



STATE OF
COLORADO

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

Tierra Piedra Gravel Pit- Notice of Incompleteness for AM-1

Nathan Barton <NABarton@wastelineinc.net>

Thu, Jul 10, 2025 at 1:27 PM

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

Cc: Mike <mike.petrox@gmail.com>, Ryan Clark <ryan@petrox-resources.com>, Brian Abeln <brian.abeln@crossfireaggregate.com>

Dear Chris:

Thank you for getting this out to us so quickly. We really appreciate it.

Our response to your review:

1. You are correct. The change is 3.59. Please consider any other incorrect references in the Exhibits to also be changed from 3.39 to 3.59 acres.
2. The typo is on page 3, item #10, not page 2, and has been corrected, changing ArArchuleta to Archuleta. We have also removed the commas in the applicant/operator and landowner items (7 and 8) on that page. You are correct that the Secretary of State's office does not have the comma. Many times a comma is inserted in various documents for different agencies, and we were inconsistent in doing so.
3. See item 4. Obviously, as an entity (a limited liability company, LLC), Tierra Piedra Ranch LLC cannot initial these 10 items, but as an authorized representative of the LLC, I am able to do so.
4. We respectfully disagree with the need to change either Page 5 or Page 7.
 - a. On page 7 of the application, at the top of the page, it very clearly states "As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the..."
 - b. As stated on page 1 and page 2 of the application, Michael Clark is *not* the applicant/operator, he is the *contact* for Tierra Piedra Ranch LLC, the Applicant/Operator. (He is, of course, as Manager, also only an "authorized representative" of an LLC.)
 - c. Exhibit G Source of Legal Right to Enter, in a letter by Michael Clark as Manager, specifically states that WASTELINE Inc. and myself, Nathan A. Barton, are authorized representatives of Tierra Piedra Ranch LLC. (without the comma).
 - d. The Mineral Rules and Regulations for the Extraction of Construction Materials, 7-15-19, Section 1.4.1(3) states in part: "All information submitted in an application ... acknowledged as such by the signature of an authorized agent on an application form..."
 - e. This would also apply to the initials on Page 5.
 - f. Therefore, we understand that both the initials on Page 5 and the notarized signature on Page 7 are valid.
5. We have removed the commas here and on page 3 (as addressed in item 2).
6. We have added the original date of signing to page 7. For some reason, probably our own fault, the annotation form in Adobe did not show the entire annotation fields.
7. We apologize: we attached the blank copy and not the signed/dated one. That corrected Exhibit I is now attached to this email.
8. We will submit this email's attachments to the ACCR by email, with a copy to you, today; we are unsure when they will be able to respond; They are still in a turmoil due to the fire. We will require that they confirm receipt of the changes by email and will forward that to you.
9. We again erred and had the blank and not the completed receipt from the Conservation District. The receipt from the administration office for the BOCC was undated, and we have again requested that the County provide the receipt with a date. We will send that (as a revised/corrected Exhibit J) as soon as possible. In this email, I am also attaching a copy of the original email sent to the BOCC through their administrative assistant, Tonya McCann, in case this might be acceptable to demonstrate we did provide the notice and allow the review to proceed.

To simplify review and assist the ACCR, I am sending the entire application form and Exhibits I and J, although not all the application pages are revised.

Since the application was submitted through the Online Portal, I am sending this electronically by email. Do we need to also post this message and the changes on the Portal?

We understand that laws and regulations may require mailing a hard copy to us by USPS, but we are fine with just receiving the information by email. We very much appreciate you sending out the emailed copy, not just the mailed hard copy, so that we can respond as quickly as possible.

Do I need to convert this entire response message to a formal letter and email the PDF to you? Please let me know.

Again, thank you for the quick turnaround time.

Respectfully,

Nathan

From: Girardi - DNR, Chris <chris.girardi@state.co.us>
Sent: Thursday, July 10, 2025 10:59 AM
To: Nathan Barton <NABarton@WastelineInc.net>
Cc: Jared Ebert - DNR <jared.ebert@state.co.us>
Subject: Tierra Piedra Gravel Pit- Notice of Incompleteness for AM-1

Hello Nathan,

Attached to this email is a pdf of the Notice of Incompleteness regarding Amendment Application (AM-1) for the Tierra Piedra Gravel Pit, permit number M2009081.

A hard copy will be sent to the PO box for Tierra Piedra Ranch LLC as well. Please let me know if you have any questions.

Sincerely,

Chris Girardi

Environmental Protection Specialist



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

[Quoted text hidden]

2 attachments



2025-0710 Changes to TPGP App.pdf

1202K



2025-0710 Email 2025-0627 ABOCC TPGP.pdf

294K

Application Form

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☒ **There is a File Number Already Assigned to this Operation**
Permit # M - 2009 081 (Please reference the file number currently assigned to this operation)
☐ **New Application (Rule 1.4.5)** ☒ **Amendment Application (Rule 1.10)**
☐ **Conversion Application (Rule 1.11)**
Permit # M - 2009 081 (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and Geotechnical Stability Exhibit, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (4) below. Exhibits should NOT be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information described below.

1.	Applicant/operator or company name (name to be used on permit): <u>Tierra Piedra Ranch LLC</u>	
1.1	Type of organization (corporation, partnership, etc.): <u>Colorado Limited Liability Company</u>	
2.	Operation name (pit, mine or site name): <u>Tierra Piedra Gravel Pit</u>	
3.	Permitted acreage (new or existing site):	<u>6.4</u> permitted acres
3.1	Change in acreage (+)	<u>3.59</u> acres
3.2	Total Acreage in Permit Area	<u>9.99</u> acres
4.	Fees:	
4.1	New Application:	<u>\$1258.00</u> application fee
	Amendment Fee (C.R.S. 34-32.5-125(II)):	<u>\$827.00</u> application fee
5.	Primary commodity(ies) to be mined: <u>Gravel Sand Soil</u>	
5.1	Incidental commodity(ies) to be mined: 1. <u> </u> / <u> </u> lbs/Tons/vr 2. <u> </u> / <u> </u> lbs/Tons/vr 3. <u> </u> / <u> </u> lbs/Tons/vr	
	4. <u> </u> / <u> </u> lbs/Tons/vr 5. <u> </u> / <u> </u> lbs/Tons/vr	
5.2	Anticipated end use of primary commodity(ies) to be mined: <u>roadbase and fill material</u>	
	Anticipated end use of incidental commodity(ies) to be mined: <u>NA</u>	

11. Correspondence Information:

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name:	Michael (Mike) or Ryan Clark	Title:	Manager
Company Name:	Tierra Piedra Ranch LLC		
Street/P.O. Box:		P.O. Box:	1959
City:	Arboles		
State:	CO	Zip Code:	81121
Telephone Number:	(970) - 259-5691 or (303) 803-3998		
Fax Number:	(970) - 878-4489		

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name:	Nathan A. Barton	Title:	CE, PE, DEE
Company Name:	WASTELINE, Inc. (contractor for TPRLLC)		
Street/P.O. Box:	PO Box 88	P.O. Box:	88 or 3471
City:	Cortez or Rapid City		
State:	Colorado or South Dakota	Zip Code:	81321 or 57709
Telephone Number:	(970) - 564-1380 or 605-939-0650		
Fax Number:	() - EMail: NABarton@wastelineinc.net		

INSPECTION CONTACT

Contact's Name:	Mike Clark (see above) or Brian Abeln	Title:	Aggregates Manager
Company Name:	Crossfire Aggregate Services, LLC (contractor to TPRLLC)		
Street/P.O. Box:	223 Chickenhawk Lane	P.O. Box:	352
City:	Ignacio		
State:	Colorado	Zip Code:	81137
Telephone Number:	(970) - 560-6757		
Fax Number:	() -		

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency:	NONE		
Street:			
City:			
State:		Zip Code:	
Telephone Number:	() -		

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency:	NONE		
Street:			
City:			
State:		Zip Code:	
Telephone Number:	() -		

7. Name of owner of the subsurface rights of affected land: Tierra Piedra Ranch LLC

8. Name of owner of the surface of affected land: Tierra Piedra Ranch LLC

9. Type of mining operation: ☒ Surface ☐ Underground ☐ In-situ

10. Location information: The center of the area where the majority of mining will occur:
COUNTY: Archuleta
PRINCIPAL MERIDIAN (check one): ☐ 6th (Colorado) ☒ 10th (New Mexico) ☐ Ute
SECTION (write number): S 16
TOWNSHIP (write number and check direction): T 33.0 ☒ North ☐ South
RANGE (write number and check direction): R 5.0 ☐ East ☒ West
QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW
QUARTER/QUARTER SECTION (check one): ☐ NE ☒ NW ☐ SE ☐ SW
GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): 5.8 miles N of Arboles on SH-151 (off Fossett Gulch Road) 6190 feet ASL

11. Primary Mine Entrance Location (report in either Latitude/Longitude OR UTM):
Latitude/Longitude:
Example: (N) 39° 44' 12.98" (W) 104° 59' 3.87" **Note: the actual primary mine entrance is changing in this application.**
Latitude (N): deg min sec (2 decimal places)
Longitude (W): deg min sec (2 decimal places)
OR
Example: (N) 39.73691° (W) -104.98449°
Latitude (N) 37 0.10552 (5 decimal places)
Longitude(W) 107 0.39366 (5 decimal places)
OR
Universal Transverse Mercator (UTM)
Example: 201336.3 E NAD27 Zone 13 4398351.2 N
UTM Datum (specify NAD27, NAD83 or WGS 84) NAD83 Zone 13
Easting 287304
Northing 4109384

12. **Primary future (Post-mining) land use (check one):**

<input type="checkbox"/> Cropland(CR)	<input type="checkbox"/> Pastureland(PL)	<input type="checkbox"/> General Agriculture(GA)
<input type="checkbox"/> Rangeland(RL)	<input type="checkbox"/> Forestry(FR)	<input type="checkbox"/> Wildlife Habitat(WL)
<input type="checkbox"/> Residential(RS)	<input type="checkbox"/> Recreation(RC)	<input type="checkbox"/> Industrial/Commercial(IC)
<input checked="" type="checkbox"/> Developed Water Resources(WR)		<input type="checkbox"/> Solid Waste Disposal(WD)

13. **Primary present land use (check one):**

<input type="checkbox"/> Cropland(CR)	<input checked="" type="checkbox"/> Pastureland(PL) Irrigated	<input type="checkbox"/> General Agriculture(GA)
<input type="checkbox"/> Rangeland(RL)	<input type="checkbox"/> Forestry(FR)	<input type="checkbox"/> Wildlife Habitat(WL)
<input type="checkbox"/> Residential(RS)	<input type="checkbox"/> Recreation(RC)	<input type="checkbox"/> Industrial/Commercial(IC)
<input type="checkbox"/> Developed Water Resources (WR)		<input type="checkbox"/> Mining (MN)

14. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

Operation will not use designated chemicals or produce acid mine drainage

15. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s):

Expansion of area to be mined, and including areas to be reclaimed to meet current DRMS standards for protection of floodplains and water resources, and change access point.

Maps & Exhibits:

Submit two (2) complete, unbound copies of the following application exhibits:

- 6.3.1 EXHIBIT A - Legal Description and Location Map
- 6.3.2 EXHIBIT B - Site Description
- 6.3.3 EXHIBIT C - Mining Plan
- 6.3.4 EXHIBIT D - Reclamation Plan
- 6.3.5 EXHIBIT E - Maps, to include the location of any recorded easements
- 6.3.6 EXHIBIT F - List of Other Permits and Licenses Required
- 6.3.7 EXHIBIT G - Source of Legal Right-to-Enter
- 6.3.8 EXHIBIT H - Municipalities Within a Two-mile Radius
- 6.3.9 EXHIBIT I - Proof of Filing with County Clerk
- 6.3.10 EXHIBIT J - Proof of Mailing Notices of Permit Application
- 6.3.12 EXHIBIT L - Permanent Man-Made Structures
- 1.6.2(1)(b) ADDENDUM 1 - Notice Requirements (sample enclosed)
- 6.5 Geotechnical Stability Exhibit (as required)

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

- AB
1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;
 - AB
 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
 - AB
 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
 - AB
 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
 - AB
 5. It is your responsibility to notify the Office of any changes in your address or phone number;
 - AB
 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
 - a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
 - AB
 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance;
 - AB
 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Mineral Rules and Regulations in effect at the time the permit is issued.
 - AB
 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
 - AB
 10. For joint venture/partnership permittee: the signing representative is authorized to sign when document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII).
2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)
3. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).
4. As the applicant/operator, I do not have any mining/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.).
5. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-6-503, C.R.S. 1984.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-110, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 25th day of June, 2025

Tierra Piedra Ranch LLC

Applicant/Operator

If Corporation Attest (Seal)

Signed: 

Signed: _____

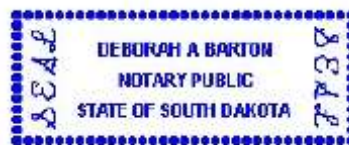
Corporate Secretary or Equivalent


Title: Authorized Representative

Town/City/County Clerk

State of South Dakota
County of Pennington ss.

The foregoing instrument was acknowledged before me this 25th day of June, 2025
by Nathan A. Barton as Authorized Representative of Tierra Piedra Ranch LLC




Notary Public Deborah A. Barton
My Commission expires: 15 December 2026

SIGNATURES MUST BE IN BLUE INK

EXHIBIT I PROOF OF FILING WITH COUNTY CLERK

AFFIDAVIT OF RECEIPT FILING OF RECLAMATION PERMIT

This is to certify that I have received the application package for the following reclamation permit.

Sierra Piedra Ranch LLC

Sierra Piedra Gravel Pit

Filed this 30th day of June, 2025 in the office of the
Archuleta County Clerk & Recorder.

Cherie Henderson
Archuleta County Clerk & Recorder Deputy

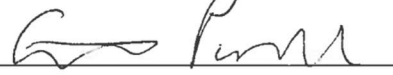


EXHIBIT J PROOF OF MAILING NOTICES OF PERMIT APPLICATION

J-1. TO ARCHULETA BOARD OF COUNTY COMMISSIONERS

<p style="text-align: center;">CONFIRMATION OF RECEIPT OF NOTICE AND COPY OF APPLICATION</p> <p>On behalf of the Archuleta Board of County Commissioners, 398 Lewis Street, Pagosa Springs, Colorado 81147, (970)264-8309, I confirm that the BOCC has received a copy of the Public Notice, Application, and Map of the proposed expansion of the Tierra Piedra Gravel Pit, M-2009-081.</p> <p>DATE: _____ SIGNATURE: _____</p> <p>PRINTED NAME: _____</p>
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J-2. TO SAN JUAN CONSERVATION DISTRICT

<p style="text-align: center;">CONFIRMATION OF RECEIPT OF NOTICE AND COPY OF APPLICATION</p> <p>On behalf of the San Juan Conservation District, 505A County Road 600, Pagosa Springs, Colorado 81147, (970)731-3615, I confirm that the District has received a copy of the Public Notice, Application, and Map of the proposed expansion of the Tierra Piedra Gravel Pit, M-2009-081.</p>	
DATE: <u>7/1/25</u>	SIGNATURE: <u></u>
PRINTED NAME: <u>Cynthia Purcell</u>	

NOTE: As the extended boundaries are more than 200 feet from the pipeline belonging to Red Cedar Gathering Company in cooperation with Petrox Resources and Tierra Piedra Ranch, notice was not mailed by the manager of Tierra Piedra Ranch LLC has informally notified those entities. There is no request for a structures agreement.

Reference: Tierra Piedra Gravel Pit, M-2009-081

Providing copy of application and map to Archuleta Board of County Commissioners

From: Nathan Barton
Sent: Friday, June 27, 2025 7:31 PM
To: tonya.mccann@archuletacounty.org
Cc: Brian Abeln <brian.abeln@crossfireaggregate.com>; Mike <mike.petrox@gmail.com>; Ryan Clark <ryan@petrox-resources.com>
Subject: Application for amendment to the Tierra Piedra Gravel Pit on Hwy 151.

Dear **Tonya**, thank you for your help on this, since Kristy's folks are obviously doing lots of fun things!

Here is the application package, which is normally printed out and put in a binder. I'm also including a copy of the receipt that the Clerk's office normally signs off and date stamps and sends back to us. This can be printed on both sides of the paper.

I am also sending the notice and packet that the State requires be provided to the BOCC. Again, please send a scan of the signed receipt. (We also provide a copy, as per State requirements, to the Conservation District.)

Feel free to let me know any questions or concerns.

I have let both Ms. Flowers and Mr. O'Dell in Development know as well – we've been working on this for more than a year.

Thank you, Nathan

