

July 11, 2022

Rob Zuber  
Division of Reclamation, Mining and Safety  
Department of Natural Resources  
1313 Sherman St., Room 215  
Denver, Colorado 80203

**Re: Kurtz Resource Recovery and Land Development Project (Permit M-1999-006)  
Succession of Operator No. 2 (SO-02), Response to Incomplete Application Notification**

Mr. Zuber,

This letter is to provide response to your letter dated May 12, 2022 regarding the Permit M-1999-006 Succession of Operator No. 2 (SO-02) Incomplete Application Notification. Below is a summary of the actions completed in response to the incomplete applications.

Additional Requested Items	Response
Please include an Affidavit of Authority to Execute Financial Warranty Documents. An executed, notarized original signed by Kevin Jeakins must be submitted to the Division.	An electronic copy of the Affidavit of Authority to Execute Financial Warranty Documents is attached as Attachment A. The original document was overnighted to your attention on July 11, 2022.
An original of the Financial Warranty is required. The submittal only included a photocopy, which is not sufficient.	The original Financial Warranty document was overnighted to your attention on July 7, 2022.
The submittal did not include a Demonstration of Legal Right to Enter. This documentation must be provided for the Prospective Successor (Raptor Materials LLC).	The application included an executed property deed from Varra to Raptor Materials LLC. Per Item 5 Filing Requirements for SO Application this is an appropriate document. The provided deed covers the entirety of the project area.

Additional Requested Items	Response
<p>A comprehensive review of structures within 200 feet of affected land should be conducted and should include any new structures that were not addressed with previous reviews.</p> <p>The submittal must include Structure Agreements between structure owners and Raptor Materials LLC, or it must include documentation of efforts to obtain these agreements.</p>	<p>Based on a review of the most recent aerial photographs (June 2021) and county land records available through the Weld County Property Portal there are no new structures within 200 feet of the affected land.</p> <p>During the initial permit application Varra Companies Inc provided an engineer's certification in lieu of Structure Agreements. As such no notification is needed.</p>

Please contact Emily Goodwin at [egoodwin@slrconsulting.com](mailto:egoodwin@slrconsulting.com) and 503-723-4423, or Joseph Marini, Health, Safety & Environmental Manager for Eagle Materials Inc at [jmarini@eaglematerials.com](mailto:jmarini@eaglematerials.com) and 214-432-2017 if you have any questions.

Sincerely,

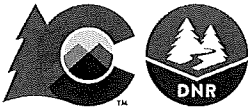
SLR International Corporation



Sarah D. Kronholm, P.E.  
U.S. Manager of Environmental Management,  
Permitting, and Compliance

Attachments: Attachment A – Affidavit of Authority to Execute Financial Warranty

**Attachment A:** Affidavit of Authority to Execute Financial  
Warranty



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

### **Documentation of Legal Authority to Execute Financial Warranty Documents**

*The Colorado Mined Land Reclamation Board ("Board") has adopted the attached Affidavit of Authority to Execute Financial Warranty Documents pursuant to the Mined Land Reclamation Act (C.R.S. § 34-32-101 et. seq.) and the Land Reclamation Act for the Extraction of Construction Materials (C.R.S. § 34-32.5-101 et. seq.). The Board and the Division of Reclamation Mining and Safety ("Division") have determined that, in order to carry out the financial warranty requirements set forth in C.R.S. §§ 34-32-117 and 34-32.5-117 with reasonable diligence, it is prudent to verify the legal authority of the individual signing all necessary documents.*

*Accordingly, you must provide confirmation of the legal authority of the individual signing all Financial Warranty Documents to the Division. You may do so either by submitting a resolution of the decision-making body of your company that authorizes an individual to sign the Financial Warranty Documents on the company's behalf, or by completing and notarizing the attached affidavit. The Division reserves the right to require the attached affidavit in all circumstances. Please note that if you are a sole proprietor who is executing documents on your own behalf, documentation of legal authority is unnecessary.*



**Affidavit of Authority to Execute Financial Warranty Documents**

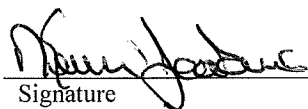
Before me this day, the undersigned Kevin Jeakins [name of authorized person], in his/her capacity as Vice President of Operations [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

1. This affidavit is being executed and submitted on behalf of Raptor Materials LLC [name of business organization], a(n) limited liability company [legal form of business organization, e.g., corporation, partnership, limited liability company, etc.], in good standing in the State of Colorado (the "Company").
2. It is in the interest of the Company to execute certain financial warranty documents associated with file number M-1999-006 (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents").
3. Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same.
4. Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents.
5. Affiant will inform the Division of Reclamation Mining and Safety within thirty (30) days in the event that his/her authorization to execute Financial Warranty Documents on the Company's behalf is terminated.

Further, Affiant sayeth not.

Kevin Jeakins

Affiant's Name

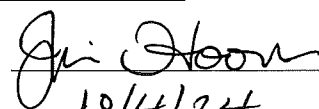
  
Signature

STATE OF Colorado )  
 ) ss.:  
COUNTY OF Weld )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of July, 2022,  
by Kevin Jeakins as Vice President of Operations of Raptor Materials LLC.

Notary Public

My Commission Expires

  
10/4/24