



June 3, 2021

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

- **Final Resp Goals and Policy, Water Master Plan, PCD Project Manager,**

11-25-2020:

2018 El Paso County Water Master Plan

Date: 2-8-2021, and 4-29-2021

“Section 1 – Introduction:”

- ***“Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.”***

- *“Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.”*

- Response:

We concur with the stated County Policy. We have no additional response to this policy.

- ***“Goal 1.2 – Integrate water and land use planning.”***

- Response:

We concur with the stated County Policy. We have no additional response to this policy.

- ***“Goal 1.3 – Promote awareness of environmental issues associated with water use.”***

- Response:

We concur with the stated County Policy. We addressed potential environmental issues associated with water use for our proposed mineral extraction operation in our Mined Land Reclamation Board permit application which was approved on November 6, 2019. We also addressed environmental impacts, to include water quantity, quality and use in our El Paso County Mineral Extraction application. These are public documents.



“SECTION 2 – PUBLIC ENGAGEMENT:”

- ***“Goal 2.1 – Reach a broad geographic range of community member and stakeholders, and gather feedback on location-specific input, strategy preferences, and open-ended feedback.”***
- ***“Policy 2.1.1 – Share educational and project specific materials.”***
- Response:
 - ✓ It appears this Policy is directed to water providers or the County in terms of “educational materials”.
 - ✓ As part of our required Mined Land Reclamation Board (MLRD) permit application notice process, we sent notices to all adjacent land owners and owners of permanent, man-made structures within 200 feet of the proposed affected land. We also sent notices to all adjacent land owners within 500 feet of the affected parcels as part of our El Paso County notice process for a Special Use Permit. We believe these notices and enclosed material meets the intent of this Policy.
- ***“Policy 2.1.2 – Educational campaigns should be pursued to involve the community and provide a broader basis of understanding regarding water supplies and conservation strategies.”***
- Response:

We concur with the stated County Policy. We have no additional response to this policy since it appears this Policy is intended to encourage the County and water providers engage in “educational campaigns” related to “water supplies and conservation strategies”.
- ***“Policy 2.1.3 – Communicate and gather input on complex, and at times, contentious and land use considerations.”***
- Response:
 - ✓ As part of the MLRB permit application process, we participated in the public comment process handled by the Division of Reclamation, Mining and Safety (DRMS). Private, Federal, State and local government comments were received by the DRMS and conveyed to the Applicant for its response. The Applicant either clarified or revised the Application to address their comments. Based on this process, if any comments could not be resolved to the satisfaction of the commenting parties, then a MLRB hearing would have been held. At the hearing, the Board may make a finding to either deny the Application or approve the Application over objections. Since all issues were resolved at the Division level, no Board hearing was required.



- ✓ We are currently in the process of the El Paso County SUP/Development Plan process. As part of this process, the public and private sectors can also comment on the mineral extraction proposed operation and potential land use considerations.
- ✓ We therefore believe, we have and will meet the intent of this Policy.

SECTION 3 – WATER SERVICE PROVIDERS

- **“Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure. “**

- *“Policy 3.1.1 – Encourage advanced planning and cooperation among water providers to reduce the overall number of water main lines running through the County.”*

- Response:

We concur with the stated County Policy. We have no additional response to this Policy since it appears this Policy is intended to encourage planning and cooperation among water providers.

- **“Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.**

- *“Policy 3.2.1 – Where possible, treatment plants should provide potable water to different water providers in order to save on capital, maintenance and operational costs.”*

- Response:

We concur with the stated County Policy. We have no additional response to this Policy since it appears this Policy is intended to encourage planning and cooperation among water providers.

- **“Goal 3.3 – Promote cooperation among water providers to achieve increased efficiencies on reuse.”**

- *“Policy 3.3.1 – Reuse of wastewater flows should be encouraged, to the greatest extent feasible, in order to increase water supply and to help diversify the supply portfolios of water providers.”*

- Response:

We concur with the stated County Policy. We have no additional response to this Policy since it appears this Policy is intended to encourage planning and cooperation among water providers.



➤ ***“Goal 3.4 – Promote cooperation between water providers to achieve increased efficiencies on storage. “***

➤ *“Policy 3.4.1 – Encourage the storage of water during off-peak demand periods (winter months) to be used during high demand months (summer months).*

➤ Response:

We concur with the stated County Policy. We have no additional response to this Policy since it appears this Policy is intended to encourage planning and cooperation among water providers.

➤ ***“Goal 3.5 – Encourage water providers to adapt to drought conditions.***

➤ *“Policy 3.5.1 – In an arid region with limited water supplies, extreme weather conditions should be taken into account by water providers in order to deliver a more reliable and safe water supply.”*

➤ Response:

We concur with the stated County Policy. We have no additional response to this Policy since it appears this Policy is intended to encourage planning and cooperation among water providers.

➤ ***“Goal 3.6 – Develop and maintain partnerships with water providers.”***

➤ *Policy 3.6.1 – The County should engage with water providers to share issues of mutual concern on a periodic basis and work collaboratively to address long-term water supply concerns.”*

➤ Response:

We concur with the stated County Policy. It appears this Policy is intended to encourage planning and cooperation among water providers and the County.

➤ *Policy 3.6.2 – Water providers should work with neighboring entities to provide land plan for growth between their respective boundaries.”*

➤ Response:

We concur with the stated County Policy. It appears this Policy is intended to encourage planning and cooperation among water providers and the County.

➤ ***“Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.”***



➤ Response:

We concur with the stated County Policy. It appears this Policy is intended to encourage planning and cooperation among water providers and the County.

“SECTION 4 – WATER SUPPLIES”

➤ ***“Goal 4.1 – Develop an understanding of the difference in water supply sources, and any water quality issues within the County.”***

➤ ***“Policy 4.1.1 – Protect and enhance the quality of drinking water in the County.”***

➤ Response:

- ✓ 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 have the opportunity to 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.

➤ ***“Policy 4.1.2 – Encourage more systematic monitoring and reporting of water quality in individual wells.”***

➤ Response:

The proposed mineral extraction operation will not be using any on-site ground water wells at this time as a source of potable water, water for fugitive dust control or processing water.

➤ ***Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County.”***

➤ Response:

- ✓ At this point, we do not intend to use any on-site water (surface or ground water) in our mineral extraction operation. Therefore, we propose to not monitor surface



or ground water resources. If, in the future, we need to access ground water resources, we will comply with the monitoring requirement of the Division of Water resources.

- ✓ This is a dry mining operation since the estimated ground water table is approximately 70 feet below the surface and we do not intend to mine deeper than 60 feet.
 - ✓ We will not impact surface waters since none exist at the mine site. Therefore, there is no reason to monitor sources of surface and tributary ground water at the proposed mineral extraction operation.
- *“Policy 4.1.4 – Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.”*
- Response:
- ✓ We concur with the stated County Policy. It appears this Policy is intended as a policy to be employed by the County to encourage planning and cooperation among various government agencies and water providers to enhance the quality of drinking water supplies.
 - ✓ The DRMS approved our Mine Permit Application. As part of that review of that review, they made the determination that the proposed mineral extraction operation’s plan and reclamation plan will not result in violation of any existing water quality or quantity federal and State regulations. The review process allows water quality and quantity agencies to review and comment on the proposed mining and reclamation plans. The applicant is required to address any concerns to the satisfaction of the commenting agency.
- ***“Goal 4.2 – Support the efficient use of water supplies.”***
- *“Policy 4.2.1 – Encourage stakeholders to develop methods which allow more effective monitoring of the adjudicated water rights in the County.”*
- Response:
- We will not affect existing water rights. Water for the mineral extraction operation will be obtained from commercial off-site sources.
- *“Policy 4.2.2 – Allow for the potential to import new and preferably, renewable water supplies from outside the various planning areas, potentially including the Arkansas River, in order to reduce the dependency on non-renewable water supplies and accommodate new development.”*
- Response:



Our intent is to import water from outside sources that are adjudicated for our operational uses. We believe our intent complies with this Policy.

- *“Policy 4.2.3 – Support studies to determine options for how water providers can secure and deliver a more permanent, long-term water supply.”*

- Response:

It appears this Policy is specific to El Paso County and does not apply to our proposed mineral extraction operation.

- *“Goal 4.3 – Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.”*

- *“Policy 4.3.1 – Denver Basin groundwater should be preserved as much as practical through water conservation and efficiency, extending the economic useful life.”*

- Response:

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

- ✓ The proposed mineral extraction operation will not directly extract water from the Denver Basin groundwater resource. All water needs will be purchased from off-site water providers. Their source of water is not known.
- ✓ No irrigation is planned as part of site reclamation.
- ✓ Given a significant share of the proposed mineral extraction operation’s acreage is used as irrigated sod farm, the removal of that use will potentially reduce the impacts to ground water resources. (The post mining land use will be non-irrigated rangeland.)

- *“Policy 4.3.2 – Encourage the systematic monitoring and careful administration of the bedrock aquifers to avoid over-allocation of groundwater.”*

- Response:

No bedrock or alluvial aquifer waters will be tapped for the mineral extraction operation. We therefore believe we are in conformance with this Policy.

- *“Policy 4.3.3 – Incentivize the use of deeper Arapahoe and Laramie-Fox Hills aquifers by central water providers, leaving or deferring the use of the shallower aquifers for the more dispersed domestic well users.”*

- Response:

No bedrock or alluvial aquifer waters will be tapped for the mineral extraction operation. We therefore believe we are in conformance with this Policy.



- *“Policy 4.3.4 - Encourage other monitoring programs and studies which could result in an increased understanding of the quality, quantity, and rate of depletion of available water supplies in the area, including but not limited to private wells.”*
- Response:
We believe this Policy does not pertain to the proposed mineral extraction operation since no private, on-site or adjacent off-site wells will be used to obtain water for operational uses.

- *“Policy 4.3.5 – Encourage plans to recharge the Upper Black Squirrel Creek Aquifer if such plans are based on sound science and can be demonstrated to not adversely impact water quality or water rights, with preference for those plans which will maintain or enhance the available water supply at a regional scale.”*
- Response:
 - ✓ The proposed mineral extraction plan will encourage recharge of the Upper Black Squirrel Creek aquifer. Following is an excerpt from the DRMS approved permit application, addressing this issue, (Environment, Inc. Adequacy Response, Sept 9, 2019, page 2):

As for drainage, we met with the Upper Black Squirrel Creek Groundwater Commission board and presented the plan and explained the concern about capturing the excess flow. The consensus of the Board was that it would increase the ground water capture, allowing for more recharge and due to the nature of the sand would soak in fast enough to present little problems. The UBSC Groundwater Commission's board felt that if the channel can be preserved, the capturing of the water and soaking in of said water (recharge) would be a benefit to the basin. One idea was that this would be a fairly short time and that Mr. Schubert (the landowner) had enough water to provide evaporative losses for that period. This may be done by not pumping from his well until the captured water has soaked into the ground and show that the volume of the water lost to evaporation would be accounted for as if it were actually pumped from the ground. They also thought because of the unknowns that it would be impractical to try to plan for such an event until it happens. The Upper Black Squirrel drainage board asked Ellicott Sand & Gravel LLC to stay at least 10 feet above the ground water table. We revised the text on pages 19, & 24 and the maps to show this separation as they suggested.

- *“Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.”*
- Response:



We believe this Policy does not pertain to the proposed mineral extraction operation since no private, on-site or adjacent off-site wells, will be used to obtain water for operational uses.

➤ ***“Goal 4.4 – Protect and enhance the quality, quantity, and dependability of water supplies.”***

➤ Response:

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

- ✓ 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 have the opportunity to 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.
- ✓ Some of the water quality protections we will have in place include:
 - ❖ Stormwater Management Plan if there is a potential for surface water leaving the site.
 - ❖ Spill Prevention Control and Countermeasure Plan.
 - ❖ Commitment to stay at least 10 feet above the prevailing ground water elevation.

➤ ***“Goal 4.5 – Plan for water resources in a thoughtful way that recognizes the non-renewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.”***

➤ ***“Policy – 4.5.1 – Encourage continued collection and analysis of data for the purpose of better determining the extent and availability of groundwater in areas which do not overlie either the Denver Basin or a studied alluvial aquifer.”***

➤ Response:

This Policy appears to be a recommendation for El Paso County and not our proposed mineral extraction operation. At the present time, we do not intend to supply our operational water needs from on-site sources, such as a ground water well. Therefore, we will not be monitoring well water use or well bore water elevation.

➤ ***“Policy 4.5.2 – Review the data and analysis of groundwater studies, as appropriate, to determine if regulatory modifications are needed and consider implementation.”***

Response:



This Policy appears to be a recommendation for El Paso County and not our proposed mineral extraction operation.

- ***“Goal 4.6 – Promote collaboration among the County, municipalities, water and wastewater service providers and regional and State agencies through the use of Memoranda of Understanding or similar arrangements.”***
- *“Policy 4.6.1 – Explore established Memoranda of Understanding to address shared source water protection and mutual concerns impacting water quality.”*
- Response:
- This Policy appears to be a recommendation for El Paso County and not our proposed mineral extraction operation.

“SECTION 5 – PROJECTED WATER SUPPLY NEEDS”

- ***“Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060)”***
- *“policy 5.1.1 – Consistent with the State Water Plan, the County will work with water providers to address and implement methods to match water supply with the projected 2060 water demand.”*
- Response:

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

 - ✓ We do not intend to use on-site water (ground water well(s)) as a source of process water. We will purchase water from an off-site provider and haul water to the mineral extraction site.
 - ✓ This mineral extraction operation is a limited duration mining operation. It is resulting in a change in land use from an irrigated sod farm to a post mining land use of non-irrigate rangeland. The change will result in an immediate reduction of the use of ground water. Once mining is complete, the mine site reclamation will be non-irrigated rangeland.
- ***“Goal 5.2 – Identify regional opportunities and barriers to satisfying water supply needs at full development build-out (2060).”***
- *“Policy 5.2.1 – Assist water providers, to the greatest extent practicable, in any future efforts to prepare demand forecasts by sharing information about population growth and new industries or developments in the County that will increase the demand for water.”*
- Response:



This Policy appears to be a recommendation for El Paso County and not our proposed mineral extraction operation.

- *“Policy 5.2.2 – Recognize the water supply challenges and limitations inherent in each of the regional planning areas, with particular emphasis placed on Reginal Planning Area 3 (Falcon), as a result of current reliance on non-renewable Denver Basin wells and the renewable, but limited and over-appropriated, Upper Black Squirrel Creek alluvium.”*
- Response:

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

 - ✓ As noted above, the Upper Black Squirrel Creek Commission Board stated the proposed mineral extraction operation may enhance the amount of storm water entry into the alluvial aquifer. It is reasoned that any storm water which runs into the mine pits will infiltrate into the alluvial aquifer versus running off. As stated above, we are to stay at least 10 feet above the prevailing ground water table. This distance will not only protect the ground water from evaporation, it will also allow ample room for storm water to infiltrate into the subsurface ground water alluvial system.
 - ✓ In addition, we do not intend, currently, to obtain our process water from on-site ground water well(s).
- *“Policy 5.2.3 – Periodically update the County land use master plan to better identify and plan for areas of future growth, in a manner that is consistent with this Water Master Plan, as may be amended from time to time.”*
- Response:

This Policy appears to be a recommendation for El Paso County and not our proposed mineral extraction operation.
- *“Policy 5.2.4 – Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.”*
- Response:

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

 - ✓ At this point in time, no on-site ground or surface waters will be used in our mineral extraction operation.
 - ✓ All water needed for fugitive dust control, processing water and potable water will be obtained from an off-site water provider.



- ***“Goal 5.3 – Reduce end user water consumption in the County.”***
- *“Policy 5.3.1 – Evaluate cluster development alternatives to determine if water savings could occur.”*
- Response:

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

 - ✓ At present, operational water needs will be obtained from an off-site water provider.
 - ✓ Given the mineral extraction operation will result in a change in the existing land use from irrigated agricultural land (sod farm) to mineral extraction, then reclaimed to non-irrigated rangeland, “water savings” should occur.
- *“Policy 5.3.2 – Promote water conscious development through improved land-use policies.”*
- Response:

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

 - ✓ The present land use, with El Paso County approval, will change from irrigated agricultural use to an interim use of mineral extraction, then to a post mining land use of non-irrigated rangeland.
 - ✓ At present, operational water needs will be obtained from an off-site water provider.
- ***“Goal 5.4 – Promote the long-term use of renewable water.”***
- Response:

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

 - ✓ The following categories of water use would be difficult or impossible to consider “renewable water”:
 - ❖ Water used for fugitive dust control on stockpiles and roads.
 - ❖ Imported water used for fugitive dust control which is entrained in the product and leaves the site. Process wash water is typically recycled with make-up water added as needed. Make-up water will be hauled from an off-site water provider.
 - ❖ Water used in portable toilets. (We do not know the fate of the waste once it is removed by the commercial portable toilet provider.)
- ***“Goal 5.5 – Identify any water supply issues early on in the land development process.”***
- *“Policy 5.5.1 – Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a*



reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when the economics of scale to do so can be achieved.”

➤ Response:

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

- ✓ No new wells are proposed for the mineral extraction operation. We do not intend, currently, to use any on-site water resources.
- ✓ If it is determined to obtain operational water from on-site, the property owner has sufficient water rights for its existing ground water wells to provide the proposed mineral extraction operational needs. We understand we may need to meet the requirements of the Division of Water Resources if on-site well water is to be used at a future date.

➤ **“Goal 5.6 – Protect property rights.”**

➤ Response:

We assume this Goal pertains to water rights. However, we addressed not only water rights but also land and structure property rights. We believe we are in conformance with this Policy for the following reasons:

- ✓ At the present time, we do not intend to use any on-site water resources for our operational water needs. Thereby protecting the mine site parcel owner’s water rights and adjacent landowner’s water rights.
 - ❖ Tributary storm water will either be diverted around the mineral extraction operation affected areas, and/or directed into the pit area to allow infiltration into the alluvial aquifer system.
 - ❖ Tributary alluvial ground water will be protected by the mandatory 10-foot buffer between the floor of a mined-out pit and the regional ground water table.
- ✓ Protection of other private property rights:
 - ❖ Permanent, man-made structures within 200 feet of the mine site’s affected land:

As part of the Mined Land Reclamation/Division of Reclamation, Mining and Safety permit application process, the applicant must demonstrate any of three following actions, to protect the above structures:

 - Not affect any land within 200 feet from any permanent, man-made structures.
 - “provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or



- Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- Where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have ‘no negative effect’ on their utility.” (C.R.S. 34-32.5. Colorado Land Reclamation Act for the Extraction of Construction Materials, Rule 6.3.12 Exhibit L – Permanent Man-Made Structures)

“SECTION 6 – CLOSING THE GAP”

- ***“Goal 6.0 – Require adequate water availability for proposed development.”***
- ***“Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.”***
- Response:
We believe we are in conformance with this Policy for the following reasons:
 - ✓ We will not be using any on-site water for our mineral extraction operations.
 - ✓ The DRMS has found the proposed mineral extraction operation will be in conformance with the requirements of the Colorado Water Quality Control Division, and the Division of Water Resources regulations. These agencies were notified during the permit application process and their issues were addressed as part of the DRMS/MLRB permitting process.
- ***“Policy 6.0.2 - Encourage developments to incorporate water efficiency principles.”***
- Response:
We believe we are in conformance with this Policy for the following reasons:
 - ✓ The reclamation plan calls for rangeland plant species which are appropriate for the existing dryland climatic conditions and will not require irrigation.
 - ✓ No on-site water resources will be used to meet the operational water needs.
- ***“Policy 6.0.3 – Encourage water and wastewater infrastructure projects to be sited and designed in a manner which promotes compatibility with adjoining uses, and provides reasonable mitigation of any adverse visibility and other environmental impacts.”***
- Response:
We therefore believe we are in conformance with this Policy for the following reasons.
 - ✓ We will not use on-site water resources for operational needs.



- ✓ The DRMS and the DWR have determined the mineral extraction operation will be in conformance with their regulations if operated according to the approved permit documents.
- ✓ Given the DRMS, WQCD, APQD, and the DWR, through the DRMS/MLRB permit application review process, found the proposed and revised MLRB permit application in conformance with the listed agencies regulations.

- *“Policy 6.0.4 – Encourage development that incentivizes and incorporates water efficient landscaping principles.”*
- Response:
We believe we are in conformance with this Policy for the following reasons:
 - ✓ The reclamation plan does not call for irrigation and specifically states irrigation will not be used.
 - ✓ The species to be planted, as part of the mine site reclamation plan, are dryland, perennial plant species.
 - ✓ The post mining land use will be non-irrigated rangeland.

- *“Policy 6.0.5 – Support implementation of water provider conservation projects.”*
- Response:
This Policy appears to be a recommendation for El Paso County and not our proposed mineral extraction operation.

- *“Policy 6.0.6 – Support appropriate efforts by water providers to incorporate drought conditions in their supply and demand forecasts in providing future and existing water supplies.”*
- Response:
This Policy appears to be a recommendation for El Paso County and water providers and not our proposed mineral extraction operation.

- *“Policy 6.0.7 – Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process as allowed under state law. The water supply plan should be prepared by the applicant in collaboration with the respective water provider.”*
- Response:
 - ✓ This Policy appears to be a recommendation for residential and commercial developers, and not our proposed mineral extraction operation.
 - ✓ In addition, this is a “short term” activity with the water needs being supplied from off-site.
 - ✓ The change in land use from irrigated agriculture (sod farm) to a post mine land use, non-irrigated rangeland, may partially reduce the demand for ground water.



- *“Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.”*
- Response:
 - ✓ This Policy appears to be a recommendation for residential and commercial developers, and not our proposed mineral extraction operation.
 - ✓ In addition, the post mining land use, non-irrigated rangeland, will result in “meaningful water conservation” measure, non-irrigated rangeland.
- *“Policy 6.0.9 – Consider amendments to the Land Development Code to incorporate water efficiency standards, such as:*
 - ✓ *Allowances for xeriscaping or native and drought-tolerant landscaping,*
 - ✓ *Allowances for water efficient irrigation techniques,*
 - ✓ *Minimizing the percentage of landscaped area covered with non-native turf, and*
 - ✓ *Increasing the percentage of landscape area that can be covered with non-living landscape material.”*
- Response:

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

 - ✓ Our approved DRMS/MLRB reclamation plan includes non-irrigated perennial rangeland species.
 - ✓ We do not plan to irrigate the perennial plant species.
 - ✓ The mix was recommended by the National Resource Conservation Service and approved by the DRMS/MLRB.
 - ✓ Since no irrigation is planned and we will use drought tolerant plant species, “increasing...non-living landscape material.” is not applicable in this situation.
- *“Policy 6.0.10 – Encourage land use proposals to expressly declare water sources(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.”*
- Response:

This Policy appears to be a recommendation for residential and commercial developers, and not our proposed mineral extraction operation.

 - ✓ In addition, this is a “short term” activity.
 - ✓ Water use for fugitive dust control and for material processing will be trucked in from off-site.
 - ✓ The post mining land use will result in a reduction of ground water use since the site will change from irrigated agriculture to non-irrigated rangeland.



- *“Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.*
- Response:
This Policy appears to be a recommendation to El Paso County to limit residential and commercial development, and not our proposed mineral extraction operation.

“SECTION 6.1 – WATER EFFICIENCY”

- **“Goal 6.1.1 – Identify strategies that can close the build-out (2060) gap.”**
- *“Policy 6.1.1.1 – Prioritize actions and improvements to address water supply gaps.”*
- Response:
This Policy appears to be a recommendation to El Paso County and not our proposed mineral extraction operation.

- **“Goal 6.1.2 – Promote water conservation.”**
- *“Policy 6.1.2.1 – Follow best management practices to maximize aquifer recharge, including supporting the use of greenway corridors, the maintenance of drainage ways in their natural state, and the avoidance of large amounts of impervious cover for recharge areas.”*
- Response:
We believe we are in conformance with this Policy for the following reasons:
 - ✓ As stated above, the Upper Black Squirrel Creek Groundwater Commission concluded, “...that it (the proposed mineral extraction operation) would increase ground water capture, allowing for more recharge...” to the aquifer. (page 2, Adequacy Response 01, Sept. 9, 2019 to the DRMS)
 - ✓ We have committed to protect the natural drainageways which crosses the proposed mineral extraction operation, Black Squirrel Creek and Big Springs Creek.
 - ✓ Channel bank armoring and a bank protection plan are discussed in the Adequacy Response sent to the DRMS for review. That plan was accepted as part of the Permit Application. (Dated August 26, 2019 and revised Oct. 31, 2019, Adequacy Response 02). The DRMS determined, with its permit application approval, the proposed channel protection plan is adequate.
 - ✓ No impervious area will be built on the mine area that restricts recharge areas.

- *“Policy 6.1.2.2 – Encourage and accommodate water conservation practices for existing and new developments.”*
- Response:
We believe we are in conformance with this Policy for the following reasons.



- ✓ This Policy appears to be a recommendation to El Paso County and not our proposed mineral extraction operation.
- ✓ Our use of drought tolerant perennial plant species in reclamation.
- ✓ We will obtain our process water and fugitive dust control water needs, at this time, from off-site.

- *“Policy 6.1.2.3 – Encourage water providers to implement best management practices for reducing water demand.”*
- Response:
This Policy appears to be a recommendation to El Paso County and water providers, and not our proposed mineral extraction operation. However, given our use of drought tolerant perennial plant species in reclamation, we believe we are in conformance with this Policy.

- *“Policy 6.1.2.4 – Review and revise, as appropriate, the standards of the various zoning districts to ensure they are consistent with promoting water efficient development.”*
- Response:
This Policy appears to be a recommendation to El Paso County and not our proposed mineral extraction operation.

- *“Policy 6.1.2.5 – Incorporate water efficiency measures in all new County facilities and projects, as appropriate. Similarly, consider retro-fitting fixtures and landscaping at older facilities with new, water efficient alternatives.”*
- Response:
This Policy appears to be a recommendation to El Paso County, and not our proposed mineral extraction operation.

- *“Policy 6.1.2.6 – Encourage special districts to include water conservation measures in their utility master plan.”*
- Response:
This Policy appears to be a recommendation to El Paso County and special districts, and not our proposed mineral extraction operation.

- *“Policy 6.1.2.7 – Encourage water providers to develop water resiliency plans.”*
- Response:
This Policy appears to be a recommendation to El Paso County and water providers, and not our proposed mineral extraction operation.



- *“Policy 6.1.2.8 – Coordinate with water providers to prepare a water conservation handbook to educate residents and businesses about ways to conserve water in their homes and businesses. The handbook should be accompanied by a public outreach program.”*
- Response:
This Policy appears to be a recommendation to El Paso County and water providers, and not our proposed mineral extraction operation.

- *“Policy 6.1.2.9 – Encourage water providers to develop and implement incentive packages and standards that reduce water demand and promote water conservation.”*
- Response:
This Policy appears to be a recommendation to El Paso County and water providers, and not our proposed mineral extraction operation.

- *“Policy 6.1.2.10 – Encourage water suppliers in the County to use reclaimed water for irrigation and other appropriate uses.”*
- Response:
This Policy appears to be a recommendation to El Paso County and water providers, and not our proposed mineral extraction operation.

- *“Policy 6.1.2.11 – Collaborate with home builders and developers on Zoning code amendments that promote decreased water demand coupled with water conservation for residential developments were economical.”*
- Response:
This Policy appears to be a recommendation to El Paso County, home builders and developers, and not our proposed mineral extraction operation. However, our proposed mineral extraction operation will not use irrigation for perennial plant establishment. Also, it will change the existing land use once mining is complete from irrigated agricultural land to non-irrigated rangeland.

- *“Policy 6.1.2.12 – Support proposed developments that incorporate water efficiency measures for open spaces and lawns.”*
- Response:
This Policy appears to be a recommendation to El Paso County, home builders and developers, and not our proposed mineral extraction operation.

- *“Policy 6.1.2.13 – Consider evaluating the 300-year rule to ensure that its applicability supports the goals and objectives of the Water Master Plan.”*
- Response:
✓ This Policy appears to be a recommendation to El Paso County.



- ✓ Further, the proposed mineral extraction operation is of limited duration. Well short of the 300-year rule. After mining is complete, the site will be reclaimed to non-irrigated rangeland.
- ***“Goal 6.1.3 – Identify ways to provide landscaping flexibility in design where requiring strict conformance with the County’s landscaping standards would be contrary to the goals of this Plan.*”**
- ***“Policy 6.1.3.1 – Encourage new developments that incorporate water conservation techniques such as xeric landscaping.”***
- **Response:**

We believe we will be in conformance with this Policy. Once mining is complete, the mine site will be returned to non-irrigated rangeland. The existing use is irrigated agriculture, sod farm.
- ***“Policy 6.1.3.2 – Provide developers with clear landscape guidance that results in attractive landscaping and reduced water requirements”***
- **Response:**

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

 - ✓ The post mining land use will be non-irrigated rangeland.
 - ✓ The landscaping and reclamation seed mix was recommended by the NRCS and approved by the MLRB.
 - ✓ Since this is not a commercial or residential development, we do not believe an “attractive landscape” is a viable goal. We believe the goal is to leave an approved land use that has erosional and geotechnically stability.
- ***“Policy 6.1.3.3 – Encourage sustainable landscaping that is tailored to the variations of climate zones across the County.”***
- **Response:**

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

 - ✓ The post mining land use will be non-irrigated rangeland.
 - ✓ The MLRB approved seed mix was recommended by the NRCS. It is therefore considered to be compatible with the site ecological conditions.
- ***“Policy 6.1.3.4 – Consider amending the Land Development Code to allow for modified landscaping options based on water source, available water supplies, and climate zones across El Paso County.”***
- **Response:**

By submittal of this SUP Application and supporting documents, we request El Paso County also concur with the DRMS approved seed mix and associated reclamation



plan. (Please note, the DRMS provided local governments (To include the Office of the El Paso County Commissioners.) and fellow State agencies, the opportunity to comment on the proposed mining application. The DRMS based their decision on comments, from all applicable local government agencies and fellow State agencies, and that decision was to approve the Application.)

- *“Policy 6.1.3.5 - Work with representatives of the landscape industry, along with property owners and managers, to promote incorporating water conservation measures for non-residential developments.”*
- Response:
We believe we will be in conformance with this Policy for the following reasons:
 - ✓ The proposed post mining land use will be a non-residential land use.
 - ✓ It is not any type of development since is being returned to non-irrigated rangeland.
 - ✓ The “water conservation measure” is non-irrigated rangeland.
- *“Policy 6.1.3.6 – Support lower system development fees (tap fees) for builders that use water efficient landscaping.”*
- Response:
This Policy is not applicable to the proposed mineral extraction operation since no water taps are required.

“SECTION 6.2 – WATER REUSE”

- ***“Goal 6.2.1 – Increase regional water reuse and conservation to better optimize available water supplies.”***
- *“Policy 6.2.1.1 – Support efforts by water providers to effectively and environmentally implement potable and non-potable water re-use including augmentation.”*
- Response:
We believe we will be in conformance with this Policy for the following reasons:
 - ✓ We will not be tapped into potable nor non-potable water providers.
 - ✓ We will contract with a portable toilet provider and will purchase our water needs locally. The water will be hauled to the site and wastewater will be hauled from the site.
 - ✓ Once mining and reclamation are complete, all potable, non-potable water use and generation of wastewater will cease.



- *“Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible.”*

- Response:

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

- ✓ Other than toilet wastewater which will be hauled off-site, no other wastewater will be generated
- ✓ We do not intend to irrigate the post mining, reclaimed areas since they will be non-irrigated rangelands.
- ✓ 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.

- *“Policy 6.2.1.3 – Consider opportunities to demonstrate the benefits of using non-potable sources of water and to dispel negative attitudes.”*

- Response:

This Policy appears to be a recommendation to El Paso County.

- *“Policy 6.2.1.4 – Encourage land uses which accommodate the reuse of water including capture of non-consumptively used water within the basin and use of reclaimed water for irrigation, within legal parameters and providing that water quality is maintained.”*

- Response:

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

- ✓ Our Stormwater Management Plan and SPCC Plan will ensure water quality is protected. In addition, we will not impact drainageways or wetlands. Any storm water which falls on or collects in the active or reclaimed pits will be allowed to infiltrate into the approximately 10 feet of sand cover, over the prevailing ground water elevation.
- ✓ We will not extract available ground water from on-site ground water wells, at this time.
- ✓ We will not use reclaimed water for irrigation since no irrigation is planned.
- ✓ We believe the proposed use of the site for mineral extraction and the post mining use of the land as non-irrigated rangeland is in accordance with the Policy.

- *“Policy 6.2.1.5 – Support plans for the siting of additional treatment plants or modification of existing facilities to allow for more effective use of non-potable water and to promote plans for responsible aquifer recharge.”*

- Response:

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



- ✓ This Policy appears to be a recommendation to El Paso County.
- ✓ As stated above, the reclaimed post mined, mine pits, will facilitate alluvial aquifer storm water recharge.

- *“Policy 6.2.1.6 – Consider allowing higher residential densities for new developments, in appropriate locations, where such developments will be served by water providers that are optimizing their supplies through established reuse and conservation measures.”*
- Response:
This Policy appears to be a recommendation to El Paso County.

- *“Policy 6.2.1.7 – Explore options for the use of non-potable water and further research into the use of reclaimed and renewable water.”*
- Response:
We do not object to the exploration of such options, if they can be shown to be cost effective and not create on and off-site health hazards.

- ***“Goal 6.2.2 – Fully reuse all water that can be economically reused.”***

- *“Policy 6.2.2.1 – The County should not object to efforts by water providers to increase their ability to sell or share reuse water supplies as long as non-renewable resources are not affected.”*
- Response:
 - ✓ We do not object to the exploration of such options if they can be shown to be cost effective and not create on and off-site health hazards. In addition, the use of these types of waters at a mine sites may require approval from the Division of Water Quality and the Mined Land Reclamation Division.
 - ✓ This Policy appears to be a recommendation to water providers.

“SECTION 6.3 – REGIONAL WATER SUPPLY PLANS”

- ***“Goal 6.3.1 – Secure and deliver additional long-term water supplies.”***

- *“Policy 6.3.1.1 – Support the development of environmentally sensitive and safely designed surface water impoundments if these serve to enhance local water supply or service capability.”*



- Response:
This Policy appears to be a recommendation to El Paso County. In addition, there are no plans for water impoundments as part of the active mining operation or as part of the post mine land use.

- *“Policy 6.3.1.2 – Work with water providers to identify regional opportunities and barriers.”*
- Response:
This Policy appears to be a recommendation to El Paso County.

- *“Policy 6.3.1.3 – Encourage water providers to pursue additional water storage opportunities, including surface storage as well as storage in both bedrock and alluvial aquifers.”*
- Response:
 - ✓ This Policy appears to be a recommendation to El Paso County.
 - ✓ By the nature of what has been approved by the DRMS/MLRB, the proposed mineral extraction operation and the following proposed site reclamation, there is the potential to augment alluvial aquifer recharge and storage. There will be approximately ten feet of sand cover over the regional ground water table. The remaining reclaimed pits will capture storm water and allow it to infiltrate into the pit floor. In essence, what will occur is an infiltration gallery. The Back Squirrel Ground Water Commission is in support of this proposal. (please see response to Policy 4.3.5 above.)

- *“Goal 6.3.2 – Identify opportunities for renewable water partnerships.”*

- *“6.3.2.1 – Support mutually beneficial arrangements among water providers and consumers to reduce cost and protect groundwater and the environment.”*
- Response:
We believe we will be in conformance with this Policy for the following reasons:
 - ✓ We are not a consumer of water as one would expect if this were a residential or commercial development.
 - ✓ 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 believe the approval of the DRMS/MLRD mining and reclamation permit, evaluated the potential impacts to the ground and surface waters and the environment. The agencies found the expected mining and reclamation impacts,



do not violate their State or Federal laws. (Some State agencies are implementing agencies for Federal environmental regulations.)

- *“Policy 6.3.2.2 – Encourage formal agreements among water districts to mitigate potential water supply shortages among individual suppliers.”*
- Response:
This Policy appears to be a recommendation to El Paso County.
- *“Policy 6.3.2.3 – Periodically review this Water Master Plan by convening a publicly accountable group, such as the El Paso County Water Master Plan Steering Committee or arranging a collaborative review with the Pikes Peak Regional Water Authority.”*
- Response:
This Policy appears to be a recommendation to El Paso County.
- *“Policy 6.3.2.4 – Encourage the consolidation of regional water and sanitation systems over the proliferation of smaller, individual systems.”*
- Response:
This Policy appears to be a recommendation to El Paso County.
- *“Policy 6.3.2.5 – Consider public-private partnerships to upsize utility infrastructure to meet potential growth demand.”*
- Response:
This Policy appears to be a recommendation to El Paso County.
- *“Policy 6.3.2.6 – Support collaborative coordination with water providers during the design and construction of water infrastructure and public roadways”*
- Response:
This Policy appears to be a recommendation to El Paso County.
- *“Policy 6.3.2.7 – Water providers should pursue coordinating efforts to align regional water conservation, quality, and infrastructure goals.”*
- Response:
This Policy appears to be a recommendation to water providers.

“SECTION 6.4 – RENEWABLE WATER DEVELOPMENT.”

- *“Goal 6.4.1 – Promote diversified, sustainable water portfolios for new development, reducing their reliance on a single source of supply.”*



- *“Policy 6.4.1.1 – Promote “conjunctive use” of water, favoring use of renewable surface and alluvial supplies during wet and normal years balanced by using a greater share of nonrenewable Denver Basin supplies in dry years.”*
- Response:

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

 - ✓ Water needs will be provided by an off-site commercial water provider.
 - ✓ This is a short-term operation. Once mining and reclamation are complete, the site will be returned to a non-irrigated, rangeland. The result will be a potential reduction in use of alluvial ground water. The use prior to mining was an irrigated sod farm.
 - ✓ In addition, the resulting reclaimed mine pit will enhance alluvial aquifer recharge, since any storm water will not runoff, but infiltrate into the alluvial aquifer.
- *“Policy 6.4.1.2 – Consider allowing development of higher residential densities, which may be in excess of densities on surrounding land or in excess of densities envisioned in existing comprehensive plans, if such development will be served by water providers that have substantial and meaningful renewable water supplies.”*
- Response:

This Policy appears to be a recommendation to El Paso County.
- *“Policy 6.4.1.3 – Support efforts by water providers to obtain renewable water supplies through collaborative efforts and regionalization.”*
- Response:

This Policy appears to be a recommendation to water providers.
- *“Policy 6.4.1.4 – Promote long-term planning by water providers for sustainable water supplies serving new development.”*
- Response:

This Policy appears to be a recommendation to water providers.
- *“Policy 6.4.1.5 – Streamline the 1041 Regulations to favor projects related to delivery or development of renewable water in El Paso County.”*
- Response:

This Policy appears to be a recommendation to El Paso County.