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COLORADO

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

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## Farmers Sand/Milton Reservoir M2024057- Adequacy Review #2

1 message

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

Wed, May 7, 2025 at 10:17 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>

Good morning,

Attached to this email is a pdf of the Division's Adequacy Review #2 Letter for the Farmers Sand application, permit number M-2024-057.

A hard copy will not be sent unless requested. Please feel free to contact me if you have any questions.

Thanks,

Chris Girardi

Environmental Protection Specialist Intern



**COLORADO**  
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**FarmersSandMiltonRes\_AdequacyReview2.pdf**

315K



May 7, 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**  
**Adequacy Review #2**

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. The Division sent a Preliminary Adequacy Review Letter on February 4, 2025, and received a response from the Applicant on April 10, 2025. Based on review of the material submitted, the Division has identified the following items that 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.
  - a. **FRICO Response:** Exhibit B- Index Map has been updated in accordance with Rule 6.4.2.
  - b. **DRMS Response:** Please revise the Exhibit B Map to include Beebe Draw Farms Parkway to the north/northwest.

**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.

- a. **FRICO Response:** Exhibit C maps have been updated to comply with Rule 6.2.1(2)(b) and Rule 6.2.1(2)(e).
  - b. **DRMS Response:** The Exhibit C(c) – sheet one map does not comply with the scale requirements and no other sheets were provided; contours are too small and not labeled sufficiently to indicate the direction and rate of slope. Also, the map does not show contours on all of the proposed affected land on the west side of the site. Please revise the map to comply with Rule 6.2.1(2) and Rule 6.4.3(c).
3. 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.
- a. **FRICO Response:** All significant and permanent man-made structures within 200-feet of the revised affected area consists of the following and are identified on Exhibit C(g), Sheets 1 thru 3.
  - b. **DRMS Response:** The owners of the pipelines are not shown on the map. Also, the Platte Valley Canal Maintenance Road, Beebe Seep Canal, Beebe Seep Canal Maintenance Road and the Evans #2 Ditch roads are not shown/labeled on the Exhibit C(g) Map. Please revise the maps accordingly.

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

4. 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.
- a. **FRICO Response:** See Exhibit D – Mining Plan, Chemical Properties of Dredged Material and Reservoir Water.

- b. **DRMS Response:** Please provide an explanation as to why only barium was detected and what are the possible sources.
- 5. Please provide a sampling, analysis and reporting plan to evaluate the dredged material at an adequate frequency during the life of the operation to ensure the physical and chemical properties are not substantially changing over time.
  - a. **FRICO Response:** Direct bulk samples will be collected and analyzed monthly from the discharge point of the cyclone separator (the presumed 'point of compliance'). This sandy slurry will be analyzed by EPA Method 6020-SPLP for Total and Dissolved Metals, Method 8260-SPLP for VOCs, and Method 160.1 for TDS. Additionally, Method 8270-SPLP will be employed quarterly to analyze for SVOCs. Should any analytical results, from any sampling event, exceed the Standards as shown in Table 3 from 5CCR 1002-41 (CDPHE Regulation 41), the DRMS will be notified and additional investigation into the potential surface water impacts will be evaluated. Alternate or additional 'points of compliance' may be warranted in that event.
  - b. **DRMS Response:** Please clarify how reporting will be handled. The Division proposes analytical results be submitted quarterly, in addition to immediate notification by FRICO to the Division if any exceedances from CDPHE Regulation 41 are detected.
- 6. 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.
  - a. **FRICO Response:** The reason no topsoil was stockpiled or salvaged is the native ground surface around the reservoir and at the locations of the current stockpiles and settling ponds primarily consists of sand/clayey sand and basically no topsoil. Even the native ground where the future sand plant is to be constructed has no topsoil only sand. If topsoil is encountered prior to construction of new settling ponds and stockpiles, the material will be salvaged and stockpiled northwest of the West Stockpile west of the north/south haul (Exhibit F- Sheets R2A & R2B) and utilized during reclamation. To ensure that the stockpile is not eroded when topsoil is not being placed or removed, an environmentally friendly biodegradable soil binder (e.g. GRT Enviro Binder, Enviroseal LDC Liquid Dust Control) will be applied to the slopes and top areas.

- b. **DRMS Response:** It is true the topsoil in this area is considered sandy. The primary soil series to be affected by the operations is Valent sand (70) and Vona loamy sand (72), based on the USDA soil series descriptions for these soil types, there should be a viable top “A” horizon. These materials should be salvaged and stockpiled. Please commit to salvaging the “A” horizon soils within the affected area and revise the mining plan accordingly.
  - c. **DRMS Response:** The revised Mining Plan indicates that salvageable topsoil will be stockpiled, and the stockpiled topsoil will be stabilized with GRT Enviro Binder, Enviroseal LDC Liquid Dust Control. While these materials are effective for short term stabilization, they are less effective for long term stabilization. In addition to using this binder, the Division recommends that if stockpiles are to remain in place for longer than one growing season, the operator should establish vegetation on the stockpile. Please provide a plan for long-term stabilization of the stockpiled topsoil should the material be stockpiled for longer than one growing season.
- 7. 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.
  - a. **FRICO Response:** The mining plan has been changed, Lake Christina will not be used as a settling pond. In addition, water affected by the mining operation will not be discharged into Lake Christina. All water affected by the mining operation will be discharged into Milton Reservoir under the approved CDPHE Discharge Permit Certification Numbers: COR414592, COR418738, and COR 419504. Exhibits (e.g. maps and drawings) and the Mining Plan have been revised accordingly. In addition, the Affected Area and Permit Area boundaries have been revised on the applicable Exhibits (e.g. maps, drawings).
  - b. **DRMS Response:** During the pre-operational inspection conducted by the Division on March 24, 2025, the Division observed stockpiles of sediment that had been excavated from Lake Christina that had been transported to an area adjacent to the east side of Platte Valley Canal within the permit area. Please update Drawing 06 in the mining plan to account for the stockpiled material. In addition, please clarify how the area will be

reclaimed and update the Reclamation Plan and Maps accordingly.

8. 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.
  - a. **FRICO Response:** For the sand plant, the initial phase will consist of clearing, grubbing, and grading the sand plant area for construction of the plant. The foundation of the sand plant will be a reinforced concrete pad. Between the concrete pad and the native surroundings/vegetation, the area will be stabilized with gravel. The design of the sand plant is in progress and will be provided under separate cover when the design is complete. The cyclone generates stockpiles and these stockpiles will have the same BMPs installed as the other stockpiles. The additional sediment control BMPs to be installed to manage sediment and minimize erosion of the stockpiles is provided in the Mining Plan, Section 7/0- Erosion and Sediment Control.
  - b. **DRMS Response:** Please clarify if the soil binder will be applied during periods of non-activity for the stockpiles in addition to extreme weather conditions. In addition, please clarify the frequency of the application of a new soil binder.
9. Given the large scale of the affected area, please clarify, in the narrative and with an exhibit, the locations of the mine notice signs.
  - a. **FRICO Response:** The signs have been posted at five Milton Reservoir entrances. These locations are presented on Drawings 06 and 07 and included in the Mining Plan Section 8- Proposed Mining Operations Sign Locations.
  - b. **DRMS Response:** Sheet 06 does not depict this notice sign observed during the pre-operation inspection conducted on March 22, 2025. Please revise.

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

10. The Reclamation Plan indicates that drill seeding will be conducted and broadcast seeding on slopes, however Exhibit L indicates that Hydroseeding will be conducted for the temp roads, settling ponds, and stockpiles. Clarify which application method will be conducted and where.
11. 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.

- a. **FRICO Response:** See Item #8. Native vegetation has demonstrated that topsoil is not a necessity and has been growing in the sand surrounding Milton Reservoir for years. The disturbed areas (settling pond berms, south of the intersection of Beebe Farms Parkway, and near the southwest entrance) were seeded last fall with the seed mix provided in the Reclamation Plan and without any additional amendments and/or topsoil and these areas are starting to show vegetation growth. This vegetation growth will be assessed during this year's growing season and the results will be used to determine whether or not these disturbed surfaces (sand) are adequate for vegetation growth. If not, samples will be collected and analyzed in accordance with Section 2.2.1 of the Reclamation Plan (exhibit E). Dependent on the laboratory results, soil amendments (fertilizer and/or organic matter) may need to be added and/or the seed mix modified to enhance growth of vegetation. If this is the case, a Technical Revision (plan for amending the soil and/or modifying the seed mix) to the Mining Permit will be provided to DRMS. See Exhibit E- Reclamation Plan, Section 2.2 Vegetation Plan.
- b. **DRMS Response:** See DRMS response to Item #6. Clarify if all topsoil will ultimately be stockpiled adjacent to the south of the settling ponds, or at other locations (such as for topsoil near the N1, N2, and N3 stockpiles, the future sand plant, and the west stockpile).

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

12. Please provide a plan/diagram of the swales to be installed to facilitate the runoff from Basin 2 and 3.
  - a. **FRICO Response:** See Drawings 12, 13, and 14.
  - b. **DRMS Response:** The diversion channel sizing was determined based on stormwater runoff from a 5-year, 24-hour storm event. Please revise these designs for a 10-year, 24-hour storm event.

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

13. 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.
  - i. **FRICO Response:** Exhibit H- Wildlife Report has been revised to incorporate CPW's comments and concerns. In addition, a Technical Memorandum has been prepared providing responses to CPW's comments in their letter dated January 4, 2025. The Technical Memorandum is included in Exhibit H- Wildlife Information, Response to CPW Comments.
  - ii. **DRMS Response:** The Applicant's Technical Memorandum and responses have been submitted to CPW for review. The Division notes that moving the future sand plant location to an area outside of the current proposed permit/affected area would need to be accomplished through an Amendment Application to the permit application.
  - iii. **DRMS Response:** Page 9 of the revised Wildlife Report indicates that dredging activities will be limited during the active migratory bird and raptor breeding season (which appears to span between April 1 to August/September). However, in accordance with the Mining Plan, dredging will occur between mid-February to mid-December, weather dependent. Please clarify the statement in the revised wildlife report as it appears dredging will occur within the breeding season.
  - iv. **DRMS Response:** Mining activities have and are proposed to continue to occur within the nesting area and buffer zones outlines for the America White Pelican and Blue Heron, however the revised



wildlife report says these areas will be avoided during the buffer seasons (March 1 to July 1 - blue heron, April 15 to August 15 - American White Pelican). Please clarify what "avoided" means and specify what mining activity will occur within these areas during these seasons?

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

14. 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.
  - a. **FRICO Response:** The following Table lists the documents (Deeds) provided in Exhibit N and the parcel they correspond to. The following is provided in Exhibit N, Sheets 1 thru 3.
  - b. **DRMS Response:** The Division cannot find the ROE document for 121311000003. Please provide it.
15. Please provide documentation for Legal Right to Enter for Farmers Reservoir and Irrigation Company to parcels owned by REI LLC for their respective parcels.
  - a. **FRICO Response:** FRICO's Legal Right to Enter the parcels owned by REI LLC is provided in Exhibit N, document titled 220705 Property Lease and Reclamation Agreement. The mining operations (e.g. stockpiles, settling ponds, and haul roads) will be located on REI parcel numbers 121303301004, 121304000038, 121309000026, 121310000007, 121310000009, 121310000029, 121310001002, and 121315000010. These parcels are depicted in Exhibit N, Sheets 1 thru 3.
  - b. **DRMS Response:** The 220705 Property Lease and Reclamation Agreement provided does not indicate Legal Right of Entry for REI parcel numbers 121309000026, 121310000007, 121310000009, and 121315000010. Please provide it.

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

16. Please note the Division will develop a cost estimate to complete reclamation at the site, which will be provided in the future.

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

17. Please provide copies of any structure agreements that were obtained. If the Applicant is unable to obtain structure agreements, then an engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at

the mining operation can be used instead pursuant to Rule 6.4.19(b). The Applicant provided a Geotechnical Stability Exhibit in the initial application, which the Division determined meets the requirements of Rule 6.5. However, please provide any evidence of attempts made to obtain structure agreements for those the Applicant was unable to obtain.

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

- 18.** 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 second 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. Please note the Division is required to issue a decision regarding the application on **May 15, 2025**. Please request an extension of time to allow for continuing 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  
Lisa Shea, Ecological Resources Consultants, LLC