

Project NarrativeSummary of 2009 application

In the 2009 application, following the various DRMS reclamation permit applications' exhibits, mining and processing of sand and gravel was to begin in the South Parcel, working from about 100 feet west of the high water mark of the river to the road and pipeline right-of-way, excavating to below the water table and then pumping to dewater below the alluvial aquifer (water table, which fluctuates with the flow in the river), and processing. Stockpiles and processing areas were to be located along the pipeline/road first to the east and then to the west. Mining was to proceed west of the pipeline/road in the South Parcel, and then move to the North Parcel, to repeat the same sequence, while the South Parcel was reclaimed to several ponds and industrial work sites.

Actions 2009-2019

Actual mining did not start until sometime after the County approved the operation, due to state and federal requirements and delays. The work proceeded as planned in the east portion of the South Parcel, but it was decided to just use areas west of the pipeline/road only for plant sites and stockpiles, and not to excavate in that area until later in the life of the pit. This was due to quality and depth of the material found there. Dewatering was not necessary for the most recent stages of excavation in the South Parcel due to low river levels and better techniques for mining at and immediately below the water table, so the EPA water discharge permit was terminated, as reviewed and approved by US EPA in 2019. Meanwhile, mining in the North Parcel began on the northeast area, well back from the river (as planned), excavating between the setback from the river and the road/pipeline, with stockpiles and plant sites on the north edge on both sides of the road/pipeline, working both east and west from the initial mining area, to take advantage of the material quality and shorter haul distances.

Although there is some dewatering of excavations, there is no discharge to the river. Three ponds have been excavated: the north one is now used for sediment from washing, the east one for fresh water, and the main long pond is presently being excavated for materials. Portable plants move into the site and out again, after crushing, screening, and washing materials which is stockpiled before being shipped off-site.

Two wellpads for gas and oil production were constructed and are presently in use, one on each parcel. Access roads to these connect to the existing road along the pipeline and other roads constructed for sand and gravel operations, which will be left in place following mining and reclamation.

Changes in plan since 2009

There have been no significant changes in the planned operations since 2009. Some changes have been done based on customer requirements, need for materials, site conditions, and material quantities and quality, as well as actions necessary to comply with changing tribal, state, and federal requirements.

These include:

1. Processing of materials (both virgin and recycled materials) generated off-site and brought to this facility to be crushed, screened and/or washed before being shipped from the site.
2. Pumping of water (either on-site or into the Piedra River, in accordance with necessary water and discharge permits) to permit dewatering of work areas and for use as dust control and washing of materials.
3. Different sequence of mining areas west of (above) the road/pipeline which runs through the property north-to-south.
4. As expected, ponds are varying in size and configuration from that contained in the original 2009-2013 applications to the State.

9.1.6 Performance Standards for All Operations:**9.1.6.1 Compatibility of sand, soil, or gravel mining operations with surrounding uses shall be determined by review of the following criteria:**

(1)	Surrounding uses are primarily agricultural, forestry, or industrial.	Complies: no change from 2009 conditions and operations	
(2)	Truck traffic will not access the mining operation through residential, recreational or commercial areas, or such traffic will be mitigated.	Complies: no change from 2009 conditions and operations	
(3)	The mining site will not be visible to adjacent surrounding residences or will be mitigated to the extent reasonably possible, to have reduced visibility. Placement of the operation a sufficient distance from public roadways, behind natural landforms and existing major vegetation, and/or away from growth centers will minimize visual contact.	Complies: no change from 2009 conditions and operations	
(4)	Equipment used for the operation will not be visible from adjacent surrounding residences or will be mitigated to reduce visual impact.	Complies: no change from 2009 conditions and operations	
(5)	The operation will not generate noise or vibration apparent to surrounding residences, or such impacts will be effectively mitigated, to the extent required by the performance standards at Section 5.4.2.1.	Complies: no change from 2009 conditions and operations	

9.1.6.2 Air Quality:

(1)	(1) Gravel, water or chemically stabilize public and private access roads, stripped areas, and excavations to minimize dust.	Complies: part of state permits.	
(2)	(2) Increase watering operations immediately in response to periods of high wind or to dust complaints.	Complies: part of state permits. Note: no dust complaints have been received 2009-2019.	
(3)	(3) Plant stripped areas and soil stockpiles that are planned to remain uncovered for more than one (1) season with rapid growing vegetative cover to minimize dust, erosion, and weeds.	Complies: part of state permits.	
(4)	(4) Cease aeration operations at commercial wastewater ponds during periods of high wind.	No wastewater ponds used, no aeration done.	

9.1.6.3 Visual Amenities and Scenic Quality:

(1)	Use low profile permanent equipment, and/or permanent equipment painted to "blend with surroundings", and/or effective screening of permanent equipment. Permanent equipment shall be construed as that equipment left in place for one	Equipment operating in areas with effective screening. All equipment is portable but some may remain on-site for 1 year or more if not needed elsewhere.	
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	(1) year or more. Color selection shall be reviewed and approved by the Director of County Development.		
(2)	Maintain weed control and watering programs to keep landscaping and vegetation viable.	Complies: part of state permits. Note: most areas are subirrigated naturally.	
(3)	Proposed landscaping, screening, fencing or other visual impact mitigation shall be approved by the Director of County Development prior to operation.	Complies: no change from 2009 in operations or conditions when none was required by DCD.	
(4)	New long-term (more than one (1) year) mining operations will not be visible along highways.	Complies. View from Highway 151 is interrupted by trees along the river, which will remain in place.	
(5)	The proposed mining 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.	Nearest other mining operation is on the Tierra Piedra property to the north (approximately 800 feet north), but we do not believe there are any cumulative impacts from the close location.	

9.1.6.4 Crushing, Processing, Batching, and Hot Mix operations shall meet the following criteria:

(1)	Current Colorado Department of Public Health and Environment (CDPHE), Air Pollution Emissions permits shall be obtained for all processing equipment.	Site is located inside the Southern Ute Indian Reservation, and therefore CDPHE has no jurisdiction, but EPA does, on behalf of the Southern Ute Indian Tribe (SUIT).	
(2)	Visual impacts from batch plants to adjacent and surrounding residences must be mitigated to the extent reasonably possible.	Complies. Concrete (ready-mix) plants and hot-mix asphalt plants located temporarily on-site have not created visual or other impacts from residences.	
(3)	Batch plants shall not be located within a one-hundred (100) year floodplain unless all requirements of the National Flood Insurance Program can be complied with.	Complies. No activities located within 100-year floodplain. See FIRMettes of both parcels.	
(4)	Recirculation ponds associated with batch plants or other processing equipment shall be lined with impervious material, or enclosed recirculation tanks shall be used to prevent intermingling of processing water with groundwater. Surface runoff water shall be diverted away from batch plant areas.	If used, these will meet local, state, and EPA requirements. No processing water or storm water which comes in contact with industrial activities will be discharged into ground or surface water except after treatment to meet basin standards.	
(5)	All stationary sources shall meet current Colorado Department of Public Health and Environment emissions standards for air and water. More stringent requirements may be set by the Board of County Commissioners in certain locations.	Current (known) local, state, tribal and federal standards for air and water emissions have been and will be met.	

(6)	Results of relocation and annual inspections of batch plants by the Colorado Department of Public Health and Environment shall be submitted to the Planning Department.	As this is located within the SUIT Reservation, no CDPHE inspections are conducted. If requested, we can provide copies of relocation notifications (NM or CO) to/from the site for plants, and copies of tribal/EPA plant inspections.	
(7)	The Board of County Commissioners may approve a mining operation for a specific period of time, not to exceed twenty (20) years, with a five (5) year review by Planning Commission and the Board. The compatibility and size of the project will be considered in determining the appropriate length of time for the mining operation. Renewals of the permit may be granted upon a new permit review, and subject to new and additional conditions.	Based on estimated material availability and production expected, we are requesting an additional ten (10) years to operate, with potential for a renewal for another 10 years at that time.	
(8)	The Board of County Commissioners will require a performance guarantee in addition to the bond required by the Colorado Division of Minerals and Geology (CDMG) to insure that certain conditions of a permit will be complied with. The County will require a certified copy of the bond required by the CDMG.	In 2009, a performance guarantee was not required by the BOCC. A copy (from online CDRMS records) of the performance warranty and its acceptance are provided in this package. This bond document can be verified at the website https://dnrweblink.state.co.us/drms/SearchPermit.aspx?cr=1 and searching for M2013066, then by date or "bond."	

We believe that there is no significant change to the County and DRMS reclamation application and permit done in 2009, which included all information required by Section 9.1.7.

Attachments			
1.	FIRMettes (from FEMA) and Well Map	April 2019 (photography from 2018)	
2.	Site maps (from 2019 annual report to DRMS)	July 2019 as of April 2019	
3.	County GIS satellite photography	April? 2019	
4.	DRMS Financial Warranty (Bond) documentation	28 June 2018	
5.	Most recent DRMS permit/amendment approval letter	19 August 2019	