



January 18, 2022

Kyle Regan  
Civil Resources, LLC  
8308 Colorado Blvd. Suite 200  
Firestone, CO 80504

**Re: Red Tierra Equities, L.L.C., Section 20 Gravel Mine, File No. M-2022-001, Incomplete Submittal of 112 Construction Materials Reclamation Permit Application Package**

Mr. Regan:

On January 3, 2022, the Division of Reclamation, Mining and Safety (Division/DRMS/Office) received the 112 Construction Materials Reclamation Permit Application package from Red Tierra Equities, L.L.C. for the Section 20 Gravel Mine, File No. M-2022-001. Preliminary review of the information received determined the following additional information must be received before the Division can consider the application as being submitted and technical review can begin:

**Application Form**

1. On Page 1, Items 3, 3.1 and 3.2 of the application form, the Applicant indicated the permitted acres, change in acreage and the total acreage in the permit area as 630.15 acres. The Applicant submitted a new permit application, therefore there is not a change in permitted acreage. Please revise Items 3 and 3.2 to indicate the total proposed acreage of 630.15 acres and do not enter a value for Item 3.1.
2. On Page 1, Item 5.1 of the application form, the Applicant indicated the incidental commodity to be mined as gold. The Applicant failed to provide the lbs/tons/yr value for the incidental commodity on Item 5.1 of the application form. Please provide the anticipated yearly production rate for the incidental commodity on the application form.
3. The Division requires the application form list the exact company name registered with the Colorado Secretary of State office, "Red Tierra Equities, L.L.C.". On Page 1, Item #1 of the application form, the Applicant lists the company name as "Red Tierra Equities, LLC". Please revise the company name on Item #1 of the application form to indicate "Red Tierra Equities, L.L.C.". A copy of the Colorado Secretary of State summary page is attached for reference.
4. The Division requires the application form list the exact company name registered with the Colorado Secretary of State office, "Red Tierra Equities, L.L.C.". On Page 2, Item #6 of the application form, the Applicant lists the name of the owner of subsurface rights of the affected



land as "Red Tierra Equities, LLC". Please revise the name of the owner of subsurface rights of the affected land on Item #6 of the application form to indicate "Red Tierra Equities, L.L.C.".

5. The Division requires the application form list the exact company name registered with the Colorado Secretary of State office, "Red Tierra Equities, L.L.C.". On Page 3, Item #11 of the application form, the Applicant lists the company name for the Applicant/Operator and Inspection Contact as "Red Tierra Equities, LLC". Please revise the Applicant/Operator and Inspection Contact sections on Item #11 of the application form to indicate "Red Tierra Equities, L.L.C.".
6. On Pages 5 and 6 of the application form, the Applicant failed to initial each of the requirements in the "Responsibilities as a Permittee" section of the application form. Please submit an original copy of the application form with the Responsibilities as a Permittee section completed by the Applicant.
7. On Page 8 of the application form, the Applicant failed to complete the signed and dated section of the application form. Please submit an original copy of the application form with the signed and dated section completed by the Applicant.
8. On Page 8 of the application form, the Applicant failed to complete the Applicant/Operator or Company Name section of the application form. Please submit an original copy of the application form with the Applicant/Operator or Company Name section completed by the Applicant indicating "Red Tierra Equities, L.L.C.".
9. On Page 1, Item #1.1 of the application form, the Applicant indicated the type of organization as a Limited Liability Corporation (LLC). Please provide the corporation seal on Page 8 of the application form, if the corporation does not have a seal please indicate "no seal".
10. The Division requires the application form list the exact company name registered with the Colorado Secretary of State office, "Red Tierra Equities, L.L.C.". On Page 8 of the application form, the Applicant lists the company name in the notary section of the application form as "Red Tierra Equities". Please revise the company name in the notary section of the application form to indicate "Red Tierra Equities, L.L.C.".

#### **1.6.2 - Notice Signs**

11. The Applicant failed to provide a copy of the notice sign affidavit with the application form pursuant to Rule 1.6.2(1)(b). Please provide a completed copy of the affidavit certifying the required notice signs were posted at the site.

Additionally, due to the size of the proposed permit boundary, the Division will require the Applicant to post multiple signs to clearly identify the site. The Division recommends posting one (1) notice sign at the intersections of and every quarter mile along Weld County Roads 42, 29, 44 and Colorado Highway 60 of the proposed permit boundary. Please provide a map indicating the approximate locations of the notice signs with the affidavit.

**6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder**

13. Please provide an affidavit or receipt indicating the date on which the revised application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

The application will not be considered submitted until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. This notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date your application is considered submitted. We will notify you when you should initiate republication of your notice. The final date for receiving comments is the twentieth (20<sup>th</sup>) day after the fourth publication or the next regular business day.

You have sixty (60) days from the date of this letter to submit all necessary documents the Office needs for the application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file.

**The response due date is March 19, 2022.**

This letter shall not be construed to mean there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

Sincerely,



Peter S. Hays  
Environmental Protection Specialist

Enclosure – Secretary of State Summary Page

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