



STATE OF
COLORADO

Girardi - DNR, Chris <chris.girardi@state.co.us>

Rodeo Dunes 112(c) Application- Adequacy Review Letter

Girardi - DNR, Chris <chris.girardi@state.co.us>

Thu, Dec 12, 2024 at 3:32 PM

To: Tony Waldron <HyWal94@gmail.com>, Claire Starling <cstarling@holsingerlaw.com>, Kent Holsinger <kholsinger@holsingerlaw.com>, "John Dietzler (jdietzler@dietzlerco.com)" <jdietzler@dietzlerco.com>

Cc: Jared Ebert - DNR <jared.ebert@state.co.us>

Good afternoon,

Attached to this email is the Division's Preliminary Adequacy Review Letter for the proposed Rodeo Dunes Mine application, DRMS File No. M-2024-049.

A hard copy will not be mailed unless requested.

Please feel free to contact me if you have any questions.

Thanks,
Chris

Chris Girardi

Environmental Protection Specialist Intern



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

P: (720) 793-3041

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

chris.girardi@state.us.co | <https://drms.colorado.gov/>



RodeoDunesMine_PreliminaryAdequacyReview.pdf
625K



December 12, 2024

John Dietzler
CoProp LLC
1625 Broadway, Suite 2650
Denver, CO 80202

**Re: Rodeo Dunes Mine, File No. M-2024-049
Receipt of 112c Construction Materials
Reclamation Application Package**

Dear John Dietzler:

On September 17, 2024, the Division of Reclamation, Mining and Safety (“Division” or “Office”) received your 112c Construction Materials Reclamation Permit Application Package for the Rodeo Dunes Mine, File No. M-2024-049. The Application was deemed complete on October 14, 2024. Based on review of the material submitted, the Division has identified the following items must be addressed before the application can be approved. Please submit a cover letter responding to each of the items listed below. Please submit revised Exhibits as necessary.

Exhibit A- Legal Description:

1. Please clarify the location of the existing DRMS 110(c) permit number M-2023-022 on the Exhibit A-1 Entrance Map and other applicable exhibits.

Exhibit B – Index Map

2. Please update the Exhibit B map to show the location of all roads and other access to the area per Rule 6.4.2.

Exhibit C – Pre-Mining and Mining Plan Map(s) of Affected Lands

3. Please revise the Exhibit C map series to comply with scale requirements of Rule 6.2.1(2)(e).
4. Please confirm that the entire 335 acre permit area will be considered “Affected Land.”
5. Please update Exhibit C(h) Map to show the owner’s name of the three significant, valuable, and permanent man-made structures within 200 feet of the affected area.



6. Page 2 of 3 of the narrative of Exhibit C indicates there are no significant/valuable/permanent man-made structures within (200) feet of the affected area. However, the Exhibit C(h) map and page 3 indicates a fence extends through the affected land. Please revise Page 2 of Exhibit C to address this discrepancy.

Exhibit D- Mining Plan:

7. Please clarify how mining in the existing DRMS permit M-2023-022 affected area will be incorporated into the proposed mining plan. Will mining and reclamation activities for the existing permit be completed prior to initiation of mining activities in Mine Block Unit A?
8. On page 4 of 5 of Exhibit D, the Applicant states that sand will be extracted down to an elevation that will leave two (2) feet above historic groundwater elevations at final reclamation. On page 1 of 6 of Exhibit E in the application, the Applicant states that sand will be extracted to a maximum depth of eighteen (18) inches above historic groundwater elevations. Please clarify these contrasting statements.
9. The Exhibit D-1 through D-8 figures do not depict the same mining sequency of the Exhibit C(d) map. The Exhibit C(d) map depicts Phases P and F south of Phases A and B. The Exhibit D figures depict Phases F and G below Phases A and B. Please revise either the map or the figures as necessary.

Exhibit E- Reclamation Plan:

10. The Applicant states that reject material will be transported back to its original location and mixed into the surface of the regraded area during reclamation. Please clarify how the reject material will be placed in relation to topsoil placement.
11. Please update the reclamation plan for how the processing area will be reclaimed regarding the processing facilities. How will the processing facilities, structures, including floors, footers, foundations, etc. be handled, will they be demolished? If so, how will the debris from demolishing these features be disposed of?

Exhibit F – Reclamation Plan Map:

12. Please revise the Exhibit F map to show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed land. Please ensure this map complies with the scale requirements of

Rule 6.2.1(2)(e).

Exhibit H - Wildlife Information

13. Please see the enclosed comment letters from Colorado Parks and Wildlife (CPW). Please incorporate the wildlife protective measures outlined in the CPW letter into the operations plan for the site and explain how they will be implemented in a revised Exhibit H.

Rule 6.4.12- Exhibit L- Reclamation Costs:

14. Please provide the dimensions (length, width, and height) of all the structures to be constructed at the processing facility.
15. Please provide a description of the type of material the structures are built with (concrete or non-concrete).
16. Will any floors, foundations or footers be used? If so, please provide a list of these features and their dimensions. Please indicate if these features will be reinforced with rebar.
17. Please provide the dimensions of the conveyors to be used.
18. Please revise Exhibit L to detail the cost of structure demolition for the processing facilities.

General Comments:

19. The Division received comments from the Colorado Parks and Wildlife and the Colorado Division of Water Resources. The comment letters are attached for your review. Please acknowledge and address the comments noted in the letters and make changes to the application as necessary.

This concludes the Division's preliminary adequacy review of the permit application package. This letter shall not be construed to mean that there are no other adequacy deficiencies in the application package. The public comment period for the application closed on December 3, 2024. Please note the Division is required to issue a decision regarding the application on January 12, 2025. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of the application. Please provide a cover letter that addresses each adequacy item noted above as well as revised exhibits and maps if necessary. Please provide a response at least two

weeks prior to the decision date noted above. Please be aware that the Division will deny the application if outstanding adequacy issues remain when the decision date arrives and/or inadequate time is provided for the Division to review the response to the adequacy issues.

If you have any questions, please contact me by telephone at (720) 793-3041, or by email at chris.girardi@state.co.us.

Sincerely,



Chris M. Girardi
Environmental Protection Specialist Intern

CC: Jared Ebert, DRMS
Claire Starling, Holsinger Law, LLC
Tony Waldron, Consultant



Response to Reclamation Permit Application Consideration

Date: October 16, 2024

To: Chris M. Girardi, Division of Reclamation, Mining & Safety (DRMS), chris.girardi@state.co.us

Cc: Chris Grimes, Designated Basins Ground Water Commissioner, chris.grimes@state.co.us

From: Wenli Dickinson, P.E., State Engineer's Office (SEO), wenli.dickinson@state.co.us

Re: **Rodeo Dunes Mine, File No. M-2024-049**

Applicant: CoProp, LLC c/o John Dietzler
1625 Broadway, Suite 2650, Denver, CO 80202
(303) 532-8859

Permitting Contact: Kent Holsinger, Holsinger Law, LLC
1800 Glenarm Pl, Suite 500, Denver, CO 80202
(303) 722-2828

Location: Part of Section 27, Township 3 North, Range 63 West, 6th P.M., Weld County
Water Division 1, District 1, Lost Creek Designated Basin

COMMENTS: The subject application is for a mining operation on approximately 335 acres currently used as rangeland. Mining will occur northwest of the Lost Creek alluvium for an estimated 5-12 years. The material to be mined at the site is approximately 15 feet of frac sand for oil and gas development which will be mined 2 feet above the historic groundwater elevation. The information contained in the application and monitoring hole (4000826-MH) on the property show a static water level of approximately 22 feet. No exposure of groundwater, diversion, or detention of surface are planned. Water required from dust control will be purchased and hauled to the site. This office has no comments on this proposal so long as water is purchased from a legal source permitted for such use. Stormwater is anticipated to infiltrate into the soil within 72 hours. The reclamation plan proposed that the area be regraded, amended with topsoil, and revegetated. No water use associated with reclamation was proposed. Should groundwater be exposed or surface water detained longer than 72 hours or consumed, the Applicant must obtain a replacement plan approved by the Ground Water Commission.

Please contact Wenli.Dickinson@state.co.us or (303) 866-3581 x8206 with any questions.





COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Regional Office
6060 Broadway
Denver, CO 80216
P 303.291.7227

October 25, 2024

Chris Girardi
Environmental Protection Specialist
Colorado Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215,
Denver, CO 80203
chris.girardi@state.co.us

RE: CPW's Comments on the Rodeo Dunes Mine, File No. M-2024-049

Dear Chris,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Rodeo Dunes Mine project. It is our understanding that the project includes sand extraction on 335 acres to be used for frac materials for oil and gas development located in parts of Sections 27 and 34 of T3N, R63W. The plan is to strip and reserve the topsoil, remove the sand for fracking, and replace and regrade the area. The entire operation is planned to take place over 5-12 years, at which point it will be reclaimed and revegetated.

The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW has a statutory responsibility to manage all wildlife species in Colorado, and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to referral comment requests, as is the case for this project.

On July 29th CPW met with the operator, Weld County and other stakeholders in a pre-application meeting through the Weld County permitting process. At that point, CPW provided the operator with basic verbal recommendations that are very similar to the recommendations we will provide in this letter. After review of this project and location through the previously mentioned meeting and the application through DRMS, CPW has the following recommendations:

RECOMMENDATIONS:



The Importance Of High Priority Habitats

Developers and permitting agencies can help avoid, minimize, and mitigate impacts to wildlife from their projects by working with CPW. High priority habitats (HPH) are defined as sensitive habitats where CPW has recent maps regarding sensitive wildlife use, plus scientifically-backed best management practice (BMP) recommendations. HPHs are a subset of CPW's species activity maps that we collect and update for a variety of species and their particular habitats; we provide these maps to the public and regulatory agencies for the environmental assessment and land use commenting of proposed development on a given parcel, and general scientific research.

Mule Deer Severe Winter Range High Priority Habitat

Mule Deer Severe Winter Ranges are defined as that part of the overall winter range where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. Therefore, CPW recommends no initial ground disturbance from December 1 to April 30.

Fencing

CPW is concerned for the safety of Mule deer, White-tailed deer and Pronghorn Antelope. in the area for the proposed project. CPW recommends that if fencing (project perimeter or internal) is erected, either during or after the project, it should be the type that would allow the free passage of wildlife. Fencing plans should avoid the use of woven wire-type fences that will trap or prevent the movement of wildlife. CPW recommends using three or four-strand smooth-wire fencing with a bottom strand height of 17 inches above ground level and a maximum top strand height of 42 inches above ground level, along with the installation of double stays between posts.

CPW's "[Fencing with Wildlife in Mind](#)" brochure.

Noxious Weeds and Native Re-seeding

Also of importance to CPW is the revegetation of disturbed soils and the control of noxious weed species through the development of a noxious weed management plan prior to initiating construction activities. The revegetation of disturbed areas and control of invasive weed species are important components of the project and it is critically important that the site be restored back to the native plant community that currently exists on site. CPW prefers that native vegetation be retained on-site during the operational lifespan of the project, both as potential habitat for wildlife and to ensure successful reclamation of the project area, as noxious weeds could spread to adjacent habitats outside the project area. CPW recommends that the applicant consult with the Weld County and Natural Resource Conservation Service (N.R.C.S) for the best noxious weed management practices.

Lighting

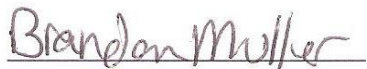
Nighttime artificial lighting affects wildlife species of all sizes, from small macroinvertebrates to large mammals. These effects are often species-specific, and in some cases may be

beneficial to one species within a local ecological community, but detrimental to another species within the same ecological community. These impacts could be expected year-round and can affect local resident species and migrating wildlife, which may lead to collisions with other birds and structures, exhaustion, increased depredation, and direct mortality. Nighttime artificial lighting may also disrupt nocturnal species that are not accustomed to the large increase in light, leading to temporary blindness, which may also increase the likelihood of collisions. CPW also recommends that all outdoor lights be down-shielded to minimize disturbance areas and dim the lights as much as practicable.

Per the U.S Fish and Wildlife service, all outdoor lighting should be limited to warmer colors with “longer wavelengths (>560 nm) and a lower correlated color temperatures (CCT<3000 Kelvin degrees)” (“Threats to Birds: Collisions - Nighttime Lighting | U.S. Fish & Wildlife Service”) 3. Per the American Bird Conservancy, CCT of 2200 Kelvin Degrees up to 2700 Kelvin Degrees is the preferred range of color. (Misguiding Light: The Role Artificial Light Plays in Bird Mortality from Collisions with Glass | Sheppard, PHD)4. CPW recommends the latter.

If the timing or scope of this project changes and/or if you have any questions, please contact Lexi Hamous at 303-916-2987 or lexi.hamous-miller@state.co.us.

Sincerely,

A handwritten signature in dark ink that reads "Brandon Muller". The signature is written in a cursive, slightly slanted style.

Brandon Muller
Acting Area 4 Area Wildlife Manager

Cc: *Mike Grooms, Greeley South District Wildlife Manager, michael.grooms@state.co.us*
Lexi Hamous, NE Land Use Coordinator- lexi.hamous-miller@state.co.us