




**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Raindance Reservoir #2	<b>MINE/PROSPECTING ID#:</b> M-2021-012	<b>MINERAL:</b> Borrow material for	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Peter Hays	<b>INSP. DATE:</b> March 1, 2021	<b>INSP. TIME:</b> 13:00
<b>OPERATOR:</b> Vima Partners, LLC	<b>OPERATOR REPRESENTATIVE:</b> Cody Wooldridge	<b>TYPE OF OPERATION:</b> ILL - Illegal	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> March 5, 2021	

**The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.**

**INSPECTION TOPIC:** Availability Of Records

**PROBLEM:** The landowner/operator failed to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by C.R.S 34-32.5-109(1).

**CORRECTIVE ACTIONS:** The Division will require the landowner/operator to complete and submit a Construction Materials Regular (112) Operation Reclamation Permit Application Package by the corrective action due date. If the landowner/operator fails to submit the required Reclamation Permit Application Package, the Division will initiate the enforcement process against the landowner/operator for the possible illegal mining operation. The enforcement process could result in civil penalties in the amount of \$1,000 to \$5,000 for each day the land has been affected by the mining operation. The landowner/operator must cease-and-desist the mining operation in accordance with C.R.S. 34-32.5-123(1) until a reclamation permit is issued by the Division.

**CORRECTIVE ACTION DUE DATE:** 6/03/21

## OBSERVATIONS

This was an inspection of the private property owned by Vima Partners, LLC (Vima) to investigate a complaint of a possible illegal mining operation. The inspection was conducted by Peter Hays with the Division of Reclamation, Mining and Safety (Division/DRMS). On February 19, 2021, the Division received a complaint of possible illegal mining activity on the property from Weld County. The location of the activity was identified as south of WCR 62 and west of WCR 15 (Parcels 095706100010 and 095706100011) near Windsor, CO. The complaint stated Vima was selling borrow material to SEMA for an I-25 project. The Division contacted Mr. Cody Wooldridge with Valley Water Land Company, a company associated with Vima, who granted the Division permission to enter the site to conduct the inspection. Mr. Wooldridge was present during the inspection. An inspection map based on the latest available Google Earth image and the observations from this inspection is attached for reference.

The Operator submitted an "Is It Mining?" questionnaire on February 23, 2021 at the request of the Division. The Operator stated approximately forty (40) acres would be affected by the extraction of two (2) million cubic yards of fill material to a maximum depth of forty-five (45) feet. The material would be excavated by heavy equipment including excavators, scrapers, dozers and loaders. The majority of the material will be hauled off-site to the I-25 expansion project. The landowner will receive compensation for the material. The Operator included a Water Storage Rights decree indicating the project would result in the construction of a twenty-nine (29) acre surface area reservoir with 1,500 acre feet of storage capacity.

The operation was actively excavating and hauling material from the site during the inspection. The Operator stated the deepest excavation was currently at 26 feet below the original grade and excavation would continue to a final depth of 45 feet below grade. Groundwater was not exposed at the time of the inspection, however the exposure of groundwater is anticipated as stated in the completed questionnaire. The excavation area will be clay lined to create a reservoir with 4H:1V perimeter slopes. The reservoir will be used as a stormwater detention pond for the Raindance residential development located on the north side of WCR 62 and for agricultural water storage. The Operator provided the Division with a copy of the Town of Windsor approved overall grading plan for the Raindance Reservoir #2 site during the inspection. The Division estimated the size of the current disturbance area at 18.5 acres based on the inspection map. On March 2, 2021, the Operator submitted copies of grading permit applications with Weld County to the Division. Based on these grading permit applications, the Operator is proposing not only the excavation from the reservoir but also a large stockpile area. The reservoir area is sixty-seven (67) acres and the stockpile area is forty (40) acres according to the Weld County applications. The Division will require both for these areas and any access routes or roads constructed for the operation included in the DRMS permit area.

A mining operation is defined by Rule 1.1(30) as the development or extraction of a construction material from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operations. The term includes transportation or processing of material on the affected lands. The excavation and transportation of borrow material (sandy clay) occurring during the inspection meets the requirements of a mining operation. The construction of a reservoir meets the approved post-mining land use of developed water resource. The Division believes an 112c Reclamation Permit is appropriate and required for this operation. The 112c Reclamation Permit application package is for a construction materials operation which affects 10 acres or more, which based on the Operators response in the "Is It Mining" questionnaire and the observations from the inspection is appropriate.

Mining activities, including the excavation, selling and offsite transport of topsoil, borrow material or other construction materials; conducted without the Division's approval, could be considered illegal mining resulting in the issuance of a Reason to Believe a Violation Exists notice by the Division and an enforcement hearing before the Mined Land Reclamation Board. Prior to engaging in a new mining operation, a permit must first be obtained from the Division in accordance with C.R.S. 34-32.5-109(1). Any Operator who operates without a permit shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) per day nor more than five thousand dollars (\$5,000) per day for each day the land has been affected pursuant to C.R.S 34-32.5-123(2). The landowner/operator must cease-and-desist the mining operation in accordance with C.R.S. 34-32.5-123(1) until a reclamation permit is issued by the Division.

The Division determined the excavation for the Raindance Reservoir #2 and the proposed stockpile activities meets the definition of a mining operation, The Division will require the landowner/operator to complete and submit a Construction Materials Regular (112) Operation Reclamation Permit Application Package as indicated on the first page of this inspection report. A copy of the 112c application is available on the Division's website at: [https://drive.google.com/file/d/1ffN6OkLRvmMukVo5DqhNOG2t1dLdtx\\_p/view](https://drive.google.com/file/d/1ffN6OkLRvmMukVo5DqhNOG2t1dLdtx_p/view)

Photographs taken during the inspection are attached. If you need additional information or have any questions, please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303.866.3567 x 8124, or by email at [peter.hays@state.co.us](mailto:peter.hays@state.co.us). Also enclosed is a response to the "Is it Mining?" questionnaire.

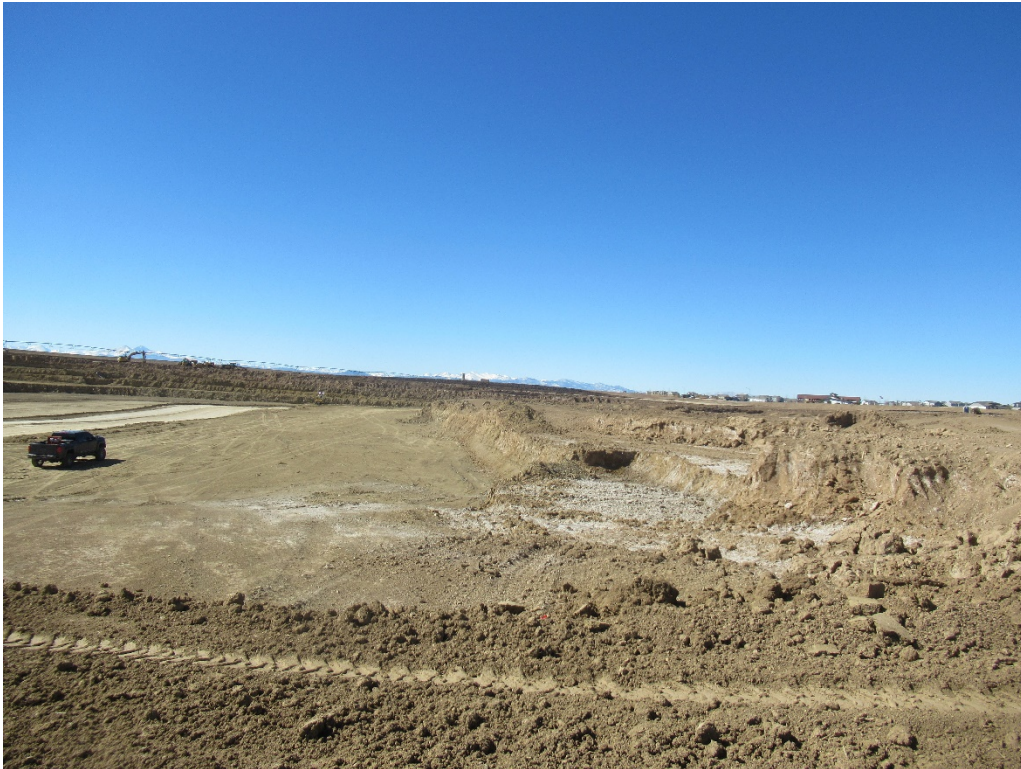
**Inspection Contact Address**

Cody Wooldridge  
Vima Partners, LLC  
1625 Pelican Lakes Point  
Windsor, CO 80550

Enclosure – Inspection Map  
DRMS Response to "Is it Mining?" – March 5, 2021

Ec: Jared Ebert, DRMS

## PHOTOGRAPHS



View of active excavation area from the northeast corner looking west



View of active excavation area from the northeast corner looking southwest





View of active excavation area from the northeast corner looking south



View of the concrete outfall structure located west of WCR 15





View of the site from the southeast corner looking northwest



View of the site from the southwest corner looking north





View of the site from the southwest corner looking northeast



View of the site from the southwest corner looking northeast



View of the site from the southwest corner looking east

### GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <b>PB</b>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	







Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited



# Raindance Reservoir #2

March 1, 2021 Inspection Map  
M-2021-012

## Legend

-  Approx. Current Excavation Area - 18.5 Acres
-  Concrete Outfall Structure Location
-  Existing Sediment Ponds
-  Gasline
-  Topsoil Stockpile
-  Vima Raindance Res. #2

E Co Rd 62

62

Vima Raindance Res. #2

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Concrete Outfall Structure Location

Existing Sediment Ponds