

15 January 2026

From: NEPCO Board of Directors

To: El Paso County Board of County Commissioners

Dear Commissioners:

We are sending this letter ahead of a potential Buc-ee's development submission to El Paso County. This development represents a critical decision for Northern El Paso County residents with irreversible consequences for our shared water resources, infrastructure capacity, and community character. The Board of County Commissioners must fully consider the depth of community opposition, water law constraints, quality of life and environmental concerns.

The Northern El Paso County Coalition (NEPCO) represents homeowners' associations throughout northern El Paso County and thousands of households dependent on Denver Basin aquifers. We anticipate the Palmer Lake Board of Trustees will deny annexation of the land intended for the proposed Buc-ee's travel center at County Line Road and Interstate 25, a decision the impending community vote is expected to confirm. In light of this expected outcome and consequential impacts, NEPCO formally requests that the Board of County Commissioners mandate a comprehensive legislative review with full public review and input and uphold El Paso County water adequacy requirements for any future development proposals for this land.

#### **"FAILURE TO MEET 300-YEAR WATER REQUIREMENT**

Since 1986, El Paso County has required developers to prove a 300-year water supply—three times Colorado's 100-year standard. This policy protects residents from Denver Basin aquifer depletion.

The proposed Buc-ee's requires approximately 37,300 gallons daily (based on comparable Texas locations). El Paso County Assessor records indicate the property does not have the necessary water rights to meet the 300-year supply required by C.R.S. § 30-28-133(6)(a), which is why Buc-ee's attempted Palmer Lake annexation to avoid El Paso County's rigorous standards. The County cannot approve this development on promises or future commitments. A 300-year supply requires documented, decreed, legally enforceable water rights at the time of application submission.

#### **MANDATORY WATER COURT PROCEEDINGS NOT COMPLETED**

The volume of water needed constitutes a non-exempt well. Non-exempt commercial wells in the Denver Basin require:

- Water court decree establishing an augmentation plan. (C.R.S. § 37-90-137(4))
- Quantified proof of adequate groundwater availability.
- Replacement of stream depletions (minimum 4% of pumping).
- State Engineer approval and final court decree.

This process requires 18-36 months minimum and faces near-certain objections from existing water users claiming material injury.

**No water court decree exists for this property, no augmentation plan has been approved, and no State Engineer well permit has been issued.**

## **WATER SUSTAINABILITY AND COMMUNITY IMPACTS**

The Denver Basin is non-renewable. Every gallon pumped today is unavailable to future generations. The U.S. Geological Survey warns that Denver Basin aquifers show declining water levels and reduced storage capacity, with economic exhaustion possible within decades rather than centuries (Paschke, 2004). Recent studies by the American Water Resources Association confirm accelerating depletion rates as development pressure increases (Ruybal et al., 2019). Approving large commercial withdrawals sets precedent for future developments that could accelerate aquifer depletion and collapse. Additional impacts include:

- 7,000-20,000 vehicles daily overwhelming rural roads, Monument Hill, I-25 On/Off Ramps, and associated winter weather risks.
- 30 Acres of concrete, 74,000 square feet, 120 gas pumps, 24/7/365 operations.
- Conflict with adjacent 22,000-acre Greenland Ranch conservation area and wildlife crossing.
- Light pollution and air quality degradation.

## **THE PALMER LAKE ANNEXATION ATTEMPT**

Buc-ee's already attempted to circumvent El Paso County requirements through Palmer Lake annexation. That effort faces imminent collapse amid overwhelming community opposition (2,000+ petition signatures), mayor resignation, trustee recalls, multiple lawsuits, and voter rejection. The Palmer Lake community has spoken: this development is inappropriate for our region.

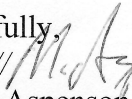
## **REQUESTED ACTION**

We respectfully but urgently request the Board:

- 1. Reaffirm the 300-year water sufficiency standard as non-negotiable.**
- 2. Require final, decreed water rights with State Engineer-approved augmentation plan before any application proceeds.**
- 3. Require full legislative review with early public notification and input, and Mandate Planning Commission and Board public hearings rather than administrative staff approval.**
- 4. Protect Denver Basin aquifers for all by not setting a precedent with this inappropriate commercial exploitation.**

## **CONCLUSION**

El Paso County's 300-year requirement exists precisely for this situation: preventing developments that cannot demonstrate sustainable water supply. Our groundwater belongs to all residents, current and future. Once depleted, it cannot be recovered. The Board of County Commissioners has both legal authority, citizen and moral obligation to protect our precious water resources by rejecting this development.

Respectfully,  
//signed//   
Michael Aspenson  
President, NEPCO

Cc: Mayor, Town of Monument  
Mayor, Town of Palmer Lake

## REFERENCES

### Statutes:

- Colo. Rev. Stat. § 37-90-137(4) (augmentation plan requirements)
- Colo. Rev. Stat. § 30-28-133 (water sufficiency)

### Government Publications and Websites:

- Colorado Division of Water Resources, Denver Basin Overview, <https://dwr.colorado.gov> (last visited Dec. 22, 2025)
- Colorado Division of Water Resources, Augmentation Plans, <https://dwr.colorado.gov> (last visited Dec. 22, 2025)
- Colorado State University Extension, Fact Sheet 6.700 (Apr. 2023)
- El Paso County Planning & Community Development, Legislative vs. Quasi-Judicial Decisions
- Water Division 1 Monthly Resumes (2025), Colorado Judicial Branch

### Educational and Organizational Resources:


- Water Colorado, Questions on Augmentation Plans
- Southern Colorado Water Conservancy District, Augmentation Plan

### Reports and Studies:

- Suzanne S. Paschke, U.S. Geological Survey, [Full Title of 2004 Study] (2004)
- Christopher J. Ruybal et al., [Full Title], American Water Resources Association (2019)

### Local Government Documents:

- Palmer Lake Water Impact Report (May 2025)
- **News Articles:** What Colorado Communities Can Learn from the Buc-ee's Saga, Colorado Newsline (Sept. 30, 2025)

Respectfully,  
  
Michael Aschmann  
President, NEPCO