



Montaño • Freeman • Sinor • Thompson P.C.

Lisa M. Thompson, Esq.
lthompson@troutlaw.com
303.339.5826

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

July 8, 2020

Kari Parsons
El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910
kariparsons@elpasoco.com

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

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

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

Dear Ms. Parsons:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (“the UBS District”), a ground water management district formed and operating under the Colorado Ground Water Management Act, C.R.S. § 37-90-101 *et seq.* Applicant, Ellicott Sand and Gravel LLC, provided materials in support of its application for Special Use and Mineral Extraction Permits for its proposed sand and gravel mining operation in eastern El Paso County. The proposed mining operation is located within the UBS District and, as explained in the Applicant’s March 3, 2020 Letter of Intent, will consist of open pit sand and gravel mining extraction on two parcels totaling 733.7 acres. The proposed mining operation is located approximately 3.1 miles southeast of Ellicott, Colorado. The UBS District reviewed the Applicant’s application materials, along with its consultant Mr. Mike Wireman of Granite Ridge Groundwater LLC, and submits the following comments:

Assessment of hydrological impacts and conditions

Applicant has not provided sufficient information assessing the hydrological conditions and potential impacts of the Proposed Operation. First, Applicant's application material does not include adequate information or data regarding the occurrence of groundwater in the alluvial aquifer that is also the source of the sand deposit to be mined. The application material indicates that the sand resource is 70 feet thick and that depth to groundwater exceeds 70 feet across the area to be mined. Apparently, the sand thickness was determined from "available" well logs; yet these well logs and corresponding well permit numbers were not provided.

Applicant also concludes that the depth to groundwater is more than 70 feet and bases this conclusion on a review of 24 wells. The names, locations, and well logs for these wells are not provided. The only depth-to-groundwater data Applicant actually provides are static water levels measured in three domestic wells installed in the early 1970s (Permit Nos. 6969-F, 6971-FP, and 9642-FP). These permits indicate that the depth-to-groundwater in these wells was less than 50 feet at the time of construction, making uncertain Applicant's conclusion that the depth-to-groundwater is greater than 70 feet across the Proposed Operation site. Applicant should construct a water table map based on current depth-to-groundwater data for the Proposed Operation site. Without this water table map, it is unclear how Applicant will ensure that mining will not occur within 10 feet from the groundwater table in the Upper Black Squirrel Creek alluvial aquifer as Applicant proposes.

Furthermore, in the Application for a Regular 112 Construction Materials Mined Land Reclamation, Applicant states that if groundwater is encountered, two feet of backfill will be placed on the mine floor at that location. This statement is inconsistent with Applicant's proposal ensuring mining will not occur below 10 feet above the groundwater table.

Additionally, on page 16 of Applicant's Construction Materials Application, Applicant states that:

- the operator does not expect "prevailing hydrologic conditions" to be disturbed;
- the operator will minimize any disturbance to the "prevailing hydrologic balance"; and
- the operator will minimize disturbance to "the quality and quantity of water in surface and ground-water systems."

Applicant does not explain or define the meaning of these terms or provide data to support these statements.

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

Setback from Upper Black Squirrel Creek

Applicant's Letter of Intent indicates that mining operations will be set back 150 foot from Upper Black Squirrel Creek. Applicant's Application for a Regular 112 Construction Materials Mined Land Reclamation, however, states that there will be a 50 foot setback. Applicant should reconcile these conflicting statements. And to the extent Applicant proposes a 50 foot setback, this distance is inadequate. The setback on both sides of Upper Black Squirrel Creek should be at least 150 feet from the side of the creek channel.

Captured storm water and surface drainage

The operation will create numerous pits that extend up to 70 feet below the surrounding landscape. During operation, Applicant indicates that captured storm water will be released within 72 hours. After the operation ceases, however, it is assumed that surface drainage will no longer be diverted around or pumped out of the mine disturbance area to prevent run-in to the pits. Applicant does not provide information on whether or how the creation of these pits will alter the current surface drainage around and through the site. After operations cease, the pits may not impound water and therefore Applicant must provide information confirming that no water will be impounded in the future.

Other issues

Applicant includes a table on Page 4 of the Letter of Intent that includes the acreage available for mining in each phase of the proposed mining operation. The "Total Acres Available" column does not, added up, equal the total for that column.

The economic justification given for the mine is based on 1996 data. Applicant should provide more current data.

Attached is a copy of a prior comment letter submitted on January 8, 2020 as preliminary comments. The UBS District reserves the right to provide additional comments at a later date founded upon information not readily ascertainable from the above-referenced application.

Sincerely,



Lisa M. Thompson
for
TROUT RALEY

cc: UBSCGWMD Board of Directors



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Denver, Colorado 80203-2141
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www.troutlaw.com

January 8, 2020

Mr. Bruce Humphries
Regulatory Permits Management, Inc.
25049 E. Alder Drive
Aurora, CO 80016

Re: Preliminary Comment from Upper Black Squirrel Creek Ground Water Management District Board re Ellicott Sand & Gravel LLC's Request for Approval of a Special Use and Site Development Plan to Allow a Minerals Extraction Operation

Dear Mr. Humphries,

The Upper Black Squirrel Creek Ground Water District Board (Board) received your letter dated December 29, 2019, on behalf of Ellicott Sand & Gravel notifying us of a request submitted to El Paso County (County) for approval of a Special Use and Site Development Plan for mineral extraction (a sand and gravel pit). The Board will provide formal review and comment on such proposal when the County submits it to the Board.

In the meantime, we want provide an initial comment based on a preliminary review of the information contained in your letter. The proposal states that water use demand for material processing and fugitive dust control water is approximately 12 acre-feet per year and this water demand will be met from "potable water will either be purchased locally" or "obtained from on-site domestic ground water wells." Please be aware that on-site domestic ground water wells are strictly limited in type of use and amount of withdrawal by C.R.S. § 37-90-105 and the Upper Black Squirrel District Rule 3. We are not aware of any domestic wells currently permitted that allow for material processing or dust control and domestic well cannot be pumped at 12 acre-feet per year. Please review this inclusion in your request and revise as needed.

Yours truly,

Lisa M. Thompson
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