



Proposed Douglas Mountain Mine Location Is Inappropriate For Clear Creek County

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I am writing in opposition to the proposed Douglas Mountain Ranch Mining Project (DMRM) currently under permit review with your office. We have written letters and sent emails to the Division of Reclamation, Mining, and Safety for several months, after the original DMRM permit application in July 2018, and the amended DMRM permit application in September 2018, to voice our many concerns and urge your office to deny the permit. Our protected wildlife, water quality, air quality, and the health of our residents and visitors would be threatened because the location of the proposed mining project is too close to established wildlife habitats, water sources, and populated areas such as the Easter Seals Rocky Mountain Village Camp and the Town of Empire.

The community has written letters to Colorado Parks and Wildlife (CPW) voicing our concerns about the risks to our wildlife on the Douglas Mountain Plateau, specifically the Georgetown bighorn sheep herd. Ben Kraft, a wildlife biologist with CPW, was recently quoted on a Channel 4 newscast saying CPW's objective was to "wisely manage bighorn habitat and make sure that habitat isn't lost, fragmented, or degraded because of our activities". CPW's 2015 Bighorn Sheep Report specifically mentions Empire Junction (the site of the proposed mine and the Kraft interview) as high-consequence habitat where current road traffic produces the most sheep/vehicle mortality within the entire herd and a restriction point that hinders the herd's ability to genetically intermingle. Elk, deer, moose, black bears, and mountain lions also roam the Douglas Mountain Plateau. Rainbow trout and brown trout swim in the waters of Clear Creek, which is fed by the West Fork of Clear Creek that runs along the edge of the plateau. Bald eagles, golden eagles, peregrine falcons, ospreys, and hawks all soar above the plateau, breeding and nesting on neighboring mountainsides, and hunting and feeding on the plateau. This 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 and heavily wooded 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 the springs and vegetation, not just on the steep mountainsides.

The community has written letters to the Colorado water agencies: Division of Water Resources, Water Conservation Board, Water Quality Control Division, and Water Quality Control Commission, voicing our concerns about the risks to the Upper Clear Creek Watershed and the West Fork of Clear Creek, 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. 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." 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.

The community has written letters to the Air Pollution Control Division, voicing our concerns over silica dust produced from gravel mining and vehicle emissions from over 300 diesel trucks per day polluting our air and the respiratory risks to The Easter Seals Rocky Mountain Village Camp, the residents of the Town of Empire, and the surrounding residents in Clear Creek County. Easter Seals Rocky Mountain Village was established in 1951 and is directly across the highway from this proposed mine, east and downwind of the Douglas Mountain Plateau. The dust and other pollutants would negatively affect the 1200+ campers with special needs that attend this camp every year to enjoy the Rocky Mountains and the clean fresh air. The proposed mine would jeopardize the health and wellbeing of this sensitive population because many of these individuals deal with respiratory issues and as a result, the Easter Seals Rocky Mountain Village could potentially close. Also, the Town of Empire is .5 miles to the west of the proposed mine and has concerns about air quality, especially during upslope weather systems when the wind blows from east to west, inevitably carrying pollutants directly into town. With windy conditions year-round and the proximity of the proposed mine to populated areas, we can be certain that dust will make its way into our homes, businesses, and recreation areas, risking the respiratory health of our residents, visitors, and wildlife. According to the EPA, silica dust particles present a health risk because they are small enough to get into the deepest parts of the lungs, where the air passes into the bloodstream through the alveoli. The impacts to the residents and visitors to Clear Creek County will be widespread.

Colorado Parks and Wildlife have advised that stripping topsoil on the plateau can only occur July to November so as not to disturb wildlife during important lambing, calving, and wintering periods. Four of those five months have typical wind speed approaching 50 mph across the proposed mining area, therefore, topsoil must be stripped while the wind could be blowing 50 mph. Obscuring the view and constructing berms that are several feet high will not deter the well documented high winds from lifting small dust particles in the air. Windblown dust will have a significant impact on wildlife, Easter Seals, Empire, and Clear Creek County residents many miles beyond on the I-70 Mountain Corridor. The application does not even address additional vehicle noise from hauling operations that can run 24 hours a day, 7 days a week. It also does not address the increase in vehicle emissions from over 300 large diesel trucks per day driving on I-70, Hwy 40, and Hwy 6. Even more concerning to the residents in the immediate area, especially the Easter Seal Camp directly across the road from the entrance to the mining project, are the number of trucks that will be lined up and idling every morning on Empire Junction, waiting for the mine to open, and waiting for their trucks to be loaded, filling the air with truck exhaust.

In addition to the Colorado agencies responsible for evaluating the environmental risks of the DMRM permit application, we have also sent copies of these same letters to our State Representative KC Becker, State Senator Kevin Grantham, Governor Elect Jared Polis, and several other agencies and organizations to implore them to oppose the mine. The Douglas Mountain Plateau is the only natural, accessible, and undeveloped alluvial plateau in Clear Creek County. It is a unique geological feature, unspoiled by development, which supports many wildlife species and therefore, should be protected. For the sake of this valuable natural resource, for the ongoing protection of our wildlife, for the safeguarding of our precious water resources, for the preservation of the clean mountain air that we all breathe, and for the health of the Easter Seals Rocky Mountain Village campers and the residents of the Town of Empire, please deny the Douglas Mountain Ranch Mining Project.

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