



**EA Number: EA 1881**

**File Number: AL2014**

**Re: Response to Comments, EPC County Attorney's Office; 6/17/2021.**

*Comment: "Water review not necessary – please send to County Attorney – Development Review"*

Response: It appears a this time a response is not necessary since the comment was, "*Water review not necessary*"

Respectfully,

H. Bruce Humphries

Regulatory Permits Management, Inc.

Consultant for Ellicott Sand & Gravel, LLC



**EA Number: EA 1881**

**File Number: AL2014**

**Re: Response to Comments, EPC Conservation District, 7-1-2021.**

**Response Date: 7-2-2021**

*Comment: "The El Paso County Conservation District Board of Supervisors have no comments on this review at this time."*

Response:

- By this statement, we appear to have addressed existing concerns and comments provided by the EPC Conservation District.

Respectfully,

**H. Bruce Humphries**

Regulatory Permits Management, Inc.

Consultant for Ellicott Sand & Gravel, LLC



**EA Number: EA 1881**

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**Re: Response to Comments, RBD Floodplain, 6/22/2021 Comment.**

*Comment: "this project has been approved by FP previously, if this 'request for approval of a special use' results in any material changes from the original submittal please submit the changes clouded on a separate sheet directly to Keith Curtis, [keith@pprbd.org](mailto:keith@pprbd.org), or upload to edarp and name the document 'floodplain2.'"*

Response:

We propose no change to the current operation as reviewed by FP. We understand any future changes to the proposed plan will need review by FP.

We want to thank the FP for their response.

Respectfully,

H. Bruce Humphries

Regulatory Permits Management, Inc.  
Consultant for Ellicott Sand & Gravel, LLC



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**Re: Response to Comments, EPC Community Services Department,  
6/21/2021 Comment.**

*Comment: "We have reviewed the submittal and have no comments at this time."*

Response: It appears at this time a response is not necessary since the EPC CSD has no comment. We understand it is our responsibility to comply with all applicable County, State and Federal rules and regulations.

We want to thank the EPC CSD for their response.

Respectfully,

**H. Bruce Humphries**

Regulatory Permits Management, Inc.

Consultant for Ellicott Sand & Gravel, LLC



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**Re: Response to Comments, 911 Authority, 6/21/2021 Comment.**

*Comment: "No permanent roads to be constructed. No new street names requested. No action for E911."*

Response:

It appears no further response is need by Ellicott Sand and Gravel at this time.

We want to thank the 911 Authority – El Paso County/Teller County for their response.

Respectfully,

H. Bruce Humphries

Regulatory Permits Management, Inc.

Consultant for Ellicott Sand & Gravel, LLC



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**Re: Second Response to the Colorado Division of Parks and Wildlife (CDPW)  
Comments Received 11/25/2020 and 6/17/2021.**

Please Note: The following comments and their response were initially provided on the Response Date 2/8/2021. We are providing our response to the CDPW comments again. It appears the CDPW has not reviewed our initial responses to their 11/25/2020 since the only apparent change is the person sending the comments.

**Colorado Division of Parks and Wildlife,  
11/25/2020, 6/17/2021:  
Response Date: 2-8-2021, 6-18-2021**

- Colorado Division of Parks and Wildlife, 11/25/2020 and 6/17/2021:
  - Comment:

*“Since a majority of the property is developed agricultural land, CPW comments will address potential impacts to Black Squirrel Creek...Within the Squirrel Creek Drainage, there are populations of Arkansas Darter...downstream of that location. There should be minimal impacts to any riparian areas or stream beds, both during construction and after, and any stream bed should be handled as a stream crossing whether or not water is present at the time of construction. Minimize impact to these streams is a priority for CPW and avoidance is best whenever possible.”*
  - Response:
    - ✓ As stated in our approved DRMS/MLRB permit application, page 8, Exhibit D, “No U.S. Army Corp of Engineers 404 permit is necessary, as there are no water bodies on the site nor are there any wetlands that will be disturbed by mining or reclamation,”
    - ✓ As stated in our approved DRMS/MLRB permit application, page 8, Exhibit D, “No mining will take place within the ephemeral drainages of Black Squirrel Creek or Big Springs Creek.”
    - ✓ In our September 9, 2019 response to the DRMS adequacy comments, we stated, “There is no way to totally avoid a stream capture during a 100-year event. We have reached a conclusion that we need to increase the width of the setback in



each stage and armor the inner and outer banks using the Urban Drainage Guidelines. This is intended to prevent a change to the ordinary flow channel and keep normal flows to the excavated areas and yet still allow for flood relief.”

- ❖ We proposed and the DRMS approved our increase of the berm separating the pit areas from the creeks from 50 feet to 150 feet.
- ❖ Based on our conversations with the Corps. of Engineers, the above proposed armoring activities will be outside the Ordinary High Water (OHW) line and therefore outside the jurisdiction Corps. and armoring can be constructed without a 404 permit.
- ✓ We submitted the plan for armoring the inside and outside banks of the areas along Black Squirrel Creek to DRMS, dated August 26, 2019 which was approved as part of the DRMS/MLRB permit application for the Schubert Ranch Resources Sand Pit.

➤ Comment:

*“CPW recommends a ground disturbance buffer with minimal activities or operations within 300 feet of any lake, reservoir, wetland or stream.*

➤ Response:

As stated above, we will maintain a 150-foot setback from both creeks. In addition, as stated above, we will armor the inner and outer banks to control bank erosion during storm events.

➤ Comment:

*“Erosion and sediment control precautions should be in place to avoid deposition into water ways.*

➤ Response:

As stated in our comments submitted by the El Paso County Conservation District (EPCCD), “We are aware of the need to prevent runoff erosion from storm water events and will install appropriate erosion and runoff control practices as necessary and appropriate.”

➤ Comment:

*“Destruction of riparian vegetation and truck/heavy machinery stream crossing should be avoided:*

➤ Response:

- ✓ The need to cross drainages is limited to Stage 5, the second to the last Stage to be mined. It is roughly 21 acres in size and lies to the west of Black Squirrel Creek. It is estimated it will be 31-46 years before this stage is scheduled to be mined.



## ESTIMATED MINING TIMETABLE

Stage	ESTIMATED YEARS	ACRES ±			
		TOTAL AREA	TOTAL MINED	MINED 100%	MINED SLOPES
I	10-15	68.94	60.05	28.22	31.83
II	15-20	214.00	181.14	129.68	51.46
III	4-6	54.39	47.30	14.26	33.04
IV	2-5	24.32	19.00	4.20	14.80
V	2-4	20.81	17.46	3.32	14.15
VI	20-30	268.60	236.70	159.64	77.07
<b>Drainage</b>	<b>LOM</b>	<b>82.81</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Totals</b>	<b>52-80</b>	<b>733.87</b>	<b>561.65</b>	<b>339.32</b>	<b>222.35</b>

From the DRMS/MLRB approved permit application.

- ✓ In addition, these are ephemeral drainageways which only flow during storm events. The storm event must be of sufficient intensity and duration to, cause the accumulation of runoff in the drainage channel.
  - ✓ All the other Stages may be accessed off County roads and do not need to cross a drainageway.
- Comment:
- “...crossing riparian corridors and streams at a perpendicular angle, in order to reduce impact to natural resources, as well as spanning the corridors with structures located outside the riparian and stream zone.*
- Response:
- ✓ We agree to use perpendicular stream crossing where operational constraints allow.
  - ✓ We will use best management practices in any stream crossings.
  - ✓ Given that Stage 5 is so far into the future, it is not logical to propose a type of stream crossing at this time since methods and technologies will improve with time.
  - ✓ Any stream crossing will require a revision to our MLRB permit and will need to be approved the DRMS at that time.
- Comment:
- “...avoiding treed areas of cottonwood and willow, ...”*
- Response:





- ✓ We should not impact cottonwood trees since we will maintain a 150-foot buffer along the drainages.
- ✓ In addition, there are few, if any cottonwood trees of significant numbers or groves of willows.
- ✓ We will do our best to not disturb the few cottonwood trees which may exist.
- ✓ Willows, even if disturbed and given their nature, should resprout quickly.
  
- Comment:  
*“During construction, stream crossing by construction vehicles should be avoided.”*
- Response:
  - ✓ This is not a commercial or residential development and no construction is planned.
  - ✓ Given the availability of access off adjacent County roads, we anticipate only one potential drainage crossing.
  - ✓ In addition, there are no perennial streams within the proposed mine permit area.
  
- Comment:  
*“...any new service roads that are proposed for construction in conjunction with the project avoid crossing creeks or streambeds to avoid impacts to wildlife and habitat. If any new access or maintenance roads will be constructed that cross stream habitat, CPW would like to be consulted on best management practice and options for construction to minimize impacts.”*
- Response:
  - ✓ As stated above, this is not a residential or commercial development. There will be mine access roads and internal pit roads which typically are very short term.
  - ✓ As we stated above, any stream crossings and other engineered structures which may be needed will require a permit revision with the DRMS. These revisions are noticed on the DRMS web site to allow for agency and public comments.

In summary, we believe we have addressed the CDPW concerns, to include the list of Best Management Practices provided at the end of their comment letter.

Respectfully,

H. Bruce Humphries

Regulatory Permits Management, Inc.  
Consultant for Ellicott Sand & Gravel, LLC