



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

November 3, 2022

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

**Re: Adequacy Review No.5, New Permit Application, Section 20 Gravel Mine,  
Permit No. M-2022-001**

Mr. Regan:

On October 27, 2022 the Applicant, Red Tierra Equities L.L.C., responded to the Division's Adequacy Reviews No. 3 and 4 dated September 9 and 12, 2022, respectively. After review of the responses, the Division has additional items that need to be addressed or clarified by the Applicant.

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.

**Exhibit C - Pre-Mining and Mining Plan Maps (Rule 6.4.3):**

1. Please update the Exhibit C maps to show the underdrains and other potential groundwater mounding/shadow mitigation structures discussed in the Groundwater Model.

**Exhibit D - Mining Plan (Rule 6.4.4):**

2. Please update the Mining Plan according to item 8 below.

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

3. 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).

**Exhibit N - Source of Legal Right to Enter (Rule 6.4.14)**

4. The Applicant is proposing to install a solid discharge pipe through the Monarch DENM site during Phase 2 of the proposed groundwater mitigation plan. Please provide documentation of the legal right to enter to conduct mining and reclamation, for Owners of Record described in Rule



1.6.2(1)(e)(i). This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

Please note the inclusion of additional affected lands as defined by Rule 1.1(3) would require the Applicant to submit an amendment to the application pursuant to Rule 1.8.1.

**Groundwater Model:**

5. As noted on the memorandum cover page, a second underdrain is required to mitigate mounding on the west side of the Section 20 site and will require coordination with Monarch DENM ownership group. If the applicant is unable to get approval from the Monarch ownership an alternate pipeline alignment needs to be proposed.
6. Please note on page 8, first paragraph, the Sharp house/property spelling is not consistent with Table 3, Table 3A, Table 6 and Figure 6A. Please review the spelling and update the groundwater model text and figures and the Exhibit C maps as required.
7. On page 8, second paragraph, the Applicant states there are three (3) wells located on the north side of the site that will be in the groundwater shadow. In Exhibit G, the Applicant states there are seven (7) wells located north of the site. What are the groundwater shadow effects on the other four (4) wells located to the north of the site?
8. In Section 6.3, first paragraph, the Applicant states the mitigation actions discussed later are “potential” options. The Division expects these mitigation actions to become part of the approved permit and will need to be installed to minimize impacts to hydrologic balance. Therefore, the Applicant needs to commit to installing the mitigation actions and update the Mining Plan (Exhibit D – 6.4.4) to discuss timing and installation of underdrains and/or pumping wells, and address the possible need to install infiltration pond(s) or infiltration gallery along the north side of permit boundary.
9. Please provide a summary table of monitoring well levels that if exceeded will initiate mitigation efforts. Please note if mitigation actions are planned what the timing of installation is anticipated to be.
10. Section 6.3.1, Phase 1 Mitigation, please clarify where the groundwater removed from the southeastern corner will be conveyed to. It appears from Figure 9 the water will be discharged to a 5 foot diameter manhole but from there what happens to the groundwater?
11. Section 6.3.3, Mitigation with Recharge, the Applicant states mitigation efforts will not be initiated until a complaint is received. Mitigation efforts include the installation of an infiltration pond and/or gallery to recharge groundwater. These efforts may take a long enough time to take effect that the

complainant will be without sufficient water for an unacceptable amount of time. Please propose a near term mitigation solution until the long-term mitigation proposed can take full effect.

12. All mitigation underdrains, pumps and associated infrastructure appear to overlap the proposed locations of various gas pipelines. Please explain how the timing of installation will be effected and what the possible impacts of one on the other are.
13. Conclusions, the first bullet indicates the quantity of water to be pumped to the river at full build out will be 6.5 cubic feet per day or about 49 gallons per day, this volume appears to be incorrect. Please update value.

Please respond to these adequacy issues before the decision deadline. The decision deadline on this application is November 17, 2022. 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,



Patrick Lennberg  
Environmental Protection Specialist

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