



December 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,
112c Permit Application Seventh 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 sixth adequacy response received on December 9, 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 January 26, 2023, therefore a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

Groundwater Model

1. In response to Item #3, the Applicant stated the Groundwater Model Report has been updated to directly address the infiltration pond model run. The recommendations from the groundwater model have not changed. Red Tierra has committed to installing the infiltration pond by including it in the exhibits and it will be included in the bonding calculation.

The Division considers the Gilcrest Area Alluvial Groundwater Model report to be the demonstration and justification for the proposed groundwater mitigation plan. Therefore, the mitigation measures described in the report must correspond to the proposed mitigation measures described in permit application exhibits. Please revise the groundwater model report to incorporate the currently proposed mitigation plan to use underdrains and/or extraction wells to transfer mounded groundwater along the southern boundary of the site to an infiltration pond located north of Cell 7. The revised report shall include updates to the Mitigation, Phase 2 Mitigation, Mitigation with Recharge and Conclusion sections of the report, at minimum.

Please note, the Applicant is not required to resubmit the appendixes to the report unless the revised report updates the information contained in the appendixes.



2. In response to Item #4, the Applicant stated Exhibit G - Water Information has been updated to " ... or if the miner or the Division 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 ORMS." Exhibit G has been included in the appendices of the Groundwater Model Report and language has been added in the conclusions stating that the operator will comply with the Groundwater Level Monitoring and Mitigation plan.

Please commit to investigating **all** groundwater impact complaints, not just complaints from well owners within 600 feet of the site boundary, received by the Operator or the Division. Please update the groundwater model report and Exhibit G - Water Information accordingly.

Please note, the burden to demonstrate any groundwater impacts to the prevailing hydrologic balance is the responsibility of the Permittee. Failure by the Permittee to provide adequate demonstration for any groundwater impacts will result in enforcement action by the Division.

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

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).

Please be advised the Section 20 Gravel Mine application may be deemed inadequate, and the application may be denied on January 26, 2023, 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 January 26, 2023 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
Patrick Lennberg, Division of Reclamation, Mining & Safety
Kyle Regan, Civil Resources, LLC., kyle@civilresources.com