

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Application M-2017-036, Knox Pit Irrigation - Groundwater Concerns

1 message

Terry Waters <terrywaters125@msn.com>

Sun, Jan 21, 2018 at 9:25 AM

To: "jared.ebert@state.co.us" <jared.ebert@state.co.us>

Cc: "rhelmick@larimer.org" <rhelmick@larimer.org>, "cdjones@larimer.org" <cdjones@larimer.org>

January 21, 2018

To: Jared Ebert jared.ebert@state.co.us - CO Division of Reclamation, Mining and SafetyCc: Rob Helmick (Larimer County Planning Office, Plan 17-ZONE2113, [970.498.7682](tel:970.498.7682))Clint Jones (Larimer County Engineering Department, [970.498.5727](tel:970.498.5727))

Re: Objection to Application M-2017-036, Knox Pit

Loveland Ready-Mix Concrete, Inc. Laporte Operations, Knox Pit Construction Material Application 112

Pages 143 and 144 of the 2018-01-03_PERMIT FILE – M2017036 (3) file posted on 1/3/2018 shows a November 30, 2017 letter from Stephanie Fancher-English to Jeff Smith (General Manager for the Larimer & Weld Irrigation Company) in which she summarized the topics discussed in an October 27, 2017 meeting. However, the file omitted the original Irrigation Office comments regarding impacts to the Cache La Poudre Ditch that runs through the center of the proposed operation. Please note that the 2018-01-03_PERMIT FILE – M2017036 (3) file on page 146 did contain review comments from the Taylor & Gill Ditch Company. Therefore, I am sharing the below Irrigation Office letter (dated September 11, 2017) since the Larimer County Planning Office's website has not yet posted the letter on their site (sharing my copy that contains some of my hand-written notes).

| Irrigation Office | | |
|--|---|--|
| info@eatonditch.com | 106 ELM AVENUE EATON, COLORADO 80615 | TELEPHONE 970-454-3377 FAX 970-454-0154 |
| Larimer & Weld Irrigation Co. • Larimer & Weld Reservoir Co. • WRCC, Inc. • Owl Creek Supply & Irrigation Co. Divide Canal & Reservoir Co. • Lucas Lateral Ditch Co. • Montgomery Lateral • Town Boyd Lateral Co. • For Far Lateral Co. Gale Lateral Co. • West Irrigation Co. • Decker Lateral Co. • Graham Lateral Co. | | |
| 9/11/17 | | |
| LaPorte Pit Special Review | | |
| 17-ZONE2113 | | |
| The Larimer and Weld Reservoir Company, as well as The Cache La Poudre Irrigating Ditch Company use what is commonly known as the "little cache" ditch. | | |
| The companies have reviewed the plans and have the following comments. | | |
| First, the ditch will maintain a legal easement for its own purpose. The proposed 30 feet on either side is acceptable. Access to the easement will remain unimpeded as the plans specify. | | |

Second, it appears as if the secondary access road that travels west and east on the north side of the ditch is placed within the proposed 30 foot easement. The ditch company would prefer that any mine infrastructure stay completely out of the ditch easement. We do not want ditch personnel pulled off to the side of a busy haul road. The access road for the ditch should be separate of any other roads.

Third, The Larimer and Weld Reservoir Company will continue to maintain the ditch infrastructure, including the access road on either side as well as the check structures and head gates. The ditch company will also remain in charge of operating said structures and head gates. Any affect downstream of our measuring weirs will be between LRM and the downstream property owner and up to them to mitigate.

Fourth, storm water. We are a little confused. On the Irrigation Facilities Plan, it is stated under line 6, that LRM will provide sufficient grading, berming, etc. to limit storm water runoff. But in the report done by Telesto it states in section 6.1 there will be no storm water discharge once mining has begun. The ditch company accepts that there may be some historical storm flows that make it to the ditch but with the added infrastructure, we are concerned that storm water may increase. The ditch company expects that there be no more runoff than has been experienced historically.

Fifth, the ditch company is concerned with the proximity of the actual holes in the ground to the ditch. We all know the soil conditions are porous to say the least, why else would LRM want to mine sand and gravel here. We have concerns that if too much material is taken away from the sides that the ditch will not have the structure to prevent excessive ditch loss. We are in the process of a ditch loss study with a goal of having some base numbers of what the loss is currently before mining is to occur. We would expect LRM to keep the ditch "whole" and do what is necessary to prevent excessive ditch loss. A lining of some sort may be required to accomplish this. *if excessive loss, LRM will line ditch or determine to eliminate*

Sixth, in the same regard as above, we have concerns about the placement of their water management pond. As stated above, water will seep through this porous material. I have read nothing about the lining of the management pond. A body of water that is used for management may not be the best quality of water and if it were to escape into the ditch it could cause problems for downstream users.

Seventh, we are curious as to the timing of the groundwater study. I have not seen the actual study and would like to know when the study was conducted. When it was conducted would have significance to the study. If it was done when the ditch did not have water in it, those results may be different than if it was done when there is water flowing. I think that the wells that are in the area would be proof to the fact that the ditch being in or not can severely affect the groundwater in the area. I have heard that when the ditch is not flowing that the wells are way less active.

Overall the ditch company is most concerned with the close proximity of the wholes and there potential effect on seepage from the ditch which could ultimately harm the shareholders of the ditch. The company is also very aware of the potential negative effects to water quality. When a large industrial operation is started, despite the best intentions of whomever the company may be, pollution is an issue. Something as simple as an oil leak into the water in the pit that then goes into their management pond and then leaks out of the pond or a failure of the pond, allowing the contents back into the ditch would be very damaging to the shareholders of the ditch. We ask that LRM give careful consideration to the placement of such management ponds as well as how close they get to the ditch with said ponds as well as the actual open pits.

Thank you for the opportunity to make comments.

Jeff Smith, General Manager, LWRC

Additionally, I have included the below excerpts from Larimer County Engineering Department (submitted by Clint Jones) that were submitted on September 15, 2017 regarding groundwater (Larimer County Planning Office's website has not yet

posted the letter on their site):

Drainage/Groundwater/Erosion Control Issues:

1. The boundaries of this project include or are adjacent to an irrigation ditch. Therefore, the Ditch Company will need the opportunity to review and comment on this proposal as it relates to their easements, setbacks, access, and site drainage.
 2. The backfill detail in the construction plans should provide the pipe size and material for the perforated drain pipe. The size of the pipe should be based on recommendations from the groundwater modeling report.
-
3. The groundwater report states that a drawdown of 5' is considered a significant impact to neighboring wells, however wells in the area are only 5-20 feet deep. Clarification is needed on how this criteria was selected. It seems that if a well is only 5' deep, any amount of drawdown could be considered significant.
 4. Preliminary agreements will need to be submitted for any wells that will require mitigation.

Proposed Conditions of approval:

- The Transportation Capital Expansion Fee of (\$) will need to be paid either prior to the use commencing or within a limited amount of time after the Special Review approval by the Board of County Commissioners.
- The design and construction of the County Road 54G improvements will need completed prior to the use commencing or within a limited amount of time after the Special Review approval by the Board of County Commissioners.
- No parking, loading or unloading of any vehicles will be allowed within the County right-of-way.
- Truck traffic will be restricted from traveling west on County Road 54G except for local deliveries.
- The applicant is responsible for prompt, complete removal of material spilled onto the County roadway or State Highway.
- The Engineering Department reserves the right to further comment on traffic and access issues if the projected traffic impact, access location, or haul route changes.
- A drainage agreement for the maintenance of the retention ponds post-reclamation will need to be submitted. The agreement will need to include maintenance responsibilities of the perimeter drain if it were to fail in the future.
- Secondary access to the site will need to be a gated emergency only access.
- Ditch Crossings will need to be designed by a Professional Engineer and be approved by Larimer County and the Ditch Company prior to operation of the pit.

R:\Data\DEVREV\PLANCHK\Projects\Special Review\La Porte Pit SR\LaPorte Pit SR .doc

Staff Recommendation:

The Larimer County Engineering Department cannot support this application until the above comments have been addressed. Please feel free to contact me at (970) 498-5727 or e-mail me at cdjones@larimer.org if you have any questions. Thank you.

Please note that the ditch company's valid concern regarding the proximity of the actual hole(s) in the ground to the ditch and the excessive ditch loss due to the porous soil conditions, should be addressed in the proposed mining application instead of the applicant monitoring the situation. Thank you in advance for your review and consideration of the irrigation, drainage, and groundwater issues identified in this email.

Thank you,

Terry Waters, PMP

PO Box 291

3200 Tharp Drive

1/22/2018

State.co.us Executive Branch Mail - Application M-2017-036, Knox Pit Irrigation - Groundwater Concerns

Laporte, CO 80535

[970-482-4462](tel:970-482-4462)