 9.0, SUP expansion application, dated 12/2/2012.)
 - We do not anticipate and change in the historic anticipated traffic.

7.4 “Air and water pollution control measures:”

7.4.1 Air Pollution Control Measures: (From Page 25, Item 7.4, SUP Application, dated 12/2/2012)

- The potential for air pollution will be no different than what exists for the current operation. The existing air pollution control permit conditions and measures will continue to be met.
- Construction Permit, #99RO0342F, Final Approval

7.4.2 Water Pollution Control Measures: (From Pages 19 - 21, Reclamation Measures – Materials Handling, SUP Application, dated 12/2/2012)

- All mined material will be handled in such a manner to prevent any unauthorized release of pollutants to the surface drainage system. All stockpiled material will be located and managed to avoid any uncontrolled runoff. All storm water runoff



from the site will be in accordance with its Stormwater Management Plan. The Operator intends to operate the site such that storm water will either be prevented from contacting the above listed items; or where it does contact any of the above listed items, it will not be discharged from the site. Regardless, a Stormwater Discharge Permit exists for the Operation and, a Stormwater Management Plan exists and will be revised as needed.

- The Wastewater Discharge Permit with the Water Quality Control Division, Colorado Department of Public Health and Environment is Permit Number COG-500243. The Operator, at the time of this SUP Renewal Application, is following the terms and conditions of its Wastewater Discharge Permit. This permit will continue to be needed for the operations.
- The Operator will comply with all applicable federal and Colorado dredge and fill regulatory requirements. Where necessary, a Corp of Engineers 404 Permit will be obtained prior to any dredging or filling of wetlands.
- All surface areas of the affected land, including spoil piles, will be stabilized, and protected to effectively control erosion. In addition, the far northeast corner of the operation, where the current access road enters the site is a graveled parking area and is sufficient for parking up to ten private vehicles.
- The Operation will need to dewater the expansion area on continuous basis during active mining operations. (The Operator may allow the pit to fill with water during extended periods of inactivity, such as during winter months.) The operation will continue to be dry mined. The existing Hogue River Pit pumps water to be discharged into the existing water treatment pond for removal of sediment.
- The Operator will implement its Spill Prevention, Containment and Countermeasures Plan and Stormwater Management Plan and has a Stormwater Discharge Permit for the current Hogue River Pit. (From Page 20, IV. Environmental Information, 1.0 Surface Water, dated 12/2/2012)

7.5 “Waste disposal plan:”

- The Operation will continue to use the Waste Disposal Plan currently on file with Routt County.



7.6 “Water use and water rights:” (From Pages 26-27, Section 8.5 SUP Application, dated 12/2/2012)

- Overview:
 - The proposed mining operation will result in a pond as the primary post mining land use. Since this is an unlined pond, once reclamation is complete, the operation will not affect the ground water flow regime. (Ground water will flow into the pond up-gradient and exit the pond down-gradient.) During mining, reclamation and post reclamation, the operation will not affect ground water quality or have unauthorized uses of ground water, i.e., water rights.
 - As is currently the case, there is some impact to the ground water flow regime. The mining operation must dewater (pump) ground water to its water treatment pond to remove sediment prior to its approved discharge back to the Yampa River.
 - There is some loss of ground water due to evaporation from product piles and product processing. These losses are accounted for in the Operation’s approved water rights secured through agreements with HRLP.
 - The ground water dewatering system currently in use is as follows.
 - ❖ A trench and sump station (electric submersible pump) are located near the eastern permit boundary. Water from this pump station is used in the wash plant. The wash water is then directed to a settling pond to remove sediment and then recycled back to the pump for reuse.
 - ❖ A second pump is located near the northeast corner of the mining area. This pump pulls water from a trench running east to west on the pit floor. This trench dewateres water from the sand and gravel resource.
 - ❖ A third pump located in the southwest corner of the mining area is also used to dewater the gravel resource. Dewatering prior to mining will lower the water table in the mining area and dewatering the gravel in its natural, undisturbed condition. This method provides for cleaner water and minimizing the production of suspended sediments.
 - Captured ground water not needed for product processing or for dust control is discharged into the Hogue Ranch irrigation system or the Duquette Ditch, which then flows into the Yampa River, Colorado Wastewater Discharge Permit Number COG-500243. (There are two permitted discharge locations, the



Duquette Ditch runs along the eastern edge of the mining area permit boundary and into the Yampa River.)

- Water diversions and impoundment: (From Page 17, SUP Application, dated 12/2/2012)
 - ❖ Except for the irrigation ditch running along the north side of the present Hogue River Pit, there are no water diversions.
 - ❖ All other water diversions and impoundments are part of the current Hogue River Pit mining operations. The current practice of dewatering the pit area for mining will continue.
 - ❖ Water diversions have been constructed with perimeter trench drains and a dewatering system. Interior water diversions have been constructed for internal site drainage control. A 100-foot setback or no work zone will be maintained between the Yampa River and the pit area so that impacts to Yampa River flows in normal years will not occur.
 - ❖ As part of the approved reclamation plan, an appropriately sized and rip rapped overflow channel will be constructed connecting the pond with the Yampa River to prevent pit or pond capture in major runoff events during site final reclamation. (Underlined phrase added for clarification.)
 - ❖ As described in the Flood Plain Analysis prepared for the existing Hogue River Pit, portions of the expansion area lie within the 100-year flood plain. A small berm has been constructed along the south side of the existing Hogue River Pit to ensure the pit will not be flooded by a 100-year flood event. This berm will be continued around the south and a portion of the west sides.
 - ❖ Due to the low-lying nature of the land where the mining operation is occurring, and proximity to the Yampa River, the water table is from three to six feet below the undisturbed land surface. Therefore, the mining operation must pump ground water to make the site suitable for a dry mining operation. The pumped water is currently being discharged to a pond for removal of sediment prior to discharge through a ditch which runs along the east side of the mine site to the Yampa River. The discharge point utilizes a rip rapped structure which discharges into the Yampa River. This system will continue as part of the Operation's Discharge Permit from the Water Quality Control Division, Colorado Department of Public Health and Environment.
- Gravel Pit Well Permit:



- ❖ The Operation holds a Gravel Pit Well Permit with the Office of the State Engineer, Colorado Division of Water Resources.
- ❖ Well Permit Number 74495-F.
- ❖ Approved Well Location – Routt County
 - NW 1/4, NE 1/4, Sect 9, T6N, R85W, 6th PM
- Water Use:
 - Water will be needed for dust control, potable water for sanitary needs, and product processing. The potable water will be supplied to the facilities complex from the Operator's office, a short distance from the mining operation. The estimated annual water need is 1.3-acre feet per year.
- Water Rights:
 - All project water requirements will be supplied from water rights held by HRLP.

7.7 “Weed control plan (during operations and reclamation):”

- The approved Mined Land Reclamation Board (MLRB) permit includes a Noxious Weed Management Control Plan.
- From the MLRB Approved Permit Application:

WEED CONTROL PROGRAM

“The control of noxious weeds listed in this Weed Control Program should be performed by a qualified commercial weed control professional. Many of the chemical products needed to control noxious weeds require a licensed professional to apply to properly protect non- target species and other environmental resources.

On an annual basis, Duckels construction will perform a noxious weed mine site survey of the Hogue River mine sites by the end of June. Any infestations will be mapped as to extent and species of noxious weeds. A local noxious weed control commercial applicator will be used, if available. The commercial applicator will be required to contact the Routt County Weed Control Department and coordinate noxious weed treatment with the Routt County Weed Control Department. A report will be prepared by the commercial applicator listing weeds sprayed, chemicals used, application rates, dates chemical applied, dates the noxious weeds were monitored for control effectiveness. The report will be supplied the Routt County Weed Control Department prior to the end of a calendar year.”



7.8 “Visual Impacts and proposed mitigation measures:”

- Visual Impacts:
 - The visual impacts will be no different than presently exists with the Hogue River Pit.
- The nearest residence is the Hogue family home to the west of the present Hogue River Pit expansion area, roughly 500 ft. to the west.
- Proposed Mitigation Measures:
 - The visual berm between U.S. 40 and the mining operation, will be extended to the west, and will function in a similar manner to the present visual berm. Please see Exhibit C, Mine Plan Map, attached.
 - Most of the operations will be conducted in the depressed, excavated area of the pit and will not be directly visible.

7.9 Dust control plan:”

- The potential for air pollution will be no different than what exists for the current operation. The existing air pollution control permit conditions will continue to be met.
- We will comply with are existing Air Quality Control Permit.

7.10 “Noise mitigation measures:”

- Sources of Noise:
 - Sources of noise could include:
 - ❖ Processing equipment such as screening and crushing
 - ❖ Diesel generator
 - ❖ Backup alarms
 - ❖ Powered earth moving equipment
 - ❖ Haul trucks
- Mitigation Measures:
 - Proposed Mitigation:
 - ❖ General – Visual berm will also act to reduce operational noise.
 - Operations will occur within the depressed area of the pit for the most part. The exceptions being construction of the berm, removal of topsoil and the period of site reclamation.
 - ❖ Specific:
 - Processing equipment – Processing will occur on the floor of the active pit.



- Diesel Generator – Located on the floor of the active pit. Approved muffler.
- Backup alarms – Equipment is required by Federal law to have backup alarms. The corresponding activity will occur on the floor of the active pit.
- Powered earth moving equipment will have approved mufflers, and the activity will primarily occur on the floor of the active pit. In addition, the berm along the north and part of the west side of the pit will act as a sound buffer.
- Haul trucks – All haul trucks are licensed for highway use and will have the appropriate muffler systems.

7.11 “Emergency response and wildland fire plan;”

- The Operation will continue to use the Emergency Response/Wildland Fire Plan currently on file with Routt County.

7.12 “Conservation mitigation plan, if required:”

- The Operation will continue to use the Conservation Mitigation Plan which was approved Routt County as part of the previous SUP approval.

7.13 “Reclamation plan (final land use; timing; topsoil/overburden salvage, redistribution, and/or disposal; and NRCS and/or DRMS seeding and revegetation recommendations):”

- Please see Attachment IV below.

8.0 “Mitigation Plan for any significant negative impacts (Refer to Section 6, Routt County Zoning Regulations).”

The following section does not address all of Section 6, Zoning Regulations, just those in our opinion where the mining operations could result in “significant negative impacts”.

9.0 Site plan, drawn to scale, including the following information, as applicable:”

Please see Attachment III (map):

(Note: Listed below are the items which we feel are not applicable for placement on the Site Plan Map.)

- *Circulation and snow storage* (No need to provide for circulation or snow storage)
- *Location and method of hazardous materials storage* (No hazard waste will be stored on-site.)
- *Location and type of proposed landscaping and/or screening.* (We attached the DRMS/MLRB approved reclamation plan, which was also approved by the County as part of its original SUP application.



RPM, Inc., 25049 E. Alder Dr., Aurora, CO 80016 Phone: (303) 854-7499 Email: hlhumphries2@comcast.net

- *Reclamation Plan (topography, water bodies, wetlands, vegetation, etc.)* Please see the attached DRMS/MLRB approved reclamation plan, which was also approved by the County as part of the original SUP application.)



Item 7.13 Attachment V

EXHIBIT “D”

MINING PLAN

6.4.4 The Mining Plan for the Hogue River Pit is as follows:

In addition to meeting all permit and application requirements, Duckels Construction Inc. will operate under the advisement and direction of the Hogue Ranch Limited Partnership (HRLP) to maintain conformity with their operations.

(a) Description of the methods of mining in each stage of the operation as related to any surface disturbance on affected lands:

The existing Hogue River Pit Permit, to include the mining plan and mine plan maps, and all past amendments are incorporated herein by reference. The proposed mining plan and methods are a continuation of the Hogue River Pit sand and gravel mining operation. The same mining and reclamation methods as approved in the existing Hogue River Pit permit will be utilized. The land to be permitted is pasture, controlled by the Hogue Ranch Limited Partnership (HRLP). The post mining land use will be a pond for wildlife habitat. The Landowner may want to use a portion of the post mining area as home sites. (Note: From the 2011 DRMS Permit Amendment Application. This SUP application is for an extension of the existing operation.)

The Operation’s wash plant, screening and crushing facilities will continue to be used ... Pit expansion.

Site development and mining operations will begin based on market demand.

(b) Earthmoving:

The final pit slopes will be mined to no steeper than the proposed reclaimed slope. Mining operations may be benched to make full use of the existing gravel reserves. Benching requirements, if found necessary, will be determined by the depth of sand and gravel reserves and operational safety considerations. In addition, the perimeter of the pond may be flattened or slightly leveled to create additional wetland areas.



Topsoil Removal:

Topsoil will be removed using conventional equipment such as bottom loading scrapers, front end loaders and rear dump haul trucks. Approximately 36,000 bcyds of topsoil shall be available for use if just the top 12 inches of the two soil units are removed and stockpiled.

The NRCS soils report (Exhibit I) indicates two major soil units, Menbar, gravelly substratum (0 – 23 inches, loam, and 23 – 30 inches, loam); and Toponas Loam (0 -11 inches, loam). The proposed area for extraction is dissected by these two soil units. All topsoil will be removed. Sufficient topsoil exists to replace 8 – 12 inches on the reclaimed shorelines, shallow areas, and upland areas for vegetation establishment.

Topsoil stockpiles have been used to create berms along the north side of the active mining pit to minimize the visual impact along U.S. Highway 6 & 40. These areas have been stabilized per the recommendations of the National Resource Conservation Service. At the request of the landowner, upon completion of mining, topsoil in berms not needed for reclamation will be leveled and blended into the surrounding topography and the adjacent shoreline. In addition, excess topsoil may be sold to facilitate stockpile leveling.

Once mining is completed and reclamation begins, we will remove the southward extension of the existing berm. It will be used to the extent possible for reclamation at that time. Remaining topsoil from the southward berm extension will be used to start the creation of the new berm along and between the Pit extension and the railroad right-of-way. The remainder of the new berm will be constructed with topsoil.

Product Stockpiles:

No stockpiles outside of the proposed pit boundary are anticipated. ...

(c) Water diversions and impoundment:

Except for the irrigation ditch running along the north side of the present Hogue River Pit, there are no water diversions or impoundments. All other water diversions and impoundments are part of the current Hogue River Pit mining operations and will be needed for the expansion. For example, the current practice of dewatering the pit area for mining will be continued. Water diversions have been constructed with perimeter trench drains and a dewatering system. Interior water diversions have been constructed for internal site drainage control. A 100-foot setback or no work zone will be maintained between the Yampa River and the pit area so that impacts to Yampa River flows in normal years will not occur. An appropriately sized and rip rapped overflow channel will be constructed connecting the pond with the Yampa River to prevent pit or



pond capture in major runoff events. The design for this structure will be submitted as a technical revision prior to final site reclamation.

As described in the attached Flood Plain Analysis, portions of the expansion area lie within the 100-year flood plain. A small berm has been constructed along the south side of the Operation to ensure the pit will not be flooded by a 100 year flood event. This berm will be continued around the south and west sides of the expansion area.

Due to the low-lying nature of the land where the mining operation is occurring, and proximity to the Yampa River, the water table is from three to six feet below the undisturbed land surface. Therefore, the mining operation must pump ground water to make the site suitable for a dry mining operation. The pumped water is currently being discharged to a pond for removal of sediment prior to discharge through a ditch which runs along the east side to the mine site to the Yampa River. This system follows the Operations Discharge Permit from the Water Quality Control Division, Colorado Department of Public Health, and Environment.

(d) The size of the area(s) to be worked at any one time:

The size of the area to be excavated (10.7 acres) is shown on the Mine Plan Map, attached. No change is proposed for the Hogue River Pit mining operation, creating a pit for a future pond.

(e) An approximate timetable to describe the mining operation:

This is a short-term mining operation. The mining operation is expected to last at least another 10 years

An estimate of the periods of time which will be required for the various phases:

The estimated life of the operation is difficult to predict. However, if the market demand for the product is as in past years, the mine could be expected to be in operation for the requested extension period and beyond.

(i) A description of the size and location of each area to be worked during each phase:

No change from SUP 2012-044.

(ii) Outline the sequence in which each phase of the operation will be carried out:

No change from SUP 2012-044.



(f) A map in Exhibit C may be used along with the narrative to present the following information: Note: Exhibit C which was part of the original DRMS amendment application included the Exhibit C pre-mining and mine plan map, the reclamation plan map, and reclamation cross section figure. These maps and figure are available upon request.

(g) Identify the primary and secondary commodities to be mined/extracted:

No changes from the Hogue River Pit permit application.

In addition, other materials may be processed on site and/or utilized as required for local markets and may include:

- Excess topsoil
- Excess overburden
- Rip rap
- Specialized types of sand and gravel

(h) Describe the intended use of all expected incidental products to be mined/extracted:

No change from SUP 2012-044.

(i) Specify if explosives will be used:

No explosives will be used.



EXHIBIT “E”

RECLAMATION PLAN

6.4.5 The Reclamation Plan for the Hogue Gravel Pit and Reclamation Plan Map, Exhibit F):

(1) In preparing the Reclamation Plan:

The Reclamation Plan addresses the following items: final grading, reclaimed area drainage, seeding, soil amendments, topsoil replacement, soil stabilization, and seedbed preparation. To fully understand the Reclamation Plan, the following Plan and referenced Reclamation Plan Map should be reviewed together.

(2) The Reclamation Plan shall include provision for, or satisfactory explanation of the general requirements for the type of reclamation proposed:

(a) A description of the types of reclamation proposed to be achieved in the reclamation of the affected land and why chosen, the amount of acreage accorded to each, and a general discussion of the methods of reclamation as related to the mechanics of earthmoving:

No change from SUP 2012-044.

(No waste asphalt or cement will be placed in the excavated area intended as a pond.)

The remainder of the area disturbed by the mining operations (*Those areas outside the pond shoreline.*) will be reclaimed according to standard reclamation practices for wildlife habitat and possible home sites. The detailed reclamation plan for these areas is based on recommendations from the Natural Resource Conservation Service (NRCS)

(b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted State and local land use programs. Where the post mining land use is for commercial purposes, appropriate evidence supporting such reasonable assurance shall be submitted, it not, a plan for revegetation shall be submitted:



This site is in an area with various uses to include rangeland, agricultural (pasture) and some areas of residential/commercial. The proposed post mining land use will be pond for wildlife use, and possible home sites. The Hogue Ranch home site is located immediately west of the proposed expansion area. It is located more than 200 ft. from the proposed affected area.

Otherwise, no change from SUP 2012-044.

(c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1:

3.1.2 Reclaiming Substituted Land:

The Applicant/Operator does not intend to substitute other land for reclamation.

3.1.3 Time Limit and Phased Reclamation:

Upon completion of mining, the final slopes will be mined at 3H:1V or flatter, dependent on the location of wetland as shown on the Reclamation Map. Creation of the wetlands will be the most significant aspect of site regrading. This phase will require 2 to 3 months to complete, followed by topsoil replacement, seeding and mulching.

Final reclamation will be completed within the five-year time limit.

3.1.4 Public use:

The mine site is private land. The HRLP has no intent to allow public use of the land either during mining or site reclamation.

3.1.5 Reclamation Measures – Materials Handling:

Reject material and excess overburden, as needed, will be for during back filling to achieve the approved post mine topography.

In addition, waste material generated from the crushing, screening, and washing operations will stored within the pit to be used for reclaiming wetlands. (See the Reclamation Plan Map and Figure A)



(1) Grading:

Access roads constructed as part of the mining activities will not be reclaimed but will be part of the post mining land use if requested by HRLP.

It is the intent of the Applicant/Operator to mine the final in-pit slopes at 2H:1V upon approaching the final in-pit slope configuration. HRLP has requested all topsoil berms be graded to blend in with the surrounding terrain or sold. No slopes outside of the pond area will be steeper than 3H:1V. The wetland areas will be graded to conform to the conceptual wetland's reclamation plan.

(2) Backfilling:

Where backfilling is necessary (wetland reconstruction), it will be done in 1 foot, dozer compacted lifts.

(3) All grading shall be done in a manner to control erosion and siltation of the affected lands, to protect areas outside the affected land from slides and other damage:

Appropriate erosion control methods will continue to be used where drainage into the mined pit cannot be ensured. Where it is safe for equipment and operators, grading will be done on the contour. Since the final slopes for the gravel pit will be incised into the existing ground surface, final slopes will be mined to 2H:1V. Based on many years of mining and reclamation, the amendment expansion area will be mined and reclaimed as is presently being done. It is unlikely; therefore, grading will result in affecting areas outside the affected area or that the interior slopes of the mined pit will be unstable.

(4) The Operator shall establish reasonable timetables consistent with good mining and reclamation Procedures:

All backfilling and grading will be completed as soon as feasible after the mining process. Based on the Operator's current mining practices, the Operator has established a reasonable timetable consistent with good mining and reclamation practices.



Grading of final open pit slopes will occur as mining approaches the toe of the interior slopes and will not be steeper than 2H:1V. Since the pit floors will be underwater, no grading or topsoil replacement will occur. It is doubtful the Operator will dispose pit-run waste material on the floor of the pit. If such material is disposed on the pit floor, it will be non-toxic and non-hazardous.

Topsoil replacement will be accomplished after mining has moved far enough away from an active mining or construction areas to protect the topsoil and make it practical for seedbed preparation and seeding. Final seeding and seedbed preparation will also be governed by the time of year and weather conditions that are optimal for these activities.

(5) All refuse and acid-forming or toxic producing materials that have been mined shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution:

No refuse or toxic or hazardous materials are expected to be generated by this mining operation. However, if such material is produced, it will be handled in such a manner that conforms to local, State and Federal requirements for disposal of such material. At present time the Operator does not intend to dispose of refuse on the mine site.

(6) Any drill or auger holes that are part of the mining operation shall be plugged in accordance with methods approved by the Division:

No adits or shafts will be employed in this operation. All drilled or auger holes will occur within the limits of the mining operation. Any drill, backhoe pits or auger holes will be constructed by trained crews and shall be backfilled as soon as practicable. Any drilled holes used for monitoring wells will be constructed by trained crews according to SEO and DRMS specifications and approved by the appropriate State agencies prior to installation.

(7) Maximum slopes and slope combination shall be compatible with the configuration of the surrounding conditions and the selected post mining land use:



The proposed post mining land use will be a pond-wildlife habitat and possible home sites. The final interior pit slopes of the pond will not be steeper than 2H:1V. From five feet above to ten feet below the expected water line the slopes shall 3H:1V or less. (Reconstructed wetlands will be 3H:1V or less and will be as depicted on the Reclamation Plan Map.) All other slopes will be 3H:1V, or less.

(8) Not applicable

(9) Placement of inert structural fill imported from off-site:

Currently the Operator does not intend to import inert structural fill from off-site. If such material is imported, the Operator will comply with the provision of Section 3.1.5(9) of the Division's and Mined Land Reclamation Board's regulation.

Stopped at Section 3.1.5 Reclamation Measures – Materials Handling (Item 9) and begins with 3.1.9 Topsoil salvage, storage, and replacement:

Topsoil salvage, storage, and replacement:

(1) Protection of topsoil:

Once the topsoil has been removed and segregated from the overburden material or product, it will be saved for replacement. Given that there may be more topsoil than what will be necessary for reclamation, the Operator may choose to salvage sufficient topsoil for reclamation and sell excess topsoil on the open market. In any case, the Operator will maintain sufficient topsoil in stockpiles to complete final site reclamation. Where topsoil will not be disturbed for at least 12 months, it will be seeded or otherwise stabilized to protect it from erosion. *(The exception is for those topsoil stockpiles not needed for site reclamation and considered as product for sale. Such piles will not be seeded but will be controlled according to the Operator's Stormwater Management Plan and will be marked as "Topsoil Product for Sale".)*

Topsoil will be stockpiled adjacent to the Pit on the north side as a visual berm. It will be seeded for stabilization and not disturbed until needed for reclamation at the conclusion of all mining operations. No topsoil stockpiles (visual berm) will be constructed within the 100-year flood



plain. (A 100-year flood control berm will be constructed along the south and west sides of the expansion area. The berm will be constructed of pit run material and will not be constructed of topsoil or have topsoil placed on it.)

(2) Woody vegetation shall be removed:

There is no woody vegetation.

(3) Storage, location, configuration of topsoil stockpiles for control of erosion and protection from mining operations:

Stockpiles will be configured to minimize erosion and will be in areas where disturbance by ongoing mining operations will be minimized. As stated in 3.1.9(1) above, topsoil stockpiles will be seeded for stabilization, as necessary.

(4) Relocation of topsoil stockpiles:

Topsoil stockpiles will be located so that topsoil will be handled only twice, once at the time of removal and again when replaced on the regarded areas.

The exception will be removal of the existing west topsoil visual berm. The topsoil from this portion of the visual berm will be used for reclamation to the extent possible. The remainder of the material that is not useable at the time of removal will be used to construct the extended visual berm for the expansion area.

(5) Stabilization measures of replaced topsoil on regraded areas:

The Operator will take measures appropriate to the subgrade where topsoil is being replaced. Such measures may include roughing the surface in order to gain a mechanical bond between the subgrade and the replaced topsoil. Where the subgrade is of acceptable quality, it may include disc plowing the topsoil and subgrade together, a practice typically used by commercial landscapers.



(6) Segregation of other materials for use as topsoil:

No replacement or substitute materials will be needed. Excess topsoil exists on site to complete reclamation requirements. (Please see the NRCS soil report attached)

(7) Replacement criteria and soil amendments:

The Operator will replace topsoil in as even a manner as equipment allows. Soil amendments will be as recommended by the local NRCS. Presently, they recommend that if soil tests are not preformed, forty (40) pounds per acre of each of the major nutrients (nitrogen and phosphoric acid (P_2O_5)) be applied. They also recommend a combination of mulch or other organic matter and a nutrient source such as well-cured feedlot or barnyard manure be applied. The recommend application rate should be at least twenty (20) tons per acre, evenly spread. The manure must contain at least 60% (by weight) large chunks, five inches or more in diameter. (Granular or powdery manure will not meet specifications.)

Reclamation practices currently used appear to be adequate for vegetation establishment. If phosphoric acid is applied, it will be applied on the overburden prior to topsoil replacement. This nutrient is not mobile. Placing it in the root zone prior to topsoil replacement will ensure optimal utilization by plant roots.

(8) Piles of vegetation:

There will be no piles of vegetation.

3.1.10 Revegetation:

(1) Establishment of a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued maintenance:

Most of the reclaimed area will be a pond. In those areas where revegetation occurs, the Reclamation Plan has been designed for site stabilization, erosion control wildlife habitat. The degree of vegetative cover will be adequate to stabilize the site, control erosion, provide for use by wildlife, but may not necessarily equal the cover of the natural



surrounding areas. The species selected for site reclamation will not require continued irrigation or soil amendments.

(2) Tree establishment:

Per the Reclamation Plan Map and as specified in Permit Amendment Section 6.4.5(2)(f)(iv) trees and shrubs will be established. In addition, the existing trees, and shrubs around the peripheral area of the mining expansion will be protected to the extent possible.

(3) Establishment of rangeland:

Rangeland is not a proposed post mining land use. The current reclamation practices show success in establishing perennial grasses suitable for wildlife use. In addition, the sites show stabilization against erosion. Therefore, the approved reclamation plan for the Hogue River Pit will continue to be followed.

(4) Consideration of environmental and biological factors in the Reclamation Plan:

Since the post mining land use is pond/wildlife habitat, the NRCS has been sent correspondence requesting comment on the proposed expansion. The Operator will incorporate their recommendations, as appropriate, into the site reclamation plan to ensure the reclamation goals are met.

The proposed reclamation is similar, if not identical, to what the Operator has been implementing since the beginning of mining operations. The Operator's reclamation practices show success on the ground. Therefore, it appears the important environmental and biological factors that could negatively affecting potential site reclamation have been properly addressed.

(5) Ensure the establishment of a diverse and long-lasting vegetative cover:

In those areas where vegetation will be established, the site will be prepared to provide the best opportunity for establishment of the selected plant species.



(6) Methods of weed control:

The existing mining permit has a Noxious Weed Management Control Program.

(7) Fire lanes and access roads:

It will not be necessary to construct fire lanes. Access roads used for mining operations will be adequate for site reclamation. In addition, access roads may be left post mining and reclamation for use by HRLP, if so requested.

(8) Delays to the revegetation process on selected areas:

It is understood by the Operator/Applicant, planting required for reclamation may be delayed, through the period of use related to places of refuse disposal, haul roads and road cuts. All applicable industry stabilization standards for such areas will be used. The Operator/Applicant is aware no planting is required on these areas, as follows:

- (a) On any affected land being used or proposed for the deposit or disposal of refuse, until after the cessation of operations for productive use of such refuse.
- (b) On lands proposed for future mining.
- (c) Within depressed haulage roads or final cuts while such roads or final cuts are being used or made.
- (d) Where permanent pools or lakes have been formed.
- (e) On any affected land so long as the chemical and physical characteristics of the surface and immediately underlying materials of such affected land are toxic, deficient in plant nutrients, or composed of sand, gravel, and cannot feasibly be remedied by chemical treatment, fertilization, replacement of overburden, or like measures.

(9) Adverse characteristics of the surface and the substitution of alternative areas:



No adverse surface characteristics exist on the proposed expansion area.
The Operator/Applicant does not intend to substitute acres for reclamation.

Stopped at Section 3.1.10 Revegetation and begins with Section, Continuation of the Reclamation Plan, 6.4.5(2)(d).

6.4.5(2)(d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs, or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting:

Where applicable, the Operator/Applicant has developed plans for the segregation, preservation, replacement, compaction, and grading of soil used for revegetation. The existing Revegetation Plan contains a list of preferred plant species to be planted following the recommendation of the NRCS Field Office. (*Please see Exhibit "J", approved through a previous permit application for the Hogue River Pit.*) The selected species for erosion control and site stabilization should all be readily available commercial materials.

Seedbed preparation was covered in Section 3.1.10(5) of this document. Seeding will occur during the period recommended by the NRCS to achieve optimum seed establishment.

(e) Reclamation Schedule:

The reclamation schedule is described in the previous Sections of this document, specifically in Sections 3.1.3 and 3.1.5(4).

(i) An estimate of the periods of time which will be required for the various phases:

Please see above.

(ii) and (iii) Describe the size and location of each area; outline the sequence of each phase:

This item is addressed above in various sections.

(f) Measures that will be taken to revegetate the site:



(i) Final grade of slopes:

The final grade of all interior pit slopes will be as described above. The remainder of the areas needing reclamation will be graded to blend in with the surrounding area. The pit floor will be left as is upon completion of mining.

(ii) Seeding specifications:

The NRCS recommendation is to seed between September 15th and snow cover, about October 15th. The seedbed will be scarified and then drilled (if not broadcast) across the slopes. Cereal grain straw or grass hay (free of weed seeds) will be applied at the rate of two (2) tons of mulch per acre to the topsoil surface and appropriately tacked or crimped to the soil surface. Areas will be seeded with an appropriate drill for the type of seed being planted. *(The Operator/Applicant reserves the option to broadcast seed at twice the seeding rate in those areas where drill seeding may present a hazard to equipment and operators.)*

From the 1992 Permit Application, NRCS recommendation:



SEED MIX & MULCHING

The following is my recommendations for re-seeding the gravel pit site if post mining use will be for recreation use.

Species	Variety	% of mix	Pure Live Seed Lbs/Ac
Smooth Brome	Manchar	30	4.0*
Pubescent Wheat Grass	Luna	50	7.0
Alfalfa	Ranger	20	1.5

* Above rates are drilled rates

After the site is drilled it should be covered with straw mulch at a rate of 2,000 lbs/ac. The straw should be scattered evenly over the site, then the straw should be lightly disced to crimp the straw into the soil. The mulch will protect the soil from drying out and crusting, giving the grass seedlings a better environment to get established in.

MISCELLANEOUS

The area drilled should have some type of weed control done during the first growing season following drilling. I would recommend 1/10 oz. of Ally with 1/4 lbs of 2,4-D when the annual broadleaf weeds are 2-3 inches tall.

If the pond site is to be used for duck or water fowl habitat following gravel mining, tall grass species such as Reed Canary grass or Phragmites (common reedgrass) should be planted along the shore for cover.

(iii) Soil amendments:

Please see the existing Hogue River Pit Permit.

(iv) Tree and shrubs planting:

The Reclamation Plan Map provides the general location and species of trees and shrubs to be planted during site reclamation.

Shrub/Tree	Number	Comment
Cottonwood(t)	21	1-2" stem dia., 5-6ft. tall
Alder(t)	16	5-6ft. tall



RPM, Inc., 25049 E. Alder Dr., Aurora, CO 80016 Phone: (303) 854-7499 Email: hlhumphries2@comcast.net

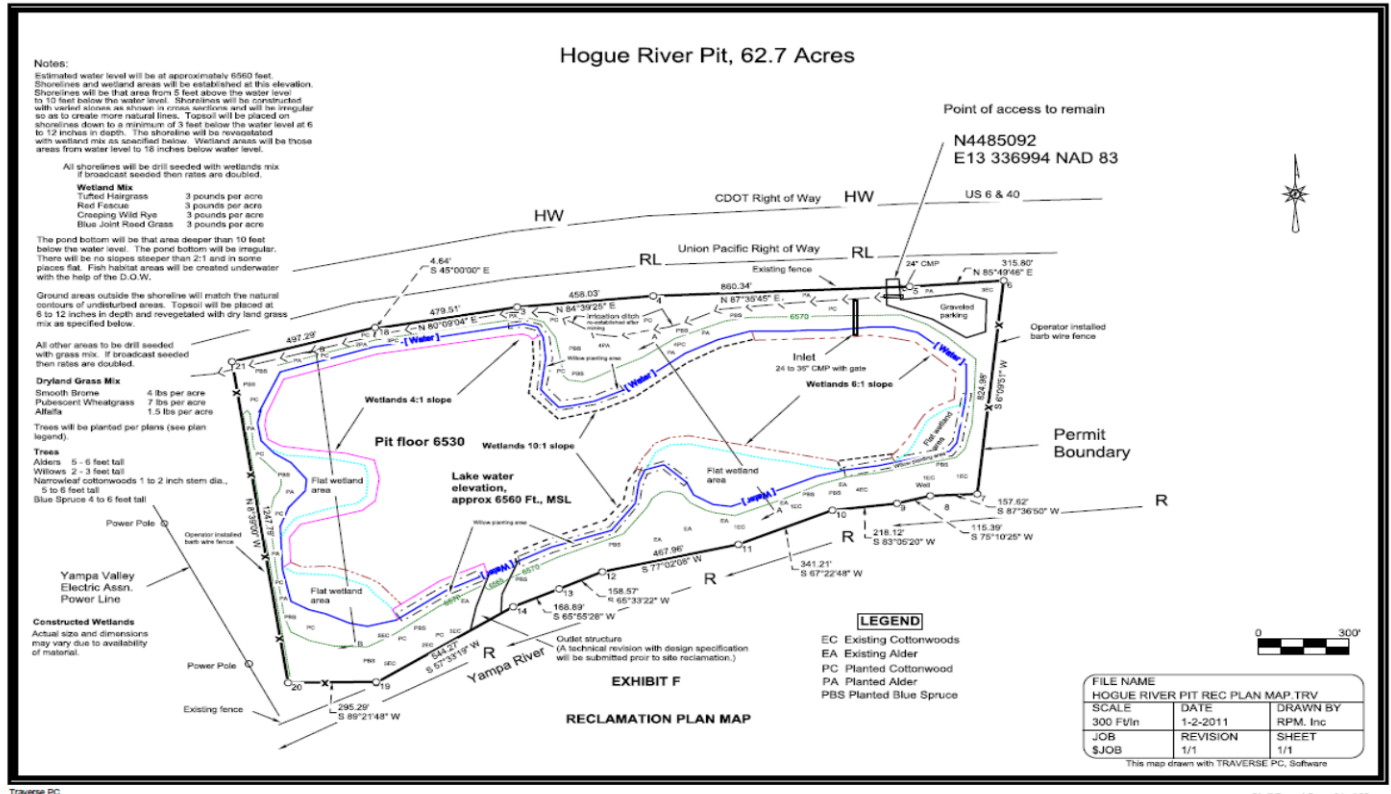
Blue Spruce(t)	15	4 – 6 ft. tall
Willow(s)	300	tubelings

(v) Topsoil replacement depth:

Topsoil will be replaced to an average depth of 8 to12 inches.



Reclamation Plan Map from Original Amendment Application



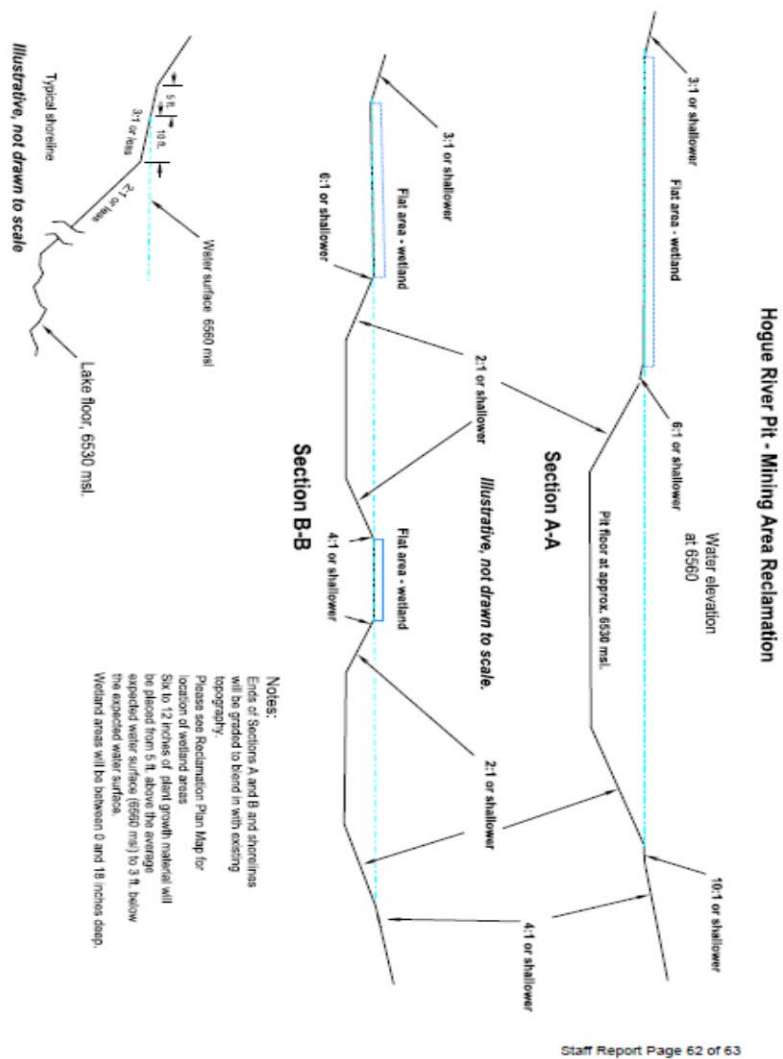
Traverse PC

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Cross-sections from Original Amendment Application

Figure A



FILE NAME			
Figure A Cross-sections			
SCALE	DATE	DRAWN BY	
100 F/in	1-2-2011	RPM, Inc.	
JOB	REVISION	SHEET	
\$108	1/1	1/1	

This map drawn with TRAVERSE P.C. Software



SECTION 6. GENERAL STANDARDS AND MITIGATION TECHNIQUES FOR LAND USE APPROVALS

6.1 General Approval Standards:

6.1.1 Health, Safety and Welfare:

“The proposal shall be consistent with public health, safety, and welfare.”

➤ Response:

- ✓ We believe the request for an SUP Extension for the existing operation is consistent with public health, safety, and welfare. This is not a new operation. It has been in operation since 1992, the year of the original permit application approval from the Mined Land Reclamation Board. We know of no issues where the existing operation is not consistent with public health, safety, and welfare.

6.1.2 Master Plan:

“The proposal shall be consistent with applicable Master Plans and sub-area plans.”

➤ Response:

- ✓ We believe the request for an SUP Extension for the existing operation is consistent with applicable Master Plans and sub-area plans. This is not a new operation. It has been in operation since 1992, the year of the original permit application approval from the Mined Land Reclamation Board.

6.1.3 Local, State, and Federal Regulations and Standards.

“...Every use shall be operated in conformance with all applicable federal, state, and local regulations and standards...”

➤ Response:

- ✓ To the best of knowledge, the operation has been in conformance with all local, state, and federal regulations and standards. It is the policy of Duckels Construction to comply with all applicable local, state, and federal regulations and standards.

6.1.4 Public Road Use Performance Standards:

“The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations.”



➤ Response:

- ✓ Please see our responses to the Public Road Use Performance Standards in Section 6.2, below.

6.1.5 Industry Standards:

“The proposal shall meet or exceed acceptable industry standards and Best Management Practices (BMP’s).”

➤ Response:

This is not a residential, or commercial development. There are sets of standards which we must comply with:

- ✓ Mine Safety and Health Administration (MSHA) regulations.
 - ❖ Its provisions are enforced through periodic inspections.
- ✓ Mined Land Reclamation Board (MLRB), Mined Land Reclamation Act and its implementing regulations.
 - ❖ Its provisions are enforced through periodic inspections and approval of the Mined Land Reclamation Board permitting process.
- ✓ The Colorado Division of Water Resources and its implementing regulations and issuance of its permitting process.
- ✓ Colorado Department of Public Health and Environment:
 - ❖ The Air Quality Control Division (AQCD), the air quality control acts, and their implementing regulations.
 - Its provisions are enforced through periodic inspections and issuance of its air quality control permits.
 - Our air quality permits are designed and implemented to meet applicable air quality standards.
 - ❖ The Water Quality Control Division (WQCD), the water quality control acts, and their implementing regulations.
 - Its provisions are enforced through periodic inspections and issuance of its water quality control permits.
 - Our Storm Water Management permit, and water quality discharge permits which include BMPs, are designed to meet applicable water quality standards.



- ❖ The Hazardous Materials and Waste Management Division (HMWMD), its various acts and implementing regulations.
- We are not and do not generate hazardous materials.
- We have committed to dispose of any non-hazardous materials off-site at an approved solid waste disposal facility.

6.1.6 Outdoor Lighting:

“The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.”

➤ Response:

- ✓ Please see the response to Section 6.3 below.

6.1.7 Significant Negative Impacts:

“The proposal shall not create any significant negative impact in surrounding areas....If the Planning Director, Planning Commission or County Commissioners determine a proposed land use change (emphasis added) has the potential to create a significant negative impact in the surrounding area mitigation may be required...”

➤ Response:

- ✓ We believe this provision of the Code does not apply to this SUP extension request for the following reasons:
 - ❖ This is a previously approved mining operation.
 - ❖ We do not intend to modify the currently approved SUP or Mined Land Reclamation Board permit with this SUP extension request.
 - ❖ We believe these issues were likely addressed previously, with the last SUP revision.
- Also, the County Code states the County “...*Planning Director, Planning Commission or County Commissioners determine...*” if a proposed land use change has the potential to create a significant negative impact, then items A. through Q shall be addressed. We have not received a determination, as of the date of our submittal, that “significant negative impacts” could occur.



6.2 Public Road Use Performance Standards:

6.2.2 Applicability:

A. Any type of development or project that will increase traffic or change the type of traffic on existing public roads.”

B. “Project includes mining operations and related issues.”

C. “Project includes haul truck traffic.”

➤ Response:

- ✓ The SUP extension request is not expected to result in an increase in traffic in and out to the Operation. It should not change the type of traffic on existing roads.
- ✓ This is a mining operation.
- ✓ We do not expect a change in the daily volume or type of haul trucks entering and leaving the site.

6.2.4 Standards:

A. “New Roads shall meet currently adopted Routt County Road Standards.”

➤ Response:

- ✓ No new county roads are proposed. Please note, the following responses are related to those County requirements which are specific to activities within the permit boundary of the mineral extraction operation.

B. “Project 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.”

➤ Response:

- ✓ The current mitigation is to ensure all haul trucks which leave the site are weighed and will meet regulated load limits.

C. “All public roads under the County’s jurisdiction used to access the proposed project...”



➤ Response:

- ✓ The access is off US Highway 40. No County Road is used for access. There for 6.2.4(c) does not apply.

I. “Acceleration/deceleration lanes shall be developed as required by the Colorado Department of Transportation (CDOT)...”

➤ Response:

The present access point off US Highway 40 has been previously approved by CDOT.

L. “Permittee shall undertake dust control resulting from project related traffic...”

➤ Response:

- ✓ The Operator has air quality permits which addressed fugitive dust generated within the perimeter of the mining operation. Any fugitive dust which is generated offsite would be related to the site-specific construction project.
- ✓ We understand control of fugitive dust from offsite project would be delt with under separate County permitting related to the site-specific construction project.

M. “Haul trucks...shall not exceed county legal load limits... The Routt County Engineer may require....a scale...”

➤ Response:

- ✓ We presently have a scale onsite to ensure local road load limits are being met.

6.3 Outdoor Lighting:

➤ Response:

At this time, no new lighting is planned to be added. If new lighting is needed. we will comply with applicable RC standards.



6.5 Mitigation Techniques for Development within a Natural Hazard Area:

(We believe listed hazards 6.5.1- 6.5.7 are minimal to non-existent for the existing mineral extraction operation.)

6.5.8 Wildfire Hazard Areas:

C. Have fire extinguishing equipment on the site:

➤ Response:

- ✓ Since we are an MSHA controlled operation, one of the requirements is all mobile equipment and as otherwise specified have fire extinguishers. In addition, staff must be periodically trained on the proper use and care of fire extinguishers.
- ✓ Given the location adjacent to the Yampa River, the site should not have a significant wildfire potential. Except for the vegetated topsoil piles, much of the site is an open gravel pit.
- ✓ Structures related to the mineral extraction operation are located on the floor of the gravel pit, well away from native vegetation.

6.5.9 “Flood Hazard Areas:

A. Ensure development does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties.”

➤ Response:

- ✓ The following is from the “Hogue River Gravel Pit Expansion, Pre-Application Conference, Activity #: PP2011-002, Summary of Staff Comments:
2. A 100-foot setback is proposed between the Yampa River and the pit. Portions of the expansion area are located within the 100-year floodplain. A berm along the south side of the mined area will prevent the pit area from being flooded during a storm event. The application materials reference a Floodplain Analysis submitted with the original Hogue River Gravel Pit permit application. This analysis will be thoroughly reviewed during a complete SUP application review process. A Floodplain Development Permit may be required.



- ✓ It should be noted the approved DRMS reclamation plan includes an inflow/out flow structure to ensure the post mining lake will not be captured during a high flow, 100-year flood event.
- ✓ Items B, C and E will be addressed when the County reviews the Floodplain Analysis. We understand this will occur during a complete SUP application review process.

F. “Limit development to non-dwelling uses that will not be damaged when flooded.”

➤ Response:

- ✓ The SUP extension request is for a mining operation, a non-dwelling use. Therefore, we do not expect any serious impacts during a 100-year flood event.

6.6 Mitigation Techniques for Development within Critical Wildlife Areas:

➤ Response:

- ✓ A search of the “Colorado Division of Parks and Wildlife” website (CDPW) brought up the following species as being significant to the State of Colorado. The related habitat maps show various levels of possible use by the following species:
 - ❖ Bald Eagle
 - ❖ Columbian Sharp-tailed Grouse
 - ❖ Elk
 - ❖ Sandhill Crane
 - ❖ Dwarf Shrew
 - ❖ Southern Red-backed Vole
- ✓ The above list of animal species is based on the CDPW habitat maps, available on the CDPW website. To arrive at the above list of species, we check each habitat map against the CDPW list of Threatened and Endangered species list available on the CDPW website. Only three species were found:
 - ❖ Listed species on the CDPW:



- Bald Eagle
- Columbian Sharp-tailed Grouse
- Greater Sandhill Crane
- ✓ However, in 2015, the CDPW developed a revised rating system known as the “Species of Greatest Conservation Need (SGCN). It refined the original SGCN program and placed species within two tiers, Tier 1 and 2 category system. Species in Tier 2 are those species that, “... remain important in light of forestalling population trends or habitat conditions that may lead to a threatened or endangered listing status, but the urgency of such action has been judged to be less. (Colorado’s 2015 State Wildlife Action Plan, 2015, Chapter 2: Species of Greatest Conservation Need, page 17).
- ❖ Under the Tier 1-2 rating system, the following species are:
 - Greater Sandhill Crane (GST4) from Table 3, we read as follows:
 - “State Threatened”
 - “apparently secure, but with cause for long-term concern”
 - No critical habitat is shown on the CDPW map for the mine site.
 - Dwarf Shrew (G4) from Table 3, we read as follows:
 - “apparently secure, but with cause for long-term concern”
 - Not listed on the CDPW Threatened and Endangered List.” The Species is listed on the CDPW species habitat maps.
 - No critical habitat is shown on the CDPW map for the mine site.
 - Red-backed Vole (G5) from Table 3, we read as follows:
 - “demonstrably secure”
 - Not listed on the State’s “Threatened and Endangered List” The species is listed on the CDPW species habitat maps.
 - No critical habitat is shown on the CDPW map for the mine site.
 - Bald Eagle (G5) from Table 3, we read as follows:



- “demonstrably secure”
- Listed on the CDPW “Threatened and Endangered List”
- According to the CDPW map, there are summer forage areas on and adjacent to the Hogue Pit. There appears to be winter concentration areas on and adjacent to the Hogue Pit.
- Columbian Sharp-tailed Grouse (G5T4), we read as follows:
 - is listed as a “Species of Concern” on the CDPW “Threatened and Endangered List”.
 - “vulnerable”
 - “subspecies status, apparently secure, but with cause for long-term concern”
 - No critical habitat is shown on the CDPW map for the mine site.
- Elk, the only species from the original list above not on the CDPW, Colorado’s 2015 State Wildlife Action Plan, 2015. Chapter 2: Species of Greatest Conservation Need, page 17.

A. Avoid areas during seasons of use by Critical Wildlife Species.

➤ Response:

- ✓ This is an ongoing mining operation. The entire presently permitted area (the affected area and area to be affected) was previously approved by Routt County in mid-2011. We are requesting a continuation of our presently approved SUP.
- ✓ We will confer with the CDPW where issues or conflicts occur related to use by bald eagles.

B. Create buffer zones between wildlife habitat and areas of development.

➤ Response:

- ✓ The operation is a mining operation and will not include typical development for commercial or residential housing at this time.



- ✓ We will confer with the CDPW where issues or concerns related to use by bald eagles.

C. Require domestic predator control in sensitive wildlife areas in accordance with Colorado Parks and Wildlife guidelines.

➤ Response:

- ✓ We will comply with appropriate “domestic predator control” as specified by the CDPW, provide it does not interfere with ongoing mineral extraction operations.

D. Limit recreational or other uses of wildlife concentration areas during the seasons of wildlife concentration, staging, and/or nesting.

➤ Response:

- ✓ This is mineral extraction operation. There will be no use of the site except for removal and processing of sand and gravel. Once mining is complete the site, will be returned to a groundwater connected lake.

E. Limit density of adjacent development.

➤ Response:

- ✓ There are no plans during the mineral extraction operation for any development.
- ✓ The property is leased.
- ✓ Once the site is released from reclamation liability, the use will be up to the landowner with County approval.

F. Avoid new road construction or other development through critical habitat areas and migration routes.

➤ Response:

- ✓ No new roads are planned.
- ✓ The present and affected area has been previously approved for mineral extraction with approval from the County.



G. Retain existing land use and vegetation.

➤ Response:

- ✓ To the extent possible, we will protect existing land use and vegetation.
- ✓ Once mining is complete, the shoreline of the created lake will be revegetated to the approved DRMS reclamation plan. The plan included native grasses, evergreen trees deciduous shrubs.

H. Close roads not used for residential access in critical areas.

➤ Response:

- ✓ Since this is a mineral extraction, any existing roads not needed for ranch or for the mineral extraction operation are closed to the public.

I. Avoid disturbance of streambeds, stream banks and streamside vegetation

➤ Response:

- ✓ The mine plan maintains a buffer between the active mining operation and the Yampa River of 100 feet.
- ✓ In addition, there is a low berm between the river and the active mining area.

J. Place catchment basins to avoid siltation of streams.

➤ Response:

- ✓ In addition to an CNPDES discharge permit, the operation includes a settling pond to bring wastewater to discharge standards prior to discharge.
- ✓ Any stormwater falling on the operation will infiltrate into the sandy, cobbly sides and floor of the pit and will not be discharged directly to the stream.

K. Use stream alteration techniques in accordance with the Colorado Parks and Wildlife guidelines to enhance fish habitat.

➤ Response:

- ✓ The operation does not affect the active river channel. This mitigation technique is not appropriate for the mining operation.



L. Construct game-proof or laydown fencing, one-way gates and game underpasses or other structures to minimize hazards.

➤ Response:

- ✓ This mitigation technique is not appropriate for the mining operation.
- ✓ Wildlife has free access onto and across the site. They have done so for the entire life of the operation with no ill effects, to our knowledge.

M. Develop additional or improved habitat to compensate for habitat loss.

➤ Response:

- ✓ The post mining land use will develop a lake with shallow areas for the fishery, and wildfowl nesting.

N. Reclaim disturbed areas for use by wildlife and waterfowl upon completion of mining or development.

➤ Response:

- ✓ Please see response to (M) above.

O. Use slopes flatter than 3:1, and create islands and irregular shorelines for reclamation of site excavations.

➤ Response:

- ✓ The above items are part of the approved DRMS reclamation plan.

P. Develop a wildlife mitigation plan for the project in coordination with the Colorado Parks and Wildlife.

➤ Response:

- ✓ The approved DRMS mining and reclamation plans forwarded to the CDPW for comment. Their response letter is attached.

Q. Provide bear and/or rodent proof trash containers as warranted.

➤ Response:



- ✓ Since this is a mineral extraction operation, and not a commercial or residential development, there is limited opportunity for bears or rodents to find human provided food sources.
- ✓ We will consider appropriate such measures should bear and/or rodents become an issue.

6.7 Mitigation Techniques to Reduce Water Quality and Quantity impacts.

A. Create on-site sediment ponds to prevent erosion into waterways.

- Response:
 - ✓ The operation has an onsite sediment clean-up pond to treat storm water prior to discharge to the Yampa River. In addition, any dewatering is also delivered to the onsite sediment pond for clean-up. These waters are then pumped to the discharge structure for delivery to the Yampa.
 - ✓ The site has internal drainage when a segment of the pit is opened. In addition, the site must be dewatered to mine. It utilizes dewatering trenches and on-site sediment ponds to prevent flooding of the mining area.
 - ✓ Please see the included Attachment V for further details.

B. Lining of sediment, water or waste disposal ponds with impervious material may be required based upon:

1. Site conditions;

- Response:
 - ✓ Since this is sand and gravel operation, the mining face and floor of the pit are sand and gravel which means the area has a high infiltration rate. The stormwater which infiltrates is of similar quality to what infiltrates into the floor and sides of the pit if the site was not affected by mining.

2. Distance to groundwater;

- Response:
 - ✓ The site must be pumped or dewatered to mine. The ground water is very near to the surface given the mine is adjacent to the Yampa River.

3. Quality of the water or materials being disposed of; and

- Response:
 - ✓ The water quality is generally the same as the Yampa River since it is within the Yampa River ground water regime. It does pick-up some sediment from storm water runoff interior to the mining operation and from dewatering operations. Sediment is removed in the sediment discharge pond prior to pumping back to the Yampa River.



4. Input from the Colorado Department of Health, and other pertinent factors which may affect the use.

- Response:
 - ✓ Our discharge is related to sediment which is cleaned-up in our discharge pond.

D. Limit the size of the excavated or disturbed area.

- Response:
 - ✓ The size of the affected area (excavated and other affected area) is limited by the Mined Land Reclamation Board permit.

D. Place monitoring wells upstream and downstream of the use, on the permittee's property and/or adjacent properties with landowner consent, to test impacts to ground water and/or stream water quality and quantity.

- 1. Where the use is located in a high ground water table area; and***
- 2. Where it has the potential to pollute nearby waters.***

- Response:
 - ✓ Based on guidance from the Colorado Division of Water Resources (CDWR), and with the approval of the Colorado Water Quality Control Division (CWQCD), and the Mined Land Reclamation Division, the mining operation has been found to be protective of ground water resources as to adjacent water quality and, quantity, to include associated water rights.

E. Test nearby water wells, with the landowner's permission, to ensure the operation is not negatively affecting water quality of flow.

- Response:
 - ✓ Based upon review of the CDRMS permit application approval, with comment from the CDWR, CWQCD, no nearby water wells are required to be tested or monitored.

F. Submit proof of sufficient water rights or a water augmentation plan.

- Response:
 - ✓ This requirement was addressed as part of the 2011 SUP application.

G. Avoid sites that would present a high probability of surface or ground water pollution.



- Response:
 - ✓ Given it is already an active mining operation, and as part of the DRMS process and Routt County's previous review, we understand the site was found to not, "...present a high probability of surface or ground water pollution."

H. Provide buffers from waterbodies, rivers, streams, wetlands etc; buffers/setbacks in excess of 50 feet may be required depending on site conditions and proposed use.

- Response:
 - ✓ The mine plan maintains a buffer between the active mining operation and the Yampa River of 100 feet. In addition, there is a low berm between the river and the active mining area to prevent pit capture by the river in a flood event.

6.8 Mitigation Techniques to Reduce Air Quality impacts.

A. Limit area of disturbance to reduce dust generation. Minimize over lot grading for projects and phase grading with construction.

- Response:
 - ✓ This mitigation technique appears to be related to commercial and residential developments.
 - ✓ In addition, the site is a sand and gravel operation, extracting product from a moist environment which provides fugitive dust control, to some extent.

B. Gravel, water, or chemically stabilize public and private access roads, stripped areas, transfer points and excavation to minimize dust.

- Response:
 - ✓ Control is by moist product, water truck application where needed, and spray bars at transfer points or other appropriate control measures.
 - ✓ In addition, we are also controlled by our Air Pollution Control Division's, fugitive dust emission control permits.

C. Limit hours of operation of batch plants to prevent cold weather firing during early morning inversions.

- Response:
 - ✓ We will comply with this provision when we receive notice from Routt County of a cold weather, early morning inversion. We request at least 24-hour notice from the County that such an event is expected.



D. Increase watering operations immediately in response to periods of high wind conditions or dust complaints.

- Response:
 - ✓ Frequency of watering is based on the conditions of our Air Quality Permit.
 - ✓ The operations generally take place on the floor of the pit.
 - ✓ The material removed, for the most part, is moist sand and gravel.
 - ✓ We will respond to complaints as appropriate.

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 vegetation cover to minimize dust, erosion, and weeds.

- Response:
 - ✓ We will comply with our approved CDRMS Permit which addresses the above listed items.

F. Overburden and topsoil shall be contoured and conditioned to a slope conducive to establishing vegetative cover.

- Response:
 - ✓ We will comply with our approved CDRMS Permit which address the above listed items.

G. Place air emission monitors upwind and downwind of the use and on the permittee's property, to ensure that the employed mitigation methods are effective.

- Response:
 - ✓ Our CAPCD Permits which state, in part:
 - ❖ “Compliance with these fugitive emission limits shall be demonstrated by not exceeding the production limits in condition number 3 and by following the attached particulate emission control plan.” (From Permit 99RO0352F)
 - ❖ Please see permits 99RO0352F, and 99RO0624F for further details.

H. Cease aeration operations at commercial wastewater ponds during periods of high wind.

- Response:
 - ✓ Commercial wastewater ponds which use aeration are not used.



I. If the proposed use has the potential to negatively impact a sensitive airshed, a background study with baseline data may be required.

➤ Response:

- ✓ No such studies were required for issuance of the existing and current CAPCD permits

6.9 Mitigation Techniques to Reduce impacts to Scenic Quality.

A. Limit the number of areas disturbed at one time. Minimize over lot grading for projects and phase grading with construction.

➤ Response:

- ✓ No over lot grading or construction grading will occur since this is not a commercial or residential development.
- ✓ Only limited areas are exposed for mining prior to aggregate removal.
- ✓ The mining operation is based on market demand which affects the rate of mining and the area exposed.

B. Conduct reclamation operations concurrently with the mining operation.

➤ Response:

- ✓ Since the post mining land use is a ground water lake no significant reclamation may begin until the mining is near completion.

C. Phase mining or other operations to minimize the amount of disturbed ground at any given time.

➤ Response:

- ✓ The mine plan does not lend itself to typical phased mining.
- ✓ As stated above, the post mining land use will be a ground water lake. The mine pit must be dewatered continuously to allow for mining and processing since the processing area is on the floor of the pit.
- ✓ Its location on the pit floor limits visual impacts, noise impacts and helps control fugitive dust which may be generated.

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.

➤ Response:

- ✓ The above the criteria will be met by the approved mining and reclamation plan.



- ✓ The reclamation plan includes the above criteria.

E. Provide effective screening of equipment and stockpile areas:

- 1. Limit the height of stockpiles.***
- 2. Use low profile permanent equipment, and/or permanent equipment painted to “blend with the surroundings”. Permanent equipment shall be construed as that equipment left in place for one (1) year or more. Color selection shall be reviewed and approved by the Planning Director.***
- 3. Maintain landscaping, weed control and vegetation viability for the life of the project.***
- 4. Proposed landscaping, screening, fencing and other visual impact mitigation shall be approved by the Planning Director, Planning Commission or Board of County Commissioners prior to operation.***
- 5. Berms or other screening techniques may be used to effectively screen the area.***
- 6. Berms must be contoured to a slope conducive to establishing vegetative cover.***
- 7. Significant vegetation shall be preserved wherever possible.***

➤ Response:

- ✓ Effective screening is accomplished by implementation of the following referenced mitigation measures:
 - ❖ #3 – the visual berm (topsoil stockpile) separated the mine from US 6 & 40.
 - ❖ #4 – the above visual berm was approved as part of the original SUP.
 - ❖ #5 and 6 – a visual berm of topsoil separates the mine from US 6 & 40 and has been seeded to an approved seed mix from the CDRMS permit.

F. Setbacks of the project area from property boundaries and height limitation of facilities and equipment, and colors and screening of equipment and facilities shall be determined by the Board of County Commissioners on a project-specific basis, dependent upon:

- 1. The constraints of topography and other natural features.***
- 2. Geologic information, site location and surrounding uses; and***
- 3. The nature of the operation, and other pertinent factors that may affect the proposal.***

➤ Response:

- ✓ This is an ongoing mining operation. At this point in the operation, the County Commissioners have not required the Section 6.9(F) requirements



6.10 Mitigation Techniques to Reduce Noise Impacts

- A. Limit hours of operation.**
- B. Limit hours and days of equipment operation to reduce noise effects to adjacent or nearby residents.**
- C. Limit hours of hauling.**
- D. Route haul truck traffic away from residential and recreation areas.**
- E. Place the processing areas behind berms or soil stockpiles, or at the bottom of the excavation.**
- F. Use landscaping to muffle or redirect sound including berms, fencing, soil stockpiles, or vegetation.**
- G. Locate equipment in an enclosed and acoustically insulated structure.**
- H. Use electric pumps for water where feasible, and use “quiet design mufflers” where electricity is not available.**
- I. Use the latest equipment approved by OSHA and MSHA to reduce or eliminate equipment back-up alarms.**
- J. Place the operation a sufficient distance from residences, commercial areas, and recreation areas to minimize noise impacts to those areas.**
- k. Install acoustically insulate housing or covers enclosing any motor or engines.**
- L. Install a solid wall or fence of acoustically insulating material surrounding all or part of the facility.**
- M. Require a noise management plan specifying the hours of maximum noise and the type, frequency, and level of noise to be emitted; and**
- N. Any noise mitigation measures as required by the Colorado Oil and Gas Conservation Commission.**
- O. Construction of insulated building or other enclosures may be required where facilities create otherwise unmitigated noise impacts.**
- P. Eliminate or reduce the use of compression “jake” brakes on haul trucks, when possible, at the entries or within sites located near residential areas.**
- Q. The location and grade of any proposed access will be considered in relation to the noise that may be created by vehicles using such access.**
- R. Limit traffic generation and/or provide customer shuttles.**

➤ **Response:**

- ✓ Effective mitigation measures to reduce noise is accomplished by implementation of the above referenced mitigation measures:
 - ❖ A. Limit the hours of operation from dawn to dusk or 7am to 7 pm whichever is less. Operate up to 7 days per/week.



- ❖ E. Processing equipment will be on the floor of the pit with a topsoil berm separating the operation from Highway 40.
- ❖ I. All equipment used on the site, and which enters the site will be equipped with MSHA or OSHA approved safety devices.
- ❖ Q. The access grade from US highway 40 to the scale house, is the minimum grade achievable for proper operational needs. The noise generated from activities within the pit are mitigated by the topsoil stockpile berm and most of the operations occurring within the confines of the pit.

6.11 Mitigation Techniques to Reduce Wetlands impacts

All uses must comply with applicable Environmental Protection Agency (EPA) and Army Corps of Engineers (ACOE) standards and regulations for wetlands.

A. Avoid wetland areas

B. Develop sediment ponds and drainage swales to prevent pollution of nearby wetlands.

C. Replace disturbed wetland areas in-kind, and on-site.

D. Preserve existing significant vegetation within surrounding wetland areas.

➤ Response:

- ✓ Wetland have been identified and will be avoided.

6.12 Mitigation Techniques to Reduce Impacts to Agricultural Uses

A. Prevent rapid spread of weeds to surrounding agricultural and residential lands. An enforceable noxious weed management plan may be required.

B. Fence the site to prevent access by humans and animals.

C. Submit proof of water rights and plans for disposal of water prior to any operations. Comply with requirements of the Division of Water Resources applicable to the proposed operation.

D. Protect and maintain flows of all affected irrigation ditches.

E. Buffers may be required between agricultural and non-agricultural uses to ensure compatibility.

➤ Response:

- ✓ Effective mitigation measures to reduce agricultural uses is accomplished by implementation of the above referenced mitigation measures:

- ❖ A. – We have an approved Noxious Weed Control Plan as part of CDRMS approved permit application and as part of the existing SUP.



- ❖ B. – Fencing surrounds the mine permit are on three sides with the Yampa River on the unfenced side.
- ❖ C. – The Hogue Family Partnership hold sufficient water rights to address the mine water use. We have in place; discharge permits for stormwater runoff and the discharge of treated process water quality issues.
- ❖ D. – There is an irrigation ditch to the north of the permitted area. This ditch will not be affected by the presently approved mining operation.

6.13 Mitigation Techniques to Reduce Impacts to Residential and Recreation Uses.

A. Avoid recreation areas and residential areas.

B. Locate uses incompatible with residential or recreation and tourism uses a sufficient distance from such areas. Planning Commission and Board of County Commissioners will determine sufficient distance.

C. Practice continued mitigation of noise, dust, and other environmental impacts.

D. Route haul trucks away from residential and recreation areas.

E. Limit traffic generation and/or provide customer shuttles.

➤ Response:

- ✓ Effective mitigation measures to reduce agricultural uses is accomplished by implementation of the above referenced mitigation measures:

- ❖ A. – We are avoiding residential areas. The site is private land and not a recreational area.
- ❖ C. – We will continue to practice the above mitigation measures to control noise, dust, and other environmental impacts.

8.3 Standards for all Administrative, Conditional, Minor and Special Use Permits.

8.3.1 Insurance Requirements

The permittee shall provide liability insurance in compliance with the County's insurance and surety requirements policy then in effect. In addition to the requirements for the policy, the certificate of insurance shall include all permit numbers associated with the activity and permittee shall notify the Routt County Planning Department of any claims made against the policy.

➤ Response:

- ✓ We will comply with the above provision as appropriate and as required.

Section 9. Regulations and Standards for Mining...Uses

9.2 General Standards for all Mining, Resource Extraction and 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.

A. Shall be compatible with the surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.

➤ Response:

- ✓ This is an ongoing mineral extraction operation with previous SUP approval. We believe it was found to be compatible with the surrounding land uses during the previous SUP review and approval.

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 County Commissioners will determine sufficiency of distance.

➤ Response:

- ✓ There are no nearby active mineral extraction operations. The Bettger Pit which is north of the Hogue Pit, is in final reclamation.

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. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.

➤ Response:

- ✓ The mine operations primarily occur on the floor of the operation. In addition, a topsoil stockpile separates the operation from US Highway 40.

D. Shall be operated such that noise generated by the use does not exceed State of Colorado residential noise standards within 150 of any residence.

➤ Response:

- ✓ To the best of knowledge, given the location of the operation, it should not exceed the State of Colorado noise standard.

E. New long-term (more than one year) mining operations will minimize visual impacts along entryways to growth centers of potential growth centers as defined in the Routt County Master Plan. Planning Commission and/or the Board of County Commissioners will determine sufficiency of minimization.



- Response:
 - ✓ This is not a new long-term mining operation; it is an existing operation seeking a renewal of its SUP.

F. Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.

- Response:
 - ✓ Truck traffic will continue to access the site via the existing access point.

G. Shall provide liability insurance in compliance with the County's insurance and surety requirements policy then in effect, to cover any damages to public and private property.

- Response:
 - ✓ We will comply with this provision as appropriate and as required.

H. Unless all disturbance created by the mining operation is covered by a reclamation bond under jurisdiction of the Colorado Division of Minerals and Geology, or by the federal government on federal owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of Routt County.....

- Response:
 - ✓ The operation is covered by a CDRMS reclamation bond and performance Warranty.

I. The Board of County Commissioners may require a financial performance guarantee in addition to that required by the State of Colorado to ensure that certain conditions of a permit will be complied with. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. The County will not require financial guarantees that are duplicative of that required by the State. Copies of all financial guarantees related to the project shall be submitted to the Planning Department prior to permit issuance; including but not limited to those required by the State, BLM, and Routt County.

- Response:
 - ✓ We will comply with the above provision as appropriate and as required.



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.

➤ Response:

✓ We will comply with the above provision as appropriate and as required.

K. Routt County requires the use of the most technologically advanced and proven procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.

L. In-stream mining is not permitted.

➤ Response:

✓ We will comply with the above provision as appropriate and as required.

✓ We utilize proven and efficient mining and processing equipment and mining methods.

9.4 Mining Operations that Exceed 9.9 Acres of Cumulative Surface Disturbance

9.4.1 Standards

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 Sections 9.2 of these Zoning Regulations:

- A. New long-term mining operations shall be located a minimum of 1,000 feet from any property that is zoned for residential use (MRE, LDR, MDR, HDR, GR, PUD).***
- 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.***
- C. 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 mine sites.***
- D. 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. Such conservation mitigation shall include of the following:***



- 1. For each acre 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 subsection 1.***

➤ Response:

- ✓ Routt County Code A, B, and D were addressed as part of the previous SUP application and approval process.
- ✓ Routt County Code C was also addressed as part of the most recent CDRMS amendment process. We demonstrated to the Office of the State Engineer there are water rights, held by HRLP, sufficient cover the calculated evaporative loss from the proposed groundwater lake.



Attachment I

Statement of Approval from the Property Owner

January 17, 2011

To Whom It May Concern:

Duckels Construction Co., d.b.a. Yampa Aggregates has operated the Bettger and Hogue River Pit gravel mining operations on our property for a number of years. Hogue Ranch Limited Partnership grants Duckels Construction Company d.b.a Yampa Aggregates, the right to enter and mine sand and gravel on the property described below:

The property description is tracts of land in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 4 and also in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9, Township 6 North, Range 85 West of the 6th Principal Meridian, Routt County, Colorado.

The right to enter shall be subject to the terms and conditions of the contract/lease between Duckels Construction Company d.b.a. Yampa Aggregates and Hogue Ranch Limited Partnership.

Hogue Ranch Limited Partnership:

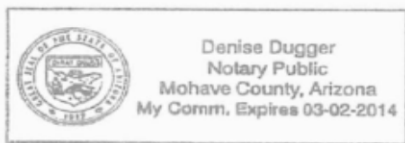
Name: M. Hogue Title: Partner

STATE OF ~~COLORADO~~ ARIZONA
above) ss
-Routt County)

The foregoing was acknowledged before me this 20th day of January, 2011 by

(Name) Michael Hogue as (Title) Partner, of Hogue Ranch Limited Partnership.

My commission expires: 03/02/2014.



Denise Dugger
Notary Public



Attachment II Proof of Ownership

EXHIBIT O

LEASE

THIS AGREEMENT made and entered this 1st day of January, 1984, between Charles E. Hoque and Margaret E. Hoque, parties of the first part, and Coril E. Betzger and Kenneth D. Betzger, parties of the second part:

WITNESSETH, Whereas, the parties of the first part own a tract of land described as follows:

A gravel pit located in Section 4, T6N, R85W, more particularly described as follows:

A Parcel of land located in the SW 1/4 of Section 4, T6N, R85W of the 6th P.M. Routt County, Colorado more particularly described as follows:

Beginning At a point from which the West 1/2 Corner of said Section 4 bears N 60°59'47" W. 1593.14 feet thence S 33°13'47" W 165.04 feet thence N 56°54'57" W 273.26 feet thence N 02°56'22" E 598.60 feet thence N 85°27'49" E 477.11 feet thence S 19°12'10" E 385.95 feet thence S 04°43'45" E 505.80 feet thence N 56°56'45" W 429.32 feet to the Point of Beginning. Said Parcel containing 9.91 Acres, more or less.

NOW THEREFORE, in consideration of the rental herein-after provided, the parties of the first part do hereby lease and let unto the parties of the second part said Gravel Pit above-described for the purpose of obtaining gravel for a period of one year commencing January 1, 1984, and ending December 31, 1984, with the option of parties of the second part to renew said lease for one additional year by giving parties of the first part sixty (60) days written notice of renewal and the rate per cubic yard shall be negotiated.

It is provided that during the term of this lease, said parties of the second part shall have the exclusive right to obtain gravel from the above-mentioned pit.

It is further provided that as a rental, said parties of the first part shall receive [REDACTED] per cubic yard for all gravel removed which shall be paid quarterly during the term of this lease. Parties of the second part agree to keep correct records of all gravel removed.

It is agreed and understood, that parties of the second part will be responsible for all costs and liabilities in the operation of the removal of said gravel and shall hold parties of the first part harmless from any liability.

Parties of the second part agree to pay all costs for work done by them on the premises which may result in liens on the interest of the parties of the first part. Parties of the second part will keep the premises free and clear of all mechanic's liens and other liens on account of work done for them. The parties of the second part agree to and shall indemnify said parties of the first part free and harmless against liability, loss, damage, costs of expenses, including attorney's fees, on account of claims and claims of



liens of laborers or others for work performed for, or materials or supplies furnished to parties of the second part.

Parties of the second part agree to shut gates to protect livestock of the parties of the first part, which may be grazing about said premises, and will not injure said livestock.

It is further agreed that on termination of this lease, parties of the second part shall remove all their machinery and equipment from said premises.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first written above.

Cecil E. Bettger
Cecil E. Bettger

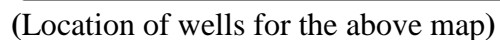
Charles E. Hoque
Charles E. Hoque

Kenneth D. Bettger
Kenneth D. Bettger

Margaret E. Hoque
Margaret E. Hoque



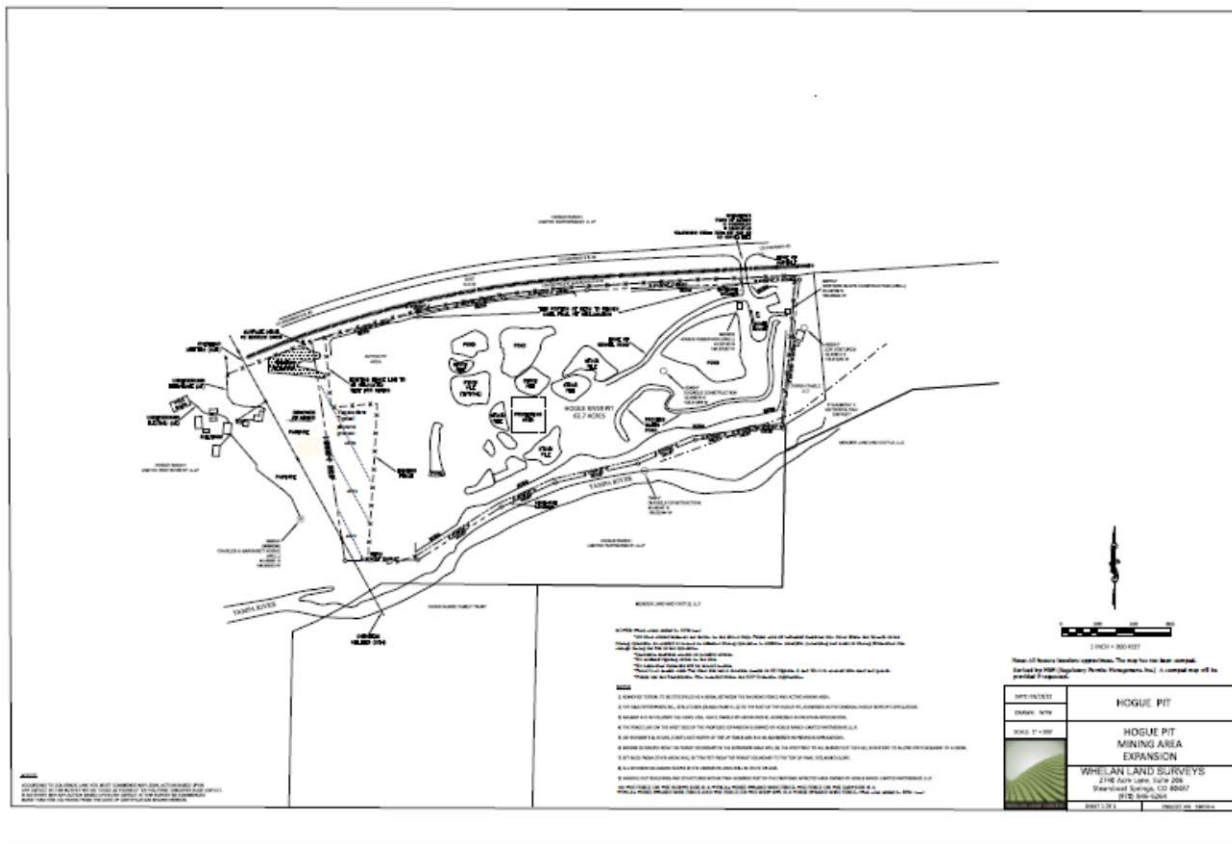
Vicinity Map – “...site location, nearby residences, property lines, water wells, irrigation ditches, and roads.”





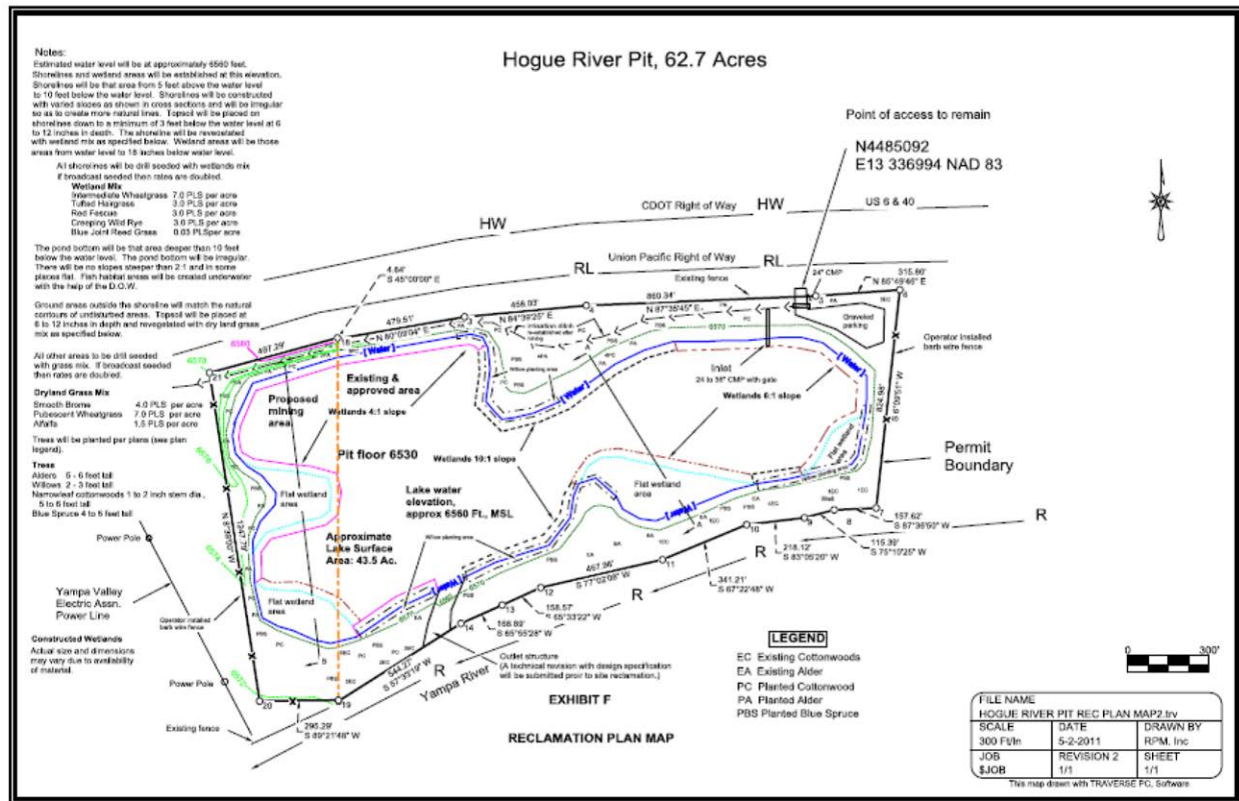
Attachment III Site Plan

Site Plan Map – “scale and north arrow, Existing site conditions, ...location and dimensions of all proposed buildings, structures, and fencing, parking, location and dimensions of all proposed mining, processing, stockpiling, and equipment storage, utilities, sanitation facilities, exterior lighting, location and method of hazardous materials storage”(none anticipated) “, location, width, and surface of all existing and proposed access roads and drives, location and types of proposed landscaping and/or screening, phasing plan if applicable” (no phasing at this time) “Reclamation Plan” Map, (attached below)





Reclamation Plan Map:



Miscellaneous Items:

- **Engineered Plan and profiles for all new Common Roads:**

- **Response:**

There are no new common roads planned.

- **Traffic Impact Study:**

- **Response:**

There are no anticipated changes to the current levels of traffic impacts.

- **Transportation Summary Information:**



➤ Response:

There are no anticipated changes to the current Transportation Summary Information under the existing SUP.

• ***Copy of the application submitted to the Division of Reclamation, Mining and Safety:***

➤ Response:

- ✓ The above SUP application includes a copy of the DRMS Mining and Reclamation Plans.
- ✓ The original SUP application included a copy of the DRMS permit application.

• ***CDOT Access Permit:***

➤ Response:

The County should have a copy of the CDOT access permit which was part of the original and previous SUP application.

• ***Wildlife Mitigation Plan:***

➤ Response:

- ✓ The above document includes a Wildlife Mitigation Plan.
- ✓ CDPW comment letter, attached above: