TO: **Planning Commission**

SUBJECT: **DRAFT Minor Impact Decision**
Colorado Stone Quarries, Inc.
Pride of America Mine Expansion
(Formerly the Yule Quarry)
LUC #2016-00006

PREPARED BY: **Neal Starkebaum, Assistant Planning Director**
Gunnison County Community Development Department

DATE: **Planning Commission Meeting of July 1, 2016**

LANDOWNER/ APPLICANT: **Colorado Stone Quarries, Inc.**
Daniele Treves, General Manager
1 Marble Quarry Road
Marble, CO 81623

REPRESENTED BY: **Ben Miller**
Greg Lewicki and Associates, PLLC
11541 Warrington Court
Parker, CO 80138

PROJECT SUMMARY:
Danielle Treves, General Manger, Colorado Stone Quarries, Inc., represented by Ben Miller, Greg Lewicki and Associates, PLLC, requests the expansion of the existing marble quarry operation, known as the Yule Quarry, permitted under Gunnison County Land Use Change Permit #1988-29. The request will expand the area for the quarrying operations by approximately 23.5-acres, to provide quarrying of additional marble resources adjacent to the existing operations. The expansion of the current operation from the historic Washington Gallery (Yule Quarry) and newly established Lincoln Gallery, will include the Jefferson Quarry and Franklin Quarry (historically known as the Smith Quarry). With this expansion, the mine has been renamed as the "Pride of America Mine" to reflect the inclusion of the new Lincoln Gallery, Jefferson Quarry, Franklin Quarry, and historic Washington Gallery.

Quarrying operations at the site utilize mechanical cutting techniques rather than drilling/ blasting. Similar techniques are utilized both underground in the galleries and outside in the quarries. Finished blocks are shipped to the millsite in Marble, for transloading onto highway trucks. No other changes to the operational elements of the existing quarrying operation are contemplated, other than how the waste marble is handled and will be used to stabilize existing on-site areas and provide erosion control. The applicant is in the process of obtaining a 112 Permit from the Colorado Division of Reclamation and Mining Safety to expand the existing permit area beyond the current 110 Permit (limited to 10-acres).

BACKGROUND: The white marble of Yule Creek was discovered in the 1880's and soon became known as one of the finest white marble in the world. It was selected for the exterior of the Lincoln Memorial in 1916 and the Tomb of the Unknowns in 1936. The quarry closed in 1941 and remained a tourist destination until 1990, when it was re-opened by the new Colorado Yule Marble Company. In 1999 Sierra Minerals re-opened the quarry under new management. In 2004, Sierra Minerals sold its interest to Colorado Stone Quarries, Inc., which is the current operator.

IMPACT CLASSIFICATION: The proposed expansion of the quarrying area affects more than two surface acres of land, which by definiton, is a Major Impact Project. The applicant requested a reduction in impact classification, which staff supported, based upon the representation that there would be no greater additional impacts than the existing permited operation. No increase in traffic or production is proposed. At the May 20, 2016 Planning Commission meeting, the Planning Commission affirmed the Minor Impact Project Classification and review process, based upon the limited impacts generated by the request.

LOCATION:
The property is located approximately 3 miles south of the Town of Marble, on Yule Creek, legally described as a being located in the Sections 1 and 12, Township 12 South, Range 88 West, 6th P.M.

SURROUNDING LAND USES:
The property is surrounded by National Forest.

PREVIOUS LAND USE APPROVALS:
Land Use Change Permit #1988-29 was approved the Board of County Commissioners, Resolution No. 24 Series 1989, on August 1, 1989, for the reopening of the Yule Marble Quarry. Operational elements of the quarrying operation were identified in the application and remain in effect today.

On October 16, 2000, the Gunnison County Planning Commission approved a No Impact Land Use Change Permit, Certification No 28, Series 2000, for Sierra Minerals Corporation, recorded at Reception No 505974 in the Office of the Gunnison County Clerk and Recorder, amending Permit #LUC 1988-29, deleting original conditions regarding: the length of haulage trucks, requiring radio contact between marble haulage trucks and school buses and the installation of speed measuring devices on the marble haulage trucks.

STATE PERMITS: Permit M-1999-058 issued by the Colorado Division of Minerals and Geology (now the Division of Reclamation, Mining and Safety - DRMS) effective on August 20, 1999. DRMS is currently reviewing the new 112 permit application for the expanded permit area.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, and other submittal documents informing this Decision include, but are not limited to:

- Application
- CO Division of Reclamation, Mining and Safety -112 Permit Application
- CO Parks and Wildlife Comments, Perry Will, Area Wildlife Manager, letter of April 11, 2016
- Gunnison County Public Works, Marlene Crosby, letter of February 24, 2016

This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

PLANNING COMMISSION MEETING DATES:
The Planning Commission held meetings on the following dates:

- May 20, 2016 - Work Session
- July 1, 2016 - Public Hearing, held in Marble

SITE VISIT:
The Commission conducted a site visit on July 1, 2016. The Commission viewed the quarry, and the Marble storage and load-out facility.

PUBLIC HEARING:
The Planning Commission conducted a public hearing July 1, 2016, at the Marble Community Church Fellowship Hall, in Marble, Colorado. At that time…….

All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

<u>Gunnison Public Works Department:</u>

Marlene Crosby, Director, Gunnison County Public Works Department, in a letter to Paul Bombalicky, Colorado Stone Quarries, dated February 24, 2016, documents the elements of agreement between Gunnison County

and Colorado Stone Quarries regarding the maintenance of the (County) road from the Marble City Limits to the quarry.

Colorado Parks and Wildlife Comments:

Comments were received from Perry Will, Area Wildlife Manager, dated April 11, 2016, in which he notes:

> "Colorado Parks and Wildlife (CPW) staff has reviewed the application materials submitted for the proposed mining activities at the Pride of America Mine (former Marble Yule Quarry). The mine site lies within a heavily disturbed area which has been actively mined for a number of years. This area does not contain any critical winter range, production areas, or migration corridors according to CPW's Species Activity Maps (SAM). A number of small mammals and birds may utilize the mine area and Yule Creek is known to contain brook trout and cutthroat trout.
>
> Given the extensive mining presence in this area, the proposed operations are not anticipated to have significant impacts to wildlife. However, CPW would like to provide the following recommendations to further alleviate conflicts:
>
> 1. Implement stormwater BMPs and design criteria to ensure minimal impacts to Yule Creek. Minimizing excessive erosion and sediment contributions to the creek is essential.
> 2. Ensure 100% emergency containment at any fuel storage areas to reduce the potential for spills into nearby waterways.
> 3. Promote increased awareness by drivers and employees to reduce wildlife-vehicle collisions on the haul road."

APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 9-404: Site Location and Setbacks for Mining Operations.

A. Supersedes Locational Standards.

Section 9-404 supersedes locational standards of Section 10-104: *Locational Standards for Commercial, Industrial and Other Non-Residential Development.*

B. Compatibility.

The proposed expansion of the permit area is a logical extension of the existing, historic quarrying operation and is where the resource is located. The effects on public land and the immediate area over both the short-term and long-term would remain consistent with that which is presently occurring and has occurred historically. No short or long term significant impacts are expected as a result of this expansion, in the local context.

C. Use Of Best Management Practices.

The applicant will continue to use best management practices in the operations.

D. Setbacks.

The table below shows the applicable setback from the nearest land use feature. The maps contained within the application show the location of all project elements.

GENERAL CONSTRUCTION MATERIALS PROCESSING OPERATIONS	

LAND USE FEATURE	SETBACK	APPLICABILITY
PUBLIC ROADS	500 feet from centerline, unless visual screening blocks impacts, then may be reduced to 50 feet from edge of right-of-way. No storage of equipment or materials within 140 feet of centerline.	Not applicable. The public road is closed through the existing operation.
NATURAL WATER BODY	100 feet; no activity within bed of water body	Waste marble has been deposited over the years to within 100' of Yule Creek. Reclamation activities will take place within 100' of the stream. See requested waiver.
FEDERALLY-DESIGNATED WILDERNESS, PARKS OR RECREATION AREAS, OR FEDERAL CAMPGROUND	1,000 feet	The northern edge of the Raggeds Wilderness Area is adjacent to the permit area. See requested waiver.
DEDICATED OPEN SPACE OR PUBLIC PARK	1,000 feet	None. Not applicable.
RESIDENTIAL STRUCTURES	125 feet or less if property owner consents to smaller setback; no asphalt/batch plant or crusher shall be located closer than 250 feet.	None. Not applicable.
PUBLIC AND CIVIC BUILDINGS	1,000 feet, unless materials are to be used on-site	None. Not applicable.
PUBLIC CEMETERY	125 feet	None. Not applicable.
ADJACENT PROPERTY, RIGHT-OF- WAY OR IRRIGATION DITCH	30 feet	None. Not applicable.
SENSITIVE WILDLIFE HABITAT	As required by Section 11-106: *Protection of Wildlife Habitat Areas*	None. See CPW comments.

The applicant requests a waiver to the natural water body (stream) and federally-designated wilderness area setbacks, as noted in their narrative:

> "The site specifically requests wavier from the 100-foot setback from a natural water body and the 1000-foot setback from Federal Wilderness.
>
> The historic site lies well within the 100-foot setback from Yule Creek. The waste marble blocks from previous and historic operations spill into the creek in a number of locations. Included in this amendment are engineered waste rock landforms that address long term geotechnical stability and sediment control for the site. These installations will occur within the 100-foot setback. Additionally, the historic Smith/Osgood which lies across Yule Creek from the current operation lies within that setback. The Stormwater Management plan included within this application addresses protection of Yule Creek from sediment. The geotechnical exhibit within the DRMS application addresses long term stability of the quarries, galleries, and waste rock

landforms. We believe that the plan includes sufficient mitigation to reduce the potential for impact, and in fact the plans were primarily designed to reduce impacts to the watershed in the case of the waste rock landforms.

The historic Yule Quarry, Smith/Osgood Quarry, and dumps all are within the 1000-foot buffer from a wilderness area. All of these features existed prior to the creation of the Raggeds Wilderness. Adherence to this setback would eliminate any mining within the properties. We believe that mitigation presented within the plans mitigates the potential for impact. Overall impact to the area will not change. The additional mining areas are to allow for reduced waste marble production through more selective mining and to improve the function of the waste rock storage."

Yule Creek

No mining will occur within the Yule Creek setback. Reclamation activities within the setback will be associated with the construction of the Waste Rock Landforms (WRL). The establishment of the WRL's will provide enhanced protection of water quality from erosion and destabilized waste rock fall. On-site drainage provides protection of Yule Creek by directing all surface drainage away from the creek and into the Washington Gallery for reuse.

Raggeds Wilderness Area

The marble resource and expansion of the new areas to be quarried are located within the 1000' setback to the Raggeds Wilderness Area. The quarry has operated for decades in proximity to the wilderness area, which was established in 1980. Minimal additional impacts from the continued quarrying are expected. The effects on public land over both the short-term and long-term would remain consistent with that which is presently occurring and has occurred historically.

SECTION 9-405: GENERAL DEVELOPMENT STANDARDS FOR MINING OPERATIONS

A. Access and Transportation Plan.

The transportation plan addresses road damage, maintenance, seasonal and routing limitations, and provision of dust control and is addressed in a separate agreement with Gunnison County. See letter from Marlene Crosby, Director, Gunnison County Public Works Department.

B. Rock Crusher, Asphalt Plant, Cement Batch Plant.

Not applicable. No asphalt batch plat or cement batch plant is contemplated by this application. Waste marble will be broken up for use on-site.

C. Impacts on Environmental and Cultural Resources.

The site is a historic mining operation and quarry. The Yule Creek drainage is a high alpine, headwaters environment. The applicant is cognizant of this sensitive environment and is utilizing continuing best management practices for protection of the creek corridor and water quality.

D. Mine Wastes and Hazardous Materials.

No hazardous materials will be generated by the operation. Mine waste, in the form of low quality marble has been and will continue to be generated by the operation. The use of the material will be utilized to create mine waste landforms to assist in stabilizing the existing mining operation and to minimize erosion and sedimentation. Petroleum products used on site have secondary containment and spills will be addressed under a Spill Prevention, Control and Countermeasure Plan (SPCC Plan).

E. Visual Impacts.

The existing quarry and proposed is not visible from County Road 3 or any developments in the Crystal River. The expanded operations will not be visible.

F. General Operations.

The application complies with the sections related to County permit conditions, DRMS conditions,

MSHA compliance, including days of operation, fire protection, fencing, and noise.

G. Post-Operational Land Use.
The applicant will comply with the reclamation requirements of the Colorado Division of Reclamation, Mining and Safety. The post-operational use of the quarry is identified by the applicant as a potential tourist mine.

Section 9-406: Additional Financial Security.
Not applicable. No blasting is contemplated in the application.

FINDINGS:
The Commission finds that:

1. This Permit is limited to the activities described within the "Project Summary" of this application, and as depicted in the narrative and on the exhibits and plans as submitted, Future expansion or change of this use will require either an application for amendment of this Permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*

2. The Planning Commission finds the reduction in impact classification is appropriate and that the application is classified as a Minor Impact Project, pursuant to Section 3-111: Classification of Impact.

3. The Commission finds that the granting of a waiver to the water body setbacks and the 1000-foot setback to the Ragged Wilderness Area is appropriate, based upon the historical existence of the quarry operation and the best management practices and environmental protections employed by the Operator.

4. The Commission finds that the proposed land use change complies with all applicable requirements of the *Land Use Resolution*, including *Division 9-400: Exploration, Extraction and Processing of Mineral and Construction Materials*, except for the noted waivers of setbacks.

5. Granting this Land Use Change Permit for this specific land use change does not exempt it from compliance with any applicable Colorado or federal statutory and regulatory requirements.

6. This review and Recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein.

7. This Decision is made in reliance on the present and continued existence of all physical features of the property (geological, topographical and vegetative) cited as mitigating a possible conflict with design standards stated in the *Gunnison County Land Use Resolution*.

8. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with the *Gunnison County Land Use Resolution*, and all other applicable codes and regulations. Approval of this use is based upon the facts presented and implies no approval of a similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

DECISION:
The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein, and having reached the above cited Findings, determines that LUC #2016-00006, Colorado Stone Quarries, Inc., Pride of America Mine, expansion of the former Yule Quarry, is classified as a Minor Impact Project, and is approved with the following conditions and

that such approval be memorialized by recordation of a Certificate of Minor Impact with the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the site plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution.*

2. The Applicant shall comply with the conditions of approval regarding the operational elements identified within the previous Land Use Change permit #LUC 1988-29.

3. The Applicant shall follow the recommendations of Colorado Parks and Wildlife, letter of April 11, 2016, including:
   1) Implement stormwater BMPs and design criteria to ensure minimal impacts to Yule Creek minimizing excessive erosion and sediment contributions to the creek is essential.
   2) Ensure 100% emergency containment at any fuel storage areas to reduce the potential for spills into nearby waterways.
   3) Promote increased awareness by drivers and employees to reduce wildlife-vehicle collisions on the haul road.

4. Granting this Land Use Change Permit for this specific land use change does not exempt the use from compliance with any applicable State or federal statutory and regulatory requirements.

5. These permits may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

6. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

7. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.