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

John Heiberger
S&K NO1, LLC
John.heiberger@kimley-horn.com

Jemadojin LLC
3033 E 1st Ave, Suite 837
16449 Dearing Road
Colorado Springs, CO 80928

Re: Hale Sand Pit Expansion, Special Use

Dear Ms. Ruiz:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (“the District”). Applicant, S&K NO1, LLC, provided materials in support of its application for a Special Use Permit for its proposed expansion of its sand pit mining operation. The proposed Hale Sand Pit Expansion is located within the District on a 150-acre tract of land located southeast of Peyton and currently contains a 9.9-acre sand mining area located at the southwest corner of the property. The proposed expansion will permit an additional 52.5 acres of land for sand mining. The District previously submitted comments on January 14, 2019 and May 21, 2019. Those comments are summarized again here, along with Applicant’s response and further comment by the District:

Exposure of Designated Ground Water and Impoundment

The District remains concerned that Applicant’s expanded sand mining activities will either (1) expose designated ground water within the UBS Basin or (2) impound precipitation and runoff. Any precipitation or surface water runoff that is impounded in the sand pits would, in its natural course, contribute to the recharge of the UBS Basin’s alluvial aquifer and, as such, is designated ground water subject to administration by the Ground Water Commission and the District.

In a June 21, 2019 letter, Applicant responded to these concerns. Applicant stated that mining activities will be limited to a five-foot depth and will therefore not occur to groundwater depths. Additionally, applicant asserted that they will create a berm to divert runoff to a proposed temporary sediment basin to allow for desilting and then release at historic rates back to Brackett Creek and that runoff will therefore not be impounded. Applicant's March 23, 2021 letter of intent describes the earthen berm but did not include a commitment to limit mining to depths of only five feet. Any County approval of Applicant's requested Special Use Permit must be conditioned on both of these prior commitments.

Additional District Comments

In addition to the District's concerns with groundwater exposure and impoundment, the District's hydrogeologist, Mr. Mike Wireman, has identified two additional concerns with Applicant's proposed expansion. First, there is no information in Applicant's mine plan regarding long term maintenance of the stockpiled topsoil and diversion berm. Measures need to be taken to prevent undue erosion and applicant should describe the long term plans for the topsoil and berm. Second, future reclamation efforts for this mining operation should be taken to ensure protection of ground and the ephemeral surface water. These efforts would include installing at least one groundwater monitoring well downgradient of the area proposed for mining to determine long term water levels, and applicant should be required to include monitoring and possibly sampling of Brackett Creek to monitor trends in suspended sediment. Accumulation of sediments can impair flows and recharge of the groundwater.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mirko L. Kruse', with a stylized flourish at the end.

Mirko L. Kruse
for
TROUT RALEY

cc: UBSCGWMD Board of Directors