



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

December 10, 2021

Gary Linden, P.E.  
Civil Resources, LLC.  
8308 Colorado Blvd., Suite 200  
Firestone, CO 80504

**Re: Adequacy Review No.2, 112c Construction Materials Amendment Application (AM-2)  
Tucson South Resource, Permit No. M-2004-044**

Mr. Linden:

On September 27, 2021, the Division of Reclamation, Mining and Safety (Division) deemed the above referenced application complete for the purposes of filing. Pursuant to Rule 1.4 the 90-day decision date for the application was set for December 27, 2021.

On December 2, 2021 the Operator responded to the Division's Preliminary Adequacy Review dated November 17, 2021. After review of the responses the Division has additional items that need to be addressed or clarified.

The following items will need to be addressed to the Division's satisfaction prior to the decision date. If you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division may deny this application. Subsequent to receipt and review of the Applicant/Operator's response to these items the Division may identify additional adequacy items. Please respond to this Adequacy Review No. 2 with the requested additional/updated information on permit replacement pages and summarize each response in a cover letter titled "Adequacy Response No. 2; M-2004-044".

**EXHIBIT D – Mining Plan (Rule 6.4.4):**

1. Please clarify what would the total area of the Affect Area be with the approval of this amendment.
2. The table, D-8, depicting the point in time when mining disturbance would be at its maximum, please insert the sub-total acreage values that sum to 88.2 acres.



**EXHIBIT L – Reclamation Costs (Rule 6.4.12):**

3. The Division is currently reviewing the Reclamation Cost estimate for the site and will inform the applicant of any additional items.

**EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):**

4. On December 8, 2021 the applicant supplied the completed Challenger Reservoir Stability Analysis which included all attachments. Please provide a justification for using a surcharge value of 3,000 psf and if needed please redo the analysis using an updated surcharge value.
5. The applicant has attempted to get structure agreements from all structure owners within 200 feet of the affected land boundary along the conveyor belt corridor north of 168<sup>th</sup> Ave. However, ten agreements were not signed and returned. Please perform an engineering evaluation for the conveyor corridor pursuant to Rule 6.4.19(b).
6. The applicant attempted to get a signed structure agreement from Cristofer Muhler (Map C-2 structure B-51). Please perform an engineering evaluation for the structure pursuant to Rule 6.4.19(b).
7. The Division acknowledges the operator will have to perform a saturated stability analysis for the Tucson Street embankment as part of a commitment to Adams County. However, the stability of Tucson Street is jurisdictional as it is a structure within 200 feet of the affected land boundary. Please complete a stability analysis along Tucson Street embankment for at least one cross-section under a saturated slope (high pore water pressure)/rapid reservoir drawdown conditions to verify that the proposed slopes below Tucson Street will be stable under all conditions. Please provide the stability analysis data to allow the Division to duplicate the analysis with Clover Technology's Galena software for verification purposes if needed.

**Other:**

8. Pursuant to Rule 1.6.2(2), please demonstrate that the applicant's response to these adequacy issues and the Preliminary Adequacy issues have been placed with the application materials previously placed with the County Clerk or Records Office, and made available for public review

Please respond to these adequacy issues before the decision deadline. The decision deadline on this application is December 27, 2021. If additional time is required to respond to these adequacy issues please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

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 x8114**, or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg". The signature is fluid and cursive, with the first name "Patrick" and the last name "Lennberg" clearly distinguishable.

Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert; Division of Reclamation, Mining & Safety

ec: Gary Linden, P.E., Civil Resources, LLC., [gary@civilresources.com](mailto:gary@civilresources.com)