



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

June 23, 2020

J Curtis Marvel  
Brannan Sand and Gravel Company, LLC  
2500 E. Brannan Way  
Denver, CO 80229

**RE: Adequacy Review, Technical Revision #1 (TR-01), Trout Valley Ranch, Permit File No. M-2016-080**

Dear Mr. Marvel,

On May 27, 2020, Request for Technical Revision TR-01 was filed with the Division addressing changes to the Trout Valley Ranch, Permit No. M-2016-080. Please be advised that on June 26, 2020, the application for TR-01 may be deemed inadequate and denied unless the following adequacy items are addressed to the Division's satisfaction. If more time is needed to respond to these adequacy issues, the Operator may request additional time. Please respond to these adequacy issues with a letter summarizing each response, to the numbered items below, in a cover letter titled "Adequacy Review Response TR-01; M-2016-080".

1. TR-01 referenced correspondence from Division of Water Resources (DWR) Division 1 Water Commissioner Garver Brown and the currently approved Substitute Water Supply Plan (SWSP) had been attached with the TR-01 submittal. These documents were not included within TR-01. Please submit these documents. Please note, the Division has a copy of the October 29, 2019 SWSP within the permit file, but was not certain if this was the most current approval.
2. Please provide the maximum depth of expanded recirculation pond and specify how deep the pond will be excavated into the water table.
3. Within the October 29, 2019 SWSP, the fresh water pond is clearly identified as a groundwater pond but the recirculation pond is not specified. The original DRMS permit application stated that the recirculation pond would be constructed above the groundwater table. As TR-01 is now proposing this pond to be excavated into the groundwater table, please submit clarification from DWR that the currently approved SWSP covers the excavation of the recirculation pond down into groundwater or commit to obtaining a revised approval from DWR.
4. TR-01 states the Operator has water rights which allow for water exposure within and outside the affected area boundary. Understanding there are several ponds exposed just east of the permit boundary, please provide the acreage of the total maximum water exposure within the permit boundary allowed under the current decree.
5. The original permit discussed sediment fines from the wash plant would be mucked out of the recirculation pond and stockpiled for use as a substitute for topsoil during reclamation. Please address where the required amount of growth media will now come from as TR-01 is proposing to excavate the recirculation pond deep enough that buildup of sediment within the pond over time will not necessitate clean out and once filled in with sediment, a new excavation will be needed to maintain the capacity of the recirculation pond.



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6. The maps submitted with TR-01 do not include the correct approved permit boundary. Please resubmit these maps and include the “50’ Access Corridor” (approximately 350 feet south of the intersection of CO Hwy 9 and US Hwy 285) as shown on the approved Mining and Reclamation Plan Maps from March 6, 2017.

This concludes the Division’s adequacy review of TR-01. Subsequent to receipt and review of the Operator’s response to these items, the Division may identify additional items. As a reminder, please be advised TR-01 may be deemed inadequate, and the request may be denied on June 26, 2020, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant’s right to a decision by June 26, 2020, and the request for additional time. This must be received no later than the deadline date.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

ec: Jason Musick with DRMS, [jason.musick@state.co.us](mailto:jason.musick@state.co.us)  
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