



Town of Silver Plume
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November 30, 2018

TO: DNR Colorado Division of Water Resources (DWR)
1313 Sherman Street #821, Denver CO 80203
Jason Smith - District & Water Commissioner: jason.smith2@state.co.us
Don 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: cwcbnews@state.co.us
CDPHE Water Quality Control Division (WQCD)
4300 Cherry Creek Drive South, Denver CO 80246
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.us

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: wyoming@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

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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

Department of Reclamation, Mining, and Safety; Peter Hays: peter.hays@state.co.us

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

We write to you in opposition to the proposed Douglas Mountain Ranch Mining Project currently under permit review with the DRMS. We 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, we demand 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 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

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of wildlife and is important for migration corridors, nesting areas, lambing and calving areas, winter habitat, and den sites for many native animals. 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 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 DWR, CWCB, WQCD, WQCC

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finer 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. 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.

Thank you for your careful consideration of this matter on behalf of the Town of Silver Plume Board of Trustees,

Sincerely,

Leonard Berenato, Mayor
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Town Hall Office Hours: Monday thru Thursday 10:00 a.m. to 1:00 p.m. Closed Fridays
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