



November 20, 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 Sixth 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 fifth adequacy response received on November 7, 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 December 15, 2022, therefore a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

**Exhibit C - Pre-Mining and Mining Plan Maps - Rule 6.4.3**

1. In response to Item #1, the Applicant stated a recharge pond will be utilized to mitigate the groundwater shadow effect and to receive water from the underdrains and or dewatering wells.
  - a. Please provide an Operations and Maintenance (O&M) plan for the recharge pond to prevent siltation of the pond.
  - b. Please provide a demonstration the recharge pond is sized appropriately to receive and dissipate the anticipated 6.5 CFS inflow at final build out of the mitigation system.
  - c. Please provide a cross-section(s) of the recharge pond and update the Exhibit C-5 accordingly.

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

2. 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).

**Groundwater Model**

3. In response to Item #5, the Applicant stated the option to run the proposed pipeline from south to north along the midsection line to the infiltration pond located north of the site to keep the infrastructure on Section 20 is discussed in the Recharge Option in the Groundwater



Model Report. The copy of the Groundwater Model report received by the Division on November 7, 2022 was the same report received on October 27, 2022. Please provide a revised copy of the groundwater model report incorporating the statements and commitments made by the Applicant in the adequacy review 5 response letter.

4. In response to Item #9, the Applicant stated if the miner receives a complaint from any well owner within 600 feet of the site boundary, then the miner will evaluate the cause and take action within 7 days and notify the DRMS. Please commit to investigate all groundwater impact complaints received by the Operator or the Division. Please update the groundwater model report, Exhibit D - Mining Plan and Exhibit G - Water Information and any other applicable exhibits accordingly.
5. Please provide the groundwater model outputs (head contour maps similar to Figures 9 and 10) demonstrating the proposed mitigation measures utilizing the recharge pond will mitigate the expected groundwater impacts at final build out of the site.

Please be advised the Section 20 Gravel Mine application may be deemed inadequate, and the application may be denied on December 15, 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 December 15, 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](mailto: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  
Patrick Lennberg, Division of Reclamation, Mining & Safety  
Kyle Regan, Civil Resources, LLC., [kyle@civilresources.com](mailto:kyle@civilresources.com)