



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

February 28, 2025

Craig Rasmuson
Korwell Land Holdings LLC
P.O Box 337282
Greeley, CO 80633

**Re: Korwell Dirt, File No. M-2022-034,
Amendment No. 1 (AM-1)
Preliminary Adequacy Review**

Dear Craig Rasmuson:

On November 6, 2024, the Division of Reclamation, Mining and Safety (“Division” or “Office”) received your request for Amendment of 112c Construction Materials Reclamation Permit Application Package (AM-1) for the Korwell Dirt, File No. M-2022-034. The Application was deemed complete on January 17, 2025. 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.

Application Form:

1. On Page 2 under Item #7, DCP Operating Company LP needs to be added. According to the Weld County Property Portal, DCP Operating Company LP owns Parcel number 105725300019 in the northeast quadrant of the permit area.
2. On Page 2 under Item #10, the latitude and longitude of the primary mine entrance location is approximately 165 feet to the south of the mine entrance access road off W County Road 35. Please revise these coordinates.

Rule 6.4.1- Exhibit A- Legal Description:

3. As previously stated in Item #2, please revise the latitude and longitude coordinates and update this exhibit.

Rule 6.4.3- Exhibit C- Pre-mining & Mining Plan Map(s) of Affected Lands:

4. Please revise Sheet 02 to account for the change in ownership of Parcel number 105725300019 in the northeast quadrant of the permit area.



5. According to Sheet 02, the northeast quadrant will be mined in Phase 2. Discussions between the Division, the Operator, and DCP Operating Company LP have indicated that the northeast quadrant will no longer be mined. Please revise Sheet 02 to clarify the mining phasing going forward. Please revise Sheet 02 to indicate the area that was mined and reclaimed in the northeast quadrant.
6. Sheet 02 states that the total mining acreage is 129.2 acres. Please revise the total mining acreage to account for the northeast quadrant no longer being mined.

Rule 6.4.4- Exhibit D- Mining Plan:

7. According to the Weld County Property Portal, Korwell Land Holdings LLC owns parcel # 105725300020, which is 122.7 acres. In addition, DCP Operating Company LP owns parcel # 105725300019. Please revise all text in the narrative that contradict this.
8. Please update the narrative regarding mining phasing to account for changes identified in Item #5.
9. Please clarify if the timetable of four (4) to six (6) years to complete mining will be altered by the change in the post-mine land use.
10. Please revise the quantity of topsoil to be mined going forward as a result of change in the post-mine land use.

Rule 6.4.5- Exhibit E- Reclamation Plan:

11. Please revise this exhibit to account for changes previously identified in Items #5 and #6.
12. Under Reclamation Methods, the mine phasing does not align with the mine phasing indicated on Sheet 02 and Sheet 03. Please clarify and revise appropriately.
13. The amendment application states that the Staging Area is located in the southwest quadrant. However, Sheet 02 does not include the Staging Area and Sheet 02 within the initial application indicated that the Staging Area is located in the northwest quadrant. Please clarify these contrasting statements.
14. Please clarify how final grading will be changed to support industrial land use pursuant to Rule 3.1.5(3). Please clarify that the Operator does not intend to conduct seeding and revegetation. If the Operator does not intend to conduct seeding and revegetation, please demonstrate how the area will be reclaimed for

industrial post-mine land use. If the post-mine land use reverts back to general agriculture, please clarify where in the affected area that seeding and revegetation will occur.

15. Under Description of Amendment or Conversion, the Operator indicated that the post-mine land use will be changed to industrial but would like to conditionally have the post-mine land use remain as general agriculture. Please revise the reclamation plan in the amendment application to include how the permit area will be reclaimed for a post-mine land use of both industrial and general agriculture.
16. Please revise the amendment application to commit to completing reclamation within five (5) years from the date the Operator has ceased mining pursuant to Rule 3.1.3, as previously stated in the initial application.

Rule 6.4.6- Exhibit E- Reclamation Plan Map:

17. Please revise Sheet 03 to account for changes noted in Items #5 and #6.
18. Sheet 03 indicates that native seed will be planted as part of reclamation. If the Operator intends to have the post-mine land use conditionally stay as general agriculture, then two reclamation plan maps will be required. One map to account for a post-mine land use of industrial, and one to account for the post-mine land use reverting back to general agriculture.

Rule 6.4.12- Exhibit L- Reclamation Costs:

19. Please note the Division will develop a cost estimate to complete reclamation after clarifications are made regarding the reclamation plan.

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

20. Please provide documentation of Legal Right to Enter the northeast quadrant from DCP Operating Company LP.

Rule 6.4.15- Exhibit O: Owners(s) or Record of Affected Land (Surface Area) and Owners of Substance to be Mined:

21. As previously stated in Item #1, DCP Operating Company LP owns the northeast quadrant of the permit area. Please revise this exhibit to account for the property transaction that transpired on November 7, 2024.

General Comment:

22. Please see the enclosed comment letter from the Colorado Division of Water Resources (DWR). Please acknowledge their comments regarding the amendment application.

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

23. 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.

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 technical deficiencies in your application. The public comment period will close for the amendment application on March 7, 2025. Please note the Division is required to issue a decision regarding the amendment application on **April 17, 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 amendment 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 amendment 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

CC: Jared Ebert, DRMS

Trent Korby, Korwell Land Holdings, LLC

Patrick Groom, Representative for DCP Operating Company LP



Response to Reclamation Permit Application Consideration

DATE: January 21, 2025

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

CC: Division 1 Office, District 1 Water Commissioner

FROM: Ioana Comaniciu, P.E., State Engineer's Office (SEO), ioana.comaniciu@state.co.us

RE: **Korwell Dirt, File No. M-2022-034 - AM1**

Contact: Craig Rasmuson, P/O. Box 337282, Greeley, CO or (970) 518-6205

Location: SW ¼ of Section 25, Twp. 4 North, Rng. 66 West, 6th P.M., Weld County

CONDITIONS FOR APPROVAL

- ☒ The proposed operation does not anticipate exposing groundwater. Therefore, exposure of groundwater must not occur during or after mining operations. The Applicant must ensure that mining will stay at least 2 feet above the groundwater table throughout the proposed mining operations.
- ☒ The proposed operation does not anticipate diverting or impounding any water. Therefore, groundwater usage must not occur during or after mining operations.

COMMENTS: The subject application for mining operation on approximately 162 acres located in the SW ¼ of Section 25, Twp. 4 North, Rng. 66 West, 6th P.M.

The applicant is proposing to mine the upper 50 to 80 percent of topsoil from the irrigated portion of existing agricultural land in order to provide topsoil for reclamation of third-party



development sites. The operator will extract approximately 12- 14 inches of topsoil, totaling of approximately 372,679 tons of topsoil, which will occur in four phases over the course of four to six years. Mining will occur above the groundwater table which according to the information provided exists from 40 to 113 feet below the ground surface. No surface water or groundwater usage is proposed as part of this operation. The primary materials to be mined at the site are sand and gravel. All mined areas will be backfilled and regraded to natural drainage patterns for use as pasture and the proposed reclamation will be for industrial.

Given the fact that the site is located in close proximity of the Town of Gilcrest, where shallow groundwater is known to be present, we expect that groundwater may be exposed at the site, therefore in the event that groundwater is exposed at the site the Applicant must obtain a well permit and a substitute water supply plan or decreed plan for augmentation prior to exposing any groundwater.

Well permit nos. 140237-A, 8522-RR (76241-F) located on the subject property must be used in accordance with applicable statutes and its permitted conditions. As permitted, the wells cannot be used for the mining operation.

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.

The applicant may contact the State Engineer's Office at (303) 866-3581 with any questions.