

June 8, 2022

Re: Two Rivers Sand, Gravel and Reservoir Project, Raptor Mining LLC File #M2022013

Dear Rob,

On Monday, June 6<sup>th</sup> my husband was approached by a neighbor to ask if we had heard about the proposed gravel/concrete operation by the river on 54<sup>th</sup> Street Road & CR396. Immediately David drove down the dirt road, CR396 which is a very rarely traveled road and found a sign (see attached) that stated that Varra Companies, Inc. had a proposal and to contact the Weld County Clerk to the Board. The sign stated to "send comments prior to the end of the public comment period." My husband contact me immediately and I called Weld County County Clerk to the Boards office. Weld County told me that without a case number that they were unable to find any information on the project. I was extremely concerned because there was no date listed anywhere and no information online with regards to a project for Varra Companies, Inc. in Weld County.

Weld County told me that I needed to talk to the Weld County Planning Commission. I was transferred to the Planning Commission who told me that they do not have anything to do with the piece of property because it is located in the City of Evans. I was directed to the City of Evans. All of this happened late afternoon on Monday, June 6<sup>th</sup>.

On Tuesday, June 7<sup>th</sup>, I received an email from the City of Evans stating that I needed to contact the State Division of Reclamation, Mining and Safety and a link to the website with all open projects. Again, there were no projects listed under Varra Companies, Inc. (see the list of projects from the website attached). I did notice a project called "Two Rivers Sand, Gravel and Reservoir Project" listed under Raptor Mining. After reaching out to the planner listed, you, I was able to get more information. I also found online that Varra Companies, Inc. sold or transferred the land to Raptor Mining LLC in late-May 2022. I want to make it absolutely clear, the signs posted said nothing about Raptor Mining LLC. I believe that the signs are inaccurate and that is part of the reason that the neighborhood was not able to find any information on the project in a reasonable timeline.

After speaking to you, you stated that there is one sign on 54<sup>th</sup> Street Road, located near the "tires." If you drive 54<sup>th</sup> Street Road as I do every day, you know that it is a very narrow, highly traveled road with winding curves. It is important to focus on the road, traffic and wildlife and you would never see a small sign posted near a dumping area on a County Road. I feel that the signage posted was not only inaccurate but not visible to people driving the road. When I asked for the information about the date of public comment period" I was advised that it had passed, that it was on June 2<sup>nd</sup> (last week). You guided me to the website to see the public comments that were submitted. As you can see by reading the public comments and see the dates they were submitted, they were mostly submitted within a 24 hour time period to the deadline. Again, reading the comments those who submitted statements even expressed that they had less than 24 hours' notice and were caught off-guard by the project and lack of notice. I would

highly encourage you to revisit the posting and re-open the timeline for public comment for this project. It is obvious that the postings were insufficient and inaccurate, with wrong company information listed and the residents did not get the opportunity to provide feedback.

There are a number of reasons that we strongly object to the proposed Two Rivers Sand, Gravel and Reservoir Project below are some of our concerns:

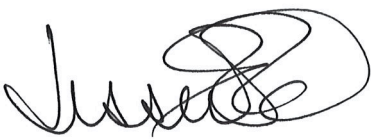
1. The Dos Rios Neighborhood has been established since the 1960s. The neighborhood was designed and built for the quiet enjoyment of the natural beauty, environment and wildlife in the area. Residents of Dos Rios live in the area to enjoy the quiet, peaceful, nature-rich environment that exists because of the rivers and natural habitat for the wildlife in the area. We reside in one of the original three homes built in the Dos Rios neighborhood. We live here to be a part of nature, enjoy the quiet use of the area, walk the neighborhood and road and enjoy the wildlife.
2. One of the founding members of the neighborhood passed away in April 2022, Joyce Allely. Prior to her passing, she established the Big Thompson confluence mitigation bank which sits on 70 acres just East of the proposed site for the project. The conservation project and area was established to protect the environment, wildlife and ensure that the area was protected in perpetuity. The project was specifically designed to protect the Big Thompson and South Platte Rivers.
3. Dos Rios Water Company has an established pump and existing water rights to the river within the Big Thompson confluence mitigation bank. The Dos Rios Water Company is owned and operated by the owners and residents of Dos Rios neighborhood. The impact of the mining operation on the water will have a negative impact on the water quality, use and value of the ability to sell the water rights. We are concerned with the impact of the mining operation and the impact it will have on the water quality in the Big Thompson and South Platte Rivers and tributaries that feed off of those rivers.
4. The proposed site is an acknowledged Bald Eagle nesting site in the State of Colorado. We have seen Bald Eagles in the area every year. The Bald Eagle is protected by both Federal and State laws. It would be horrible to lose such an important wildlife nesting area for the Bald Eagle because of a mining operation.
5. 54<sup>th</sup> Street Road is a rural road that is in unincorporated Weld County. The speed limit on the road is 30 MPH. The road is used for residents in the area to enjoy walking their families, dogs and running. The road is winding and has blind corners. There is absolutely no reason the road could handle the use of heavy trucks without impacting the safety of the current vehicles that travel the road as well as the residents that use the road for walking/running their families, children and pets. There are wildlife crossing the road multiple times a day and we need to protect ourselves and the wildlife.



6. The increased level of noise will impact the use and value of all of the surrounding residents, including us. We specifically moved from a larger "City" neighborhood to be away from the noise and to enjoy a quiet neighborhood where we could relax. The noise of trucks and mining would be heard from our home. The mining operation would impact us significantly and would impact our quality of life. The anxiety created by the noise of the operation would be unbearable.
7. The increase in dirt and dust from the mining operation will impact the air quality in our neighborhood. My husband struggles from asthma, and many people in the neighborhood live here to have fresh, clean air away from the City. The increase in dust and dirt would be a health hazard and impact on my family directly.
8. 54<sup>th</sup> Street Road and the proposed area is home to a number of wildlife species. We see turkey, guinea fowls, lynx, deer, raccoons, bald eagles, hawks and many other animals that live within the area that hide in the tall grasses and waters of the Big Thompson. We need to protect the wildlife habitats in the area, especially along 54<sup>th</sup> Street Road so they do not lose their habitats and leave the area completely. The noise and disruption to the river, soil and area would cause irreversible damage to the area and we would lose the wildlife that we enjoy and have worked so hard to protect.

Please take all of these matters into consideration when reviewing the Two Rivers Sand, Gravel and Reservoir project. We are extremely passionate about protecting the area we live in and the wildlife surrounding us.

We are available to meet or discuss further if you'd like. Our contact information is below.



Jessica & David Zumbrun  
18 Dos Rios, Greeley, CO 80634  
Jessica (720) 421-4760 [jessicazumbrun@comcast.net](mailto:jessicazumbrun@comcast.net)  
David (303) 263-2220 [davidzumbrun@yahoo.com](mailto:davidzumbrun@yahoo.com)



## PUBLIC NOTICE

This site is the location of a proposed construction materials operation. Varra Companies, Inc. whose address and phone number is 8120 Gage Street — Frederick, CO 80516 Telephone (303) 666-6657, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board.

Anyone wishing to comment on the application may view the application at the Weld County Clerk to the Board's Office at 1150 'O' Street, Greeley, Colorado 80632, and should send comments prior to the end of the public comment period to the Colorado Division of Reclamation Mining & Safety, Office of Mined Land Reclamation — 1313 Sherman Street, Room 215 — Denver, CO 80203.



Subject(s): Bald eagle, Bald eagle--Nests, Haliaeetus leucocephalus, Biogeography, and Wildlife conservation

Date Created: 2018-11-08

Date Issued: 2018-11-08

Use and reproduction: The organization that has made the Item available believes that the Item is in the Public Domain under the laws of the United States.

Identifier: <https://ark.colorado.edu/ark:/47540/5d6eaced77ee23000ac3bbbed>

Held by: University of Colorado Boulder

Downloads

Original Shapefile

Export Formats

Shapefile Export

KMZ Export

GeoJSON Export

Web Map Service (WMS)



Attribute Value



Subject(s): Bald eagle, Bald eagle--Nests, Haliaeetus leucocephalus, Biogeography, and Wildlife conservation

Date Created: 2018-11-08

Date Issued: 2018-11-08

Use and reproduction: The organization that has made the Item available believes that the Item is in the Public Domain under the laws of the United States.

Identifier: <https://ark.colorado.edu/ark:/47540/5d6eaced77ee23000ac3bbbed>

Held by: University of Colorado Boulder

#### Downloads

Original Shapefile

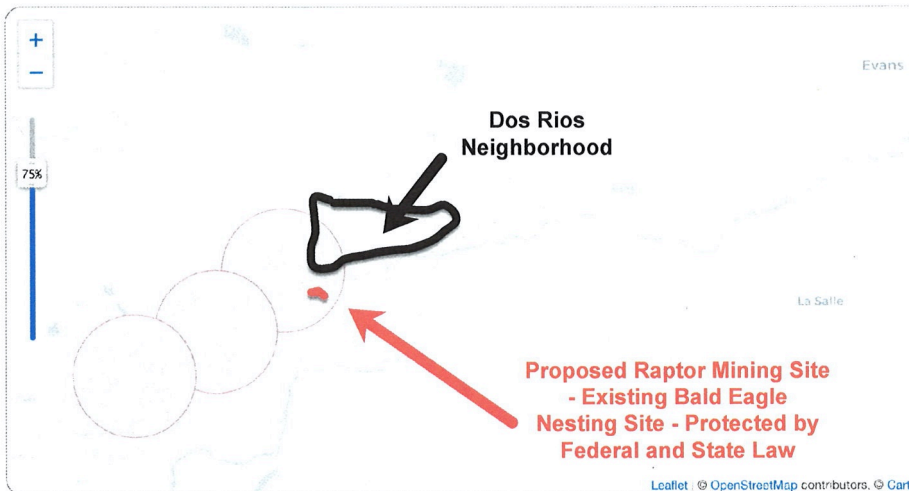
#### Export Formats

Shapefile **Export**

KMZ **Export**

GeoJSON **Export**

#### Web Map Service (WMS)



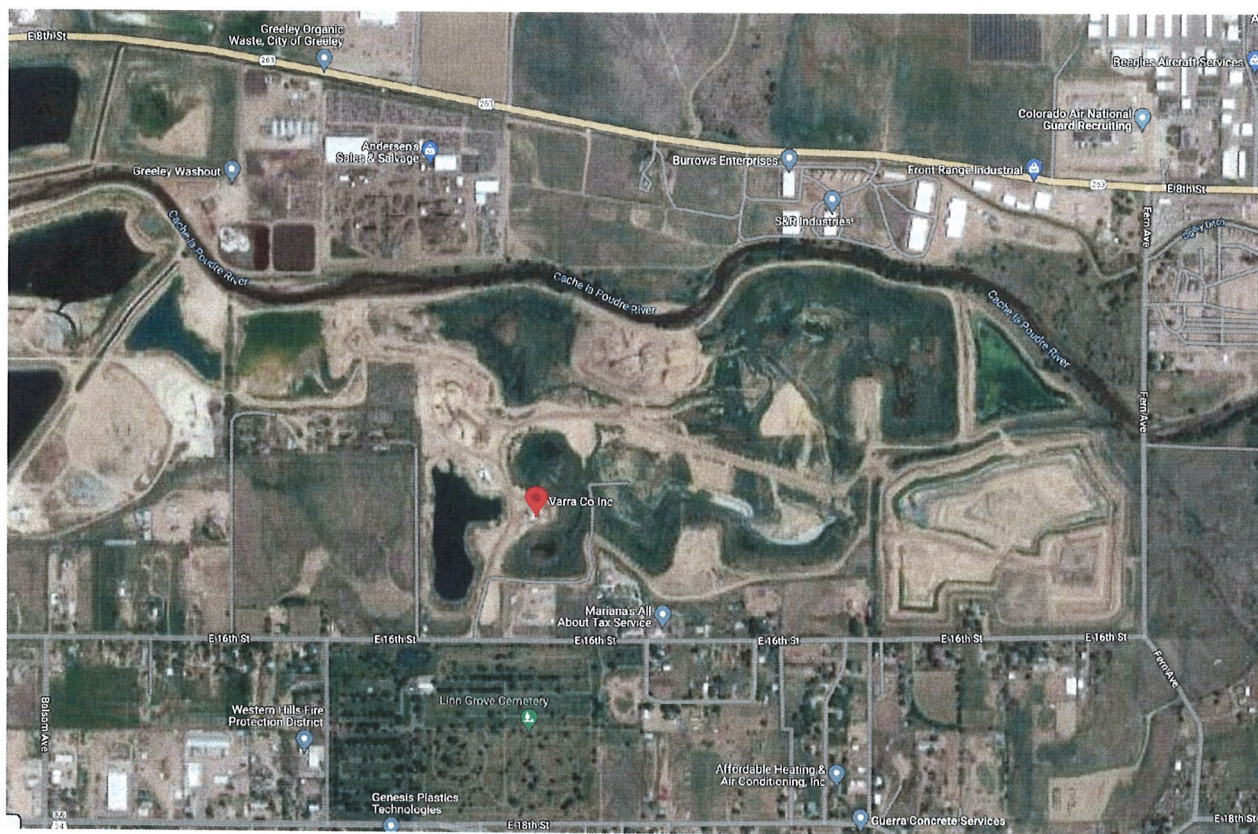
Attribute

Value



File Number	Site Name	Permittee/Applicant	Commodity Mined	Permit Type	Permit Description	County	Date Submitted	Date Filed (Complete)	Application Review Comments Due Date	Decision Due Date	Decision Extension	Division Decision	Decision Comments Due Date	Division Specialist
M2021025	Wellington Cattle Borrow Pit	Bruce Newell	BOR	110c	Construction Limited Impact	Teller	4/20/2021	3/10/2022	NULL	4/9/2022	6/8/2022	NULL	NULL	Elliott Russell
M2021052	Rifle Gravel Pit #1	Scott Contracting, Inc.	GRAV	112c	Construction Regular Operation	Garfield	8/6/2021	8/23/2021	10/7/2021	11/21/2021	7/28/2022	NULL	NULL	Clayton Wein
M2021067	Stiles Mining Resource	Asphalt Specialties Co., Inc.	SDG	112c	Construction Regular Operation	Weld	12/2/2021	12/13/2021	1/27/2022	3/13/2022	7/11/2022	NULL	NULL	Eric Scott
M2022001	Section 20 Gravel Mine	Red Tierra Equities, L.L.C.	SDG	112c	Construction Regular Operation	Weld	1/3/2022	2/9/2022	4/6/2022	5/10/2022	7/9/2022	NULL	NULL	Peter Hays
M2022005	Carr Pit East	Cornell Resources, Inc.	SDG	112c	Construction Regular Operation	Weld	2/7/2022	2/17/2022	4/3/2022	5/18/2022	6/17/2022	NULL	NULL	Connor Drinkard
M2022009	Monarch DENM Mine	Monarch Mountain Minerals and Aggregates, LLC	SDG	112c	Construction Regular Operation	Weld	3/4/2022	3/16/2022	5/5/2022	6/14/2022	NULL	NULL	NULL	Robert Zuber, P.E.
M2022012	Burton Farms LLP	Burton Farms LLP	AGGR	110c	Construction Limited Impact	Rio Grande	3/21/2022	3/30/2022	NULL	4/29/2022	6/10/2022	NULL	NULL	Clayton Wein
M2022013	Two Rivers Sand, Gravel and Reservoir Project	Raptor Materials LLC	SAND	112c	Construction Regular Operation	Weld	4/5/2022	4/18/2022	NULL	7/17/2022	NULL	NULL	NULL	Robert Zuber, P.E.
M2022018	South Hinsdale Gravel Pit	South Hinsdale Sand & Gravel LLC	SAND	110c	Construction Limited Impact	Hinsdale	4/22/2022	5/9/2022	NULL	6/8/2022	7/8/2022	NULL	NULL	Lucas West
M2022019	Skelton Pit	Oldcastle Southwest Group, Inc. dba United Companies	SAND	112c	Construction Regular Operation	San Miguel	4/25/2022	5/2/2022	NULL	7/31/2022	NULL	NULL	NULL	Lucas West
M2022024	Clayton Pit	All Rite Paving & Redi Mix	AGGR	112c	Construction Regular Operation	Bent	5/18/2022	5/31/2022	NULL	8/29/2022	NULL	NULL	NULL	Nike Gagnon
M2022025	Base Products Gravel Pit 2	BDF, LLC	AGGR	112c	Construction Regular Operation	Montrose	5/27/2022	NULL	NULL	NULL	NULL	NULL	NULL	Dustin Czapia
M2022028	Stoddard Pit	Stoddard Construction, LLC	SHL	110c	Construction Limited Impact	Otero	6/2/2022	NULL	NULL	NULL	NULL	NULL	NULL	Patrick Lennberg





For comparison, here is a map of the Varra Co. Inc. operation that is located at 1431 E. 16th Ave., Greeley, CO.

As you can see on the map, there are no residential areas near the entire operation.

The closest "residents" are the burial plots in Linn Grove Cemetery.

The property located directly north is a commercial salvage lot and washout area.

The residential properties in Dos Rios for comparison are valued at over \$1.2MM on average.

reclamation operations at the site. DRMS must be notified of any changes affecting entry to the site, such as sale of the property or changes to a lease, as required by Rule 1.16(2).

## Public Notice Procedures

Rule 1.6 requires specific notice requirements, both before and after the submission of a permit application. Before submitting the application the applicant must:

1. Provide a copy of the application to the Board of County Commissioners.<sup>[17]</sup>
2. Provide a copy of the application to the Board of Supervisors of the Conservation District (if applicable).<sup>[18]</sup>
3. Post notice at the site.<sup>[19]</sup>
4. Provide a copy of the application to the local county clerk or recorder for public review, but do not record it.<sup>[20]</sup>

After submitting the application, the applicant must:

- Within 10 days of the Board notifying the applicant that the application has been filed, publish public notice in the local newspaper of general circulation in accordance with Rule 1.6.2(1)(d).
- Serve notice immediately after the newspaper publication to all owners of record of the surface and mineral owners of affected land, and all owners of record of all surface land within 200 feet of the boundary of the affected lands, by certified mail, return receipt requested, or personal service.<sup>[21]</sup>
- When directed by the Board, mail a copy of the notice to any other owners of record who might be affected by the proposed mining operation. The Board designates such owners during its adequacy review process.<sup>[22]</sup>

In addition to all general application requirements described in Rules 1.4.1 and 1.4.2, all proofs of publication and notice, accompanied by a signed affidavit, must be submitted to DRMS before the Board will review the application.<sup>[23]</sup>

## Post-Permit Requirements

Once a permit is issued, each year on the anniversary date of the permit's issuance the permittee must pay an annual fee determined by statute.<sup>[24]</sup> In addition, the permittee must submit an annual report along with an updated map showing the

Notice was not provided to the residential property within 200 feet of boundary. Allely Family Land located directly across from the proposed site for processing plant (North of 54th Street Road) as well as 24350 Compo Road, Greeley, CO 80634

Based on conversations with neighbors in directly affected area, this was not completed.

We request that the application process start over with all notices required including notifying "other owners of record who might be affected by the proposed mining operation" as listed above.