



September 9, 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 Third Adequacy Review**

Mr. Regan,

The Division of Reclamation, Mining and Safety (Division/DRMS/Office) reviewed the content of the Red Tierra Equities, L.L.C. 112c permit application second adequacy response received on August 25, 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 September 22, 2022, therefore a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

1.6 Public Notice

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.

6.4.1 Exhibit A - Legal Description

5. The Applicant's response is adequate.

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

6. The signed copy of the Exhibit C-2 map omitted several parcel identifications indicated on the previous map in the southeast corner of the site including;



- Parcel 105729100002, Owner Strear Farms CO
- Parcel 105729000025, Owner Boney MacGillivray LLC.

Portions of both parcels appear to be within 200 feet of the proposed affected boundary. Please review the omitted parcel information from the previous map and revise the Exhibit C-2 map accordingly.

Parcel 105721300026 is listed being owned by Leighton Wyscaver on the Exhibit C-2 map. Based on the Exhibit C-3 map, the owner of the parcel is Neil Shimon. Please review the Exhibit C-2 map and revise the map accordingly.

Please update the Exhibit C-2 map to include the following noticed property owners:

- Donald and Bonnie Deibel
- Mack WCR 43 LLC
- Zabka Farms

6.4.4 Exhibit D - Mining Plan

8. The Applicant's response is adequate.

6.4.5 Exhibit E - Reclamation Plan

10. The Applicant's response is adequate.

6.4.6 Exhibit G - Water Information

14. The Applicant's response is adequate.

15. The Gilcrest Area Alluvial Groundwater Model dated August, 2022 is under review by Division staff. Any adequacy concerns related to the report will be sent under separate cover.

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

24. The Applicant's response is adequate.

6.5 Geotechnical Stability Exhibit

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

29. On the Exhibit C-7 - Slope Stability Sections map, cross-section B is labeled as Section - Cell 5S. Based on the Exhibit C-7 map, cross-section B should be labeled Section - Cell 6. Please review the Exhibit C-7 map and revise the map accordingly.

6.4.6 Exhibit G - Water Information (New)

30. On Page G-5, the Applicant states to establish pre-mining groundwater quality for the site the permittee will sample MW-2 on the downgradient side of the site prior to mining. Please commit to sampling an upgradient groundwater well prior to mining to establish pre-mining groundwater quality for the site. Please identify the upgradient well to be sampled and update Exhibit G accordingly.

Please be advised the Section 20 Gravel Mine application may be deemed inadequate, and the application may be denied on September 22, 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 September 22, 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