

**Douglas Mountain Ranch Mining Project, Permit #M2018016 with the Department of Reclamation, Mining, and Safety (DRMS)**

2 messages

Mon, Nov 26, 2018 at 6:32 PM

Charles F von Gunten <charles@pallmed.us>

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TO: **DNR Colorado Division of Water Resources (DWR)**

1313 Sherman Street #821, Denver CO 80203

Jason Smith - District & Water Commissioner: jason.smith2@state.co.usDon Baggus - Deputy Water Commissioner District 7: donald.baggus@state.co.us**DNR Colorado Water Conservation Board (CWCB)**

1313 Sherman Street #718, Denver CO 80203

Email: cwcnews@state.co.us**CDPHE Water Quality Control Division (WQCD)**

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Email: cdphe.commentswqcd@state.co.us**CDPHE Water Quality Control Commission (WQCC)**

4300 Cherry Creek Drive South, A-5, Denver CO 80246

Email: cdphe.wqcc@state.co.usRE: **Douglas Mountain Ranch Mining Project, Permit #M2018016 with the Department of Reclamation, Mining, and Safety (DRMS)**

I live in Empire, Colorado. The 14 acres I own has a view over the valley, including the land where the Douglas Mountain Ranch Mining Project has sought a permit to being an open-pit sand and gravel operation. In their application, it is clear they will require HUGE amounts of water. It seems clear to me the proposed mine will damage or destroy elements of the Clear Creek Watershed, including valuable ground water and privately held perennial natural springs adjacent to the Douglas Mountain Plateau. I also think it will have an impact on the water table on which the Town of Empire relies for drinking water. I believe Empire Aggregates LLC has not addressed their full legal requirements for the project nor addressed the valid and obvious concerns for the water resources needed. Therefore, as public servants tasked with defending the state's existing water resource value, I ask you recommend denial of this project to the DRMS.

The applicants have not shown that the water they plan to use for the mining operation will be obtained from a legal source; they have not shown evidence that they have applied for a mining/industrial well permit; they have not done adequate research into the wells in the area; they have not acknowledged how breaching the known shallow groundwater will destroy adjacent springs and hinder their project mid-operation. I am not confident that the applicants will adhere to strict guidelines when it comes to exposing this groundwater and other safety precautions to protect the groundwater, creek, and watershed area. According to the DRMS, a flood analysis and flood control plan is needed when mining occurs within 400 feet of a river channel, as the floodplain could be altered, and riverside berms have the potential to be damaged during flooding and are prone to erosion. Since this application does precisely that, and the applicants have not submitted either of the requested documents to date, you should oppose the project.

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Adjacent property owners on the Douglas Mountain Plateau have perennial springs sourced from the plateau, lush vegetation, and heavily wooded areas. Altering the drainage pattern on the plateau would divert the water away from these properties, devastating their emotional and financial value along with essential vegetation for wildlife. The plateau has a rich diversity of wildlife and is important for migration corridors, nesting areas, lambing and calving areas, winter habitat, and denning sites for many species. Removing native vegetation on the plateau would deplete food sources for all wildlife in the area, and the lush vegetation areas on the adjoining properties would be decimated by the disruption of the natural springs and ground water. Bighorn sheep, elk, deer, and moose are spotted and photographed daily on the plateau, drawn by these water resources. Our wildlife relies on this surface water for the food and cover it provides.

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The amended permit application to DRMS M-2018-016, states "All surface water flows that drain to the site (Douglas Mountain Plateau) currently pass across the meadow before draining to the West Fork of Clear Creek to the north. During mining, these flows will be partially intercepted by the mining activity as the operation progresses." The mining operation will divert the ground water, natural springs, and drainage on the plateau along with the natural flow of the West Fork of Clear Creek and Bard Creek, impacting the West Clear Creek Watershed Basin (HUC-0103) and the property owners downstream. This is in direct violation of the permit application which states "If mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties can result." DRCOG Metro Vision 2020 Clean Water Plan, Appendix 9 Upper Clear Creek Watershed, states that Empire has the 3rd largest municipal wastewater treatment plant in Clear Creek County, and it is located on the West Fork of Clear Creek, on the north edge of the proposed mining site. Changes in the drainage and flow of the creek may have an impact on the function of the treatment plant and need to be looked at further.

The Upper Clear Creek Watershed Plan 2014 Update lists Metal & Aggregate Mining as one of seven primary potential impacts to water quality and highlights the area of West Clear Creek from Empire Junction up to Empire along Hwy 40 as a Proposed Stream Resolution Area. This report considers drought and mining as two issues of concern. The additional burden on the watershed would also affect the quality and quantity of the water supplied by the Clear Creek Basin which would come under requirements in the Clear Creek Water Shed Agreement of 1993. This agreement focuses on the water quality in Standley Lake and is regulated by the Water Quality Control Commission (WQCC). These two watershed impacts should also be considered in the requirements in the DRMS application.

Finally, the proposed bond for the worst-case reclamation scenario from the amended application to the DRMS is \$576,128.00. This number does not include short term sediment control measures for the final removal of the perimeter berm, which should include silt fences and sediment control logs to protect the creek. This number also would not cover additional fines or measures for cleaning up possible water contamination which would do irreparable damage.

In conclusion, the Douglas Mountain Ranch Mining Project permit application to DRMS will damage our water supply. Please oppose the plan by the December 18th, 2018 deadline.

Charles F. von Gunten

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Tue, Nov 27, 2018 at 10:42 AM

An example of the recent objection form letter for the Douglas Mountain Mine amendment application regarding water issues is attached.

Peter S. Hays
Environmental Protection Specialist



COLORADO
Division of Reclamation,
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