



STATE OF  
COLORADO

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

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## Farmers Sand Application M2024057- Preliminary Adequacy Review Letter

1 message

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

Tue, Feb 4, 2025 at 11:05 AM

To: scott <scott@farmersres.com>

Cc: Jared Ebert - DNR <jared.ebert@state.co.us>, Lisa Shea <Lisa@erccolorado.net>, Shelly Hoover <Rochelle@erccolorado.net>, Troy Thompson <Troy@erccolorado.net>

Hello,

Attached to this email is the Division's Preliminary Adequacy Review Letter for the proposed Farmers Sand 112c reclamation permit application, DRMS File No. M-2024-057.

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



**FarmersSandMiltonRes\_PreliminaryAdequacyReview\_withObjections.pdf**  
7579K



February 4, 2025

Scott Edgar  
The Farmers Reservoir and Irrigation Company  
80 South 27<sup>th</sup> Avenue  
Brighton, CO 80601

**Re: Farmers Sand, File No. M-2024-057**  
**Receipt of 112c Construction Materials**  
**Preliminary Adequacy Review**

Dear Scott Edgar:

On November 12, 2024, the Division of Reclamation, Mining and Safety (“Division” or “Office”) received your 112c Construction Materials Reclamation Permit Application Package for the Farmers Sand, File No. M-2024-057. The Application was deemed complete on December 16, 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.

**Rule 6.4.2- Exhibit B – Index Map:**

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

**Rule 6.4.3- Exhibit C – Pre-Mining and Mining Plan Map(s) of Affected Lands:**

2. Please update all Exhibit C maps to comply with Rule 6.2.1(2)(b) requiring maps being prepared and signed by a registered land surveyor, professional engineer, or other qualified person. Also, each map must comply with the scale requirements of Rule 6.2.1(2)(e) requiring maps scales no smaller than 1 inch = 660 feet or larger than 1 inch = 50 feet. The Division recognizes the affected land proposed is large. However, not every acre within the proposed affected land boundary is proposed to be disturbed by the mining operation. Maps that depict the surface operations (stockpile areas, settling ponds, processing areas, fill areas, haul roads, etc.) must comply with the scale requirements.
3. The applicant has designated the entire permit area as the affected area boundary, however it does not appear that the entire acreage within the permit boundary will



be disturbed by the mining operation. Please submit sufficient maps that distinguish where the surface disturbance of the operation will occur, this should be in the form of a polygon boundary around the areas where processing, stockpiling, roads, etc. will occur.

4. Please update Exhibit C(b) map to include pre-existing roads and any new temporary or permanent roads to be constructed.
5. All the significant and permanent man-made structures have not been identified and depicted on the Exhibit C(g) map. Please update the Exhibit C(g) map to show the owner's name of the significant, valuable, and permanent man-made structures within 200 feet of the affected area. Further clarification regarding structures not sufficiently identified in the C(g) map is given in Item #55.

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

6. Pursuant to Rule 3.1.5(5) please provide an evaluation of the chemical properties of the dredged material to ensure protection of the surrounding environment from pollution. The material should be sampled in manner to adequately characterize the chemical properties through Toxic Characteristic Leaching Procedure (TCLP), Synthetic Precipitation Leaching Procedure (SPLP) or similar testing methods. Due to the nature of the stockpiled material the Division suggests dividing the stockpiled material into equal "decision units" and collecting several subsamples that can be composited into a representative sample for that decision unit.
7. Please provide a sampling, analysis and reporting plan to evaluate the dredged material at an adequate frequency during the life of the operation to insure the physical and chemical properties are not substantially changing over time.
8. During the August 2024 Inspection conducted by the Division, the Applicant stated that topsoil was not stockpiled or salvaged. The Division notes that topsoil will need to be salvaged before constructing new settling ponds, new stockpile areas, roads and processing areas, etc. Please clarify where topsoil will be salvaged moving forward, how the topsoil will be stored and stabilized from wind and water erosion prior to replacement over the affected land for reclamation. Please update the appropriate Exhibit C maps to depict the locations of topsoil stockpiles.
9. The Division notes that if Lake Christina or "Christina Pond" is to be used as a settling pond as alluded to on Page 11, then Lake Christina is required to be included in the permit and affected area. This area would have to be added to the

mining and reclamation plan and affected area through an Amendment to the application. If Lake Christina will not be utilized as a settling pond or for further clarification, then please revise page 11 accordingly. If water affected by the operation is discharged into Lake Christina, please provide documentation of authorization from the owner of the lake for this activity and please indicate if this is an approved discharge point through CDPHE.

10. Please clarify the thicknesses of Stratum 2 and Stratum Three as determined during the 2019 geotechnical investigation. Please include this information in a revised mining plan exhibit.
11. On Page 10, four of the nine settling ponds are said to be depicted on Drawings C-5, C-7, C-9, and C-11. This is incorrect, as the settling ponds are depicted on Drawings C-4, C-6, C-8, and C-12. Please revise.
12. Sheet C-4 indicates the slurry dredged from Milton Reservoir is then pumped to a mixing tank by the shoreline, then pumped to the Hydro-Cyclone. Then material is pumped to Settling Pond 3A. However, Figure 1.1: Existing and Year 1 Operations Process Flow Diagram doesn't include the mixing tank. Please clarify these contracting depictions of the dredging process.
13. Please revise the applicable Drawings to include a depiction/plan diagram of the sand plant and its features. If the final design of the sand plant is not known currently, please commit to submitting and obtaining approval of a Technical Revision to the permit in the future before the sand plant is constructed.
14. Please clarify what additional sediment control BMPs will be installed to manage sediment and minimize erosion of stockpiles, sand plant and the operation areas of the cyclone.
15. Currently the operator uses two settling ponds north of the N1 stockpile area as shown on Drawing C-4. Drawing C-8 shows that stockpiles will be constructed where these two settling ponds exist. Please update the mining plan to discuss how the surface water will be handled to prevent off-site sedimentation once these settling ponds are no longer in operation. Also, please update Drawings C-8 and C-10 to show any water handling structures to be used.
16. Please update the narrative to discuss the operation of the stockpile located in the southeast corner of the reservoir on Drawing C-11.
17. Please update the mining plan to discuss how stormwater and runoff will be

managed for the southeast stockpile area shown on Drawing C-11. Please update this drawing to depict any water handling structures to be used.

18. Given the large scale of the affected area, please clarify, in the narrative and with an exhibit, the locations of the mine notice signs.
19. On Exhibit C-8, please clarify the name of the feature to be located to the northeast of the N3 Stockpile. Is this another stockpile? Note 2 states that storage in the N3 Stockpile is dependent on the amount of material sold.
20. Table 4.1 lists “DS Embankment” as a stockpile, however it is not clear where this pile will be located. Please revise the applicable Drawings to include this feature and otherwise clarify where this stockpile will be located.
21. On Drawings C-1 and C-10, it appears there’s a stockpile located at toe of Milton Dam but isn’t given a stockpile name or mentioned in the narrative. Please clarify.
22. Please provide diagrams like those submitted as Drawings C-12 and C-13 for the northern settling ponds adjacent to Evans #2 Ditch.
23. Based on Exhibit C(g), it appears that the eastern portion of Beebe Draw Farms Parkway will be used as a haul road. Please clarify this in the narrative.
24. Please clarify the dimensions of the temporary and permanent haul roads, including the haul road that may be added that will traverse the eastern side of the site.
25. Please commit to submitting a Technical Revision once all salable material has been sold that depicts the final post-mine topography of the affected area.
26. Please revise applicable Drawings to distinguish between permanent and temporary haul roads.
27. Drawing C-7 states that the In-Res Settling Ponds will be restored to their original capacity. Please clarify what this statement means. Will the ponds be reclaimed? Please clarify the final disposition of the In-Res Settling Ponds.

#### **Rule 6.4.5- Exhibit E- Reclamation Plan:**

28. Page 1 of the Reclamation Plan indicates that 2,660 acres will be revegetated. However, Page 6 indicates there are only 250 acres of stockpiles, 110 acres of

settling ponds, and 4 acres of temporary haul roads will be revegetated. Please clarify this discrepancy.

29. As stated in Item #6, please commit to salvaging topsoil for currently undisturbed areas that eventually will be used for settling ponds, stockpile areas, and processing areas, etc. Please clarify topsoil stockpile location(s) in the Reclamation Plan narrative.
30. The Reclamation Plan states that four (4) to six (6) inches of topsoil will be replaced. As discussed above, topsoil was not initially salvaged from the current affected area. Please clarify the topsoil replacement plan, will there be enough topsoil salvaged from the future topsoil stripping operation to replace 4 to 6 inches over all the affected land? Or will topsoil be imported from off-site to address this deficiency? Or will be the surface material of the affected area be amended in some way to facilitate revegetation for areas where topsoil was not salvaged? Please update the reclamation plan to address these items.
31. Please clarify which slopes will use an ECB Blanket(s).
32. Please clarify the locations where Broadcast seeding may be used in lieu of Drill Seeding.
33. In accordance with Rule 3.1.10(6), please provide a Weed Management Plan to control the invasion and/or spread of noxious weeds.
34. Please commit to submitting a Technical Revision after soil sampling to include a plan for amending the growth media and any changes to the seed mix.

**Rule 6.4.6- Exhibit F – Reclamation Plan Map:**

35. Please provide revised maps that depict the reclamation scenarios 1 and 2 for the Settling Ponds.
36. Please revise the Exhibits R-1 and R-2 maps to show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands.
37. Please revise Exhibits R-1 and R-2 to comply with the requirements of Rule 6.2.1(2). In addition, please update both exhibits to include the permit boundary.

**Rule 6.4.7- Exhibit G- Water Information:**

38. Please provide a plan or diagram depicting the diversion channel that will be constructed along the side of the West Stockpile.
39. Please provide a map and a plan/diagram of the swales to be installed to facilitate the runoff from Basin 2 and 3.
40. Please provide a rationale for the sizing and design of the swales and diversion channel.
41. Please clarify where water will be discharged via the Effluent Discharge Permit.
42. Please see the enclosed comment letters from Colorado Division of Water Resources (DWR). Based on communication between the Applicant and the DWR (dated 1/23/2025), a Substitute Water Supply Plan (SWSP) or augmentation plan is not needed at this time.

**Rule 6.4.8- Exhibit H - Wildlife Information:**

43. Please see the enclosed comment letter 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. This includes:
  - a. Concerns regarding the Future Sand Plant Location and its potential adverse effects on Bald Eagle nests, the Blue Heron Buffer, and the White Pelican Area. Clarify mitigation measures to protect wildlife. The Division notes changing the location of the Future Sand Plant could alleviate these concerns. The Division recommends the applicant consult with CPW on this point.
  - b. Please clarify if fencing will be used and, if so, will fencing follow the recommendations from CPW.
  - c. Please commit to providing the results of the Burrowing Owl Survey prior to disturbing new areas between March 15<sup>th</sup> through October 31<sup>st</sup>.
  - d. Please clarify if the Applicant will adhere to the lighting recommendations from CPW.
  - e. Please clarify how sand processing, stockpiling operations, and hauling will impact Mule Deer Severe Winter Range habitat and measures to minimize impacts.
44. Page 16 of Exhibit H indicates that 2,660 acres will be revegetated. Please clarify this discrepancy or make necessary revisions to the narrative.

**Rule 6.4.9- Exhibit I- Soils Information:**

45. Please revise this exhibit to include the thicknesses of all soil types listed.

**Rule 6.4.10- Exhibit J- Vegetation Information:**

46. Please revise this exhibit to include quantitative estimates of cover and height for the principal species in each life-form represented (ie.trees, tall shrubs, low shrubs, grasses, forbs).

**Rule 6.4.12- Exhibit L- Reclamation Costs:**

47. Please provide the dimensions (length, width, and height) of the cyclone discharge pipe, conveyers, and the sand plant infrastructure.
48. Please provide a description of the type of material the structures are built with (concrete or non-concrete).
49. 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.
50. Grading of the stockpiles and settling ponds was not included in the reclamation costs but were discussed as reclamation activities in Exhibit E. Please clarify this discrepancy and revise the cost estimate accordingly.
51. Please note the Division will develop a cost estimate to complete reclamation at the site, which will be provided in the future.

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

52. Please help clarify which documents provided in Exhibit N correspond to each parcel within the affected land. The Division believes a list and/or table tied to a map would be helpful.
53. Please provide documentation for Legal Right to Enter for Farmers Reservoir and Irrigation Company to parcels owned by REI LLC for their respective parcels.

**Rule 6.4.16- Exhibit P- Municipalities Within Two Miles:**



54. Please clarify why Beebe Draw Farms Authority and/or Pelican Lakes Ranch is not constituted as a municipality.

**Rule 6.4.19- Exhibit S- Permanent Man-made Structures:**

55. The requirements for this exhibit have not been addressed. The Applicant states that the only permanent man-made structures within 200 feet of the affected lands are oil and gas wells and tank batteries. This is inaccurate, as there are several public and private roads, homes, powerlines, fences, and utilities within 200 feet of the 3,208-acre affected land. For all structures (as defined by Rule 1.1(52)), within 200 feet of the affected lands the applicant must provide the following:
- a. a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or
  - b. where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
  - c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility.

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

56. In accordance with Rule 1.6.2(1)(c), any changes to the application must be reflected in the public review copy which was placed with the Weld County Clerk and Recorder. In accordance with Rule 6.4.18, please provide our office with an affidavit or receipt indicating the date the revised application pages were placed with the Weld County Clerk and Recorder.

**Publication and Notice**

57. In accordance with Rule 1.6.2(1)(d), please provide proof of publication. Proof of publication may consist of either a copy of the last newspaper publication, to include the date published, or a notarized statement from the newspaper.
58. Please provide proof the applicant mailed a copy of the revised publication or proof a personal service of the notice required by Rule 1.6.2(1)(d) to all owners of record of the surface and mineral rights of the affected land; and the owners of record of all land within 200 feet of the boundary of the affected land in accordance with Rule 1.6.2(1)(e) and (g).

**Rule 1.7.1- Objections to the Application:**

**59.** Please note that objections to the application have been received in accordance with Rule 1.7.1(1). Please see the enclosed objections and respond to the objectors' comments. As of the date of this letter, the Division has received objections from the following parties:

- a. Crystal Clark, objection received on 1/26/2025
- b. Kim Coleman, objection received on 1/28/2025
- c. Tony Courson, objection received on 1/31/2025

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 will close for the application on March 7, 2025. Please note the Division is required to issue a decision regarding the application on **March 16, 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 recommend denial of 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](mailto:chris.girardi@state.co.us).

Sincerely,



Chris M. Girardi  
Environmental Protection Specialist Intern

CC: Jared Ebert, DRMS  
Shelly Hoover, Ecological Resources Consultants, LLC



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Fort Collins Service Center - Area 4  
317 W Prospect Rd  
Fort Collins, CO 80526  
P 970.472.4300

January 4, 2025

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

RE: CPW's Comments on the Farmers Sand File No. M-2024-057

Dear Chris,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Farmers Sand 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 3, 4, 9, 10, 11, 14, 15, 22, 23 of T3N, R65W. The plan is to continue removing slurry from the bottom of Milton Reservoir to then pump to dewatering ponds. The slurry is currently being dewatered using settling ponds and a vortex cyclone and then hauled and placed in stockpiles. Future plans are to install a sand plant.

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.

After review of this project and location, 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



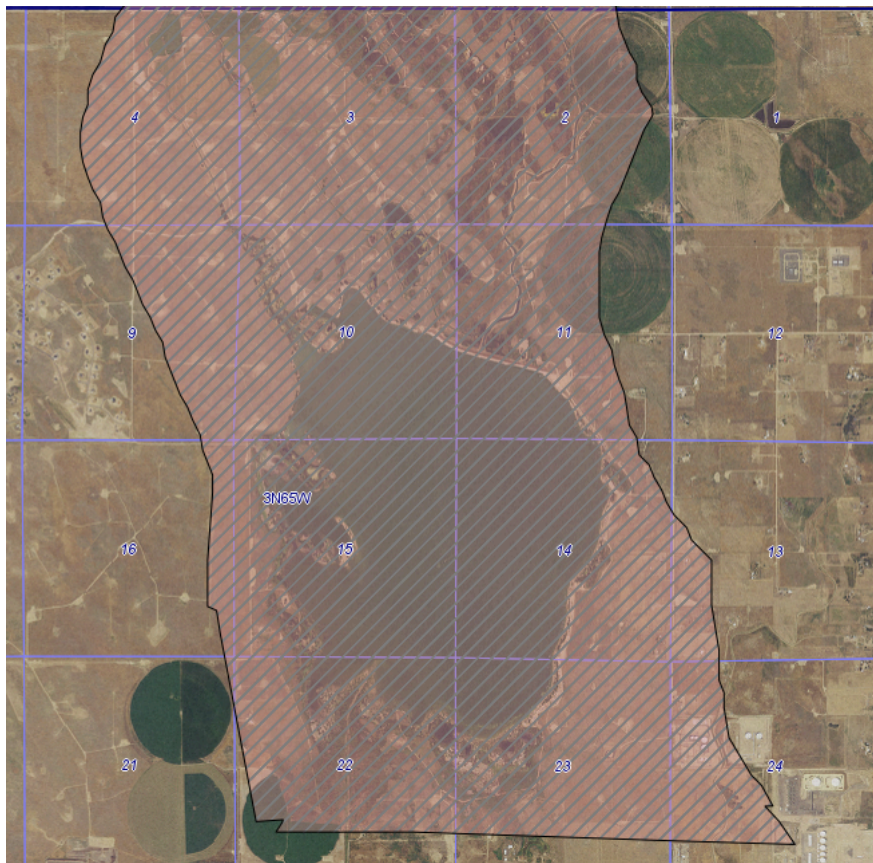
of CPW's species activity maps that we collect and update for a variety of species and their particular habitats; we provide these maps to the public and regulatory agencies for the environmental assessment and land use commenting of proposed development on a given parcel, and general scientific research.

#### **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. These areas provide crucial wintering habitat during both severe and mild winters by providing ideal forage, vegetation, and topographic features for both species. Regardless of weather patterns, winter is the most stressful period for ungulates due to the challenges winter poses for forage availability. The entirety of the project is slated for development within these HPH layers (see Exhibit A below). Therefore, CPW recommends not constructing during the winter season (December 1 to April 30), if this is not feasible, CPW recommends that the applicant start construction outside of this window.

In particular, there is a bald eagle roost site around the entirety of Prewitt Reservoir as shown in Exhibit A.

Exhibit A- Mule Deer Severe Winter Range indicated in striped pink.



### **Bald Eagle Active Nest Site**

An active bald eagle nest site is a specific location in which a pair of bald eagles has at least attempted to nest within the last five years. Any nest location that can be directly tied to courtship, breeding, or brooding behavior is considered active. A buffer zone extends 0.5 miles around a known active nest. CPW has two recommendations to protect these sites: of a) No surface occupancy (NSO) within 0.25 mile of any active bald eagle nest site year-round, and b) no human encroachment or permitted/authorized human activities within 0.5 mile of any active bald eagle nest site from December 1 to July 31 of each year.

There are multiple active Bald eagle nests identified within the project area around Milton Reservoir. Because this operation has been occurring for many years now, CPW has observed that the Bald Eagles have been tolerant of this work. CPW would typically recommend consulting with U.S. Fish and Wildlife Service for regulatory purposes; however, we see that A bald eagle Short Term Incidental Take Permit was obtained for the project effective June 11, 2024 (MBPER3656925) and expires May 31, 2029( Appendix A). CPW appreciates that the applicant has committed to “Haul road usage and dredging activities will avoid trees or locations with active MBTA and raptor nests. Dredging activities will be limited during the active migratory bird and raptor breeding season per CPW buffer zone protocol( CPW 2020)”, per the application.

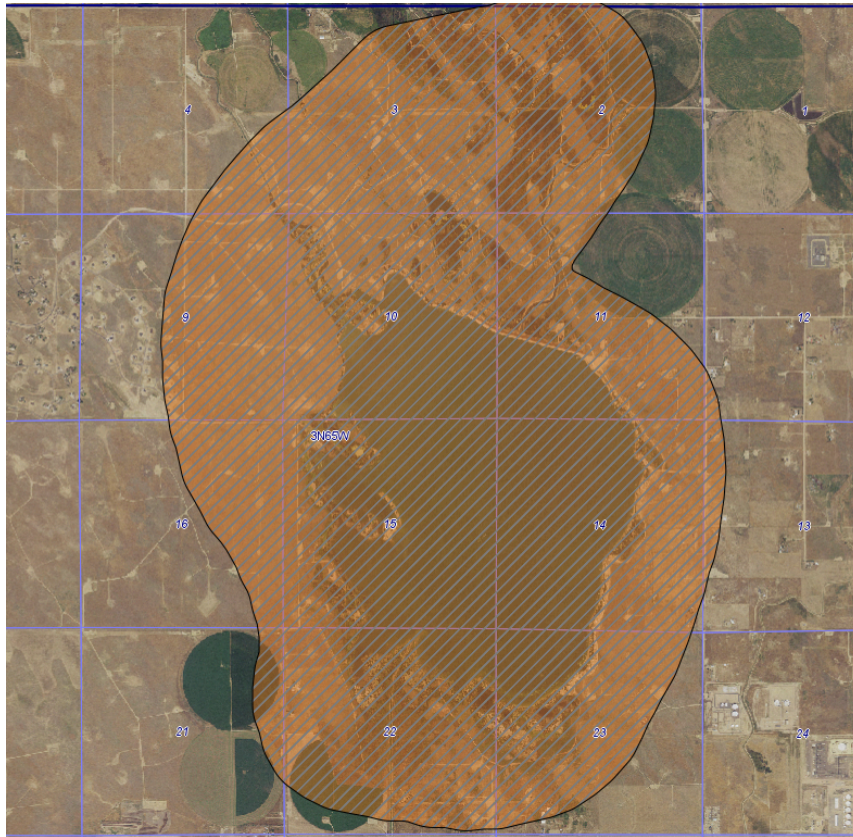
### **Bald Eagle Roost Sites**

Bald eagle roost sites are defined as groups of (or individual) trees that provide diurnal and/or nocturnal perches for wintering bald eagles. These trees are usually the tallest available in the wintering area and are primarily located in riparian habitats. CPW has two recommendations to protect these sites: of a) no surface occupancy within 0.25 mile of any active bald eagle winter night roost year-round, and b) no human encroachment or disturbance within 0.5 mile any active bald eagle winter roost site from November 15 to March 15 of each year. We appreciate the applicant planning work from March - November.

In particular, there is a bald eagle roost site around the entirety of Prewitt Reservoir as shown in Exhibit B.



Exhibit B- Bald Eagle Roost Site indicated in striped orange.



### 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 has been documented to affect 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 both local resident species and migrating wildlife, which may lead to collisions with other animals and structures, exhaustion, increased depredation, and direct mortality. Nighttime artificial lighting may also disrupt nocturnal species that are not accustomed to a significant increase in artificial light, leading to temporary blindness and disorientation, which may also increase the likelihood of collisions with infrastructure on site. CPW recommends that all outdoor lighting be down-shielded to minimize disturbance areas and dim the lights as much as practicable.

Per the U.S Fish and Wildlife Service recommendations<sup>1</sup>, all outdoor lighting should be limited to warmer colors with “longer wavelengths (>560 nm) and lower correlated color temperatures (CCT<3000 Kelvin degrees)” (“Threats to Birds: Collisions - Nighttime Lighting | U.S. Fish & Wildlife Service”). Per the American Bird Conservancy, CCTs ranging from 2200 Kelvin Degrees 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<sup>2</sup>) CPW recommends the latter range of lighting color options for implementation at the project site.

### Future plans for development

In the application for this project, it states, “Future plans are to install a sand plant.” CPW has concern with this proposed sand plant because it is in close proximity to current and historic bald eagle nests, colonial waterbird nesting areas (including double-crested cormorant, great blue heron, black-crowned night heron, great egret, and snowy egret), and the American white pelican nesting colony site along the northwest and western shorelines of Milton Reservoir. CPW has been monitoring these nesting bird species along these areas of Milton Reservoir since 1978. Further development of a full-scale sand plant may be disruptive and possibly detrimental to the survival of the nests and roosting site located around Milton Reservoir. CPW requests from the Department of Reclamation Mining and Safety (DRMS) for CPW to continue to be involved with the planning process for this proposed project as it moves through the permitting and planning process.

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<sup>1</sup> <sup>4</sup>“Threats to Birds: Collisions - Nighttime Lighting | U.S. Fish & Wildlife Service.” *FWS.gov*, 4 May 2023, [www.fws.gov/story/threats-birds-collisions-nighttime-lighting](https://www.fws.gov/story/threats-birds-collisions-nighttime-lighting).

<sup>2</sup> Sheppard, PHD, Christine. *Misguiding Light: The Role Artificial Light Plays in Bird Mortality from Collisions with Glass*. American Bird Conservancy, 11 May 2022, [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/abcbirds.org/wp-content/uploads/2022/05/ABC-lighting-collisions-position-statement-2022.pdf](https://efaidnbmnnnibpcajpcgclefindmkaj/abcbirds.org/wp-content/uploads/2022/05/ABC-lighting-collisions-position-statement-2022.pdf).

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](mailto:lexi.hamous-miller@state.co.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Jason Surface".

*Jason Surface*  
*Area 4 Area Wildlife Manager*

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





## Response to Construction Materials Reclamation Permit Application

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Date: January 9, 2024

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

Cc: Alec Hernandez, Lead District 2 Water Commissioner, [alec.hernandez@state.co.us](mailto:alec.hernandez@state.co.us)

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

RE: Farmers Sand, File No. M-2024-057

Applicant/Operator: Farmers Reservoir and Irrigation Company (FRICO) c/o Scott Edgar, 80 South 27<sup>th</sup> Avenue, Brighton, CO 80601 or (303) 659-7373

Permitting Contact: Ecological Resource Consultants c/o Lisa Shea, 12345 West Alameda Parkway #206, Lakewood, CO 80228 or (303) 679-4820 x110

Location: Parts of Sections 3, 4, 9, 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West, 6<sup>th</sup> P.M., Water Division 1, District 2

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### Conditions for Approval

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

☒ An approved substitute water supply plan (SWSP) or decreed plan for augmentation is required.



- ☒ If groundwater will be used or exposed, the Applicant will need to obtain either a gravel pit or other type of well permit, as applicable. Prior to approving a well permit, the Applicant must conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area. 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.

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### Comments

This application proposes to mine approximately 1.6 million tons per year of sand and fines and install a sand plant on approximately 3,208 acres within Sections 3, 4, 9, 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West, 6<sup>th</sup> P.M. Materials will be extracted to an anticipated depth of 20 feet from FRICO's Milton Reservoir (WDID 0203876), which is an on-channel reservoir on Beebe Draw. Depth to groundwater according to the application is approximately 31 feet. The purpose of the operation is to restore and increase the water storage capacity in the reservoir and sell mined materials for construction or hydraulic fracking purposes. Sediment removal began in 2021 and mining operations are anticipated to last 20 years. Settling Ponds 2, 3A, 3B, and 4 have been constructed. Ponds 5, 6, 7, and 8 have not yet been constructed. During reclamation, the settling ponds will be backfilled and the site will be revegetated using irrigation water from the reservoir.

Proposed water uses from the reservoir that require replacement under an SWSP or court-approved augmentation plan are dust control, operational use within the sand plant, and evaporation from exposed groundwater if applicable. The site must continue to be operated under a SWSP until such time as the settling ponds are backfilled and all depletions are replaced. A well permit is also required if groundwater will be used or exposed, which is subject to 600-foot spacing required by section 37-90-137(2)(b), Colorado Revised Statutes (C.R.S.).

Water extracted during mining will be returned directly to the reservoir or after being routed through settling ponds. According to the application, surface runoff will be directed to the reservoir. **Water stored, or diverted from the reservoir for irrigation during reclamation, must be diverted in-priority.**

Any storm water 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.

Please contact Wenli Dickinson in Denver at [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) or (303) 866-3581 x8206 or the Lead Water Commissioner, Alec Hernandez, at [Alec.Hernandez@state.co.us](mailto:Alec.Hernandez@state.co.us) or at (970) 381-0828 with any questions.



STATE OF  
COLORADO

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

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## Farmers Sand Application M2024057- DWR's Comments

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

Thu, Jan 23, 2025 at 5:29 PM

Reply-To: wenli.dickinson@state.co.us

To: Heather Thompson <Heather@erccolorado.net>

Cc: scott <scott@farmersres.com>, Lisa Shea <Lisa@erccolorado.net>, Shelly Hoover <Rochelle@erccolorado.net>, "chris.girardi@state.co.us" <chris.girardi@state.co.us>, "Commissioner," <alec.hernandez@state.co.us>

Hi Heather,

Thank you for your email. I reviewed your memo and based on the information provided showing that no groundwater will be exposed and that all consumptive water uses will be supplied by FRICO's water rights authorized for such use or water stored under free river conditions, I do not see a need for an SWSP or augmentation plan at this time. If the Division 1 Office has any questions about the accounting or your operations, I assume they will reach out, but I do not have any additional comments at this time.

Regards,

**Wenli Dickinson, P.E.**  
**Water Resource Engineer**



**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](mailto:wenli.dickinson@state.co.us) | [dwr.colorado.gov](http://dwr.colorado.gov)

[Quoted text hidden]

## CRYSTAL CLARK

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16521 Essex Rd N  
Platteville, CO 80651  
(303) 304-4864

January 23, 2025

Division of Reclamation, Mining, and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

Re: Farmers Reservoir and Irrigation Company  
Construction Materials Operation Reclamation Permit  
Permit Number M2024057

Dear Sir/Madam,

I am writing in response to the notice regarding the mining application submitted by the Farmers Reservoir and Irrigation Company (FRICO) for the Milton Reservoir project. As a homeowner and taxpayer of the residential neighborhood adjacent to the proposed project site, I wish to express my concerns regarding the land affected by this permit.

A portion of the land being used in the project is contested. Prior to April 2022, the taxpayers and residents of Beebe Draw Farms (BBDF), also known as Pelican Lake Ranch, owned 422 acres of land adjacent to Milton Reservoir through their governing Metro District entity. This land was primarily used as amenity space for recreation and conservation, with some improvements made to enhance its use.

In April 2022, without proper written authorization or notice as required by our governing documents, the developer, Christine Hethcock, who sat on the board of the Metro District, transferred ownership of 422 acres via quit claim deed to her private for-profit company, REI, LLC, for the sum of \$10. At the time, Ms. Hethcock served as the general manager and controlling interest holder of REI. Subsequently, in July 2022, just three months later, she sold her majority controlling interest in REI to a subsidiary wholly owned by FRICO.

FRICO, now the controlling interest holder of REI—and thus the land—entered into a \$0 perpetually renewable lease with REI for use of the land in its dredging project. Since this transfer, REI and FRICO have further profited from the land through oil and gas leases, as well as other subleases. All at the expense of the rightful owners of the land—the taxpayers and residents.

While I do not oppose the mining permit and recognize its potential to improve the area by removing the obtrusive sand piles, I must emphasize that FRICO continues to profit from unjust enrichment at the expense of the rightful owners of this land. It is crucial that this issue be addressed. I respectfully request that the land ownership dispute be resolved and that the rightful owners be compensated for their loss before this project proceeds any further.

Thank you for your attention and consideration on this matter.

Sincerely,

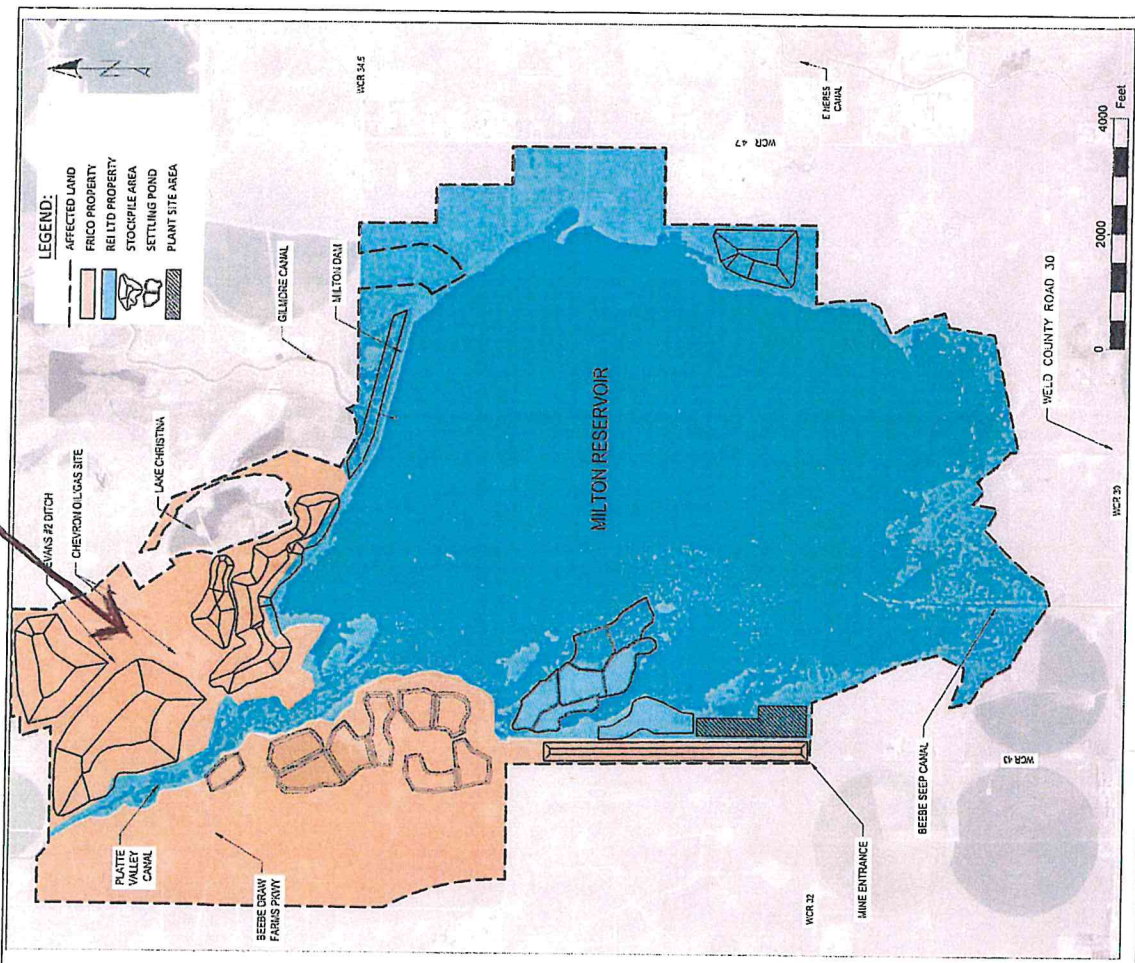
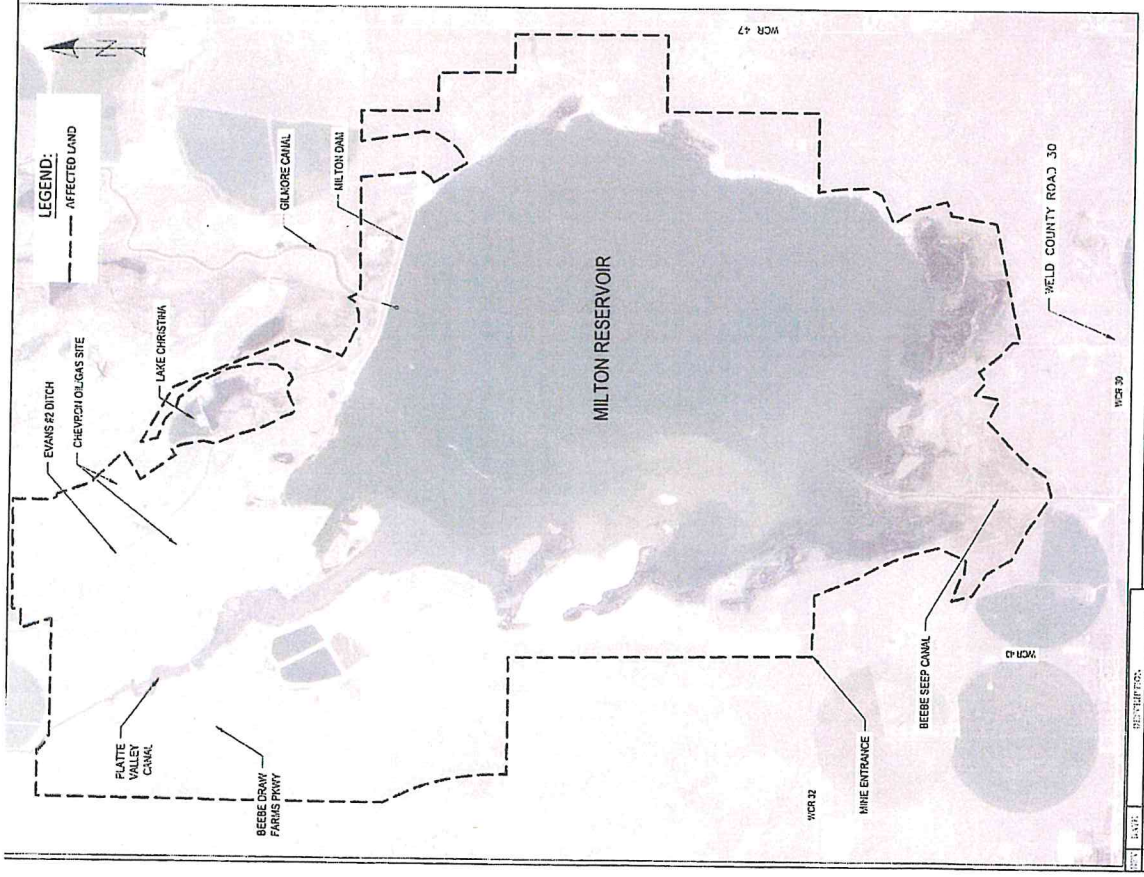


Crystal Clark

**Enclosure:** Maps showing contested land



Concluded



ROW	DATE	DESCRIPTION
B	12/02/21	RECEIVED FOR NINE MONTH
A	12/01/24	ISSUED FOR NINE MONTH



PREPARED BY  
ECOLOGICAL RESOURCES CONSULTANTS, LLC  
12345 W ALAMEDA PARKWAY SUITE 206  
LAKEWOOD, CO 80228

**CLIENT**  
**FARMERS RESERVOIR AND**  
**IRRIGATION COMPANY (FRICO)**

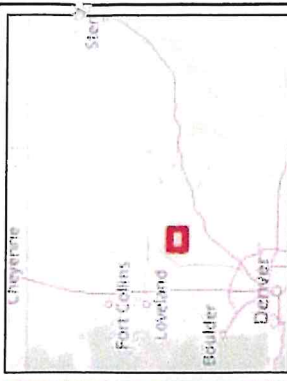
FARMERS SAND

GENERAL ARRANGEMENT
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et

Sheet  
C-1





- Legend**
- Parcels
  - Highway
  - Road
  - Highway
  - Road
  - County Boundary

Notes



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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

8,936.9 0 4,468.46 8,936.9 Feet

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STATE OF  
COLORADO

Girardi - DNR, Chris &lt;chris.girardi@state.co.us&gt;

---

## Sludge issue Beebe Draw Farms

2 messages

**John and Kim Coleman** <jc4buffs@msn.com>

Tue, Jan 28, 2025 at 8:08 PM

To: "Girardi - DNR, Chris" <chris.girardi@state.co.us>, Dan Joseph <djoseph@weld.gov>, "mfreeman@weldgov.com" <mfreeman@weldgov.com>, Maxwell Nader <mnader@weld.gov>, Perry Buck <pbuck@weld.gov>, "Isaine@weldgov.com" <Isaine@weldgov.com>, "kford@weld.gov" <kford@weld.gov>

Chris Girardi

Environmental Protection Specialist Intern and Weld County Commissioners,

I'm writing to share concerns about Lake Christina, a lake that is part of our community, and the impact of FRICO's dredging and discharge activities. These concerns were brought to my attention by Bill Caldwell, one of our community's board members, who shared photos and observations with me.

The photos show significant sludge buildup in the shallow areas of Lake Christina, particularly south of the causeway. This sludge appears to be coming from FRICO's outlet structures, which were constructed this past spring to manage water flow from their cyclone mining operations. The water entering the lake often looks like chocolate milk, carrying fine materials that are settling in the slow area. In some places, this buildup has reached an estimated depth of 5 to 7 inches.

The outlet structures themselves are Parshall flumes, which are designed to measure water flow, but it seems there is no filtration system in place to prevent sediment and other materials from entering the lake. This lack of filtration raises concerns about potential contamination. The sludge is extremely fine—finer than face powder—and could contain agricultural chemicals, organic waste, or other pollutants originating from Milton Reservoir.

Additionally, there are growing concerns about the environmental impact this is having on Lake Christina, a vital part of our community's ecosystem and recreational activities. Allowing unfiltered discharge into the lake risks harming the wildlife and diminishing the lake's value for the community.

In light of these concerns, I am requesting the following actions:

- Comprehensive testing of the sludge to determine if it contains toxins or harmful substances.
- A review of FRICO's discharge practices to ensure compliance with environmental standards and to confirm whether proper filtration measures are in place.
- An investigation into FRICO's authority to discharge unfiltered material into Lake Christina and the broader environmental implications of these actions.

As a community member, I'm deeply concerned about the future of Lake Christina. I appreciate your time in addressing this matter and hope for a prompt investigation to ensure the lake remains a healthy and thriving part of our community.

Thank you for your attention.

I am sure we can meet to show you the issue, let me know what date will work for you!

Sincerely,  
Kim Coleman

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**4 attachments**





**IMG\_8038.jpeg**  
4239K



**IMG\_8021.jpeg**  
2897K



**IMG\_8022.jpeg**  
3408K



**IMG\_8035.jpeg**  
4086K

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

Wed, Jan 29, 2025 at 8:14 AM

To: Jared Ebert - DNR <jared.ebert@state.co.us>, Jeff Fugate <jeff.fugate@coag.gov>, "Scott Schultz (He/Him)" <scott.schultz@coag.gov>

Cc: Russ Means - DNR <russ.means@state.co.us>

FYI, this is an email containing an objection/comment regarding the Farmers Sand/Milton Reservoir application, M-2024-057.

Chris

Chris Girardi

Environmental Protection Specialist Intern



THE FARMERS RESERVOIR AND IRRIGATION COMPANY

60 South 27th Avenue  
Brighton, Colorado 80601  
303-658-7373

January 6, 2025

**RE: Notice of Construction Materials Regular (112) Operation Reclamation  
Permit Application, Colorado Division of Reclamation, Mining and Safety File  
No. M-2024-057 ("Application")**

To Whom It May Concern:

The Farmers Reservoir and Irrigation Company recently submitted the Application described above to the Colorado Division of Reclamation, Mining and Safety ("Division"). The affected area covered by the Application includes portions of Sections 3, 4, 9, 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West, Weld County, Colorado. You are receiving this notice because you are the owner of a real property interest within the boundaries of the lands covered by the Application.

Should you have any questions regarding the Application, please contact the Division. The Division can be reached via email at [drms\\_info@state.co.us](mailto:drms_info@state.co.us), and more information is available at [www.drms.colorado.gov](http://www.drms.colorado.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Edgar", followed by a horizontal line.

Scott Edgar  
General Manager  
The Farmers Reservoir and Irrigation Company

**RECEIVED**

**JAN 31 2025**

Colorado Division of Reclamation,  
Mining and Safety

To the Colorado division of Reclamation, Mining and Safety

My name is Tony Courson I live at 15540 County Rd. 47 LaSalle CO 80645. I am writing you about a permit for the farmers reservoir and irrigation and company. I moved out here to get away from some of the dust and pollution and traffic. WE have got a enough traffic on the roads out here without giving FRICO a permit to make more dust and pollution. I do not feel that the FRICO will be responsible for what they are planning on doing and to keep the neighbors update with what they are doing. I have tried to work with them before and I got very nasty response from them about my property that is on the west side of 47 I took a day and a half to put up this post and they came and took them down. They did not bring the fence post over to me until I called Weld County Sheriff and I was told that I am not supposed to go over on that property again but I do pay taxes on it. They are claiming grandfather clause on all land on the west side of 47 1/2 but they do not have a survey of their property and I know of at least one other fence line that is not on the property line so how many more fences are on other people's property that they have bought I know of at least one property that the fence line is in the wrong place. The response that I got from FRCO. So I do not feel that they will work with the neighbors on what they are doing I appreciate your time to take to read this and hope you get a better idea of what they are like. I feel that they have only got one thing in mind and they do not care about anybody else. I felt that I was being bullied by them and because they told me that I should go get a

lawyer if I wanted that land. I am on Social Security and cannot afford to go get a lawyer. I have got a court case number on somebody down the road that had problems getting the property that was on the other side of the 47 court case number 00cv 1266.

Thank you

Tony W. Carson

my address is 15540 County Rd. 47

LaSalle CO 80645

my phone number is 970-284-7992

my cell number is 303-594-1021

**RECEIVED**

**JAN 31 2025**

Colorado Division of Reclamation,  
Mining and Safety

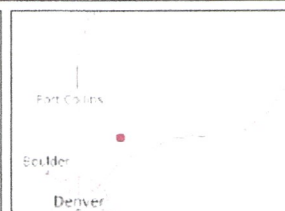




Legend

- Parcels
- Highway
- County Boundary

Notes



1,144.2 0 572.08 1,144.2 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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JAN 31 2025

Colorado Division of Reclamation,  
Mining and Safety



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JAN 29, 2025

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Tony Carlson  
155 40 CR 47  
LaSalle Co. 80645

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Mining and Safety

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**PO ZIP Code** 80642 **Scheduled Delivery Date (MM/DD/YY)** 1-30/25 **Postage** \$ 31.40

**Date Accepted (MM/DD/YY)** 1-30-24 **Scheduled Delivery Time** 6:02 PM **Insurance Fee** \$ **COD Fee** \$

**Time Accepted** 11:51 **Return Receipt Fee** \$ **Live Animal Transportation Fee** \$

**Special Handling/Fragile** \$ **Sunday/Holiday Premium Fee** \$ **Total Postage & Fees** 31.40

**Weight** 2.6 lbs. **Acceptance Employee Initials** 2R

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