

Special Use Permit

Permit No. PL20220043

Project Name: Steamboat Sand and Gravel

Permittee: ALPINE AGGREGATES

Property Owner: STEAMBOAT SAND & GRAVEL, LLC

Type of Use: Special Use Permit - Mining

Property Address: 32199 FISKER TRL, ROUTT, CO 80487

Legal Description: SE4NW4, TRS IN SW4NE4, NW4SW4, NE4SW4, NW4SE4, SW4SE4 SEC 21-5-84 TOTAL 105.41AC

Expiration Date: September 06, 2032

Conditions of Approval:

General Conditions:

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6 and 9.
2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Minor amendments may be approved by the Planning Director subject to Section 3.2.10 of the Zoning Regulations.
3. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. This permit is contingent upon any required permits being obtained and complied with from all involved agencies including, but not limited to the following:
 - a) Division of Reclamation, Mining and Safety (DRMS) 110 Construction Materials Permit
 - b) Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division (APCD) Air Quality Permit
 - c) CDPHE Stormwater Management Plan

The operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department

7. Fuel, flammable materials, and hazardous materials shall not be kept on the site. Any spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
8. All exterior lighting shall be downcast and opaquely shielded, as per Section 6.3 of the Routt County Zoning Regulations.
9. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
11. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
12. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, Transferee shall submit written consent to the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
13. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds.
14. 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.
15. Copies of all financial guarantees related to the project shall be submitted to the Planning Director prior to issuance of the Special Use Permit. The Board of County Commissioners may require a financial performance guarantee to insure restoration of the site and access roads and compliance with other conditions of this permit. The County will not require financial guarantees that are duplicative of that required by the State.

SPECIFIC CONDITIONS:

Operations Plan:

16. The Special Use Permit (SUP) is valid for ten (10) years from the BCC approval date, provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
17. Approved uses include:
 - a) Mining
 - b) Crushing, processing, and washing of material and associated equipment
 - c) Stockpiling of gravel
 - d) Importation of used asphalt and concrete for recycling purposed
 - e) Neither an asphalt plant nor a concrete batch plant is allowed.
18. The operation consists of:
 - a) Sales from the gravel pit shall not exceed 400,000 tons in any twelve consecutive months.
 - b) Extraction and reclamation: 7:30 a.m. to 7:00 p.m., Monday through Friday. No extraction and reclamation on Saturdays.
 - c) Crushing and processing of material: 8:00 a.m. to 6:00 p.m., Monday through Friday. No mining or processing on Saturdays.
 - d) Loading and hauling of material: 7:30 a.m. to 6:00 p.m., Monday through Friday; 8:00 a.m. to 5:00 p.m. on Saturdays subject to fog restrictions as reflected in Specific Conditions 36 - 39.
 - e) No extraction, hauling, or operation of trucks or other equipment shall occur on Sundays and national holidays, which are Christmas Day, Thanksgiving Day, New Year's Day, Fourth of July, Presidents' Day, Memorial Day, and Labor Day.
 - f) Warming of equipment is allowed 15 minutes prior to startup.
 - g) The Board of County Commissioners may grant temporary waiver of hours and/or days of operation for public projects or for projects with special technical requirements, by special hearing with at least 24 hours notice to adjacent property owners.
 - h) The hours of operation may be amended at the Board of County Commissioners' discretion to avoid conflicts with school buses. Permittee shall work with the Planning Department on a system to educate haulers/drivers regarding the potential conflicts with school buses.
19. Any proposed amendments to the DRMS permit must be approved by the Planning Director and may be cause for a review of the SUP.
20. A maximum of 25 acres within the permit limits shall be disturbed at any time. "Disturbed acreage" is defined as any area that is not covered by water, substantially noxious weed-free vegetation, paving, or other stabilized road surface.
21. This SUP approval does not confer any pre-approvals for final site development, rezoning of the site, subdivision, or any other development that would normally receive separate Planning review. Any such plans for development shall be submitted to the Planning Department for appropriate review.
22. The use of conveyors will be required on all phases except Phases 1, 2, 3, 4, 5, and 6.

23. The permittee shall incorporate the most technologically advanced procedures and equipment to mitigate any significant negative impacts from the mining operation and associated uses.
24. Permittee shall obtain all necessary County and Federal Emergency Management Agency (FEMA) approvals and permits for both mining and final reclamation related alterations to the floodplain, prior to issuance of this SUP. No increase in base flood elevation on adjoining properties shall be allowed as part of any such permit. Required approvals include but are not limited to a Routt County Floodplain Development Permit, a FEMA Conditional Letter of Map Revision (CLOMR) prior to any mining related construction, a FEMA Letter of Map Revision (LOMR) for as-built mining related construction, and a LOMR for as-built final reclamation.

Reporting:

25. The operator shall submit the current DRMS Annual Report for the pit to the Planning Department within two weeks of due date each year for compliance verification.
26. The operator shall submit an annual report to the Planning Department on or before February 15th of each year. The annual report shall detail total materials imported and exported, remaining reserves, and total number of truck trips to and from the site.
27. Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
28. Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
29. Any written or verbal notice of violation or citation issued to the Permittee by DRMS, CDPHE, MSHA, or any other permitting agency will be provided to the Routt County Environmental Health within 7 business days of the violation. Any other inspection reports, annual reports, asphalt plant and crusher relocation notices, and any other documentation required to be submitted to DRMS, CDPHE, or MSHA for any permits obtained through those agencies shall be available to the Routt County Environmental Health Department upon request.

Reclamation:

30. A SUP shall be in place through the end of reclamation. Permittee shall implement the Reclamation Plan in a manner concurrent with the phased mining plan to insure the maximum disturbed area is not exceeded. Final reclamation shall include measures to prevent the proliferation of non-native species as required in the Army Corps of Engineers 404 permit as approved by the Colorado Parks and Wildlife or U.S. Fish and Wildlife Service.
31. The permittee shall engage in phased reclamation during the life of the permit, and is required to proceed with due diligence upon the closing of the pit.

Access and Traffic:

32. No trucks entering or leaving the operation shall use County Road 20 unless delivering material to a site accessible only by County Road 20. The permittee will be responsible for enforcing this condition with all trucks using its operation.
33. On foggy mornings, an initial fog/visibility check will be conducted at the pit entrance one hour before the pit is scheduled to open. If poor visibility conditions persist, subsequent fog/visibility checks will be performed throughout the day at 30 minute intervals.
34. Fog/visibility checks will consist of the Mine Superintendent traveling to the pit entrance to determine visibility along Highway 131. If visibility is deemed to be less than adequate, as determined by the visibility of a 2' x 2' orange marker placed 771' from the pit entrance to the north and south, pit operators will initialize an email/telephone notification system alerting customers that the pit will be closed until further notice and will activate the site closure sign. If the Mine Superintendent is unavailable, the replacement site manager will execute the standard operating procedure.
35. A list of Alpine Aggregates customer and contact information including email addresses and mobile numbers will be maintained and updated quarterly. This list will be used to send out email and telephone message notifications about delayed pit openings.
36. Notification signs shall be placed on the permittee's property at the pit entrance and exit notifying customers of the pit's fog visibility notification system and related policies, including the potential for delayed openings due to poor visibility.
37. Signs shall be placed 1200' in advance of the pit entrance along Highway 131 (to the north and south) alerting drivers of the presence of turning truck traffic (subject to CDOT approval).

Visual Mitigation:

38. Permittee shall maintain buffering and screening in accordance with the Landscape Plan approved as part of this SUP throughout mining operations. Screening berms not natural to the area or desired by adjacent landowners will be removed at the completion of mining.
39. Maximum stockpile height during at-grade Phase IA operations shall be 25 feet. During all other phases, stockpiles shall be located in the bottom of the pit and shall not protrude more than 10 feet above the original ground elevation.

Air and Water Quality and Noise

40. Permittee shall work with and obtain approval from Planning Director and Army Corps of Engineers through a Section 404 permit of a mitigation and monitoring plan to ensure that wetlands on-site are maintained in a healthy condition during the life of the mine. Plan may require annual sample plot and photo monitoring, turbidity monitoring, and water-depth monitoring at key points.
41. The permittee shall conduct groundwater level monitoring monthly at the locations shown on the mine plan. Monitoring reports shall be made available to Routt County Planning Department on request. The Planning Director, in consultation with the Environmental Health Department, may authorize changes in the testing regimen, including frequency.

42. Permittee is required to immediately mitigate and rectify impacts to nearby wells that are reasonably attributable to dewatering on the site. Planning Director (or designated expert) will use baseline pump data, groundwater monitoring information, and any other pertinent information to determine whether mine dewatering has affected nearby wells. The State Engineer's Office will be consulted prior to any mitigation being required.
43. The Division of Water Resources approved water supply plan only accounts for 47.9 acres of exposed groundwater in the ponds. The reclamation plan indicates 56.6 acres of exposed groundwater will exist. Prior to the closing of the pit the permittee shall either submit documentation showing that enough water rights exist for the full 56.6 acres of exposed groundwater or demonstrate that the size of the ponds does not exceed the 47.9 acres covered under the approved water supply plan.
44. The permittee is responsible for adequately conveying all adjudicated water rights to downstream users, complying with the Settlement Agreement between parties, and obtaining and complying with all applicable permits from the Division of Water Resources.
45. Permittee is responsible for maintaining historic flows to downstream users of all affected ditches on the property.
46. The permittee shall comply with all conditions of any applicable discharge permits and shall not permit drainage onto adjacent properties greater than historic flows thereon unless approved by the terms of any discharge permit or by separate agreement with affected property owners.
47. The permittee shall comply with the Colorado Parks and Wildlife recommendations to properly screen all connecting irrigation channels as well as the Yampa River bypass to prevent Northern pike ingress and egress.
48. Prior to issuance of the SUP, A Watershed Protection Permit shall be obtained from the City of Steamboat Springs.
49. Fugitive dust will be controlled by the use of a water truck and other control measures as appropriate, as often as necessary, to reduce, control and minimize all dust generated by traffic, material processing and other activities that occur at the site. Dust suppression operations shall be increased immediately in response to periods of high wind. The Planning Director or Environmental Health Director may require temporary closure of the facility if dust control measures are not effective.
50. No off-site transport of visible dust emissions shall be allowed.
51. Noise from all on-site sources and from haul trucks shall be in compliance with the performance standards in the State noise statute (C. R. S. 25-12-101). Violations of performance standards shall be enforceable by the Routt County Environmental Health Department and may be cause for a review of the SUP by Planning Commission and/or the Board of County Commissioners.
52. All permanent dewatering pumps on-site shall be connected to line electric power. Temporary dewatering pumps may be used for up to two months at the start of each phase.

Temporary pumps may be powered by generators, which shall use best available technologies (BATs) to reduce noise.

Permit Issued by the Routt County Board of Commissioners:

M. Elizabeth Melton, Chair

Date

ATTEST:

Jenny L. Thomas, Routt County Clerk and Recorder

ACCEPTED:

Ed McArthur, Permittee

Date