



STATE OF
COLORADO

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

Tierra Piedra Amendment Application- Preliminary Adequacy Review Letter

1 message

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

Mon, Aug 11, 2025 at 9:56 AM

To: Nathan Barton <NABarton@wastelineinc.net>, Ryan Clark <ryan@petrox-resources.com>

Cc: Jared Ebert - DNR <jared.ebert@state.co.us>, trent@coxinet.net

Good morning,

Attached to this email is DRMS's Preliminary Adequacy Review letter for the Amendment Application (AM-1) for the Tierra Piedra Gravel Pit, permit number M-2009-081.

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

Sincerely,

Chris Girardi

Environmental Protection Specialist



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

P: (720) 793-3041

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

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

2 attachments



TierraPiedra_AM1_PreliminaryAdequacyReview_M2009081.pdf
297K



Importation of Inert Fill Request.pdf
539K



August 11, 2025

Ryan Clark
Tierra Piedra Ranch, LLC
12600 W. Colfax, Ste C440
Lakewood, CO 80215

**Re: Tierra Piedra Gravel Pit, Permit No. M-2009-081
Receipt of 110c Construction Materials Amendment Application
Preliminary Adequacy Review**

Dear Ryan Clark:

On July 1, 2025, the Division of Reclamation, Mining and Safety (“Division” or “DRMS”) received your 110c Construction Materials Reclamation Amendment Application Package for the Tierra Piedra Ranch Gravel Pit, permit no. M-2009-081. The Application was deemed complete on July 21, 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.

Rule 6.2.1(2)(c)- General Requirements of Exhibits:

1. Please update all map/exhibits in the amendment application to include the date of preparation.

Rule 6.3.1- Exhibit A – Legal Description and Location Map:

2. Please update the map to include the names of all immediate adjacent surface owners of record pursuant to Rule 6.3.1(3).
3. Please update the map to clearly indicate the location of the mine entrance, as well as the coordinates of latitude and longitude in decimal degrees to an accuracy of at least five (5) decimal places.

Rule 6.3.2- Exhibit B- Site Description:

4. A wildlife statement prepared by the Colorado Parks and Wildlife (CPW) is not required for 110c operations. However, the application states that the area is abundant in wildlife, including mule deer. Review of CPW’s Mule Deer Severe



Winter HPHD mapping tool indicates that the permit area is located within a Mule Deer Severe Winter Range, which are defined as part of the overall winter range where 90% of 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. CPW recommends not constructing during the winter season (December 1 to April 30).

Rule 6.3.3- Exhibit C- Mining Plan:

5. Please specify the anticipated date that mining will end pursuant to Rule 6.3.3(a).
6. Item 1 within the mining plan narrative states that the operation is intermittent and seasonal, and that operations will resume within at least one year from the date of Temporary Cessation (TC). Please revise this statement to indicate that the operation is intermittent and seasonal; the affected land will be used for less than one hundred and eighty (180) days per year and that operation will resume within one year of cessation, in accordance with C.R.S. 34-32.5-103(11)(b) and Rule 6.3.3(a).
7. Item 7 states that stockpiles will be compacted and graded to have slopes of 2:1 or flatter. However, Item 19 states that exterior slopes will have slopes less steep than 3:1 horizontal to vertical configuration. Please clarify these contrasting statements. Also clarify if exterior slopes refer to topsoil, overburden, pit-run, or incidental stockpiles. Stockpiles are generally less stable and more prone to erosion at slopes exceeding 3:1 configuration.
8. Item 22 indicates the Operator intends to accept clean materials for backfill and stabilization in accordance with DRMS rules, including broken cement and borrow materials. To import backfill inert structural fill material generated outside the permit area, the Operator will need to submit a request for the importation of inert fill to the Division (see attached enclosure). Alternatively, the Operator could also provide the Division with a notice of the proposed backfill activity at a later date through a Technical Revision when the request is forthcoming, which this notice should include the following:
 - a. A narrative that describes the approximate location of the proposed activity
 - b. The approximate volume of inert material to be backfilled
 - c. A signed affidavit certifying that the material is clean and inert as defined in

Rule 1.1(22)

- d. The approximate dates the proposed activity will commence and end
 - e. An explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use
 - f. A general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids
9. Please provide a rationale for the sizing and design of the inlet and outlet channels, as well as the berm/armoring along the bank of the Piedra River.
10. Please clarify the type of stormwater event the inlet and outlet channels and the berm/armoring along the bank of the Piedra River are designed for. Please ensure the channel sizing is sufficient for a 10-year, 24-hour storm event.
11. Item 7 states that overburden encountered will be moved to the riverbank on the north side of the permit to reinforce riverbank protection. Please clarify if overburden will directly be used as part of the berm and armoring along the riverbank. Will leftover overburden be stockpiled in a different location as well?

Rule 6.3.4- Exhibit D – Reclamation Plan:

12. During an inspection of the current permit area, the Division identified several noxious weed species, including Common mullein, Musk thistle, Field bindweed, and other undesirable species such as Tumble mustard and Yellow sweet clover. In accordance with Rule 3.1.10(6), please revise the amendment application to include a Weed Management Plan to control the invasion and/or spread of noxious weeds.
13. Please clarify how the Operator will ensure the pit/mined pond is not contaminated with water-priority chemicals as identified in Item 3j without conducting water sampling.
14. Please commit to submitting a Technical Revision before or during final reclamation when the location of the 10,000-ton stockpile of construction materials to remain after reclamation is determined by the landowner.
15. Pursuant to Rule 6.3.4(d), if the proposed post-mine land use is wildlife habitat, CPW must be consulted. The Division provided notice of the amendment application to the CPW Southwest Region office on July 21, 2025. As of the date of this letter, CPW has not provided any comments regarding the application. Please clarify how the Operator has consulted with CPW regarding the application.

Rule 6.3.5- Exhibit E- Map:

16. Please provide a diagram or cross section depicting the inlet and outlet channels.
17. Please provide a diagram or cross section depicting the berm/armoring along the bank of the Piedra River on the north side of the permit, as well as the pond shoreline armoring shown on Exhibit E-2.
18. Please revise the Exhibit E-1 Mining Plan map to show the locations of topsoil stockpiles, overburden stockpiles, incidental product stockpiles, fuel storage areas, and processing equipment within the Surface Operations Area. The Division recommends submitting an additional mining plan map at a smaller scale to better depict the Surface Operations Area.
19. Please revise the Exhibit E-2 Reclamation Plan map to include the anticipated post-mining elevation contours.

Rule 6.3.6- Exhibit F- List of Other Permits and Licenses Required:

20. Please note the Division provided notice of the amendment application to the Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division, CDPHE Water Quality Control Division, Colorado Division of Water Resources (DWR), and U.S. Army Corps of Engineers on July 21, 2025. Please provide a figure that depicts the boundaries of the Southern Ute Indian Reservation, thus demonstrating jurisdictional boundaries in relation to the permit.
21. Please revise statement F-3 regarding water-rights to indicate that the well permit held by the Operator is through DWR. The Division is aware that on November 10, 2009, DWR Division 7 Office gave conditions for approval that state that the permit is located in a non-critical area and will not require a permanent augmentation plan for exposed groundwater.

Rule 6.3.12- Exhibit L- Permanent Man-Made Structures:

22. For the well-pad and associated oil and gas structures owned by Petrox Resources Inc. within 200 feet of the affected lands, the Operator 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 6.3.9- Exhibit I- Proof of Filing with County Clerk:

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 Archuleta County Clerk and Recorder. In accordance with Rule 6.3.9, please provide our office with an affidavit or receipt indicating the date the revised application pages were placed with the Archuleta County Clerk and Recorder.

Publication and Notice

24. 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.
25. 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).

This concludes the Division’s preliminary adequacy review of the amendment 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 closed for the application on August 10, 2025. Please note the Division is required to issue a decision regarding the application on **August 20, 2025**. If you 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 continue 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.

Sincerely,



Chris M. Girardi
Environmental Protection Specialist

CC: Jared Ebert, DRMS
Nathan Barton, WASTELINE, INC.
Mary Buck, EXOK, Inc.

Enclosures:
DRMS Request for Technical for Importation of Inert Fill Document



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

REQUEST FOR TECHNICAL REVISION (TR) Importation of Inert Fill

File No.: M-_____ Site Name: _____

County: _____ TR# _____ (DRMS Use only)

Permittee: _____

Operator (If Other than Permittee): _____

Permittee Representative: _____

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR. Page 2 is designed to address the requirements of Rule 3.1.5(9). It is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted (mark only one)</u>
110c, 111, 112 construction materials, and 112 quarries	\$216	
112 hard rock (not DMO)	\$175	
110d, 112d(1, 2 or 3)	\$1006	
2018-2019 Wildfire Material Debris Removal	Waived	



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Division of Reclamation, Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

Rule 1.1(24)/1.1(20) "Inert Material" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty days, masonry, asphalt paving fragments, and other inert solids.

**Rebar or other protruding reinforcements must be removed prior to placement. All material must be buried to a minimum of 3 feet below final surface grade.

-
1. General Description of material to be imported: _____

 2. Approximate volume of inert material to be backfilled: _____
 3. Estimated dates of commencement: _____ and completion: _____
 4. Use/purpose of imported material: _____

 5. A general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids. _____

Enclosed is a map showing the proposed location of the inert material.

3.1.5(9)(c) - Affidavit

I _____ of _____ hereby
certify that only clean and inert material will be imported at _____.
All material will adhere to the Division's definition of Inert Material as defined in Rule
1.1(24)/1.1(20).

Signature: _____ Date: _____