



March 29, 2021

Martin Lind
VIMA Partners, LLC
1625 Pelican Lakes Point, Suite 201
Windsor, CO 80550

Re: VIMA Partners, LLC, Raindance Reservoir #2, File No. M-2021-020, Incomplete Submittal of Special 111 Construction Materials Reclamation Permit Application Package

Mr. Lind:

On March 26, 2021, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 111 Special Operations Reclamation Permit Application package for the Raindance Reservoir #2, File No. M-2021-020. Preliminary review of the information received determined the following items must be received before the Division can consider the application as being submitted and technical review can begin:

Application Form

1. On Page 1, Item #5 of the application form, the Applicant indicates the primary commodity to be mined is "Soil". Based on a field inspection by the Division on March 1, 2021, the material being excavated at the site is "sandy clay" material. Please revise the application form to indicate the primary commodity to be mined is "sandy clay", "sandy clay borrow material" or "borrow material".

6.3.1 Exhibit A - Legal Description and Location Map

2. Please provide a location map with the names of all immediately adjacent surface owners of record within 200 feet of the proposed affected land boundary pursuant to Rule 6.1.3(3).

6.3.2 Exhibit B - Site Description

3. Please identify any permanent man-made structures within two hundred (200) feet of the affected area and the owner of each structure pursuant to Rule 6.3.2(b). Each structure should be located on Exhibit E - Map.

6.3.3 Exhibit C - Mining Plan

4. The Applicant states in response to Rule 6.3.3(b), top soil for this project has already been stripped and hauled offsite. The Rule requires the Applicant to provide the estimated depth to which soil, suitable as plant growth medium, will be salvaged for use in the reclamation process. Please provided the depth of topsoil on site prior to the start of the reservoir construction.



Based on the soils report provided by the Applicant, there was 0-7 inches of topsoil on-site prior to the start of the reservoir construction. Please revise Exhibit C to indicate the previously available topsoil at the site.

5. The Applicant states in response to Rule 6.3.3(d), all the material being removed consists of soil. Based on a field inspection by the Division on March 1, 2021, the material being excavated at the site is "sandy clay" to a maximum depth of forty-five (45) feet below grade. Please revise Exhibit C to specify the thickness of the deposit to be mined as the projected final depth of the reservoir.
6. Please describe the major components of the mining operation including how the Applicant intends to excavate and construct the proposed reservoir pursuant to Rule 6.3.3(e). Please include and describe the typical equipment, earthmoving methods, excavation practices and highwall geometry.
7. The Applicant states in response to Rule 6.3.3(n), there are no commodities being extracted at the site. Based on a field inspection by the Division on March 1, 2021, the material being excavated at the site is "sandy clay" material. Please revise Exhibit C to indicate the primary commodity to be mined is "sandy clay", "sandy clay borrow material" or "borrow material".

6.3.4 Exhibit D - Reclamation Plan

8. The Applicant states in response to Rule 6.3.4(c)(1), soils will be amended as needed to establish proper plant growth. Please state the thickness of the plant growth medium to be replaced during reclamation. Based on the soils report provided by the Applicant, there was 0-7 inches of topsoil on-site prior to the start of the reservoir construction. Please revise Exhibit D to indicate the depth of topsoil to be replaced during reclamation.
9. The Applicant states in response to Rule 6.3.4(c)(iii), non-irrigated PBSI Native Prairie Seed Mix will be used to vegetate the site. Please provide a copy of the non-irrigated PBSI Native Prairie Seed Mix and specify the quantity of each grass species as pounds of pure live seed per acre.

6.3.5 Exhibit E - Map

10. Please label the names of owners of record of the surface of the affected area and the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined and the type of structure and owners of record of any permanent or man-made structures within 200 feet of the affected land pursuant to Rule 6.3.5(2)(b)
11. Please revise the Mining Plan Map to indicate the direction that construction material extraction will proceed pursuant to Rule 6.3.5(2)(d).
12. Please revise the Mining Plan Map to note the location of any significant, valuable and permanent man-made structures within two hundred (200) feet of the affected area pursuant to Rule 6.3.5(2)(e).

13. Please update the Reclamation Plan Map to state the average thickness of replaced overburden by reclamation area or phase pursuant to Rule 6.3.5(3)(d).
14. Please update the Reclamation Plan Map to state the average thickness of replaced topsoil by reclamation area or phase pursuant to Rule 6.3.5(3)(e).

6.3.9 Exhibit I - Proof of Filing with County Clerk

15. Please provide an affidavit or receipt indicating the date on which the revised application documents were placed with the Weld County Clerk in response to this letter. Please note, the application documents are not required to be recorded by the county clerk, however the documents must be available for public review at the county clerk's office.

6.3.11 Exhibit K - Terms of Governmental Contract

16. An operator of a construction material extraction operation may apply for a Special 111 Construction Materials Reclamation Permit if such operation is conducted solely to obtain materials for highway, road, utility, or similar construction purposed under a federal, state, county, city, town or special district contract that requires work to commence within a specified short period of time and will affect no more than thirty acres of land.

The Applicant must provide a copy of a signed governmental contract or other documentation verifying the necessity of this Special 111 Operation Permit.

6.3.12 Exhibit L - Permanent Man-made Structures

Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant may either:

- a. provide 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.
17. Based on a review of the maps submitted with the application, there appears to be several permanent man-made structures within 200 feet of the affected area including; Weld County

Road 62, utility lines and oil & gas facilities and pipelines. Please update Exhibit L to indicate all owners of a permanent man-made structure within 200 feet of the affected land.

18. Please provide the Division with copies of the notarized structure agreements with all owners of the structures on and within 200 feet of the affected area of the proposed mine site or otherwise comply with Rule 6.3.12(b) or (c) as appropriate.

The application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 15 days from the date of receipt of all of the requested information.

You have sixty (60) days from the above date to submit all necessary documents the Office needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file.

The response due date is May 28, 2021.

This letter shall not be construed to mean there are no other technical deficiencies in the application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Ec: Jared Ebert, DRMS