

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Fwd: Notice of Complete Application for Permit: M1999120 Revision: AM3

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Tue, Dec 17, 2024 at 8:42 AM

To: Lynn Mayer Shults <lmshults@lgeverist.com>, "Environment, Inc." <environment-inc@startmail.com>

Hello.

Please see the attached comment letter from the Division of Water Resources for the Fort Lupton Mine amendment.

Kind regards,

Nikie Gagnon

----- Forwarded message -----

From: **Wenli Dickinson** <wenli.dickinson@state.co.us>

Date: Mon, Dec 16, 2024 at 4:47 PM

Subject: Re: Notice of Complete Application for Permit: M1999120 Revision: AM3

To: <nikie.gagnon@state.co.us>

Cc: Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us>, Alec Hernandez - DNR <alec.hernandez@state.co.us>

Hi Nikie,

Attached are DWR's comments to the third amendment to M-1999-120 for the Fort Lupton Sand and Gravel Mine. Please let me know if you have any questions.

Regards,

Wenli Dickinson, P.E.**Water Resource Engineer****Team 1A: Division 1, Denver Basin****COLORADO**
Division of Water Resources
Department of Natural Resources

(303) 866-3581 x8206

1313 Sherman St, Suite 821, Denver, CO 80203

wenli.dickinson@state.co.us | dwr.colorado.gov

On Wed, Dec 11, 2024 at 4:38 PM Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us> wrote:

Please see attached correspondence from the Division of Reclamation, Mining and Safety.

DO NOT REPLY to this email message. This mailbox is not monitored for incoming messages. Please refer to the attached document to locate the email address of the sender.**M-19999-120 Ft. Lupton Sand and Gravel Mine AM3 - DWR Comments.pdf**

124K



Response to Construction Materials Reclamation Permit Application

Date: December 16, 2024

To: Nikie Gagnon, Division of Reclamation, Mining & Safety (DRMS), gagnon@state.co.us

Cc: Alec Hernandez, Lead District 2 Water Commissioner, alec.hernandez@state.co.us

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

RE: Ft. Lupton Sand and Gravel Mine, File No. M-1999-120, Amendment No. 3

Applicant: L.G. Everist, Inc. c/o Robert E. Everist, 350 S. Main Ave., Ste. 400, Sioux Falls, SD 57104 or (605) 334-5000

Permit Contact: Environment, Inc. c/o Steve O'Brian, 7985 Vance Dr., #205A, Arvada, CO 80003 or (303) 423-7297

Location: Parts of Sec. 19, 30, and 31, Twp. 2 North, Rng. 66 West, and parts of Sec. 24, 25, and 36, Twp. 2 North, Rng. 67 West, 6th P.M.

Conditions for Approval

The proposed operation will consume groundwater by: ☒ evaporation, ☒ dust control, ☒ dewatering, ☒ water removed in the mined product, ☐ washing, ☐ concrete production and ☐ reclamation.

☒ An approved substitute water supply plan (SWSP) or decreed plan for augmentation is required prior to obtaining a gravel pit well permit.



- ☒ The Applicant must obtain a new gravel pit well permit if uses or water consumption will exceed current permitted uses and amounts, which requires the Applicant to conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area prior to obtaining a well permit. The Applicant must then obtain a waiver of objection from all well owners with wells within 600 feet of the permit area or the State Engineer must provide written notice to all well owners within 600 feet of the permit area, which may request a hearing before the State Engineer.

Comments

Mining Plan

This amendment seeks to increase the mine area and reserves by 202.26 acres to include an area to the north in Sections 19, Twp. 2 North, Rng. 66 West and Sec. 24, Twp. 2 North, Rng. 67 West, 6th P.M. This amendment will add 7 to 15 additional years to the life of the mine. The materials to be mined are sand and gravel, which will be dry-mined by installing slurry walls prior to mining. Mining will occur 200 feet or more from the South Platte River. According to the application, the site will be graded to direct stormwater towards interior ditches and dewatering systems, which must be returned to the river or allowed to infiltrate within 72 hours. No major changes to the mining operations are proposed with this amendment besides the increase in mine area and reserves.

The current water consumption at the site is estimated at 112.44 acre-feet/year from water lost in mined product, dust control, and evaporation. The Applicant proposes to replace depletions under a substitute water supply plan (SWSP) approved by the Division of Water Resources (DWR) during mining. This mine is currently covered by SWSP Plan ID 3641 through December 31, 2025. A new or amended SWSP is required if uses or depletions will exceed the uses or amounts approved during the current SWSP period. In addition to maintaining an approved SWSP, the Applicant must also obtain a new gravel pit well permit if water uses or

depletions exceed what is currently allowed by permit no. 83471-F, subject to 600-foot spacing required by section 37-90-137(2)(b), Colorado Revised Statutes (C.R.S.). Any stormwater runoff intercepted by this operation that is not diverted or captured in-priority must infiltrate into the ground or be released to the stream system within 72 hours. Otherwise, the operator will be required to make replacements for evaporation.

In certain areas of the South Platte River Basin, DWR staff have observed groundwater problems that appear to be related to the lining of gravel pits located near streams, and in particular, these problems occur when multiple liners are located adjacent to each other. DRMS should consider the siting and design of lined gravel pits to ensure that they will not individually or cumulatively result in impacts to the timing and quantity of groundwater flow from upgradient locations back to the stream system. In addition to impacts to property, such as flooding upgradient and reduced water levels downgradient of the liner, there are decrees of the court that specify the timing, quantity, and amount of water depleted from the streams by wells and accreted to the stream through recharge operations. The installation of a gravel pit liner should not result in changes to the timing, location, and amount of such groundwater flow.

Any wells that must be removed for this operation must be properly plugged and abandoned in accordance with the Well Construction Rules 2 CCR 402-2. A [Well Abandonment Report \(GWS-09\)](#) must be filed for each well that is abandoned.

Reclamation of the site will include revegetation, the creation of slurry or clay-lined water storage reservoirs, backfilling, and augmentation of Deep Lake. The lined reservoirs will be acquired by the City of Aurora. The Deep Lake is an unlined lake which will be acquired by the City of Fort Lupton and Fort Lupton will assume responsibility for a water augmentation plan

The site must continue to be operated under a SWSP until such time as the proposed reservoirs are lined (lining approved by this office) or backfilling is completed, an augmentation plan is approved for the Deep Lake, and replacement of lagged depletions shall continue until there is no longer an effect on stream).

Please contact Wenli Dickinson in Denver at Wenli.Dickinson@state.co.us or (303) 607-8206 or the Lead Water Commissioner, Alec Hernandez, at Alec.Hernandez@state.co.us or at (970) 381-0828 with questions.