



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

1313 Sherman Street, Room 215
Denver, CO 80203

February 25, 2016

Bradford Janes
Varra Companies, Inc.
8120 Gage Street
Fredrick, Colorado 80516

**Re: Varra Companies, Inc.; Western Sugar Project; File No. M-2010-049;
112c Permit Amendment (AM-01) Application Second Adequacy Review**

Mr. Janes:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Varra Companies, Inc. 112c permit amendment application (AM-01) for the Western Sugar Project, File No. M-2010-049 and submits the following comments. The Division is required to make an approval or denial decision no later than March 15, 2016 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The following adequacy items resulted from the pre-operational inspection conducted on February 19, 2016.

6.4.5 Exhibit E - Reclamation Plan

1. The approved Reclamation Plan states slopes above the anticipated final water level of the basins and within 10 feet below the anticipated final water level of the basins will be graded at 3H:1V or flatter. Slopes below 10 feet from the anticipated final water level of the basins may approach 2H:1V. Since the pending post-mining land use is developed water resource and the Division will not be able to verify the basin grading if the basins are full of water during a final release inspection. Please commit to providing the Division with proof of the final basin grading, typically survey data, to verify the slopes are constructed to the required grade.
 - a. Due to the unpredictability of water levels in lined ponds due to the process of filling and draining the ponds, the final water level is difficult to predict. Please commit to a minimum 3H:1V slope for all ponds slopes.
2. A portable concrete batch plant is being assembled in the southwest corner of the Tract A. Please provide the Division with a copy of the approved Weld County permit(s) for the batch plant and update the amendment application maps to indicate the location of the plant.



3. During the pre-operational inspection, stockpiles of topsoil amended with manure were observed around the perimeter of the Tract B. The approved Reclamation Plan states six (6) inches of topsoil will be replaced at the site. The plan does not mention the amending of onsite topsoil with manure. Please revise the Reclamation Plan as part of the amendment application to address and justify the topsoil amendment with manure with laboratory data.

6.4.12 Exhibit L - Reclamation Costs

4. Please update the current financial warranty estimate to address the removal of the concrete batch plant foundation in Tract A, Item #2 above, during final reclamation.

6.4.14 Exhibit N - Source of Legal Right to Enter

5. During the pre-operational inspection, the Operator stated the property west of Tract B was recently sold by the Operator and an access easement from Ash Street was retained by the Operator. Please provide a copy of the easement agreement for the Division's file.

a. Please update the amendment Exhibits and maps to indicate the new property owner.

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

6. Please provide an affidavit or receipt indicating the date on which the revised amendment application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

Please be advised the Western Sugar Project amendment application (AM-01) may be deemed inadequate, and the application may be denied on March 15, 2016, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by March 15, 2016 and request for additional time. This must be received no later than the deadline date.

If you have any questions, please do not hesitate to call me at (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Cc: Wally Erickson; Division of Reclamation, Mining & Safety