



STATE OF
COLORADO

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

Tierra Piedra Amendment Application- Preliminary Adequacy Review Letter

Nathan Barton <NABarton@wastelineinc.net>

Mon, Aug 11, 2025 at 4:00 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:

A hard copy to be mailed is not necessary. Thank you very much for asking.

I will admit to being very surprised at the 25 items that are required. I believe, and apologize for objecting, that many of these are unfounded.

This quantity of items to be addressed will obviously take time to respond to.

But at this point, it appears that we cannot comply with the requirements of the letter and therefore we must assume that the Division has already decided to recommend denial of the application. This is based on the last paragraph on page 5. In that paragraph, it is stated that "the Division is required to issue a decision regarding the application on **August 20, 2025**. The application was filed online on July 1, 2025. This letter is dated and was sent to us on August 11, 2025 (today). The same paragraph also states "Please provide a response at least two weeks prior to the decision date noted above."

Chris, I am assuming this is some sort of automated response or boiler plate, and not intentional. But it is obviously in compliance with the Statutes, Rules and Regulations. Again, for the record (not meaning to be disrespectful) I point out that two weeks before the decision date was last Wednesday, the 6th of August, 2025.

Even if we could provide a response to all 25 items today, we cannot meet the suspense date. So I assume that a letter recommending denial to the Board has already been automatically sent to the Board.

Please let me respond, even if too late, to at least some of the items.

1. Every page of the application exhibit, as submitted on 1 July 2025 online. Including every page with a map/exhibit, has the date of preparation printed in the lower right corner (21 JUN 2025). I have just reviewed every page. I had also read 6.2.1(2)(c) and see nowhere that it is required that the date be literally on the image of the map. Please provide me with the guidelines that specify that be the case. Most of the maps also have the date near Nathan's signature, in the form of "2005-0501" – year, month, day of month."
2. As explained at several points in the exhibits, including the 2nd paragraph of page 11 (page 2 of Exhibit A, Tierra Piedra Ranch LLC is the *only* immediate adjacent surface owners of record. The information was shown as basically "marginal data" and not literally on the image of the map.
3. The location of the mine access road is clearly shown on the map in red, and identified in the legend immediately below the map. It is shown as accurately as the scale of the USGS map allows. Nowhere in Rule 6.3.1 can I find that it requires that the same information (5-decimal places) already provided on page 6 of the application form be restated, as 6.3.1.(1) states that "A metes and bounds survey description is acceptable..." as provided both on pages 11-12 and on page 13 (Attachment 1 to Exhibit A). As also pointed out in the exhibits, we could not find where the actual location of the "current" mine entrance was included in the 2009 application, and therefore we have no way to accurately identify that location, certainly not to a 5-decimal place Lat-Long. Finally, we understand (perhaps incorrectly) that we are not required to resubmit information provided in the original application (the 2009 application).
4. We understand the information you provided, as stated. Thank you. This was also, we believe, addressed by CPW (then CDOW, as we recall) in comments in 2009. We also note that you did not

request any action on our part in this item. Was that overlooked? Please let us know. We did contact the local CPW representative this year and verified that the proposed expansion would not significantly impact habitats or species.

I will not be able to address the other items in this email, and will restate the above items in a formal letter to be submitted to the Division via the ePermitting portal, assuming that it makes any sense or difference in the apparent already-decided recommendation by the Division.

I am recommending that the Tierra Piedra Ranch LLC immediately seek legal counsel in this matter. In particular, I note that:

1. The Division had 42 days to do this review.
2. The owner/operator has still not received any report of deficiencies from the inspection conducted earlier this year, except for the reference made in this letter.
3. The review was not timely and gives the applicant no opportunity to meet the mandated response time.

Again, I apologize for any harshness or rudeness.

Respectfully,

Nathan A. Barton

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

Sent: Monday, August 11, 2025 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

Subject: Tierra Piedra Amendment Application- Preliminary Adequacy Review Letter

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

[Quoted text hidden]