



July 11, 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,
112c Permit Application Second Adequacy Review**

Mr. Regan,

The Division of Reclamation, Mining and Safety (Division/DRMS/Office) reviewed the contents of the Red Tierra Equities, L.L.C. 112c permit application adequacy response dated June 3, 2022 for the Section 20 Gravel Mine, File No. M-2022-001 and submits the following comments. The Division is required to issue a recommendation no later than August 18, 2022, therefore a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The review consisted of comparing the application contents with the specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials effective date July 15, 2019. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

Comments

1. The Applicant's response is adequate.

1.6 Public Notice

2. The Applicant's response is adequate.
3. Pursuant to Rule 1.6.2(e), please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land including all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.

Please provide proof of notice to the owners of record of the surface and mineral rights of the affected land as indicated in Exhibit O.

- a. CAW Equities, L.L.C.
- b. Red Tierra Equities, L.L.C.



The Applicant provided proof of notice on March 25, 2022. The Division's questions regarding the notices are discussed under Exhibit S below.

The Applicant's response states proof of notice was discussed under Exhibit S. The Division did not receive a revised Exhibit S with the adequacy response. Please provide a revised copy of Exhibit S.

Application Form

4. The Applicant's response is adequate.

6.4 Specific Exhibit Requirements - Regular 112 Operations

The following items must be addressed by the Applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

6.4.1 Exhibit A - Legal Description

5. The Applicant provided a revised Exhibit A on March 25, 2022 to include the acreage values for the northern parcels for the proposed site. The total acreage value for the four (4) parcels equaled 631.58 acres. The Applicant indicated the total acreage in the permit area as 630.15 on Page 1, Item #3 on the application form. Please explain this discrepancy and revise the application form and/or Exhibits A and C accordingly.

The Applicant's response states the application acreage was updated to 631.58. On Exhibit D-1, section (a), the permit acreage is listed as 6631.58. Please revised the exhibit to indicate 631.58 acres.

6.4.3 Exhibit C - Pre-Mining and Mining Plan Maps of Affected Land

6. Rule 6.2.1(2)(b) requires maps be signed by a registered land surveyor, professional engineer, or other qualified person. Please submit signed copies of the Exhibit C maps.

The Applicant's response states the maps were signed by a Professional Geologist. The Division did not receive a signed copy of the Exhibit C-2 map. Please submit a signed copy of the map.

7. The Applicant's response is adequate.

6.4.4 Exhibit D - Mining Plan

8. On Page 1 of Exhibit D, the Applicant states the site encompasses 630.9 acres. The Applicant indicated the total acreage in the permit area as 630.15 on Page 1, Item #3 on the application form. Please explain this discrepancy and revise the application form or Exhibit D accordingly.

Please see Item #5 above.

6.4.5 Exhibit E - Reclamation Plan

9. The Applicant's response is adequate.

10. On Page 2 of Exhibit E, the Applicant states the reclaimed slopes in the water storage reservoir will not be steeper than a 3:1 ratio and will be reclaimed at a 4:1 ratio for the slurry wall lined cells mined at 1.5:1. Please explain the earthmoving processes to backfill and compact the slopes mined at the 1.5:1 slope to the reclaimed 4:1 slope.

The Applicant's response is adequate. The Division requests the Applicant revises the Exhibit E text with the language from the adequacy response.

11. The Applicant's response is adequate.

6.4.5 Exhibit F - Reclamation Plan Map

12. The Applicant's response is adequate.

13. The Applicant's response is adequate.

6.4.6 Exhibit G - Water Information

14. On Page 1 of Exhibit G, the Applicant states stormwater collected in the active mine area will be managed through the dewatering system. Please provide a description of the design and operation of the dewatering system for the proposed mine site.

The Applicant's response is adequate. The Division requests the Applicant revises the Exhibit G text with the language from the adequacy response.

15. The Applicant stated in the requested documents submittal received on March 25, 2022 they would provide a groundwater mounding and shadow model to forecast the groundwater conditions after slurry wall construction. Please provide a copy of the report when available for the Division's review.

The Applicant's response states the Applicant will complete the groundwater model and provide the results for review by the Division prior to any slurry wall construction. The Division will require the groundwater model prior to approval of the application, since the one (1) juridical item submitted by the Objector was the potential for disturbances to the prevailing hydrologic balance of the surrounding area and to the quantity or quality of water in the groundwater system.

16. The Applicant's response is adequate.

6.4.12 Exhibit L - Reclamation Costs

17. The Applicant's response is adequate.

6.4.13 Exhibit M - Other Permit and Licenses

18. The Applicant's response is adequate.

6.4.16 Exhibit P - Municipalities Within Two Miles

19. The Applicant's response is adequate.

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

20. 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 Subparagraph 1.6.2(1)(c).

6.4.19 Exhibit S - Permanent Man-made Structures

Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structures, the Applicant may either:

- a. provide a notarized agreement between the Applicant and the person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

The Division will require the Applicant to demonstrate they attempted to obtain notarized structure agreements with all owners of the structures within 200 feet of the affected area of the proposed mine site, pursuant to Rule 6.4.19, prior to the Division's consideration of a stability analysis.

21. The Applicant's response is adequate.

22. The Applicant's response is adequate.

23. The Applicant's response is adequate.

24. The Division received tracking information from the Applicant as proof of mailing a structure agreement to Xcel Energy. Please update the table on the Exhibit C-3 map to indicate Xcel Energy.

The Applicant's response states Exhibit C-3 was updated to show all of the Xcel Energy overhead electric lines. Please update the table on the Exhibit C-3 map to indicate Xcel Energy.

25. The Applicant's response is adequate.

6.5 Geotechnical Stability Exhibit

26. The Applicant's response is adequate.

27. The Applicant's response is adequate.

28. Please update the Exhibit C - Mining Plan Maps to indicate the required offsets from the gas lines and the slurry wall from the stability analysis results.

The Applicant's response states Exhibit C-7 includes the three typical cross-sections and the offsets from the slurry walls and gas lines.

The stability analysis for Section 2 states, "This section considers a 50-foot tall highwall at a point where the mine limit is 30 feet from the slurry wall. The nearest structure is a gas line located 20 deep beyond the slurry wall (total distance 50 feet from the highwall)."

The B Section – Cell 5S (Section 2) indicates a future gas line located 40.6 feet from the slurry wall and an existing gas line located 47.6 feet from the slurry wall. Please explain this discrepancy and update the stability analysis or Exhibit C-7 accordingly.

Additional, please review the Structure Setback From Mine Limit for Section 2 indicated on Table 1 of the stability analysis.

Please be advised the Section 20 Gravel Mine application may be deemed inadequate, and the application may be denied on August 18, 2022, 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 August 18, 2022 and request for additional time. This must be received no later than the decision date.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

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