



STATE OF  
COLORADO

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

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## Ragsdale Reservoirs AM1 Adequacy Review 1

1 message

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

Thu, May 8, 2025 at 1:20 PM

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

Hello.

Please see the attached adequacy letter for the Ragsdale Reservoirs Amendment 1 application.

Let me know if you have any questions.

Kind regards,

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**Nikie Gagnon**

**Environmental Protection Specialist**



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

Cell: 720.527.1640

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

**Address for FedEx, UPS, or hand delivery:**

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

[nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us) | <https://www.drms.colorado.gov>



**M2020007 Ragsdale Reservoirs Adequacy Letter 1\_20250508.pdf**  
8352K



May 8, 2025

Lynn Shults  
L.G. Everist, Inc.  
7321 E. 88<sup>th</sup> Ave. Suite 200  
Henderson, CO 80640

**Re: Ragsdale Reservoirs, Permit No. M-2020-007, Preliminary Adequacy Review**

Dear Ms. Shults:

On February 13, 2025, the Division of Reclamation, Mining and Safety (Division/DRMS) received a 112 Construction Materials Amendment Application for the Ragsdale Reservoirs Permit No. M-2020-007. The application was deemed complete on February 27, 2025. A pre-operation inspection of the proposed mine site was conducted on April 17, 2025. Based on the inspection and a review of the permit application package, the following items must be addressed and/or received before the Division can approve the application.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with the suggested corrective actions.

**Other Agency Comments:**

1. The Division received comments from 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/exhibits as necessary.

**Notices (Rule 1.6.2):**

2. As required by Rule 1.6.2(d) and 1.6.5(2), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation. 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 paper.
3. As required by Rule 1.6.2 (e), please submit Proof of Notice to all Owners of Record of the surface and mineral rights of the affected land and the Owners of Record of all land surface within 200 feet of the boundary of affected land. Proof of Notice may be by submitting return receipts of a Certified mailing or by proof of personal service.



**Exhibit D – Mining Plan (Rule 6.4.4):**

4. The applicant did not provide a timeline for construction of the conveyor; however, the Division acknowledges that L.G. is currently working on obtaining agreements with UPRR and CDOT to obtain the necessary agreements and permits to cross the railroad and highway 85. In accordance with Rule 6.4.4(a), once these agreements are in place, please commit to informing the Division of the timeframe for surface disturbance related to installing the conveyor and of any changes to the location of the piers that will be constructed to support the conveyor, as depicted on the mining plan maps. At that time, the Division will review the reclamation bond to ensure that the cost estimate provided for the demolition of the piers is adequate.

**Exhibit E – Reclamation Plan (Rule 6.4.5):**

5. The approved Reclamation Plan and the Bank Armoring Plan (2020) state that the west banks of Phase 1 and Phase 2 will be armored with concrete between 9 to 15 inches, averaging 12 inches, from the surface of the ground to a point 5 feet below the thalweg of the South Platte River. The above water portions will be soiled and revegetated. In the amendment application, the Operator proposes an alternative, to leave a gravel band around the reservoirs between the high-water line and the slurry wall. An access road will be left in place around the reservoirs in the graveled areas. No soil cover or vegetation will be done. Additionally, no soil cover is proposed on the armored areas, but the voids between the recycled concrete will be filled with natural pit run material. The Bank Armoring Plan does not include any geotextile or granular filter under the armoring material to prevent soil from eroding and compromising the integrity of the slope. Please explain why this is excluded and describe how wind and water erosion of the natural pit run (dirty sand and gravel) will be prevented.

Note: The Bank Armoring Plan (page 116) has the incorrect permit number and incorrect operator (page 117) in the header at the top. Please correct this and resubmit.

6. On Page 24, the applicant requests that the establishment of full revegetation will not be required for permit acreage release if “reasonable assurance” that the development for the approved post mining land use will continue prior to establishing permanent vegetation. This issue was addressed in the original application and the language should be removed from the revised Reclamation Plan. Post mining revegetation will need to be established and largely weed-free prior to the release of an area from the DRMS permit. No “reasonable assurance” exceptions as described in the reclamation plan will be made. Please update the reclamation plan to be consistent with the requirements in Rule 3.1.10.

**Exhibit M – Other Permits and Licenses (Rule 6.4.13):**

7. Please revise Exhibit M to list the other permits that will be required to install the conveyor. Additionally, please update item #2 to indicate the Weld County Use by Special Review permit will need to be revised for the conveyor.

May 8, 2025

This concludes the Division's preliminary adequacy review of this application. The public comment period for this application closed on April 23, 2025. No public comments or objections were received by the Division. Please note that the decision date for this application is **May 28, 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 this application.

If you have any questions, please contact me by telephone at 720-527-1640 or by email at.

Sincerely,



Nikie Gagnon  
Environmental Protection Specialist

Enclosures: CPW Comment Letter  
DWR Comment Letter

Cc: Steve O'Brian, Environment, Inc.  
Jared Ebert, DRMS





## Response to Construction Materials Reclamation Permit Application

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Date: March 4, 2025

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

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

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

RE: **Ragsdale Reservoirs, File No. M-2020-007, Amendment No. 1**

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. 7, 8, 17, 18, and 19 Twp. 2 North, Rng. 66 West

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### 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.

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### Comments

#### Mining Plan

This amendment seeks to increase the mine area by 26.62 acres to include an area in Section 18, Twp. 2 North, Rng. 66 West, 6<sup>th</sup> P.M. and to add a conveyor crossing over US Hwy 85 to connect the mine area east of US Hwy 85 to the mine area and plant site on the west side of US Hwy 85. Also, this amendment is proposing to add an under-drain between Phases 1 and 2 to regulate groundwater elevation to historic levels. The mining and reclamation methods will not change. The materials to be mined are sand and gravel, which will be dry mined by installing slurry walls prior to mining.

The current water consumption at the site is estimated at 110.22 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 6225 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. 85586-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.

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, and replacement of lagged depletions shall continue until there is no longer an effect on stream.

Please contact Ioana Comaniciu in Denver at [ioana.comaniciu@state.co.us](mailto:ioana.comaniciu@state.co.us) or (303) 866-3581 x8246 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 questions.



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Northeast Regional Office

6060 Broadway  
Denver, CO 80216  
P 303.291.7227

March 3, 2025

Nikie Gagnon  
Environmental Protection Specialist  
Colorado Division of Reclamation, Mining & Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203  
[nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us)

RE: CPW's Comments on the Ragsdale Reservoirs - File No. M-2020-007

Dear Ms. Gagnon,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Ragsdale Reservoirs project expansion. It is our understanding that this proposed amendment increases the mine area by 26.62 acres, and adds a conveyor crossing over US Highway 85 and the UP Railroad to connect the mine area east of US Highway 85 to the mine area and plant site on the west side of US Highway 85. CPW understands that the developer will also be adding an under-drain between Phases 1 and 2 to regulate groundwater elevations to historic levels. CPW understands that the mining method and the final reclamation methods are proposed not to change.

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 and Winter Concentration 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. Mule deer winter concentration is defined as that part of the winter range where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average of five 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.

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, Mule Deer Severe Winter range and Winter Concentration areas occur along the South Platte River Corridor on the western side of the project, as shown in Exhibits A and B. Exhibit A- Mule Deer Severe Winter Range indicated in striped pink.



Exhibit B- Mule Deer Winter Concentration indicated in striped white



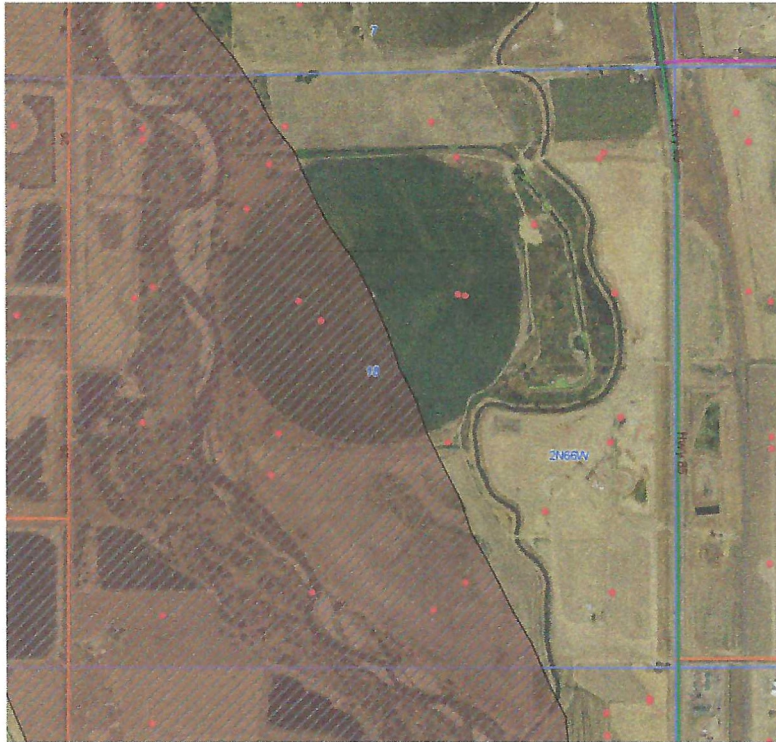
#### **Mule Deer Migration Corridor HPH**

Mule Deer Migration Corridors are a specific mappable site through which large numbers of animals migrate and the loss of which would change migration routes.

CPW also recommends avoiding the riparian corridor to the maximum extent possible to keep the migration corridor along the river as open as possible. In particular, a Mule Deer Migration Corridor occurs along the South Platte River Corridor on the western side of the project, as shown in Exhibit C.



Exhibit C- Mule Deer Migration Corridor indicated in striped red wine.



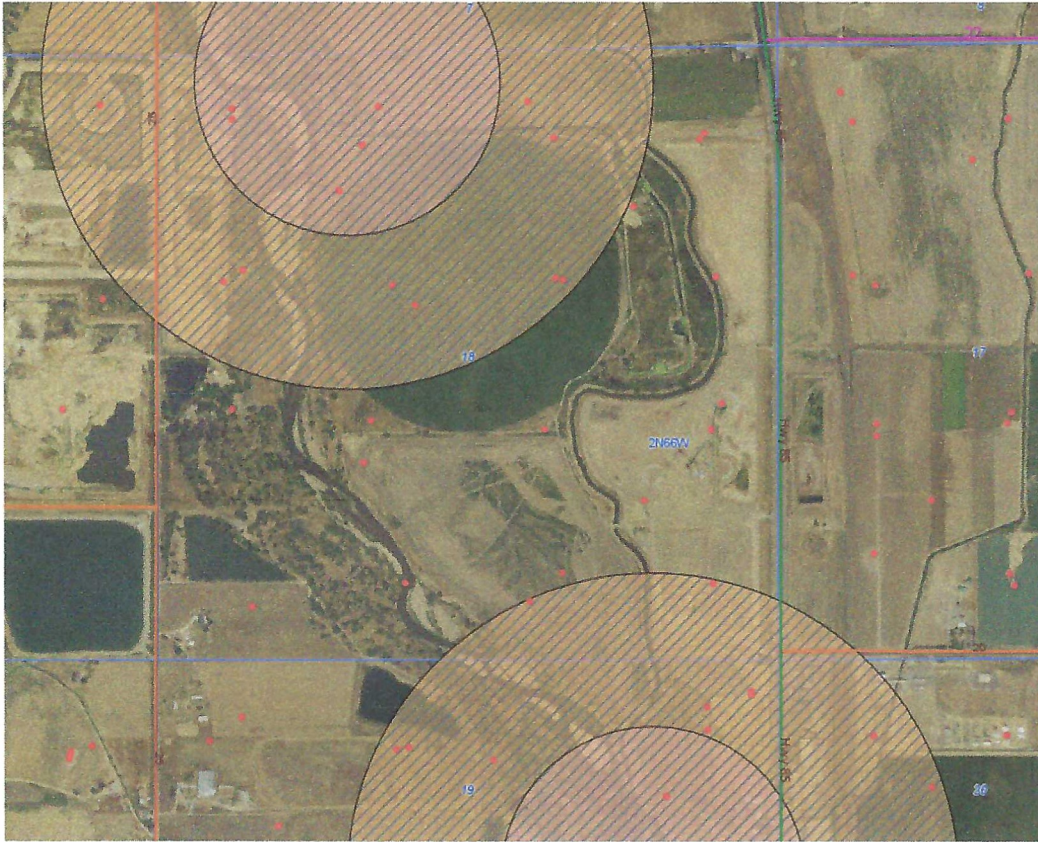
#### Bald Eagle Active Nest Site

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 two active Bald eagle nests identified around where the project will be occurring. CPW would recommend consulting with the U.S. Fish and Wildlife Service for regulatory purposes.

In particular, there are bald eagle active nest sites around the project site as shown in Exhibit D. CPW recommends avoiding these areas when expanding the project footprint. We also recommend constructing the new conveyor belt outside of the Bald Eagle nesting period to reduce potential impacts to the nests.

Exhibit D- Bald Eagle Active Nest Site indicated in striped peach (½ mile buffer) and striped pink (¼ mile buffer).



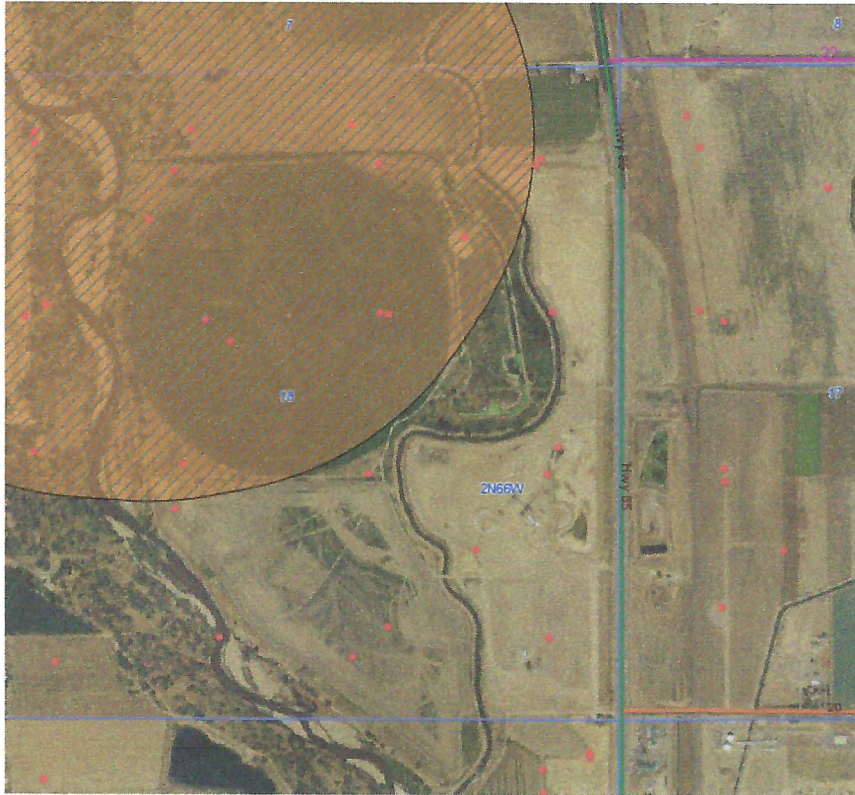
#### Bald Eagle Roost Sites

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.

In particular, there is a bald eagle roost site along the South Platte River corridor as shown in Exhibit E.



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



### Raptors and Migratory Birds

The Project area contains suitable habitat for nesting raptors and migratory birds. To ensure compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, CPW recommends consultation with USFWS prior to construction of the proposed Project. All migratory birds are protected from potential take under the Migratory Bird Treaty Act, and any removal or disturbance of an active migratory bird nest requires prior consultation with CPW and USFWS. Both active and potential nest sites, as well as winter night roosts, should be considered when evaluating potential disturbance during construction.

In particular, there is a known active Swainson's hawk nest at the northeast corner of the project across Hwy 85. CPW recommends avoiding conducting work within a ¼ mile radius of the nest between April 1- July 31, if this is not feasible, CPW recommends that the applicant start construction outside of this window.

### Fencing

CPW is concerned for the safety of Mule deer and White-tailed deer in the area for the proposed project expansion. 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. More information can be found in CPW's publication "Fencing with Wildlife in Mind" at:

<https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf>

### **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

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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).

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.

If the timing or scope of this project changes and/or if you have any questions, please contact Erin Priest at 970-939-1214 or at [erin.priest@state.co.us](mailto:erin.priest@state.co.us).

Sincerely,



Chris Metenbrink

Area 2 Assistant Area Wildlife Manager

Cc: Mark Leslie, Jason Duetsch, Erin Priest, Lexi Hamous- NE Land Use Coordinator-  
[lexi.hamous-miller@state.co.us](mailto:lexi.hamous-miller@state.co.us), and file

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