



Montaño • Freeman • Sinor • Thompson P.C.

Lisa Thompson, Esq.  
lthompson@troutlaw.com  
303.339.5826

1120 Lincoln Street • Suite 1600  
Denver, Colorado 80203-2141  
303.861.1963  
www.troutlaw.com

March 3, 2023

El Paso County Planning and Community Development Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

Re: Ellicott Sand and Gravel Special Use and Mineral Extraction Permits

El Paso County Planning and Community Development Department:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (the “District”), a formed and operating ground water management district with the powers enumerated in the Colorado Ground Water Management Act, C.R.S. § 37-90-101 *et seq.* The District has twice submitted comments to Applicant Ellicott Sand and Gravel LLC for the application for Special Use and Mineral Extraction Permits for its proposed sand and gravel mining operations in eastern El Paso County, first on July 8, 2020 and again on June 30, 2021. The previous comment letter from June 31, 2021 and associated memorandum from the District’s hydrogeologist, Mr. Mike Wireman, are attached.

The district restates the following comments for your review and consideration:

*Assessment of hydrological impacts and conditions*

Applicant has not provided sufficient information assessing the hydrological conditions and potential impacts of the Proposed Operation. Applicant’s application material does not include adequate information or data regarding the occurrence of groundwater in the alluvial aquifer that is also the source of the sand deposit to be mined.

Applicant also concludes that the depth to groundwater is more than seventy feet and bases this conclusion on a review of twenty-four wells. The depth to water data for these wells has not been provided. Additionally, only six of the twenty-four wells are screened in the UBS alluvial aquifer while the remaining eighteen wells are bedrock wells and are not appropriate for determining depth to water in the overlying alluvial aquifer. Without this data it is unclear how Applicant will ensure that mining will not occur within ten feet from the groundwater table in the UBS alluvial aquifer as Applicant proposes.

Applicant should provide a reference for the statement that an estimated 9000 acre-feet per year is recharged to the alluvial aquifer.

*Captured storm water and surface drainage*

The operation will create numerous pits that extend up to seventy feet below the surrounding landscape that will receive and store water. Applicant does not provide information on whether or how the creation of these pits will alter the current surface drainage around and through the site. Applicant indicates that captured stormwater in the pits will be released within

seventy-two hours and, if not, Applicant will file for a replacement plan to replace evaporative losses. To date, Applicant has provided no indication of Applicant's intended compliance with these requirements.

The District reserves the right to provide additional comments at a later date founded upon information not readily ascertainable from the above-referenced application.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. Thompson". The signature is written in a cursive style with a large initial "L" and "T".

Lisa M. Thompson  
for  
TROUT RALEY



Montaño • Freeman • Sinor • Thompson P.C.

---

Mirko L. Kruse, Esq.  
mkruse@troutlaw.com  
303.339.5825

1120 Lincoln Street • Suite 1600  
Denver, Colorado 80203-2141  
303.861.1963  
www.troutlaw.com

June 30, 2021

Nina Ruiz  
El Paso County Planning and Community Development Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
ninaruiz@elpasoco.com

Ellicott Sand and Gravel LLC  
Attn: Christine Wilson  
235 Franceville Coal Mine Rd.  
Colorado Springs, CO 80929  
gatewaytrucking@gmail.com

Harold B. Humphries  
Regulatory Permits Management, Inc  
25049 E. Alder Dr.  
Aurora, CO 80016  
hlhumphries2@comcast.net

Re: Ellicott Sand and Gravel LLC – Special Use and Mineral Extraction Permits

Dear Ms. Ruiz:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (“the District”). The District previously submitted comments to Applicant, Ellicott Sand and Gravel LLC’s, application for Special Use and Mineral Extraction Permits for its proposed sand and gravel mining operation in eastern El Paso County. Applicant provided responses to the District’s comments on August 28, 2020. The attached memorandum from the District’s hydrogeologist, Mr. Mike Wireman, replies to Applicant’s responses.

The District reserves the right to provide additional comments at a later date founded upon information not readily ascertainable from the above-referenced application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mirko L. Kruse', with a long horizontal flourish extending to the right.

Mirko L. Kruse  
for  
TROUT RALEY

cc: UBSCGWMD Board of Directors



## MEMORANDUM

June 30, 2021

TO: Dave Doran – UBSC GWMD

CC: Lisa Thompson -Trout Raley

SUBJECT: Review of Ellicott Sand and Gravel LLC Mine Permit Application

### Introduction

On July 8, 2020 Trout Raley, on behalf of the Upper Black Squirrel Creek Groundwater Management District (“the District”), submitted comments on the Ellicott Sand & Gravel (“ES&G”) application for Special Use and Mineral Extraction Permits for a proposed sand and gravel mining operation in eastern El Paso County. These comments were forwarded to ES&G, and ES&G responded to the District’s comments in an August 28, 2020 letter. This memorandum presents my review of ES&G’s responses.

### Comments

1. The application material still does not include adequate information or data regarding the occurrence of groundwater in the alluvial aquifer that is also the source of the material to be mined. Intercepting groundwater in UBS alluvial aquifer during mining would require a well permit and replacement plan. The application material indicates that the economic sand resource is 70 feet thick and that depth to groundwater exceeds 70 feet across the area to be mined. The applicant further states that the conclusion that depth to water is greater than 70 feet is based on a review of 24 wells. The names and locations for these 24 wells are provided in a table in Exhibit II in the August 28, 2020 letter. The table does not include depth to water data. In addition, only six of the 24 wells are screened in the UBS alluvial aquifer. The remaining 18 wells are bedrock wells and are not appropriate for determining depth to water in the overlying alluvial aquifer. The only depth to water data provided are static water levels measured in three domestic wells installed in the early 1970s: permit nos. 6969-F, 6971-FP and 9642-FP. The depth to groundwater in these wells, at the time of construction, is less than 50 feet which contradicts the conclusion the depth to water is greater than 70 ft across the site. The applicant states that mining will not occur below 10 feet above the water table in the UBS alluvial aquifer. It is difficult to see how this can be accomplished if there is no current depth to water data across the area to be mined. A water table map based on current depth to water data should be constructed for the site to determine the depth to the water table across the area to be mined and to determine direction of groundwater flow.

2. The applicant should provide a reference for the statement that an estimated 9000 af/yr is recharged to the alluvial aquifer.
3. Post mining reclamation will result in numerous pits that extend up to 70 feet below the surrounding landscape. The pits will receive and store water. The applicant indicates that captured storm water will be released within 72 hours and if not, the applicant will file for a replacement plan to replace evaporative losses. How will this effect "prevailing hydrologic conditions"? How will the applicant demonstrate compliance with these requirements?