UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WESTERN COLORADO AREA OFFICE

DRAFT ENVIRONMENTAL ASSESSMENT

LICENSE AGREEMENT BETWEEN THE BUREAU OF RECLAMATION AND DELTA COUNTY FOR THE CONSTRUCTION OF A PARKING AREA FOR THE PURPOSES OF WILDLIFE VIEWING ON RECLAMATION PROPERTY, FRUITGROWERS PROJECT, DELTA COUNTY, COLORADO

May, 2014

Bureau of Reclamation
Upper Colorado Region, Western Colorado Area Office

PURPOSE AND NEED

This environmental assessment (EA) is prepared to evaluate the environmental impacts of the proposed project and execution of the subject license agreement. The primary purpose of the license agreement is to authorize construction and maintenance of a parking area that will provide up to 20 parking spaces with associated fence on Bureau of Reclamation land at Fruitgrowers Reservoir. The parking area will accommodate on-going wildlife viewing and address increasing safety issues associated with current parking along North Road. The EA is prepared in compliance with the National Environmental Policy Act (NEPA) or 1969 (Public Law 91-190) and under current guidelines established by the Council on Environmental Quality, U.S. Department of the Interior, Bureau of Reclamation.

BACKGROUND

The Fruitgrowers Project was authorized under provisions of section 4 of the act of June 25, 1910 (36 Stat. 835). Construction of the project was recommended by the Secretary of the Interior on January 5, 1938, and was approved by the President on January 11, 1938. Construction of the dam started in May 1938, and was completed in time for water to be delivered to project lands for the irrigation season of 1939. Orchard City Irrigation District assumed the operation and maintenance of project works on March 1, 1940.

The Fruitgrowers Project, located in Delta County in Western Colorado, provides supplemental irrigation water to 2,690 acres of land. Principal crops are fruit, small grains, corn, alfalfa, and pasture.

Fruitgrowers Reservoir has limited recreation facilities, consisting of two designated small parking areas and an accessible concrete trail for viewing the scenery and wildlife

on the southern portion of the reservoir. There is no on-site recreation manager. Orchard City Irrigation District manages the dam and reservoir under contract with Reclamation. In the spring and fall, Fruitgrowers Reservoir is used by thousands of sandhill cranes as their stop over during their seasonal migration. The reservoir is also frequently used by other migratory birds including the largest nesting colony of western grebes in Colorado, and more than 200 other species of birds.

The upper portion of the Fruitgrowers Reservoir area is Reclamation Project lands and is crossed by North Road. North Road is a Delta County maintained road, with a County Right-of-Way. The shoulder of North Road is frequently utilized by bird enthusiasts for parking. In addition, an annual "Crane Day" festival is held in the nearby town of Eckert, which draws large groups who park along the North Road shoulder during the event.

Delta County has requested Reclamation's approval to construct a parking area on Reclamation lands adjoining North Road. The County plans to open and operate a gravel pit further east off of North Road, which is expected to increase traffic on North Road. Safety mitigation was included as a mitigation measure for Delta County's application for a mining permit from the Colorado Division of Reclamation, Mining and Safety. Delta County has requested authorization to construct and maintain the parking area on Reclamation project lands. The parking area would address part of the safety mitigation by removing parked cars and pedestrians from the shoulders of North Road. No other changes in land use are proposed. The idea for a parking area to help address public safety and traffic issues on North Road has existed for several years, prior to the gravel pit mitigation proposal.

PROPOSED ACTION

Under the proposed action, Reclamation would issue a license agreement to allow Delta County to construct, operate and maintain a combined parking and viewing area that will accommodate up to 20-vehicles (see Attachment A). The parking area would be graveled, and include adequate drainage to address irrigation runoff from adjacent agricultural fields and drainage from the county road. The parking area would be less than ¾ acre in size, and would consist of a maximum of 20 parking spaces. The parking area would be enclosed by a split-rail wood fence and include a gate opening for foot access to the reservoir area (see Attachment B). Information signs or interpretive displays may be added to the parking/viewing area by the Black Canyon Audubon Society. Portable toilets may also be used at the site during special bird migrations, like during the sandhill crane days.

ENVIRONMENTAL CONSEQUENCES

Environmental consequences related to implementing the proposed action, which incorporate environmental commitments, are described for each resource as follows:

Wildlife Resources

Fruitgrowers Reservoir provides habitat for a diverse number of bird species with restricted breeding ranges, and serves as an important migration stopover for several species of concern. The Black Canyon Audubon Society has documented at least 2010 bird species at or near the reservoir. The most celebrated migrates are the sandhill cranes whose spring migration numbers up to 2,400 birds at one time (Bio-Logic 2013). After viewing the proposed project area and discussing the proposed project with the Black Canyon Audubon Society, Reclamation does not anticipate any additional impacts to migratory birds and other local wildlife as a result of the proposed parking area. Reclamation also consulted with the Colorado Division of Parks and Wildlife (CPW) and it has been determined that the project will have few or no impacts on most wildlife (Attachment C) (CPW 2014).

The Black Canyon Audubon Society will provide signage and possibly an interpretive display in the parking area for the purpose of educating the bird watchers and other visitors on local wildlife, including information on the nesting and migratory habits of local birds.

Vegetation Resources

The dominant vegetation in the project area is the perennial forb Russian knapweed (*Acroptilon repens*), which is a List B Noxious Weed in the state of Colorado. Effective management recommendations for weeds listed on Delta County's List B of Noxious Weeds include prohibiting the spread of the species. Construction of the parking area will result in the removal of Russian knapweed in the immediate project area.

Threatened and Endangered Species

A small population of whooping cranes used to make annual migrations in company with surrogate sandhill crane flocks. These flocks would stop at Fruitgrowers Reservoir to and from Bosque Del Apache Wildlife Refuge in south central New Mexico. This population dwindled and the last whooping crane seen with the sandhill cranes was some 10 to 15 years ago (FWS 2014a).

Colorado hookless cactus has previously been found in the vicinity of Fruitgrowers Reservoir (FWS 2014b). The proposed parking area does not provide suitable habitat for the cactus, and inventories conducted by Reclamation in 2014 did not find the cactus within the proposed area of disturbance.

The proposed action will have no effect on threatened or endangered species.

Cultural Resources

The National Environmental Policy Act (NEPA) established a national policy for Federal actions to consider environmental impacts, including the preservation of important

historic, cultural and natural aspects of our national heritage. A cultural resources survey was completed by Grand River Institute for this project area, and no cultural resources were identified (Grand River Institute 2014). In the unlikely event of cultural resources being discovered during construction, the license agreement and environmental commitments incorporates stop-work clauses that halt construction activities until additional consultation with the Colorado State Historic Preservation Officer is completed and adequate protection measures are implemented.

Consultation and Coordination

Delta County has been coordinating the proposed design and location of the parking area with various agencies and organizations including Reclamation, the Orchard City Irrigation District, and Black Canyon Audubon Society.

In addition to the posting of this draft EA on Reclamation's website, opportunity for public comment was provided for by Delta County. The County issued letters to surrounding landowners, requesting written comments on the County's proposed development. The County also conducted board meetings which included open question and comment opportunities from the audience (Delta County Commissioners). Delta County considered all comments before making their final determination, approving the project (see Attachment D).

ENVIRONMENTAL COMMITMENTS

- Access for construction activities would be confined to the project area, North Road, and the pre-disturbed North Road shoulder. Any construction activities outside of the inventoried proposed action area would require additional review by Reclamation to determine if the existing surveys and information are adequate to evaluate additional impacts.
- In the event that cultural and/or paleontological resources are discovered during construction, Delta County shall stop construction activities until Reclamation has completed consultation with the State Historic Preservation Office (SHPO) and appropriate measures are implemented to protect or mitigate the discovered resource.
- In the event that threatened or endangered species are discovered during construction, Delta County shall stop construction activities until Reclamation has completed consultation with the Fish and Wildlife Service and appropriate measures are implemented.
- The existing steel stock gate will remain in the right-of-way fence for North Road, and may be used to enter Reclamation property for constructing the project area. However, after the project is completed, the gate will be closed and locked to prevent vehicle entry. Fruitgrowers Reservoir is closed to Off-Road Vehicles (ORV).
- Use of the parking area, adjacent lands to the project area, and pedestrian use of Reclamation land will be monitored. If monitoring reveals a significant increase in use and impacts to migratory birds or other impacts occur, Reclamation may

evaluate implementing additional measures, including but not limited to: closing the steel stock gate that allows access to the site during the critical nesting season, seasonal locking of the gate in the wood post and rail fence around the parking area, a seasonal closure of the area around the parking/viewing area, or implementing other restrictions as appropriate. Implementing any of these measures may require evaluation, and will follow appropriate Federal regulations.

SUMMARY

The proposed License Agreement will allow for a small parking/viewing area to be constructed on Reclamation land at Fruitgrowers Reservoir, and will have no significant environmental effects.

References

Bio-Logic 2013. Delta County North Road Gravel Pit, Waterbirds Associated with Fruitgrowers Reservoir: Assessment of Potential Impacts. Bio-Logic Inc Natural Resource Consultants, Montrose, CO, November 11, 2013.

CPW 2014. Colorado Parks and Wildlife Correspondence with Terry Stroh. Subject: Fruitgrowers Reservoir Parking Lot. March 21, 2014.

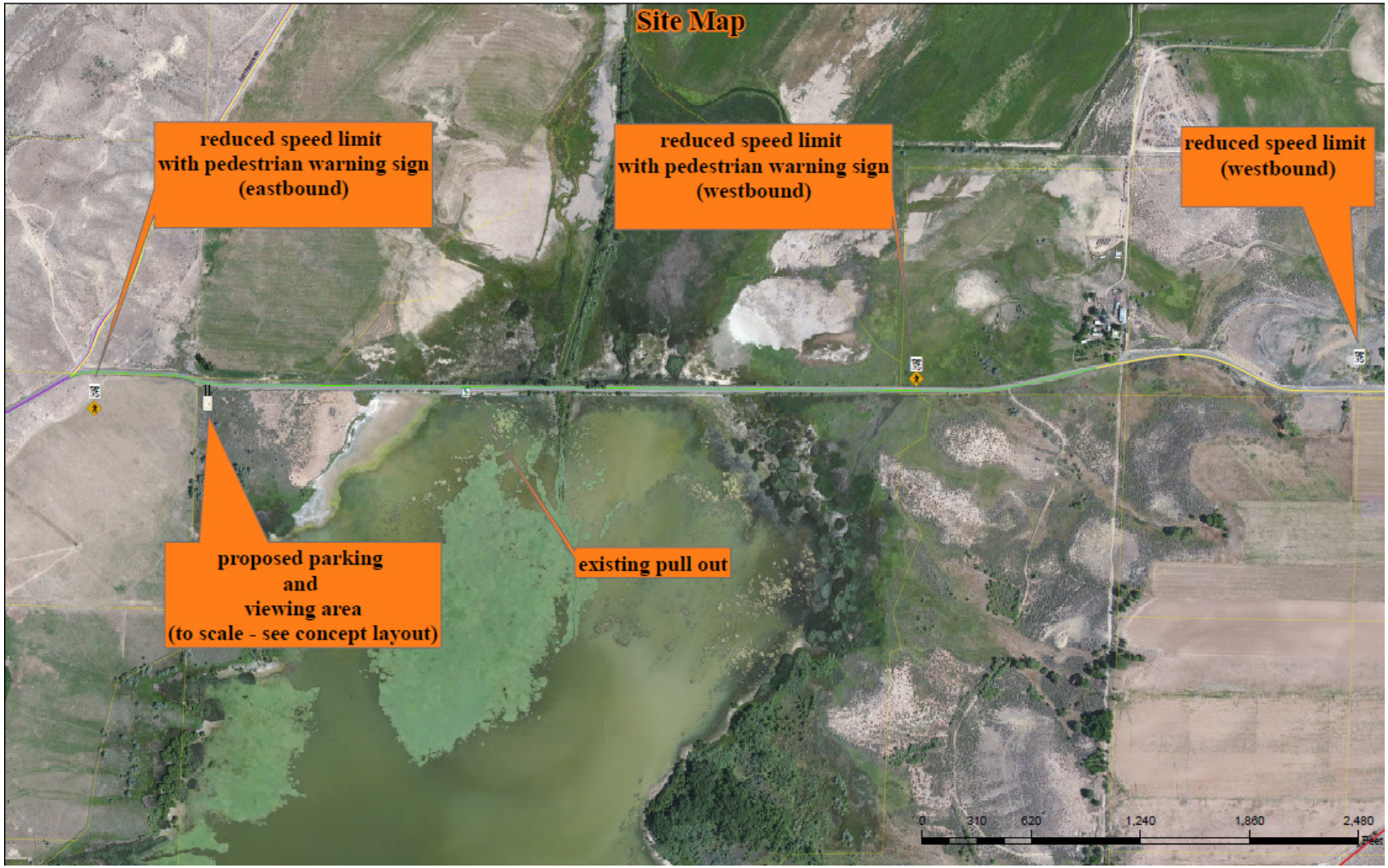
Delta County Commissioners. Delta County Commissioners Meeting Minutes. February 3, 2014.

FWS 2014a. Personnal communications with John Toolen, US Fish and Wildlife Service, Ecological Services, Grand Junction, CO on February 12, 2014.

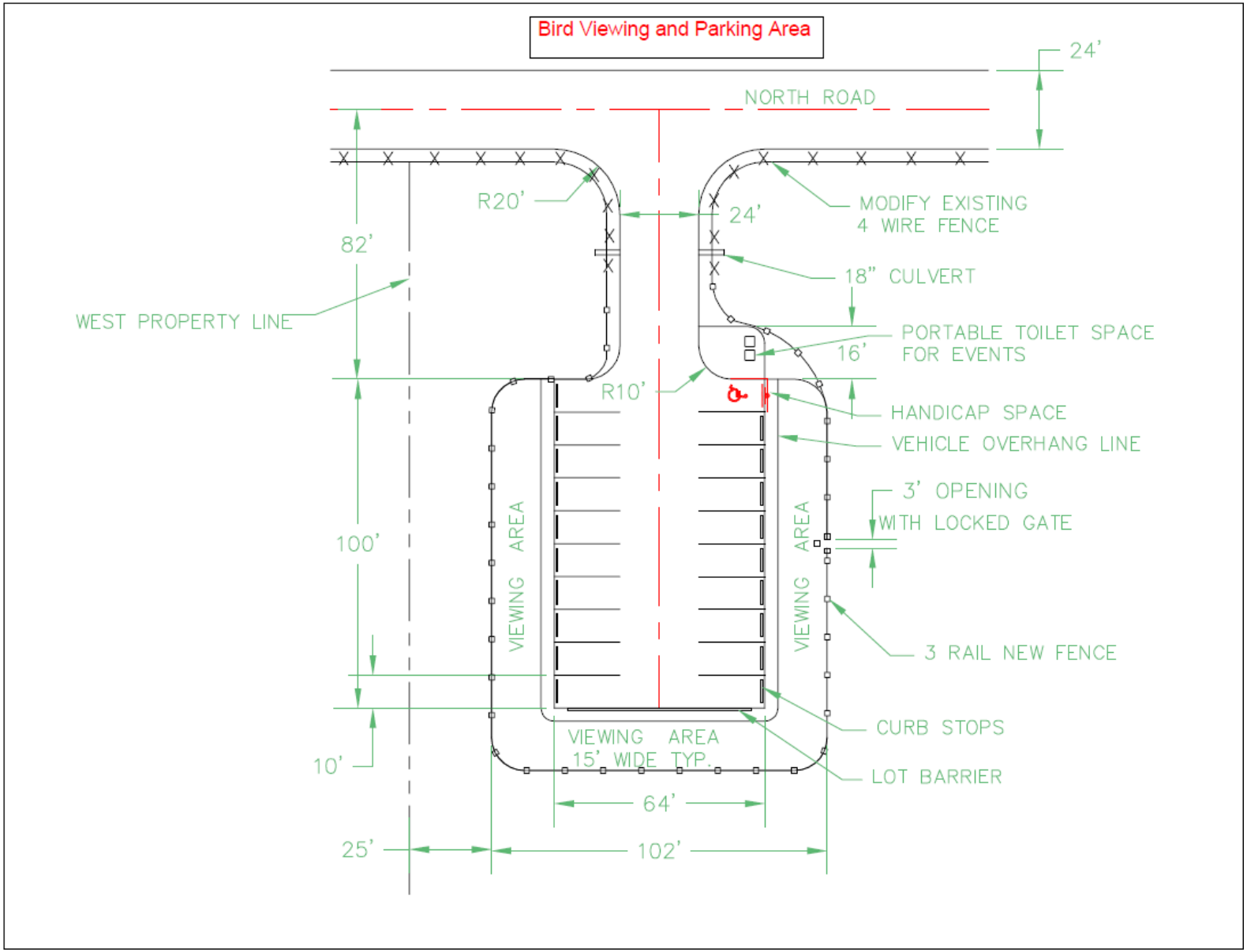
FWS 2014b. Personnal communications with Ellen Mayo, US Fish and Wildlife Service, Ecological Services, Grand Junction, CO on February 12, 2014.

Grand River Institute. Class III Cultural Resource Inventory Report for the Fruitgrowers Project 2014 Cosway Parking Area in Delta County, Colorado for the USDI Bureau of Reclamation. Grand River Institute, Grand Junction CO, February 19, 2014.

ATTACHMENT A



ATTACHMENT B



ATTACHMENT C

COLORADO PARKS & WILDLIFE

300 W New York • Gunnison, Colorado 81230
Phone (970) 641-7060 • FAX (970) 641-7883
cpw.state.co.us

RECEIVED BOR W.C.A.O.
GRAND JUNCTION
MAR 25 2014

March 21, 2014

Terence L. Stroh, Group Chief
Environmental and Planning Group
Western Colorado Area Office, Upper Colorado Region
Bureau of Reclamation
445 West Gunnison, Suite 221
Grand Junction, CO 81501

RE: Fruitgrowers Reservoir Parking Lot

Dear Mr. Stroh,

This letter is in response to a request to provide recommendations regarding wildlife impact for the Fruitgrowers Reservoir Parking Lot. In this specific area there are no known species of special concern. It is anticipated that this project will have few or no impacts on most wildlife. The specific area where the parking lot will be constructed has very little use by wildlife and very low habitat values. There may be temporary displacement of wildlife due to noise or activity disturbance. The parking lot will allow people to park off of the main traffic thoroughfare and is anticipated to be a benefit for those participating in wildlife viewing at Fruitgrowers Reservoir by taking participants out of the flow of traffic and allowing for safer viewing opportunities. This will also help concentrate the human related activities in one area, thus reducing impacts to wildlife using the general area.

We recommend monitoring and controlling noxious weeds around the parking lot as it be important for future years until native vegetation re-establishes.

Thank you for the opportunity to comment on this land use issue in Delta County. If you need further information please contact District Wildlife Manager Bob Morris at (970)835-3851.

Sincerely,

J. Wenum,

Area Wildlife Manager
Gunnison

Cc: Patt Dorsey, SW Regional Manager
Bob Morris, District Wildlife Manager-Cedaredge

STATE OF COLORADO
John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Bob D. Broscheid, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castilian, Secretary • Jeanne Horne
Bill Kane, Chair • Gaspar Perricone • James Pribyl • John Singletary
Mark Smith, Vice-Chair • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar

ATTACHMENT D

DELTA COUNTY COMMISSIONERS MEETING
FEBRUARY 3, 2014

SPECIFIC DEVELOPMENT:
SD13-007 NORTH ROAD GRAVEL PIT – APPLICANT: DELTA COUNTY AND LANDOWNER: PROPERTY UNDER CONTRACT BY DELTA COUNTY:
Dave Rice and Mike Ripp, representative for Delta County, were present.

Staff Report
TO: Board of County Commissioners
FROM: Delta County Planning Department

The following memo was sent to all property owners within 1000 feet of the property line on which the proposed development is located and to all relevant review agencies.

Adjacent Property Owners Memo
TO: Property owners within 1000 feet of the property line on which the proposed development is located

FROM: Delta County Planning Department

RE: **SD13-007 North Road Gravel Pit**
Applicant: Delta County
Landowner: Property under contract by Delta County

Pursuant to the Delta County Specific Development Regulations you are hereby notified that Delta County, applicant, has applied for approval of a gravel pit operation. The gravel pit will be located in the S1/2, E1/4 of Section 8, and the SW1/4, SW1/4 of Section 9, Township 14 South, Range 94 West, of the 6th Principal Meridian with a physical location on North Road approximately 1/2 mile east of Fruit Growers Reservoir.

The following information was taken directly from the application provided by the applicant:

The site is part of three 40 acre parcels totaling 119.51 acres adjacent to the north side of North Road approximately ½ mile east of Fruit Growers Reservoir and two miles east of the town of Eckert. The permitted acreage will be approximately 92.31 acres. No disturbance will occur outside the permitted acres. The central part of the property contains approximately 27 acres of irrigated pasture that slopes gently to the northwest away from North Road. The north and west sides of this pasture are steep banks that drop approximately twenty five feet to a flat bench that was created when the property was previously mined. We believe that Delta County may have been the previous operator, but it was likely before the 1976 Mining Law and we can find no record of it. From the edges of the bench, the property slopes steeply down undisturbed sage covered

slopes. The applicant will access the property through an existing gate in the southeast quarter of the west 40 acre parcel onto the existing bench that was previously mined. Parts of the hillside immediately west of this gate will be removed to improve site distance as required by the Delta County Engineer. The bench area will be used for processing and stockpiling gravel and overburden. Mining will begin in the southwest corner of the irrigated pasture by removing topsoil and storing it in a 30 foot wide by 8 foot high berm along North Road. When mining is complete, this topsoil will be used to reclaim the site. Excess topsoil and overburden will be stored on the bench. Test holes indicate one foot of topsoil and one to four feet of overburden over ten to twenty feet of gravel. Below the gravel at approximately the bench level is shale. Mining will proceed west to east through the full area of the irrigated pasture. There is roughly 27 acres of minable gravel within the boundaries. We estimate that there is 650,000 cubic yards of gravel to be mined. The reclaimed land use will be rangeland with a conservation easement to limit future development of the site.

Negative impacts to surrounding property owners are dust, noise, and truck traffic. Dust and noise impacts are greatly mitigated by the location of this site. Spray bars on crushing equipment and an on-site water truck will help manage dust and crushing operations will be shut down when winds exceed 15 mph. Noise levels at the property line shall not exceed 55 decibels as measured at the property line and distance activated backup alarms shall be installed on applicable equipment used in this mining operation. There are two residences south of North Road directly across from the mining area. The topsoil berm along North Road will help mitigate impacts to these homes. There are four other residences within ½ mile of the site. Three are shielded from the operation by terrain and one is on top of the ridge ½ mile to the east. A particular concern was potential negative impacts to birds using the Fruit Growers Reservoir property and the bird watchers who come to see them. The Reservoir has become widely known for the number and diversity of birds that use it, though it is an irrigation impoundment and not a designated wildlife sanctuary. Bird watchers will often park along the North Road causeway to view the birds.

The County engaged natural resource consultants Bio-Logic, Inc. to assess impacts to wildlife caused by this operation. County staff then met with members of the Black Canyon Audubon Society and Bio-Logic to discuss their concerns about the project. Steve Boyle of Bio-Logic reported that there are expected to be no significant impacts at the site to species that utilize the reservoir, there will be negligible impact to birds at the reservoir from the added truck traffic on North Road, the birds are more impacted by the people that stop along North Road to view the birds, and a major concern is the safety of the bird watchers from increased activity on the narrow road. County staff noted that gravel truck traffic from the County's Antelope Hill Pit currently uses North Road as a haul route. As a result of that meeting, the County proposed the following measures to mitigate impacts to the area due to the proposed North Road gravel pit:

- The County shall reduce the speed limit on North Road at Fruit Growers Reservoir from 45 to 35 mph.
- The County shall prohibit the use of jake brakes on County vehicles on North Road at Fruit Growers Reservoir.
- The County shall install advisory signage on North Road warning of pedestrian traffic.

- The County shall limit crushing activities at the gravel pit so as not to occur during the period of March 15 thru May 15, except under extraordinary circumstances.
- The County shall reclaim the gravel pit after mining activities cease to a rangeland environment suitable for wildlife and bird habitat.
- The County shall construct and maintain a parking area with a bird watching site off North Road adjacent to Fruit Growers Reservoir, with approval of the appropriate agencies.
- The County shall place a deed restriction on the gravel pit parcels that will place them in a conservation easement after gravel pit operations cease and prior to any change of ownership.

The board of the Black Canyon Audubon Society met on November 7 and reached a consensus that the County's mitigation proposal adequately addresses their concerns and those expressed by the birding community.

Positive impacts are access to an important and valuable resource for construction and maintenance of county roads for the benefit of all county residents. Safety will be enhanced along North Road at the Reservoir. A parcel of open space near an important wildlife area will be preserved from future development with a conservation easement that will allow a single building envelope on the entire 119 acre property.

Impacts from truck traffic to county roads will be the responsibility of the Delta County Road and Bridge Department which will be using the gravel to maintain those roads. The route will be from the new pit to North Road, then on to the county roads where the gravel is needed. North Road is paved. Gravel will be transported by either 10 wheel dump trucks (54,000 lbs.) or 18 wheel tractor/trailer trucks (85,000 lbs.). County gravel trucks currently use the North Road when hauling from the Antelope Hill Pit. County gravel truck trips from the North Road Pit will be similar to the hauls from the Antelope Hill Pit.

PERFORMANCE STANDARDS

A. Compatibility with Adjacent Land Uses: All properties immediately adjacent to the site are rangeland or irrigated pasture land. The area to be mined is a flat gravel deposit at the edge of the mesa that has been mined for gravel in the past. There is very little vegetation other than weeds on the area to be mined. The rest of the site has been used for rangeland for many years. When mining is complete, the site will be reclaimed to rangeland compatible with the current use and will also have conservation easement to preserve its current use.

B. Federal, State and Local Regulations: This development will require a mining permit from the Colorado Division of Reclamation, Mining and Safety, a stormwater permit from the Colorado Department of Health Water Quality Control Division, and a permit from Colorado Department of Health Air Quality Control Division in addition to this Specific Development Permit

C. Financial Assurance: The Division of Reclamation, Mining and Safety does not require Counties to post reclamation bonds that are required of private operators. Expenses from this operation will be paid from the County budget as approved by the County Commissioners.

D. Financial Cost of Services Expected of County Government: Purchase of the land, permitting fees and operating costs will be the responsibility of Delta County.

E. Floodplains: The site does not lie within a floodplain.

F. Soils and Geology: The site is the edge of a mesa rising with 10 to 25 feet of glacially deposited gravel on top of Mancos Shale. The gravel is covered by one to four feet of overburden and one foot of topsoil. This operation will not create any geologic hazards.

G. Hooded lighting: There is not expected to be any outside lighting on this site.

H. Irrigation Water and Ditch Easements: Irrigation water to the property comes from 14/100 share in the Gallant Ditch, 8 shares in the Cedar Mesa ditch @ 1.12 cfs/share, and 10 shares of Cedar Mesa Reservoir. There is an underground irrigation line that serves the irrigated field on this property and runs along the north side of North Road. This pipe will remain in place to serve future irrigation needs of the property. There is an abandoned ditch on the lower flanks of the slope below the bench that serves as the northwest boundary of the permit area. This ditch was replaced by underground pipe and will not be affected by the mining operation. No other ditch easements or ditches off the property will be affected by this operation.

I. Noxious Weed Control: A weed mitigation plan will submitted and approve by the Delta County Weed Coordinator prior to commencement of operations.

J. Nuisances: Nuisances from this development are dust, noise and traffic. These issues were discussed above.

K. Off Road Parking and Loading Areas: Parking will be in the pit area, well away from any streets or roads.

L. Open Space: There are no permanent buildings planned on this site and it will remain open space when mining and reclamation are complete.

M. Protection of Agricultural Operations: This operation will not negatively impact agricultural operations on adjacent land. Agricultural operations on the site itself have been suspended for some time. When mining and reclamation are complete, the site will be reclaimed to rangeland with a conservation easement that ensure that the land retains its agricultural use.

N. Water: Water for dust control or any needed in screening operations will come from a water source is the County's 1 cfs water right from the Gunnison River that is already designated for industrial use. Bottled water will be brought in for drinking water for employees.

Sewage Disposal: Portable self-contained toilets meeting Delta County Sewage Disposal System regulations will be maintained on sit when employees are present.

Fire Protection: There is minimal risk of wild fire at this site. Vegetation will be removed and bare gravel will be exposed, so there is nothing to burn. In the event of an equipment or fuel fire, Cedaredge Fire Department will provide fire protection and has a drop point for water collection in Fruit Growers Reservoir off of North Road.

Access: Access from the property will be from North Road.

Roads: Road improvements to the existing access will be completed to Delta County Roadway Design and Construction Standards. Private roads within the applicant's property will be improved to allow access to the site.
Utilities: There will be no other utilities or easements required for this operation.

O. Runoff, Stormwater and Erosion Control: During development of the pit, all runoff and stormwater will be channeled through straw bales or other suitable filter media to be discharged to natural drainages around the mesa. One to two feet of gravel will be left over the shale substrate to allow natural percolation when reclamation is complete.

P. Scenic Views: The development is not within view of any scenic byway. The remote location and elevated nature of the mesa will shield the operation from most view points except those at higher elevations that are at least ½ mile away.

Q. Slopes: The development is not within view of any scenic byway. The remote location and elevated nature of the mesa will shield the operation from most view points except those at higher elevations that are at least ½ mile away.

R. Streams/Rivers/Creeks: There are no streams, rivers, or creeks on this site. There is a spring that emerges well below the existing bench. This mining operation will not impact this spring.

S. Wildfire Hazards: Vegetation in the mining and process area will be removed so there is little chance of wildfire.

T. Wildlife Corridors: This site is not a critical wildlife corridor and will have minimal impact to wildlife during the operation. The affect of this operation on wildlife are expected to be negligible and are discussed in the Bio-Logic Inc. report included in these documents. When mining and reclamation are complete, the site will be very similar to its current condition.

U. Time Frame We anticipate that it will take up to 16 years to extract all minable gravel and complete reclamation of the site. County needs may decrease or increase the amount of time to remove all the gravel. Road improvements will be completed before mining operations commence. We expect to complete this part within 12 months of obtaining all necessary permits.

V. Technical Infeasibility Waiver: N/A

This application will be reviewed by the **Surface Creek Area Advisory Planning Committee, (SCAPC)** on **January 7, 2014 at 7:00 p.m.** in Room #234 at the Delta County Courthouse, 501 Palmer Street, Delta, Colorado 81416 and by the **Planning Commission on January 22, 2014 at 5:30 p.m.** in Room #234 at the Delta County Courthouse, 501 Palmer Street, Delta, Colorado 81416 and by the **Board of County Commissioners on February 3, 2014 at 1:30 p.m.,** in Room #236 at the Delta County Courthouse, 501 Palmer Street, Delta, Colorado 81416.

Note: The SCAPC meeting had to be moved to the Courthouse due to a scheduling conflict with Orchard City Town Hall.

Any written comments on this proposed development for the Board of County Commissioners must be received by the Delta County Planning Department no later than **February 3, 2013** at the Delta County Courthouse, 501 Palmer Street, Suite 115, Delta, Colorado 81416 or e-mail to planning@deltacounty.com or by faxing to 874-2500. If you have any questions please feel free to call the Planning Department at 874-2110. The

information contained in this notice is as updated as the Delta County Assessor's ownership records indicate at the time the application was processed.

Dave explained that he would give a brief explanation of the application and then he would turn it over to
Mike Ripp. He reviewed the information from the staff report with the Board.

Mike explained that this is approximately 120 acres consisting of three 40 acre parcels. He stated that 27 acres as indicated on the map in orange and is currently an irrigated field and is where the gravel is located. Mike said that the area in blue is where the property was previously mined by Delta County prior to 1976. He added that when the mining was done a steep high wall was left near North Road.

Mike explained that as part of this mining operation and reclamation the County will fix the hazardous slope area along North Road that was left by the previous mining operation which will be a requirement for the State Permit. The State will require a safe stable slope of 3:1.

Mike stated that there is 92 total acres that are permitted out of the 120 acres. He added that the access was originally located where the previous access off of North Road but, after discussions it was determined to move the location of the access. Mike explained that safety issues will be eliminated if the access is located where the road is flat in both directions with viewable site distances.

Mike reviewed where the road would be located adding that the existing bench which will be used for crushing and stock piling material. He stated that mining will proceed from west to east. Mike explained that the operations will begin by stripping overburden from the field; part of the overburden will be put into the berm along North Road that is approximately 8 feet in height and 30 feet wide as a sound, dust and visual barrier for neighbors.

Mike stated that the County plans to crush in the proposed pit every two to three years for two or three months at a time to build a stockpile of material and from then on it will be trucking activities until the stockpiles is depleted. He explained that this gravel pit is being sought as a replacement for the Antelope Hill Pit. The County estimates there are four to six years of gravel left on Antelope Hill. He added that these numbers are dependent upon the needs in various places in the County. Mike said that the plan is for Antelope Hill will be mostly depleted when the proposed gravel pit will get to full operation. They are proposing one year's worth of weed mitigation on the field which currently contains knap weed and on the lower slopes tamarisk has been located since the old mining operations. The plan is to spray the knap weed down prior to starting mining operation to avoid trucking noxious weed seed throughout the County.

Mike explained that there will be no crushing from March 15th through May 15th due to birds nesting during that time. He added that the hours of operation will be Monday through Thursday, 7:00 A.M. to 5:00 P.M.; if necessary maintenance will be done at the

proposed pit on Fridays. Mike stated that the average daily loads of gravel coming from Antelope Hill is approximately 2.1 loads of gravel and according to the 2009 was a heavy year that averaged 3.3 loads of gravel per day. He added that this was not steady, there were many days there was no hauling at all. Mike said that the worst case scenario would be five loads per hour coming out of the proposed pit when there is a big project. He explained that this number was provided to the traffic study consultants to determine the needs at the intersection of North Road and Highway 65.

Mike stated that the truck traffic coming from Antelope Hill is feeding Road and Bridge District No. 2 (District No. 2), there is no anticipation of increasing the trucking in District No. 2 when the proposed pit becomes operational. He added that whatever trucking is needed in District No. 2 will be based on the demands of the road projects, therefore when Antelope Hill is depleted, material will be taken from the proposed pit which will cause no net increase in truck traffic in the system.

Mike explained that North Road straight to Highway 65 would be the most efficient route therefore the most cost effective and is why a traffic study is being done to determine the impacts this route would make to Highway 65. He added that they are working with Colorado Department of Transportation (CDOT) and the Town of Orchard City to determine what needs to be done in that intersection. Mike stated that they have worked out some mitigation possibilities with the Town of Orchard City. He explained that the issue with the intersection is the big trucks on a narrow intersection, buildings on either side, vehicles parked in front of the buildings and there are concerns about site distance. Mike stated that when the trucks drive through the intersection no turns are made and most of the County's work can go straight through the intersection. He explained that from the intersection it is estimated that 10% of the truck traffic will be traveling south from the intersection and the applicant will not be sending any belly dump trucks turning north from the intersection. He added that there appears to be plenty of site distance and turning ability for ten wheel dump truck. Mike stated that the biggest issue is the belly dumps which they are working with CDOT to work out what needs to be done to make the belly dump truck traffic safe.
Mike addressed the concern expressed about truck traffic on North Road. He stated that there is traffic on North Road from individuals who watch the Sandhill Cranes. Mike explained that mitigation for this issue is as follows:

- On North Road the speed limit is 45 mile per hour (mph); it will be reduced to 35 mph.
- The County will prohibit the use of jake brakes on their trucks so the birds will not be disturbed any more than necessary.
- The County will install signage along North Road for safety purposes.
- Crushing activities will be limited.
- The gravel pit will be reclaimed. Mike explained how the reclamation of the gravel pit would be done. He stated that it will be reclaimed as range land due to this parcel having limited irrigation water.
- Proposed parking area that will allow vehicles to be parked off of North Road. This area could also accommodate portable toilets during Crane Days. This will also help the parked vehicles on North Road throughout the year.

- There will be a Conservation Easement placed on the property when the mining operations are done. The Conservation Easement will not allow the property to be developed as a subdivision.

Mike stated that there were concerns about the truck traffic at North Road and 2600 Road intersection. He explained that there is a stop sign located on 2600 Road and North Road is a through road. There has been discussion about changing the stop sign. Mike explained that the County Engineer went out to look at the site distance and the stop sign where it sets is the safest.

Commissioner Atchley asked which direction the truck traffic goes from Antelope Hill. Road and Bridge District No. 2 Foreman Dan Sickles stated that currently the traffic goes west on 2100 Road and north to Highway 65 and up Highway 65 and then dispersed out into the district. He added that approximately 30% of the truck traffic will travel on Hulteen Road to service the Cedar Mesa, Dry Creek and Redlands areas. Dan explained that there is a percentage that goes south on 2100 Road down to Highway 92 then disperse out at the bottom end of Redlands Mesa.

Chairman Hovde said that it has been stated that there is limited amount of irrigation water, what is limited? Mike stated that the reason he stated that the irrigation water is limited is due to the owner explaining at the prior meeting that the irrigation water was limited. He said that there is 14/100 of a share in the Gallent Ditch, eight shares in Cedar Mesa Ditch at 1.12 cubic foot per second (cfs) per share and ten shares of Cedar Mesa Reservoir.

Mike explained that a water truck can be filled at the Pig Mesa Pit. Delta County has an adjudicated water right out of the Gunnison River that can be used to fill water trucks for dust control, therefore irrigation water would not need to be used for dust control. Chairman Hovde asked if it was decreed water that runs a specific time during the year. Austin Keiser explained that the Gallent Ditch is adjudicated for under two decrees the first is an 1887 decree for 3.25 cfs and there is a junior decree Case No. W2609 for 2.75 csf for a total of 6.5 csf. Chairman Hovde asked when those 6.5 csf run. Austin stated that this is considered a waste water type of decree because the primary water source comes up at the head of what is currently known as Dry Creek (Current Creek); it depends on irrigation supplies and tail water that comes from the upper end into the drainage. He explained that there is no direct flow from any real stream outside of the natural flow from Current Creek and there are water rights ahead of it up stream. Austin stated that the ditch as ran on an average the water measured through that ditch has been 3.0453 csf on an average basis. He added that the maximum water delivered on the Dry Creek/Current Creek Ditch was 7.5 csf was the most water delivered through that ditch. Austin explained that of the 3.0453 csf the parcels would have 14/100 of the 3.0453 csf for the irrigation season. He added that the Cedar Mesa Ditch has 400 shares outstanding and each share represents 2.26 acre feet and explained the formula to the Board for the Cedar Mesa Ditch shares. Mr. Benson stated that last year the water that was available was at about 50 percent.

Commissioner Atchley asked what is the size of the parking lot. Mike said the size was for 20 vehicles. Commissioner Atchley clarified that the proposed parking area will be located on Bureau of Reclamation property. Mike stated that it was and they were in agreement with the 20 vehicle size parking area. He added that the Bureau of Reclamation has been looking into doing this project for several years to get vehicles off of North Road.

Chairman Hovde asked for clarification regarding the Conservation Easement and the possibility of a single residence being built on the property. Dave stated that typically Conservation Easements are arranged so one acre of land can be used for residential purposes. Chairman Hovde asked if the one acre would be for the entire 120 acres or a residence on each individual 40 acre parcels. Dave said this would need to be decided. Mike explained the legal process that will need to be done with an entity such as Black Canyon Land Trust which involves signing a contract indicating the amount of building sites that will be allowed on the Conservation Easement.

Chairman Hovde asked for clarification as he referred to the maps that were presented regarding the access location. Mike explained that after discussion it was determined that a better location for the access would be on North Road where it will be a straight flat run of road and showed the Board on the map where the location of the access and interior roads would be located.

Commissioner Atchley asked what the sight distance looking south would be. County Engineer Bob Kalaneck explained that Delta County would need to obtain an access permit and the County requirement states that for a road that is posted 35 mph it would be 350 feet and the distance is at least that.

Chairman Hovde asked if there were questions from the audience.

Dwight Benson:
Dwight asked if it was cost effective for 27 acres of gravel to purchase the 120 acres. He added that it seemed like a lot of land for the 27 acres of gravel. Mike explained that it is necessary to have the bench area for working space and the property is not being sold in smaller parcels. He explained that it would be cost effective because they anticipate there is 650,000 cubic yards which calculates to approximately 975,000 tons of gravel. Mike said that using the figure of half a million dollars to purchase the property it calculates to 52 cents a ton and it would be difficult to purchase gravel for 52 cents per ton.

Dwight said that after the mining operations are done the County is planning on selling the property and the County will no longer need and it will be like a piece of equipment and be disposed of therefore, the County will be in the real estate business.

Chairman Hovde stated that he did not believe that the County wanted to go into the real estate business however, if a piece of property is of no use to the County any longer why would the County want to keep it.

Dwight asked what the status is of the CDOT report and when will that be available. Mike said that it is his understanding that the CDOT study is in the process and it being done by an independent traffic study engineer and will send the study to CDOT for their review. He added that CDOT will then issue their requirement for the access permit. Dwight asked if the application would be passed before that report was received. Mike explained that with all gravel pit applications that have been reviewed it can be approved contingent that without the CDOT access the applicant would not be able to use that haul route. Dwight asked what the alternate route would be. Mike said that the alternate routes will be similar to the routes that are used for Antelope Hill. There was discussion regarding where the trucks would run when going west, the belly dump trucks at the intersection of North Road and Highway 65 and signage on North Road.

Hans Benson:
Hans had concerns that when the County purchases property and the loss of property tax revenue over a long period of time. He did not feel that the application should continue until the CDOT study is complete since that would be the case if this was a private business application. Dave stated that in the 12 ½ years of specific development this is the 23rd gravel pit reviewed it has not been a requirement to have the traffic study or CDOT access permit prior to approval it will be a condition to approval. Hans asked why Delta Sand and Gravel spend $600,000.00 on a four lane highway that had plenty of room but had to add an acceleration/deceleration lane in the railroad crossing. Dave stated that it was approved after the County approval.

Hans asked about the Town of Orchard City and if they were involved. Bob explained that an access permit requires the signature of CDOT and the Town of Orchard City. Hans discussed concerns at the intersection of North Road and Highway 65.

Hans would like the County to look into the Pig Mesa Pit since it has a 60 foot face and the proposed pit has a 15 to 20 foot face, the County already owns the permitted Pig Mesa Pit and the gravel will last hundreds of years. He cannot understand why the Antelope Hill Pit would need to be replaced when the Pig Mesa Pit already exists and asked why is this application being done.

Hans commented on the following items:

- Concerns about letters and meeting with businesses regarding the operations of County Government.
- No response from the Board from a meeting held seven months ago.
- The County does 100% of their own work from the mining to the paving; he is not aware of other counties doing 100% of their own work.
- County also provides work for Forest Service and municipalities.
- He is concerned about the loss of local business; private enterprise is struggling
- The County Government is growing
- Remember how we got to where we are; not by the government doing all the work it was private enterprise
- All four aggregate business owners agreeing that when the County does all the work how can they survive.

Earl Rhodes – Attorney on behalf of Dave Galinat:
Earl introduced into the record Dave Galinat's letter, photograph of a county road map and a Delta County Roadway Functional Classification System Map.

Dave Galinat:
Dave explained that he lives on a 150 acre parcel located on the southwest corner adjoining the parcel where the proposed gravel pit will be located. He stated that he was the former owner of Mesa Maize and drives North Road and Hulteen Road daily. Dave said that the truck traffic was not presented very well to the Planning Commission. He explained the routes the truck currently uses and added that Hulteen Road is not a road that two gravel trucks want to pass on. Dave noted that hauling was suspended the day the meeting took place with the Audubon Society and the Bureau of Reclamation.

Dave raised the following concerns and made the following comments:

- Concerned the Highway Department has not been up front regarding traffic flow.
- The proposed gravel pit would create twice as much traffic on North Road.
- Removing productive irrigated land to rangeland that would not sustain many cattle.
- Concerned about blind curves on North Road.
- County should not be in the gravel business.
- Without a traffic study the application should not be approved; does not make sense to purchase land if traffic study will not allow the operation.

Earl Rhodes reviewed the letter he presented to the Board and highlighted the following items:

- The application is not complete; the owners of the property have not signed the application.
- Permits should be in placed prior to the County decision to issue a specific use permit to promote the public safety.
- The County should do a traffic study due to the increased heavy truck traffic on North Road as a safety issue in addition to doing a study at the intersection of North Road and Highway 65.
- The County is reviewing and approving its own application. The law requires that citizens have a right to a fair and impartial review. He suggests this be referred to an Administrative Law Judge for the public hearing and issuance of the decision. He gave suggestions on how this could be accomplished.
- The purpose of the Specific Use Permit is to promote the health, safety and general welfare of the residents of Delta County.
- County staff has presented to the Board an argument that this is in the County's interest to have the availability of gravel for the County Roads.
- The question is whether the haul traffic would be injurious to the public particularly to North Road.
- The relationship of this pit to the use of the Antelope Hill Pit is less than clear.

- Requesting that the County does not allow this pit to go into operation until the Antelope Hill Pit is exhausted; if not adopted and both pits are operational at once there will be a significant doubling of traffic.
- Referred to the photographs taken on North Road showing the curves and blind curves and the condition of North Road east of the proposed pit.
- Concerns about using Hulteen Road as a haul road; lowest level of road; local service road therefore, inappropriate to have heavy truck traffic on that road.
- Traffic safety study for the use of North Road needs to be done and made available for review and comment received before the permit is issued.
- In regards to compatibility with the neighborhood removing the agricultural use from the parcel would change the character of the neighborhood.
- Reiterated permit should not go into effect until Antelope Hill Pit is exhausted; traffic study be conducted as to the safety of truck traffic on North Road; continue the hearing; CDOT study be available to the public; proposed parking area be a condition for any permit and the County consider the impact on the traveling public of relocating the pit.

Evelyn Horn – Meyers Road:
Evelyn stated that there is a large response to Crane Days and the birds respond to any disturbance. She added that when birds are displaced we are pushing them out of their food zone. The disturbances that she has observed over the past years come from truck traffic, bicycles, motorcycles and cars.

Evelyn explained that the birds do have an option which would be that they leave. She spoke to the importance of Fruitland Reservoir also known as Harts Basin and all the people from different countries that come to see the 200 species of birds.

Evelyn stated that she disapproves of the parking area. She explained that where the parking lot is proposed people will need to walk on the road to get a closer view. Evelyn said that the area where the parking lot is proposed is a shelter for a lot of birds.

Evelyn is hopeful that we can avoid stressing the birds out.

Mr. Galinat asked about the truck where the surveying was being done. Road and Bridge District No. 1 Larry Foreman said it was probably Bureau of Reclamation.

Connie Willis:
Connie stated that she appreciates the foresight on the gravel pit because it is not an ongoing commodity but, she does believe that the County can afford to purchase the land at this time. She added that the taxpayers are paying for this. Connie questioned the decision on previous applications reviewed stating that out of the four applications submitted; two private enterprises were denied and two from County were approved. She made comments on the following issues:

- She thinks is wrong that taxpayers should not have to pay for the parking area.
- There are county roads that need work; should be done first.

- Is there a need to open another pit since a county pit has just recently been approved.
- She talked about safety issues on 2600 Road and North Road; explaining why it is a bad intersection.

Chairman Hovde stated that there has been discussion regarding the four gravel pit applications that were presented. He asked Dave Rice to explain those applications.

Dave explained that the Haller Pit is located on G Road and that the application was submitted in 2005. Mr. Haller requested to postpone the decision until some studies were completed and the application was not presented to the Board until 2011.

Dave said that during that period there were seven applications submitted prior to this application. He added that two of the applications were County applications the rest were private enterprise applications. Dave explained that the other permit that were denied was the M&L Pit that the Jensen Family was proposing in the Crawford area. He said that the reason the Haller Pit and M&L Pits were denied was based upon the location of the proposed pit.

Chairman Hovde pointed out that the M&L Pit was offered to the County first and the County opted to not move forward for the same reason it was denied. He added that the proximity to Crawford and Crawford Airport was too close.

Commissioner Atchley asked Mr. Rhodes about the statement the Mr. Galinat and his family were pushed off the road by County gravel trucks. Mr. Galinat stated that his wife has been pushed off the road a couple of times. He talked about a portion of Hulteen Road being one way but, the County trucks were not adhering to it. Commissioner Atchley asked if those incidents were reported to the Sheriff or Colorado State Patrol. Dan Sickles explained that they experimented with changing Hulteen Road one way except for truck traffic because they had communication by radio and that this was done seven or eight years ago and they did receive complaints and have not done it again. He also explained how they placed signage to help resolve this issue.

Evelyn Horn said that she is not aware of any Environmental Impact Study done in the area where the proposed parking area would be located. Bob Kalenak stated that the Bureau of Reclamation will determine what will be need for the parking area and he thought they were talking about an Environmental Impact Study needing to be done.

Commissioner Atchley asked about the size of the hard space for the Bureau of Reclamation and the size of the parking area. Mike stated that the parking area would be 100'x64'; from the centerline of North Road to the edge of the parking lot is 182'. He said that it would be approximately ½ acre but, he does not know the size of the Bureau of Reclamation area. Bob noted that the Bureau of Reclamation is still determining the size and it could be reduced to as few as 10 vehicles.

Chairman Hovde asked Robbie to research the concern raised by Hans regarding the loss of property tax revenue. Robbie explained how she calculated that the taxes for the parcels would be $46.00 to $60.00. Bob added that last year the taxes were approximately $180.00 for the three parcels.

Commissioner Atchley made a motion to approve and that Planning Department prepare a Resolution with performance measures that are exactly the same as any previous pit that has been approved including all local regulations that relate to specific development and State regulations as it relates to Colorado Department of Transportation and/or gravel pit operations. Commissioner Roeber seconded the motion.

Discussion:
Commissioner Roeber asked about adding a condition that there will be no turns north on Highway 64 with belly dump trucks. Mike clarified that it has been proposed to go straight across the intersection.

Commissioner Atchley amended his motion to include belly dump trucks would have to go straight across Highway 65 and could not make a right hand turn going north subject to Colorado Department of Transportation's traffic study. Commissioner Roeber seconded the amended motion.

Motion and amendment passed by a vote of 3 to 0.