



Douglas Mountain Mine Project - Permit #M2018016

Kathleen Krebs <kkrebs911@gmail.com>

Thu, Nov 29, 2018 at 2:45 PM

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Dear Colorado Department of Natural Resources Division of Water Resources - Jason Smith and Don Baggus; Colorado Water Conservation Board; Colorado Department of Public Health & Environment - Water Quality Control Division and Water Quality Control Commission,

Please find attached my letter regarding the proposed Douglas Mountain Mining Project (aka Gravel Pit).

Thank you kindly,

Kathleen Krebs

Letter - State Water Agencies_Douglas Mtn Mining Operation.pdf
187K

Kathleen Krebs
484 East Mountain Ave.
Empire, CO 80438

November 22, 2018

TO:

Colorado Department of Natural Resources
1313 Sherman Street #821, Denver CO 80203

- Division of Water Resources (DWR):
Jason Smith - District & Water Commissioner: jason.smith2@state.co.us
Don Baggus - Deputy Water Commissioner District 7: donald.baggus@state.co.us
- Colorado Water Conservation Board (CWCB):
Email: cwcbnews@state.co.us

Colorado Department of Public Health & Environment
4300 Cherry Creek Drive South, Denver CO 80246

- Water Quality Control Division (WQCD):
Email: cdphe.commentswqcd@state.co.us
- Water Quality Control Commission (WQCC):
Email: cdphe.wqcc@state.co.us

SUBJECT: Permit #M2018016, Douglas Mountain Mine Project

Greetings,

I am part of a group of engaged and concerned citizens from the communities of Clear Creek County Colorado, who respect and protect the air, water, natural landscape, wildlife, and quality of life for all who reside in and visit our beautiful county.

I write to you in opposition to the proposed Douglas Mountain Ranch Mining Project currently under permit review with the DRMS; located at, or near, Section 28, Township 3S, Range74W, 6th Principle Meridian in Clear Creek County: namely Empire Junction and westward to the town of Empire.

I believe this 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. We believe Empire Aggregates LLC has not addressed their full legal requirements for the project nor addressed nearby landowners' valid and obvious concerns for their personal water resources. Therefore, as public servants tasked with defending the state's existing water resource value, I respectfully request that you recommend denial of this project to the Division of Reclamation, Mining, and Safety (DRMS).

Some of my concerns, objections, and the detrimental effects of this proposed gravel pit operation are:

- The amount of water needed to run this type of operation would be astronomical!
- The amount of water that will be needed for this mining operation will likely damage, and most definitely deplete, the local water systems of Bard Creek, Clear Creek, and the ground water.
- The water table on the plateau is very shallow, and this type of operation would contaminate the ground water and natural springs.
- Allocating water to the Douglas Mountain Ranch Mine, in an already over taxed watershed, is inappropriate and wasteful.
- The applicants have not shown that the water they plan to use for the mining operation has been 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. This does not instill confidence in the residents of Clear Creek County 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. The applicants have not submitted either of the requested documents to date.

- 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.
- 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 Stanley 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 amount 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 amount also would not cover additional fines or measures for cleaning up possible water contamination which would do irreparable damage.

The bottom line is the Douglas Mountain Plateau is the only natural, accessible, and undeveloped alluvial plateau in Clear Creek County and harbors tremendous natural water value as is. It is a unique geological feature, unspoiled by development, which supports many wildlife species and therefore, should be protected. The Douglas Mountain Mine development would destroy the only plateau in Clear Creek County!

Our State and County is in need of a positive, eco-friendly, tourism friendly, and wildlife friendly use for this land; that is our future economy and our lives. For the sake of our valuable water resources, please recommend denial of the Douglas Mountain Ranch Mining Project to DRMS by the December 18th, 2018 deadline.

Very Respectfully Submitted,

Kathleen Krebs

484 E. Mountain Ave.

P.O. Box 484

Empire, CO 80438

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cc:

- State Representative KC Becker: kcbecker.house@state.co.us
- State Senator Kevin Grantham: kevin.grantham.senate@state.co.us
- Southern Rockies Landscape Conservation Cooperative, Kevin Johnson, Coordinator, U.S. Fish and Wildlife Service: kevin_m_johnson@fws.gov
- Western Watersheds Project: wyo@westernwatersheds.org
- National Fish & Wildlife Foundation; Seth Gallagher – Manager, Rocky Mountain Regional Programs: Seth.gallagher@nfwf.org
- Colorado State Forest Service (CSFS); Mike Lester - State Forester and Director: Mike.Lester@colostate.edu
- CDA Colorado State Conservation Board, Cindy Lair - State Conservation Program Manager: cda_cscb@state.co.us
- CDA Conservation – Groundwater Protection, Rob Wawrzynski - CDA Groundwater Program Coordinator, Karl Mauch - CDA Groundwater Monitoring Specialist: AgGroundwater@state.co.us
- Colorado State University Extension, Clear Creek County CSU extension office, Christine Crouse: christine.crouse@colostate.edu
- Jefferson Conservation District: jeffersonconservationdistrict@gmail.com
- Colorado Wildlife Federation, Suzanne O'Neill: cwfed@coloradowildlife.org
- Rocky Mountain Angling Club (RMAC): rmangling@gmail.com
- The Colorado Rafting Association (CRA): info@coloradoraftingassociation.com
- Mountain Area Land Trust, Bob Mulentgrat: bob@savetheland.org
- Clear Creek Land Conservancy (CCLC), Claire Riegelman: claire@clearcreeklandconservancy.org
- Clear Creek Watershed Foundation (CCWF), David Holm - Executive Director: info@clearcreekwater.org
- Clear Creek County Planning Department, Adam Springer - Senior Planner: aspringer@co.clear-creek.co.us
- CPW NE Region District Wildlife Manager, Joe Walter: joseph.walter@state.co.us