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July 27, 2020

Colorado Division of Reclamation, Mining, and Safety
1313 Sherman St, Rm 215
Denver, CO 80203

Trout Valley Ranch M-2016-080 – Technical Revision 01 Adequacy Review Response

Mr. Elliott Russell

Brannan Sand and Gravel Company, LLC, submits the following responses to your adequacy review of the Technical Revision 01 application.

Item 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.

The referenced correspondence from Division of Water Resources (DWR) Division 1 Water Commissioner Garver Brown and the currently approved Substitute Water Supply Plan (SWMP) were supplied to your office via email on June 23, 2020.

Item 2:

Please provide the maximum depth of expanded recirculation pond and specify how deep the pond will be excavated into the water table.

The recirculation pond is expected to have a maximum depth of 30-50 feet, with 15-20' of that being below the water table.

Item 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.

The current approved SWSP covers *all* exposed water surface on the property containing the Trout Valley Ranch operation. The recirculation pond, freshwater pond, and any other exposed water surfaces at the mine will have to be maintained in line with the SWSP.

Currently, the recirculation pond is still above groundwater, and this is reflected in the approved SWSP. Brannan will amend the SWSP (it is up for renewal in October 2020) in advance of excavation into groundwater as required by CDWR.

Item 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.

The current decree allows for a total water exposure of 40 acres across the property and is not limited by the permit boundary. At the time of the decree, 3.8 acres of water exposure was available for the operation beyond what was already exposed, as 36.2 acres of water exposure already existed on the property. Roughly 24 acres of water exposure are outside of the permit area currently. Brannan will maintain accounting of the water surface exposure to maintain compliance with their SWSP.

Item 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.

The wash plant muck and other fines will be used to backfill the recirculation pond to above the water table. This process will leave a backfilled ground surface made of the same substitute topsoil material (sediment fines) as already listed in the approved permit.¹ In dredge areas, this final substitute topsoil material surface will be directly revegetated. In non-dredge & non-lake

¹ Trout Valley Ranch DRMS permit page E-1: "Processing fines will be used as substitute topsoil in the dredge pile areas."

areas (85 acres in the worst case scenario²), topsoil will be placed atop this substitute topsoil surface as in the currently approved permit. No topsoil import will be needed.

Item 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.

The TR 01 maps have been revised to accurately reflect the Access Corridor.

Please contact me if you have any further questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Langenfeld", with a stylized flourish at the end.

Ben Langenfeld, P.E.
Greg Lewicki and Associates

² Trout Valley Ranch DRMS Permit Exhibit L



M-2016-080 Trout Valley Ranch Technical Revision Adequacy Response

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Cc: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

Mon, Jul 27, 2020 at 2:54 PM

Please see the attached letter.

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