



June 3, 2021

Re: Responses to the following comments, EA Number EA1881, File Number AL2014:

- **Master Plan V2 Redlines, 11/25/2020, PCD Project Manager:**

Response Date: 2/8/2021 and 4-29-2021

- *“Please also include goals and policies from the policy plan and water master plan. After providing the goals and policies please provide justification for how you (will) meet them*

- Response:

The Comment is not specific as to which policy plan goals and objectives we are to address. We assume the comment refers to the El Paso County Master Plan for Mineral Extraction. The Ellicott Valley Comprehensive Plan response to goals and policies was previously provided in the

- **“Resource Preservation:**

- ✓ *Goal 1: Land Use decision should be made within a context which allows for the economical extraction of the commercial mineral resources necessary for the development and maintenance of El Paso County,”*

- ❖ *Policy 1.1: Additional urban density and rural residential zoning and subdivision approvals should be discouraged if they can be expected to have adverse impact on access to identified regionally significant commercial mineral resource deposits.”*

- ❖ Response:

This Policy appears to apply to El Paso County Planning Department.

- ❖ *“Policy 1.2: No sub-areas of the County should be considered off-limits to mining activity based solely upon the preferences of area property owners.”*

- ❖ Response:

- This Policy appears to apply to El Paso County Planning Department.

- The Parcels upon which the proposed mining operation will occur is zoned A-35. We understand A-35 includes mineral extraction operations.

- ❖ *“Policy 1.3: Preference should be given to applications for new or expanded aggregate mining operations if it can be demonstrated that most of the product is needed and will be used within El Paso County.*



❖ Response:

We believe we are in conformance with this policy for the following reasons:

- The proposed mineral extraction operation is located somewhat centrally in El Paso County.
- Aggregate products are cost sensitive to product delivery distance. The significant cost associated with the sale of aggregate is the cost to transport the product from the mine site to the point of use. This is a two-way cost since the trucks will return empty.
- Therefore, most of the product will be used within the County with some use delivered to other counties close to the El Paso County, County Line.

❖ *“Policy 1.4: Mining activities associated with preparation of sites for future development should be reasonably encouraged. Such activities should demonstrate an efficient use of resources and compatibility with existing and anticipated future land uses”.*

❖ Response:

We believe we are in conformance with this policy for the following reasons:

- The proposed mineral extraction operation will be an open pit mining operation. The final topography of the reclaimed mine site will not be compatible with future develop, such as commercial or residential development.
- The present zoning is A-35 which envisions mining as a compatible, temporary, land use. The post mining land use will be non-irrigated rangeland. The present land use is agriculture.

❖ *“Policy 1.5 The use of recycled aggregate materials (including recycled asphalt) should be encouraged. Recycling options should be fully evaluated in association with proposals to use virgin materials.”*

❖ Response:

We believe we are in conformance with this policy for the following reasons:

- This appears to be a recommendation for residential and commercial developers. Recycled aggregate materials may be used by residential and commercial developers for several specialized uses, such as temporary parking areas and driveways.
- For example, our product will be a clean product for new concrete and asphalt.



❖ *“Policy 1.6 Preference should be given to proposals to mine or rework previously disturbed sites.”*

❖ Response:

We believe we are in conformance with this policy for the following reasons:

- This is intended to be a long-term source of sand and gravel.
- Many of the existing mining operations in El Paso County are nearing or at the end of their mining resource. As mine sites shut down, and if new long-term sources are not developed, El Paso County may be forced to meet its aggregate needs sources outside El Paso County.

➤ **“2. Environmental Preservation:**

✓ *Goal 2: Mining and mineral processing activities should be cited and operated such that adverse environmental impacts are reasonably minimized.*

❖ *Policy 2.1: New or expanded mining operations should only be permitted if it can be demonstrated that specific and cumulative visual impacts will be reasonably limited in comparison to other potentially available sites. In the event that other more visually acceptable sites may be identified, the burden should be on the operator to demonstrate that these options are unfeasible.”*

❖ Response: (To: “...*be permitted if it can be demonstrated that specific and cumulative visual impacts will be reasonably limited...*”)

We believe we are in conformance with this policy for the following reasons:

- From the estimated life of mine and phase table, the estimated life of the operation is from 53 – 80 years. The mining and reclamation operations will be conducted in 6 phases. As shown in the following table, the length of a Phase varies from 2 to 30 years dependent on the particular phase. As one mining Phase is completed and the next mining Phase begins, the previous Phase will begin implementation of the approved reclamation plan. The Permit Application states reclamation will run concurrent with the mining operations.

Phase	Est. Yrs.	Total Acres Available	Total Acres Mined
1	10-15	66.1	49.9
2	15-20	213.7	173.0
3	4-6	54.2	39.2
4	2-5	24.3	14.9
5	2-4	20.8	14.2
6	20-30	268.4	222.3
Areas Not	Life of Mine	220.2	



Mined			
Total	53-80 yrs.	733.7	513.5

(Note of the 733.7 acres available within the approved permit boundary, 220.0 acres will not be mined.)

- Generally, the visual impact from the mining operation will be a relatively short period of time, per phase. In addition, each Phase will be depressed into the topography, dependent upon the depth of each Phase.
 - Given the 200+ foot setback from the adjacent property lines to the permit boundary and the 25-foot setback from the permit boundary to the affected land boundary and the depth of each Phase, little, if any of the operation should be visible from the adjoining properties.
 - In addition, mine operations visibility will be further augmented through the placement of topsoil and/or overburden stockpiles as shown on the Mine Plan Map for Phase II. As required by MLRB regulations, such piles are to be seeded if not disturbed within one year.
 - The reclamation plan calls for the Phases to be reclaimed to rangeland, and will be seeded to a grasses, forb, and shrub mix. The previously mined Phase will begin reclamation as the next mining Phase begins. This will ensure that a disturbed Phase will be put back to the approved post mining land use (rangeland) as soon as possible.
 - The approved MLRB application states, "...having no more than 40 acres ± disturbed at any-one-time.", within each Phase.
 - This is proposed to be a daytime mining operation. Therefore, there will be no operational lighting needed. If night operations should be needed, we will return to the County to properly address operational lighting needs and impacts.
- ❖ Response: (To: "...comparison to other potentially available sites...")
- We believe we are in conformance with this policy for the following reasons:
- To our knowledge, there are no "*other potentially available sites*" which meet the following criteria. Criteria like the following were used in the selection of the Schubert Ranch property as a potential mineral extraction site:
 - The location of an economically viable sand and gravel resource; and
 - A resource owner will lease the resource at a royalty rate which allows the mining company to get a reasonable return on its investment; and
 - Location close to important markets which allow the mining company the ability to compete with other sources of aggregate; and



- No outstanding or unusual impediments to securing the required local, state, and federal permits, such as jurisdictional wetlands, threatened or endangered plant and animal species, and air quality, water quality and/or quantity impediments, etc.; and
 - In addition, the resource must have the specified characteristics needed to make the resource marketable.
- ❖ *“Policy 2.2: The ability or inability to reclaim a mining or mineral processing site to any prospective visual landform standard should be a prime consideration in the local review process.”*
- ❖ Response:
We believe we are in conformance with this policy for the following reasons:
- The approval of the Colorado DRMS/MLRB permit application gives legal assurance that the proposed mineral extraction operation, if mined and then reclaimed according to the approved plan, will result in the approved post mining land use, non-irrigated rangeland.
 - In addition, as part of the DRMS/MLRD permit application review process, notices are sent to the local County Commissioners, and the local Board of Soil Conservation for their concurrence on the proposed, post mine land use. We did not receive any documents from either entity which indicated the proposed post mining land use was contrary to County zoning or BSC standards.
- ❖ *“Policy 2.3” Mineral extraction and/or processing applications should be comprehensively evaluated to identify all reasonably anticipated environmental impacts related, but not limited, to dust, noise, vibration, flooding, erosion, glare, water quality, integrity of water supplies, wildlife and modification of significant existing natural features and ecosystems.”*
- ❖ Response:
We believe we are in conformance with this policy for the following reasons:
- The following items in the above list of environmental impacts were evaluated by the DRMS as part of their DRMS/MLRB permit application review process. The DRMS found the Applicant demonstrated the mineral extraction operation, to include its proposed reclamation operations, should not “*significantly*” affect any “*existing natural features*” or “*ecosystems*”:



- Vibration
- Flooding
- Erosion
- Water quantity - (The Colorado Water Quality Control Division has also addressed this issue as part of the DRMS agency comment, application process.)
- The integrity of water supplies – (The Division of Water Resources has also (water rights impacts) addressed this issue as part of the DRMS agency comment, application process. Also, the Division Water Quality was given the opportunity to provide comment on the proposed mineral extraction operation. Note: All agency comments, if any, are sent to the Applicant for response and to the resolve with the respective agency.)
- Wildlife – (The Colorado Division of Parks and Wildlife was also given the opportunity to address this issue as part of the DRMS agency comment, application process. They chose not to respond.)
- Significant existing natural features and ecosystems
- As part of the SUP and Development Plan processes, the County will determine if the following meet County standards:
 - Vibration
 - Erosion
 - Flooding
 - Glare
 - Even though the County has included the preceding list of items above, i.e., vibration, erosion, wildlife, etc., we respectfully request the County process accept the review done by the appropriate State Agencies, as being adequate to address those above listed items, with the exception of issues related to the 100-year flood analysis. If what was being proposed was not a mineral extraction operation, (such as a commercial or residential develop), then the County would need to include all the above items in its analysis. However, since the above listed State agencies have already reviewed the proposed operation as to their areas of responsibility, is it necessary to again review those items?

❖ *“Policy 2.4” Mineral extraction and/or processing operations should be internally designed so that off-site visual and other environmental impacts*



related to all aspects of the operation are reasonably minimized throughout the life of the activity.”

❖ Response:

We believe we are in conformance with this policy for the following reasons:

- The proposed mining operation will only operate during daylight hours, six days per week, as needed.
- Currently, we do not plan to use the site for vehicle storage. If, in the future, it becomes necessary to store various pieces of mining equipment on the mine site during mining and reclamation operations, we will comply with the provisions of Section 6.2.11 of the El Paso County Land Development Code.
- The DRMS permit approval includes specifically located topsoil stockpiles to act as visual berms.
- Also, since essentially all the proposed mineral extraction and processing operations will be below grade (once operations begin), the operations will be significantly out of sight.
- The proposed operational permit boundary will be offset from adjacent property boundaries by at least 200 feet. There will be an additional offset from the proposed permit boundary to the affected land boundary.
- The other environmental impact mitigations are discussed above.
- Therefore, visual impacts will be mitigated.

❖ *“Policy 2.5 New or expanded mining operations should be designed and operated to accommodate phasing and concurrent reclamation to the maximum extent practicable.”*

❖ Response:

We believe we are in conformance with this policy for the following reason:

- The DRMS/MLRB permit application has been approved as a phased operation with phases within a Stage to be no more than 40 acres open at any one time. Once a phase is completed and a new phase is begun, the preceding phase will begin reclamation. The only caveat is some of the preceding phase may need to be left open for operational purposes.

❖ *“Policy 2.6 Mineral extraction and/or mineral processing operations should be encouraged to minimize the consumptive use of water through an applicable combination of soil preparation, drought tolerant landscaping,*



recycling of wash water and dust control measures which are not water-intensive.

❖ Response:

We believe we are in conformance with this policy for the following reasons:

- As stated in the Water Master Plan, the area is currently irrigated sod farm. The post mining land use will be non-irrigated rangeland.
- No on-site water will be utilized for minerals extraction operations or reclamation.
- No irrigation will be used to establish the drought tolerant perennial plant species which will be seeded during site reclamation.
- Process wash water will be recycled to the extent possible
- Fugitive dust control will use imported water from a commercial water provider. In addition, the mine site working surface will be sand and gravel which will help control and reduce the amount of water needed for fugitive dust control on mine site roads and around the stockpile and processing area.

❖ *“Proposed Action 2.1 The level and analysis and techniques employed in the presently required or to be established visual impact analysis reports should be tailored to address the unique characteristics of the mineral extraction and/or mineral processing application. These reports should consider visual impacts as they will occur through the life of the operation and should identify the key strategies which will be employed to mitigate these impacts as they occur.”*

❖ Response:

We believe we are in conformance with this policy for the following reasons:

- We suggest no visual analysis reports should be needed:
 - The mining operation will progress downward, to be below the surrounding topography. The present topography is fairly flat farmland.
 - Topsoil berms will be placed around the peripheral edges of the affected area.
 - There will be a 200 to a 250-foot buffer of non-affected area around the affected mining area.
 - Fugitive dust will be controlled per the requirements of our Air Quality permit(s).



- ❖ *“Proposed Action 2.2 The Resource Maps and related planning information overlays referenced in this document should be used as one aid in determining the relative acceptability of the selected site and proposed visual mitigation plans.”*
- ❖ Response:

This appears to be a directive to the El Paso County Planning Department?

- ❖ *“Proposed action 2.3 Proposed operations should be designed so that structure, machinery, equipment storage and repair areas, utility lines, access roads, and stockpiles are not located in visually sensitive areas such as ridges, hilltops and scenic areas. Naturalistic screening, berming and/or landscaping should be employed where natural topography will not effectively screen the operation. Facilities which may be visible should be sensitive to the natural color, form and texture of surrounding areas.”*
- ❖ Response:

We believe we are in conformance with this policy for the following reasons:

 - For most of the operation, mineral extraction operations will be located below the level of the natural topography.
 - Topsoil stockpiles will be located between the operation and neighboring residents.
 - As stated above, there will be a 200 foot+ separation between the various Stages (affected area) of mining operation and adjoining property owners.
 - No more than 40 acres will be open at any one time within a Stage. Once a Stage is completed, the Stage will be reclaimed. If a Stage is more than 40 acres, then affected 40 acres will begin reclamation, provided the 40-acre area is not needed for operational purposes. For example, as the most recent 40-acre area begins reclamation, the next 40-acre area will begin mining operations.

- ❖ *“Policy 2.4 Mineral extraction and/or processing operations should be internally designed so that off-site visual and other environmental impacts related to all aspects of the operation are reasonably minimized throughout the life of the activity.”*
- ❖ Response:

We believe we are in conformance with this policy for the following reason:

 - The response to the above Proposed Action 2.3, addresses this Policy.



- ❖ *“Policy 2.5 New or expanded mining operations should be designed and operated to accommodate phasing and concurrent reclamation to the maximum extent practicable.”*
- ❖ Response:

We believe we are in conformance with this policy for the following reason:

 - The response to the above Proposed Action 2.3, addresses this Policy.

- ❖ *“Policy 2.6 Mineral extraction and/or mineral processing operations should be encouraged to minimize the consumptive use of water through an applicable combination of soil preparation, drought tolerant landscaping, recycling of wash water and dust control measures which are not water-intensive.”*
- ❖ Response:

We believe we are in conformance with this policy for the following reasons:

 - The proposed mineral extraction operation, once it begins, will likely free up the ground water, to some extent which was used for the irrigated sod farm. Once mining and reclamation are complete, the site will be returned to non-irrigated rangeland.
 - We will not use reclaimed water for irrigation since no irrigation is planned.
 - The only potential use for on-site treated wastewater would be fugitive dust suppression. We will not generate wastewater for such a use as fugitive dust suppression water. The only wastewater will be from portable toilets which cannot be applied to the site.
 - Wash water from material processing will be clarified in a settling pond and reused. Some makeup water will be needed to make up for the water that evaporates and leaves the site in the sale of product.

- ❖ *“Proposed Action 2.1 The level of analysis and techniques employed in the presently required or to be established visual impact analysis reports should be tailored to address the unique characteristics of the mineral extraction and/or mineral processing application. These reports should consider visual impacts as they will occur through the life of the operation, and should identify the key strategies which will be employed to mitigate these impacts as they occur.”*



❖ Response:

We believe we are in conformance with this Proposed Action for the following reasons:

- We suggest no visual analysis reports should be needed:
 - The mining operation will progress downward, to be below the surrounding topography. The present topography is fairly flat farmland.
 - Topsoil berms will be placed around the peripheral edges of the affected area.
 - There will be a 200 foot+ buffer of non-affected area around the affected mining area.
 - Fugitive dust will be controlled per the requirements of our Air Quality permit(s).

❖ *“Proposed Action 2.2 The Resource Maps and related planning information overlays referenced in this document should be used as one aid in determining the relative acceptability of the selected site and proposed visual mitigation plans.”*

❖ Response:

This appears to be a directive to the El Paso County Planning Department.

❖ *“Proposed Action 2.3 Proposed operations should be designed so that structures, machinery, equipment storage and repair areas, utility lines, access roads, and stockpiles are not located in visually sensitive areas such as ridges, hilltops and scenic areas. Naturalistic screening, berming and/or landscaping should be employed where natural topography will not effectively screen the operation. Facilities which may be visible should be sensitive to the natural color, form and texture of surrounding areas.”*

❖ Response:

We believe we are in conformance with this Proposed Action for the following reasons:

- For most of the operation and the majority of the life of the operation, mineral extraction operations will be located below the level of the natural topography.
- Topsoil stockpiles will be located between the operation and neighboring residents.



- As stated above, there will be a 200 foot+ separation between the various Stages (affected area) of mining operation and adjoining property owners.
 - No more than 40 acres will be open at any one time within a Stage. Once a Stage is completed, the Stage will be reclaimed. If a Stage is more than 40 acres, then the affected 40 acres will begin reclamation, provided the 40-acre area is not needed for operational purposes. For example, as the most recent 40-acre area begins reclamation, the next 40-acre area will begin mining operations.
- ❖ *“Proposed Action 2.4 The operational plan should, at a minimum, incorporate or fully reference all current State and Federal regulations, standards and permits concerning fugitive dust. More detailed discussion of dust abatement and preventative measures may be required.”*
- ❖ Response:
We believe we are in conformance with this Proposed Action for the following reasons:
- The proposed mineral extraction operation will comply with all State and Federal air quality regulations, to include fugitive dust.
 - As required by Colorado Air Quality Control regulations, we must first begin mining operations to “self-certify” in order to receive our air quality permit. We will provide El Paso Planning Department a copy of the air quality permit once it is issued.
- ❖ *“Proposed Action 2.5 The operational plan should demonstrate conformance with any applicable Federal, State and local noise regulations and should further specify any strategies to be used to reduce noise which might otherwise be objectionable due to its intensity, intermittence, beat and rhythm, frequency or shrillness.”*
- ❖ Response:
We believe we are in conformance with this Proposed Action for the following reasons:
- Mining operations create noise from a number of sources, to include haul trucks, excavation equipment, and processing equipment. Safety related sources of noise include backup alarms or horns, required by Federal safety regulations.
 - Noise Mitigation Practices, includes but are not limited to:



- Hours of operation: The proposed mining operation will only operate from 7 am to 7 pm, six days per week, as needed. (Only during daylight hours within that timeframe.)
 - Placement of topsoil stockpiles may be used to reduce noise and visual impacts.
 - Once the initial pit cut is achieved, operations may be moved below the surface elevation into the active pit. Relocation into the operational pit will help reduce operational noise.
 - The highway haul trucks point(s) of access will be away from residential areas and will help reduce the noise impact. (Please see the Mine Plan Map which shows the point of access mid-way along Sanborn Road, well away from the housing development on the west side of the proposed mining operation.
 - o We will be in compliance with all Mine Safety Health Administration (MSHA) noise regulations. To our knowledge, the State does not have specific noise regulations related to mining operations.
 - o We will comply with applicable El Paso County noise regulations.
- ❖ *“Proposed Action 2.6 The drainage and erosion control element of the operational plan should be tailored (in terms of approach and level of sophistication) to the scale, extent and potential life of the proposed operation. The requirements of the County Drainage Criteria Manual should generally be applied. Particular attention should be paid to minimizing the introduction of sediment, suspended solids and/or toxic run-off into hydrologic systems.”*
- ❖ Response:
- We believe we are in conformance with this Proposed Action for the following reasons:
- o This is a non-discharging facility and rainfall runoff does not report to any public or private sanitary or stormwater sewer system.
 - o Most soil erosion, if any, will be internal to the operation and should not affect off-site drainage ways.
 - o Significant topsoil soil erosion should not occur on areas which have not been disturbed since such areas are covered by natural, perennial grasses and other vegetation. Once an area is ready for mining, the available topsoil will be salvaged and placed in topsoil stockpiles.



- Topsoil stockpiles will be seeded with the approved seed mix once the pile reaches its intended size. Seeding the topsoil stockpiles will ensure loss of soil due to erosion is mitigated.
- This is a sand and gravel mining operation; therefore, infiltration will likely exceed runoff for may storm events.
- Regardless, we will comply with our storm water management plan and any County imposed drainage and erosion control requirements.

➤ **“3. Resource Use:**

- ✓ *Goal 3: Reasonable accommodation should be made to allow extraction and processing of mineral resources which are necessary to support efficient growth and development within El Paso County.*
 - ❖ *Policy 3.1 The more economically significant potential new or expanded mining areas should be identified and addressed in all applicable elements of the El Paso County Master Plan as these are developed or amended.”*
 - ❖ Response:

This appears to be directed to the El Paso County Planning Department.
 - ❖ *“Policy 3.2” The plans and approvals for mining operations should allow for the maximum practicable use of the resources available on a property.*
 - ❖ Response:

We respectfully request El Paso County apply this Policy to the proposed mineral extraction operation which will allow us to make full use of the available resource.
 - ❖ *“Policy 3.3” Preference in approvals for mining operations should be given to those proposals which demonstrate a maximum economic benefit to the residents of El Paso County.*
 - ❖ Response:

We believe we are in conformance with this Policy for the following reasons:

 - We suggest the proposed mineral extraction operation, when approved, will help maintain the lowest possible cost for aggregate resources for the residents and businesses of El Paso County.
 - We also suggest El Paso County should give preference to the approval of this proposed mineral extraction operation for the above reason.



❖ *“Policy 3.4” Extraction of commercial mineral deposits should be encouraged prior to or in conjunction with property development if this can be accomplished in a manner which is consistent with approved development plans.*

❖ **Response:**

This appears to be a recommendation to the El Paso County Planning Department. In addition, since this will be an open pit mineral extraction operation, the post mine site will not be the best choice for other property development. The post mining land use will be non-irrigated rangeland.

❖ *“Policy 3.5” Explore the appropriate use of mining in the mitigation of flooding, drainage and erosional problems as allowed by law.*

❖ **Response:**

This appears to be a recommendation to the El Paso County Planning Department. However, a review of the proposed mining and reclamation plans will result in a site which will mitigate flooding, control erosion, and protect the regional drainage system.

❖ *“Proposed Action 3.1” County development and municipal annexation proposals should be reviewed to assure consistency with the mineral resource preservation goals of this document. This review should include an initial evaluation of the feasibility of resource extraction concurrent with site preparation.*

❖ **Response:**

This appears to be a recommendation to the El Paso County Planning Department. However, there will be no need for the County to set these parcels aside for “mineral resource preservation” since the request is to actively mine the area under the State approved mining and reclamation permit.

➤ **“Planning Considerations:**

✓ *Goal 4: the review, analysis and actions taken related to mineral extraction and/or processing operations should be based upon an open and through process which addresses all relevant planning considerations.*

❖ *“Policy 4.1” Mining activities should generally be allowed as Uses Permitted by Special Review in all County zone districts provided the applicant can demonstrate that the proposed use is fully consistent with all applicable*



requirements and standards set forth in Section 35.8 and 35.13 of the El Paso County Land Development Code.

❖ Response:

- Based on an e-mail response from El Paso County Planning Department dated 1/20/2021, we are to refer to the revised El Paso County revised code found at Chapter 5. These items were addressed in the Mineral Extraction Application previously submitted to the El Paso County Planning Department, items 5.2.31. (A) – (B).
- It appears the other Section of Chapter 5, we are to respond to is subpart 5.3.2 Special Use. That section is addressed in a separate document titled, Chapter 5 – Use and Dimensional Standards.

❖ *“Policy 4.2” The applicant/operator should demonstrate that the proposed extraction activity is presently and will reasonably be expected to be compatible with the stated primary purpose of the applicable zone district.*

❖ Response:

We believe we are in conformance with this Policy for the following reasons:

- The Parcel is zoned A-35 which allows mineral extraction.
- Once mining and reclamation are complete (in a Stage), the affected area will be returned to non-irrigated rangeland, an agricultural use authorized under A-35.

❖ *“Policy 4.3” Private market competition in the businesses of mineral extraction and processing should be reasonably fostered.*

❖ Response:

This appears to be a requirement for El Paso County to follow.

❖ *“Policy 4.4” The applicant should demonstrate that the affected mineral deposit is or will reasonably be expected to be of commercial value for purposes which are stated in the application.*

❖ Response:

We believe we are in conformance with this Policy for the following reasons:

- Ellicott Sand and Gravel (Ellicott) is a well-established aggregate producer in the El Paso/Pueblo County region. Ellicott has knowledge and experience in finding and evaluating the potential of aggregate resources.
- Ellicott would not be pursuing and investing in the establishment of the proposed site as a viable mineral deposit if he did not expect the site to be



a deposit of, "...commercial value for purposes which are stated in the application".

- ❖ *"Policy 4.5" Preference should be given to requests for mineral extraction and/or mineral processing sites which are located within parcels large enough to internally accommodate the more acute impacts of the operation.*
- ❖ Response:

We believe we are in conformance with this Policy for the following reasons:

 - The proposed mineral extraction operation will take place in two Parcels, Parcel 2400000276 is 2,122.98 acres and Parcel 2400000275 is 40.0 acres.
 - Within these two parcels, the DRMS/MLRB approved permit area is 733.7 acres.
 - The proposed affected area is 561.65 acres.
 - The proposed affected area is 24.8% of the total Parcels area.
- ❖ *"Policy 4.6" Preference should be given to requests for mineral extraction and/or mineral processing proposals for which the anticipated post-mining land use can be expected to be fully consistent with adopted master plans and/or zoning.*
- ❖ Response:

We believe we are in conformance with this Policy for the following reasons:

 - The proposed post mining land use will be non-irrigated rangeland.
 - The existing use is irrigated sod farm.
 - Both uses are agriculture uses, therefore, we suggest the post mining land use is compatible.
 - In addition, the El Paso Board of County Commissioners were given the opportunity during the DRMS/MLRB permit application review process to comment on the suitability of returning the site to rangeland and had no comment.

Note: Two Policy 4.6 items.

- ❖ *"Policy 4.6" Sequential and ultimate areas of disturbance should be reasonably minimized.*
- ❖ Response:

We believe we are in conformance with this Policy for the following reason:



- The approved DRMS/MLRB permit application limits the affected area to 40 acres. The limit refers to the active mining area.
- The other affected area will be the land under reclamation which will include grading, topsoil replacement, seedbed preparation and seeding to the approved perennial seed mix. No irrigation is to occur.

- ❖ *“Policy 4.7” Applications for mining or mineral processing should address and provide for reasonable mitigation of potential on and off-site impacts throughout the life of the operation. Potential impacts which should be addressed include, but are not limited to the following:*
 - *traffic congestions safety and nuisance concerns*
 - Response:
 - Please see the Traffic Study and follow-up response to your questions for this item. The original Traffic Impact Study document was submitted on 11/5/2020.
 - Nuisance concerns may include several issues such as visual, vibration, noise, glare, blowing or flowing materials or odor, and trash vehicle storage, etc. These items were addressed in the Mineral Extraction Application submitted on 3/9/2020. We have not included them here due to size. We request you refer to that document to demonstrate our conformance with this Policy related “nuisance concerns.”
 - *potential damage to roads and bridges*
 - Response:

We believe we are in conformance with this Policy for the following reasons:

 - No bridges will be crossed prior to reaching Colorado State Highway 94. Colorado State highway 94, we assume, was built for the type of truck traffic that will leave the site loaded.
 - We presently pay highway use taxes for haul trucks we use, and buyers of product pay highway use taxes for the haul trucks they use to cover damage to roads and bridges.
 - Based on our Traffic Impact Study, any issues associated with the increase in road use will be dealt with in that document and subsequent discussions with El Paso County.
 - *impacts to water supplies.*



- Response:

We believe we are in conformance with this Policy for the following reasons: (From the document titled “Water Master Plan, PCD Project Manager, 11-25-2020)

 - As approved by the DRMS, the proposed mineral extraction operation is not expected to significantly impact the quality or quantity of drinking water.
 - Since this is a mineral extraction operation and not a water provider, enhancement of local drinking water supplies should not be expected. Water providers can enhance their water quality through various treatment methods. The only water the mineral extraction operation has available is the alluvial ground water found at the site. As stated above, the site alluvial water quality should not be significantly affected by the proposed mineral extraction operation as no ground water will be exposed.
 - Some of the water quality protections we will have in place include:
 - 🚧 Stormwater Management Plan.
 - 🚧 Spill Prevention Control and Countermeasure Plan.
 - 🚧 Importation of Potable water.
 - 🚧 Importation of water for fugitive dust control, to include process water.
 - 🚧 Commitment to stay at least 10 feet above the prevailing ground water elevation.
- *drainage and erosion control*
- Response:

We believe we are in conformance with this Policy for the following reasons:

 - We prepared and submitted to the El Paso Planning Department a “Schubert Ranch Sand Resource Floodplain Modeling, Technical Memorandum for Black Squirrel Creek” report and a signed “Flood Plain Development Permit.
 - An “Erosion and Stormwater Quality Control Permit (ESQCP)” and a Stormwater Management Plan” will be submitted once the SUP is approved and as part of our Development Plan submittal.
 - 🚧 Since we will not have any permanent stormwater control measures, we have not submitted an “Operational and Maintenance Plan”.



- ✚ Since there will not be any “Private Detention Basin/Stormwater Quality Best Management Practice Agreement and Easement”, no such agreement will be needed.
- ✚ Any such structures, if needed, will be temporary and/or intermittent.
- We also extensively addressed all types of erosion in our Mineral Extraction Application, item #13, Reclamation of Visual and Environmental Impacts, see the part of that Section labeled 6.3.2(b) Drainage Report (soil Erosion Control), provided below:
- Please also see, Supplemental Information, Water Information, subsection “From the ESG Adequacy Response to the DRMS Adequacy Comments 01: “Division of Water Resources (rec. 2/21/19), below:

“Ellicott Sand & Gravel understands the DWR’s comments and agree with the three points they have raised. The application packet contains commitments to comply with each.

- 1 – The floor of the mine and mining will stay at least 10 feet above the groundwater table.
- 2 – Water used for industrial purposes will come for (*from*) a source approved for that use.
- 3 – Stormwater runoff intercepted by this operation will be released to the stream system within the time required by DWR or a Temporary Substitute Supply Plan will be obtained to cover the evaporation.”

➤ Stormwater:

- ✓ The Operation is proposed to be a dry mining operation. As stated above, the proposed floor of the various mine pits will be at least 10 feet above the average ground water elevation.
- ✓ Any storm water which falls on the site will be allowed to infiltrate into the sandy floor of the pit. As stated above, this is in



conformance with the recommendation of the Board of the Upper Black Squirrel Creek Designated Basin and the Colorado Ground water Commission.

- ✓ In addition, “...all off site storm water runoff will be diverted around the permit area.” (Page 20, Exhibit G,112 C Regular Operation Permit Application)
 - ❖ The Mineral and Natural Resource Extraction Application, Attachment I, contains a Stormwater Management Plan.”
 - ❖ In addition, our approved DRMS/MLRB approved mining and reclamation plans include a comprehensive erosion control and water quality control plan.

- *dust, noise, and glare*
- Response:
 - ✓ Dust, noise, and glare are addressed in the Mineral Extraction Application, item # 9, Mitigation of Impacts to Adjacent Properties.

- *availability of emergency services*
- Response:
 - ✓ Emergency Services is addressed in the Mineral Extraction Application, item #11, Site Security and Safety which include “Fire Safety and Emergency Response’.

- *site security and safety*
- Response:
 - ✓ Site security and safety is addressed in the Mineral Extraction Application, item #11, Site Security and Safety.

- *impacts to historic, archaeological, paleontological, and sensitive and/or unique natural features and ecosystems.*
- Response:
 - ✓ Sensitive and/or unique natural features and ecosystems, please see the 3/11/2020 submittal to El Paso County Planning Department titled Natural Features Report.
 - ✓ Impacts to historic, archaeological, paleontological resources, please see our Overall Land Use Analysis, item #6, “Disturbance of Historic Resources Limited”, pages 10 and 11, filed with the EPCD on 6/03/2020.



- *noxious weeds*
- Response:
 - ✓ Noxious weed control is addressed in the Mineral Extraction Application, item #13, Reclamation of Visual and Environmental Impacts, Noxious Weed Mitigation.

- *“Policy 4.8” Approvals of new or expanded mineral extraction and mineral processing facilities should be contingent upon provision of and adherence to an operational plan which outlines all relevant elements, components and procedures related to the operation. This document should describe all of the basic elements of the operation, with specific attention to procedures related to mitigation of the potential impacts noted in Policy 5.f (?) above. Report Guidelines are included in Section 35.13.C.2 of the El Paso County Land Development Code.*
- Response:
 - ✓ Based on an e-mail response from El Paso County Planning Department dated 1/20/2021, we are to refer to the revised El Paso County Revised Code found at Chapter 5. These items were addressed in the Mineral Extraction Application, previously submitted to the El Paso County Planning Department, items 5.2.31. (A) – (B), submitted to EPC Planning Department on 3/09/2020.
 - ✓ It appears the other Section of Chapter 5 we are to respond to is subpart 5.3.2 Special Use. That section is addressed in a separate document titled, Chapter 5 – Use and Dimensional Standards.

- *“Policy 4.9 Approved mining operations should be designed and operated in a manner which reasonably limits hazards to employees and surrounding residents.*
- Response:
 - ✓ Limitation of hazards to employees:
 - ❖ Since this is a mining operation, mine safety is under the jurisdiction of the Mine Safety and Health Administration (MSHA).
 - ❖ The MSHA regulations cover all aspects of the mining and processing operations.
 - ❖ Limitation of hazards to surrounding residents:
 - Since this is a mining operation, it is not open to the public.
 - The operation will be fenced using the existing property boundary fencing.
 - Signage will be posted which says such warnings as “No Trespassing, Mining Operation, Warning, Mining Operation, Do Not Enter”, etc.



- *“Policy 4.10” All interested citizens, and especially those who may be most directly impacted, should have the opportunity to effectively provide input in the review of plans for new or expanded mining operations.*
- Response:
 - ✓ We have followed all State and local government notice processes.

- *“Policy 4.11” This Plan should be periodically reviewed and amended when necessary.*
- Response:
 - ✓ We agree the mining and reclamation plans will follow State and local government procedures where revisions to the mining and reclamation plans are necessary.

- *“Proposed Action 4.12” County review of mineral extraction and/or mineral processing requests should include an analysis of relative site suitability which addresses all of the applicable site-related factors outlined in this Plan or in Section 35.13 of the Land Development Code.”*
- Response:

We understand from an email received from EPC Planning Department that the above referred Section 35.13 has been deleted and we should refer to Chapter 5. We believe we have addressed Chapter 5 provisions in this and previous submittals to the EPC Planning Department.

- *“Proposed Action 4.2” Consideration should be given to conditioning mineral extraction and/or processing approvals in areas projected for development so that they expire or are modified, if appropriate, concurrent with actual development.*
- Response:
 - ✓ It appears this is a “Proposed Action” for El Paso County.
 - ✓ It appears the proposed mineral extraction operation location is not an area projected for development since it is zoned A-35 agriculture with mining as an allowed use.
 - ✓ Once mining is complete, the post mining land use will be non-irrigated rangeland.

- *“Proposed Action 4.3 Other uses associated with an approved Use Permitted by Special Review for a mineral extraction or mineral processing operation should be*



limited to those included in the approved plot plan and operational plan. Any additional uses should be subject to County review and approval.”

➤ Response:

- ✓ The “Proposed Action” appears to be directed to EPC Planning Department and not the Applicant.

➤ *“Proposed Action 4.4 Historic, archaeological and geologically significant sites encountered during a mining operation should be preserved or salvaged.”*

➤ Response:

- ✓ As stated above, there are no historic, archaeological, or geologically significant sites associated with the proposed mineral extraction operation.

➤ *“Proposed Action 4.5 Applicants for mineral extraction and mineral processing operations should provide a traffic impact report which is detailed enough to reasonably assesses the safety, capacity and noise impacts of the proposed use on all potentially affected roads, bridges and surrounded properties.*

➤ Response:

- ✓ We submitted a Traffic Impact Report to the EPC Planning Department, and it is in the process of EPC review and comment. It addresses Project traffic impacts to roads and bridges, to include safety considerations.
- ✓ Noise impacts from traffic should be limited.
 - ❖ The mine site operations will be depressed into the local topography once mining operations get underway. Initially, the mining operations will be, what we will call on the surface. Once a working face is developed, most of the mining operations will be depressed into the existing topography. This should help reduce the level of noise to the housing development located somewhat west of the proposed mineral extraction operation.
 - ❖ Truck haulage into and from the site will utilize routes which include Sanborn Road and Baggett Roads, away from the housing development. These two roads are south and east of the housing development. (Please see the Traffic Impact Report.)

➤ *“Proposed Action 4.6 Approvals for mineral extraction and mineral processing operations should be conditioned to require that trucks departing the property be loaded, swept and secured in a manner which reasonably limits the possibility that any of the load will escape.*



- Response:
 - ✓ We agree to comply with requirement.

- *“Proposed Action 4.7 For larger or more controversial mining proposals, the applicant and County staff should coordinate in developing a customized approach to assuring there will be effective public communication and input.*
- Response:
 - ✓ We have not yet received any such direction from County Planning Department staff.

- *“Proposed Action 4.8 Applicants should be encouraged to meet with adjoining property owners and other potentially concerned parties early in the planning process.*
- Response:
 - ✓ We sent notices to adjoining property owners both during our DRMS/MLRB notice and EPC Planning Department notice processes.
 - ✓ No significant comments have been received from adjoining property owners to our knowledge.

- *“Proposed Action 4.9 This Plan should be reviewed annually as part of a comprehensive evaluation of the effectiveness of the County Master Plan. G.I.S. data should be updated regularly, and the entire document should be reviewed for comprehensive amendment at least once every (10) years.*
- Response:
 - ✓ It appears this “Proposed Action” is directed to the EPC Planning Department and not the mineral extraction operation Applicant.