

STATE OF
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

Corrections and Proofs per your correspondence of 13 April 2022

2 messages

SpecialProjects VCI <bljforester@msn.com>
To: "rob.zuber@state.co.us" <rob.zuber@state.co.us>

Fri, Apr 15, 2022 at 11:38 AM

Good Morning, Rob

Completed this date, attached, find Proofs of Submittal of Corrections and Omissions determined in your correspondence of 13 April 2022. My Office found a minor error in Exhibit A and included that correction with the Placement copies for the Weld County Clerk to the Board.

I trust you will find the Application for the Two Rivers Sand, Gravel and Reservoir Project Complete and suitable to be Filed. Thank-you for your kind assistance.

Sincerely,

Varra Companies, Inc.

Office of Special Projects

Bradford Janes, Forester

Liaison - Interdisciplinary Affairs

desk: 970-353-8310



2_Rivers_Corrections and Proofs_0MLR_041522.pdf
3691K

Zuber - DNR, Rob <rob.zuber@state.co.us>
To: SpecialProjects VCI <bljforester@msn.com>

Sat, Apr 16, 2022 at 6:53 AM

Hello, Brad. You have addressed my concerns in my incompleteness letter. Barring any unforeseen circumstances (aka weird stuff), I will find your application complete on Monday.

Have a great weekend/Easter yourself.

Rob

Rob Zuber, P.E.
Environmental Protection Specialist

Active Mines Regulatory Program



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

I am working remotely and can be reached by cell at 720.601.2276.

Physical Address:

1313 Sherman Street, Room 215
Denver, CO 80203

Mailing Address:

Division of Reclamation, Mining and Safety, Room 215
1001 East 62nd Avenue
Denver, CO 80216

rob.zuber@state.co.us | <http://drms.colorado.gov>

[Quoted text hidden]

6.4.18 EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Conservation District

Proof that notice, of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

Office of the Board of Weld County Commissioners
c/o Weld County Clerk to the Board
1150 O Street
Greeley, Colorado 80632

Subject: Colorado Division of Reclamation Mining and Safety (DRMS) Office of Mined Land Reclamation (OMLR Permit application for Varra Companies, Inc. – Two Rivers Sand, Gravel and Reservoir Project.

NOTICE TO THE BOARD of WELD COUNTY COMMISSIONERS

Varra Companies, Inc. (the 'Applicant/Operator') has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the 'Board') to conduct the extraction of construction materials operations in Weld County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the 'Division') and the Weld County Clerk to the Board.

On review of the Application for Completeness, the Division found information previously provided under this Exhibit that had minor errors. Attached, find corrected pages, by page number, to the original 122 Application Form; as previously provided to you on 1 April 2022:

- Page 2 of the application with the distance and direction to the nearest municipality and the site elevation completed on Item 9 of Page 2 of that document.
- Page 3 of the application that now includes the Inspection Contact information for this permit.
- Page 6 of the application without initialization of the final item (#10).

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

RECEIVED

Date Received: _____

Received By: _____

APR 15 2022

Weld County Clerk to the Board of Weld County Commissioners
WELD COUNTY COMMISSIONERS

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

An affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

Proof of filing with the County Clerk, pursuant to Subparagraph 1.6.2(1)(c):

Weld County Clerk to the Board
1150 O Street
Greeley, Colorado 80632

Subject: Colorado Division of Reclamation Mining and Safety (DRMS), Office of Mined Land Reclamation (OMLR) Permit application for Varra Companies, Inc. – Two Rivers Sand, Gravel and Reservoir Project.

Your signature below acknowledges receipt of the following information:

On review of the Application for Completeness, the Division found information previously provided under this Exhibit that had minor errors. Attached, find corrected pages, by page number, to the original 122 Application Form; as previously provided to you on 1 April 2022:

- Page 2 of the application with the distance and direction to the nearest municipality and the site elevation completed on Item 9 of Page 2 of that document.
- Page 3 of the application that now includes the Inspection Contact information for this permit.
- Page 6 of the application without initialization of the final item (#10).
- Also provided is a correction to the legal description from Exhibit A that properly describes the location of all lands in the permit to be within R66W. The previous version of Exhibit A had a typo on a portion of the description showing R65W. This error was discovered by the Applicant and is remedied by the attached document.

This correspondence and identified attachments should be placed for public inspection and review by your Office, with all related materials of the Application to the Division as Originally received by your Office on 1 April 2022. The information will be made available to the public until final agency action by the OMLR Board, as defined by C.R.S. 24-4-105(14).

Date Received: _____

RECEIVED

APR 15 2022

Received By: _____

**WELD COUNTY
COMMISSIONERS**

Office of Weld County Clerk to the Board

Exhibit Q – Proof of Notice to the Board of Supervisors – West Greeley Soil Conservation District

Proof that notice, of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

West Greeley Soil Conservation District
Board of Supervisors
ATTN: Kandee Nourse, District Manager
4302 West 9th Street Road
Greeley, Colorado 80631

Subject: Colorado Division of Reclamation Mining and Safety (DRMS), Office of Mined Land Reclamation (OMLR), Permit application for Varra Companies, Inc. – Two Rivers Sand, Gravel and Reservoir Project.

NOTICE TO THE BOARD OF SUPERVISORS
WEST GREELEY SOIL CONSERVATION DISTRICT

Varra Companies, Inc. (the ‘Applicant/Operator’) has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the ‘Board’) to conduct the extraction of construction materials operations in Weld County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the ‘Division’) and the Weld County Clerk to the Board.

On review of the Application for Completeness, the Division found information previously provided under this Exhibit that had minor errors. Attached, find corrected pages, by page number, to the original 122 Application Form; as previously provided to you on 1 April 2022:

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- Page 3 of the application that now includes the Inspection Contact information for this permit.
- Page 6 of the application without initialization of the final item (#10).

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

Your signature below acknowledges receipt of the above referenced permit application form.

Date Received: April 13, 2022

Received By: Taylor Webb

Office of Board of Supervisors – West Greeley Soil Conservation District.

6. **Name of owner of subsurface rights of affected land:** Varra Companies, Inc.
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** Varra Companies, Inc.

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: Weld

PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

SECTION (write number): S 3

TOWNSHIP (write number and check direction): T 4 ☒ North ☐ South

RANGE (write number and check direction): R 66 ☐ East ☒ West

QUARTER SECTION (check one): ☐ NE ☒ NW ☐ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☐ NE ☐ NW ☐ SE ☒ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____
Within the City Limits of Evans, Colorado at approximately 4680' elevation.

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg _____ min _____ sec _____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____ (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) 40.348174 -104.776631 (5 decimal places)

Longitude(W) _____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13

Easting _____

Northing _____

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: Garrett C. Varra Title: President
Company Name: Varra Companies, Inc.
Street/P.O. Box: 8120 Gage Street P.O. Box: _____
City: Frederick
State: Colorado Zip Code: 80516
Telephone Number: (303) - 666-6657
Fax Number: (303) - 666-6743

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Bradford Janes Title: Liaison, Interdisciplinary Affairs
Company Name: Varra Companies, Inc.
Street/P.O. Box: 8120 Gage Street P.O. Box: _____
City: Frederick
State: Colorado Zip Code: 80516
Telephone Number: (303) - 666-6657
Fax Number: (303) - 666-6743

INSPECTION CONTACT

Contact's Name: Garrett C. Varra Title: President
Company Name: Varra Companies, Inc.
Street/P.O. Box: 8120 Gage Street P.O. Box: _____
City: Frederick
State: Colorado Zip Code: 80516
Telephone Number: (303) - 666-6657
Fax Number: (303) - 666-6743

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

-gcl- 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

-gcl- 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

-gcl- 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

-gcl- 5. It is your responsibility to notify the Office of any changes in your address or phone number;

-gcl- 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

- a. the name of the operator;
- b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
- c. the permit number.

-gcl- 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.

-gcl- 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

-gcl- 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

_____ 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

6.4.1 EXHIBIT A – Legal Description

- (1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a), township, range, and section, to at least the nearest quarter-quarter section and (b), location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of township, range, and section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's Office or U.S. Geological Survey (USGS) maps.
- (2) The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD1983, or WGS 84, and the applicable zone, measured in meters.

All lands located within the permit boundary which may be affected include those parcels located in parts of the

- SW/4, Section 34; and S/2SE/4, Section 33; all in Township 5 North; Range 66 West; and,
- W/2NE/4, and the E/2NE/4; Section 4; and the W/2NW/4 and NE/4NW/4; Section 3; all in Township 4 North; Range 66 West; all in the 6th P.M.; Weld County, Colorado, and comprising 409.234± acres, more or less as determined by American West Land Surveyors, Brighton, CO.

The mine entrance is identified on Exhibit C-2: Extraction Plan Map, and located as identified under NAD 83 Colorado State Plane North Zone:

Lat/Long for ALL Fields:

<i>Central Field SW Entrance:</i>	<i>Latitude (N) 40.41540 :: Longitude (W) -104.64020</i>
<i>Central Field N Entrance:</i>	<i>Latitude (N) 40.34816 :: Longitude (W) -104.77656</i>
<i>Central Primary Entrance:</i>	<i>Latitude (N) 40.34174 :: Longitude (W) -104.77663</i>

<i>NW Field S Entrance:</i>	<i>Latitude (N) 40.34596 :: Longitude (W) -104.78363</i>
<i>NW Field E Entrance:</i>	<i>Latitude (N) 40.34954 :: Longitude (W) -104.77504</i>

NE Field SW Entrance: Internal from Central Field

Town of Milliken is adjacent to a portion of the West Boundary
Town of Evans is overlain across portions of the combined Parcels



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

April 13, 2022

Bradford Janes
Varra Companies, Inc.
8120 Gage Street
Frederick, CO 80516

Re Two Rivers Sand, Gravel and Reservoir Project, File No. M-2022-013
Receipt of 112c Construction Materials
Reclamation Permit Application Package

Dear Mr. Janes:

On April 4, 2022, the Division of Reclamation, Mining and Safety received your 112c Construction Materials Reclamation Permit Application package for the Two Rivers Sand, Gravel and Reservoir Project, File No. M-2022-013. Preliminary review of the information received determined that the following additional information must be received before the Division can consider your application as being submitted and technical review can begin.

- Please re-submit page 2 of the application and provide the distance and direction to the nearest municipality and the site elevation.
- Please re-submit page 3 of the application and provide the Inspection Contact information for this permit.
- Please re-submit page 6 of the application without initialization of the final item (#10) or submit documentation of a power of attorney related to a joint venture or partnership.

Your application will not be considered submitted until all the information listed above is received and found sufficient to begin our review.

You have sixty (60) days from the above date to submit all necessary documents that 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 may deny the application and terminate the application file.

This letter shall not be construed to mean that there are no other technical deficiencies in your 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 by telephone at 720-601-2276, or by email at Rob.zuber@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert D. Zuber".

Robert D. Zuber, P.E.
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS