

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-2015-033)
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-2015-033 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
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. The submittal must include Structure Agreements between structure owners and Raptor Materials LLC, or it must include documentation of efforts to obtain these agreements.	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. There are four existing Structure Agreements associated with the project area. Notification has been provided to the individuals associated with these Structure Agreements to request updated agreements. Copies of the notifications and proof of shipping area included in Attachment B.

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

Sincerely,

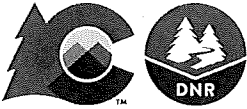
SLR International Corporation



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 B – Structure Agreements

**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

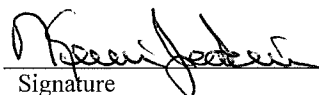
Before me this day, the undersigned Kevin Jeakins [name of authorized person], in his/her capacity as Vice President of Operations [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

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-2015-033 (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

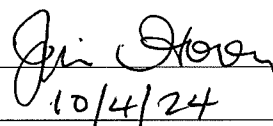


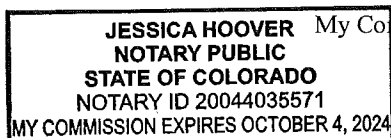
Signature

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

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

Notary Public


10/4/24



Attachment B: Structure Agreements



July 7, 2022

Ralph Nix Produce co Jerry Nix
13505 County Road 19
Platteville, CO 80651

**Re: Notification of Transfer of Permit M-2015-033
Structure Agreement Request**

To Whom it May Concern,

This letter is to provide notification that Varra Companies Inc has begun the process of transferring Reclamation Permit M-2015-033 to Raptor Materials LLC. In September 2015 you received a notice and request for a Structure Agreement because you were the owner of one or more significant, valuable and permanent man-made structure(s)² located within two hundred (200) feet of the planned extraction and related affected land permit area. You provided a signed and notarized Structure Agreement to Varra Companies, Inc. The planned extraction was approved under Permit M-2015-033, and Raptor Materials LLC intends to continue mining operations without a change in operation within the permit area.

As the owner of a qualified man-made structure located within 200 feet of the permit area, the Colorado Division of Reclamation, Mining and Safety requests we provide evidence of our efforts to protect such structures from injury during the planned extraction activities; and to assure you that in the unlikely event damage occurs to your structures as a direct result of our active operations, it will be compensated for, consistent with established law.

Upon request, we will provide you with one copy of our Stability Analysis Report, as included in our permit application with the Colorado Division of Reclamation, Mining and Safety. The report indicates that planned extraction activities are not expected to adversely impact adjacent qualified man-made structures.

Also included is a map showing the approximate area of the permit area and the relationship to your property. A line showing the approximate extent 200 feet from our permit boundary is shown for your reference.

Please review the available materials, and if you agree that activities will not impact your qualified structures, verify this understanding by your notarized signature, below. Please return it to us in the

² A qualified man-made structure may include a fence, a residence or outbuilding, a road, utility, or other significant, valuable and permanent man-made structure.

enclosed self-addressed envelope. Letters not returned to us within ten (10) days of your receipt of this notice will act as evidence of your approval as well.

Please submit any objections in writing to our Gage Street Office at 8120 Gage Street, Erie, Colorado, 80516 within ten (10) days of receipt of this correspondence. If you have any questions or concerns about our planned activities and your structures, we want to discuss them with you. You are encouraged and welcomed to contact us as soon as possible. Please contact Joseph Marini, Health, Safety & Environmental Manager for Eagle Materials Inc, at jmarini@eaglematerials.com or 214-432-2017.

Sincerely,

Raptor Materials, LLC

Joseph Marini
Health, Safety & Environmental Manager

Attachments: Attachment A Project Area Map
Attachment B Structure Agreement

Attachment A: Project Area Map

Attachment B: Structure Agreement



Structure Agreement Statement of Understanding

Landowner of Adjacent Structure Statement: Our notarized signature below testifies we have been provided with and opportunity to review:

1. A Stability Analysis Report pertaining to the Parcel 122 permit area; and,
2. A Map showing the approximate relationship of our property and the potential for any qualified significant, valuable and permanent man-made structure(s), which may occur within 200 feet of lands affected within the Parcel 122 permit area.

Upon review of the available material and understanding the relationship of any significant, valuable and permanent man-made structures under our ownership and which may stand within 200 feet of lands affected within the Parcel 122 permit area;

Further, by our signatures, as notarized below, we concur that activities detailed in in Permit M-2015-033; do not impact our qualified significant, valuable and permanent adjacent man-made structures; and to assure you that in the unlikely event damage occurs to your structures as a direct result of our active operations, it will be compensated for, consistent with established law.

Signature of Adjacent Landowner

Date

Print Name

Company

State of _____)
County of _____)SS.

The foregoing instrument was acknowledged before me this _____ day of _____ 2022,
by _____ (_____ for _____)
Title Company or Corporation

Notary Public

My Commission expires: _____

7022 0410 0000 6372 4749

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7022 0410 0000 6372 4749

7022 0410 0000 6372 4749

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail OnlyFor delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ <u>3.75</u>		Postmark Here
Extra Services & Fees (check box, add fee as appropriate)		
☐ Return Receipt (hardcopy)	\$ _____	
☐ Return Receipt (electronic)	\$ _____	
☐ Certified Mail Restricted Delivery	\$ _____	
☐ Adult Signature Required	\$ _____	
☐ Adult Signature Restricted Delivery	\$ _____	
Postage \$ <u>4.68</u>		
Total Postage and Fees \$ <u>4.68</u>		
Sent To Ralph Nix Produce co. Jerry Nix		
Street and Apt. No., or PO Box No. 13505 COUNTY Road 19		
City, State, ZIP+4® Platteville, CO 80651		

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



July 7, 2022

Ralph Nix Produce co Jerry Nix
13505 County Road 19
Platteville, CO 80651

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July 7, 2022

Stan Linker
Central Weld County Water District
Weld County Water District
ATTN: Right of Way Dept.
2235 Second Ave
Greeley, CO 80631

**Re: Notification of Transfer of Permit M-2015-033
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Please submit any objections in writing to our Gage Street Office at 8120 Gage Street, Erie, Colorado, 80516 within ten (10) days of receipt of this correspondence. If you have any questions or concerns about our planned activities and your structures, we want to discuss them with you. You are encouraged and welcomed to contact us as soon as possible. Please contact Joseph Marini, Health, Safety & Environmental Manager for Eagle Materials Inc, at jmarini@eaglematerials.com or 214-432-2017.

Sincerely,

Raptor Materials, LLC

Joseph Marini
Health, Safety & Environmental Manager

Attachments: Attachment A Project Area Map
Attachment B Structure Agreement

Attachment A: Project Area Map

Attachment B: Structure Agreement



Structure Agreement Statement of Understanding

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Signature of Adjacent Landowner

Date

Print Name

Company

State of _____)
County of _____)SS.

The foregoing instrument was acknowledged before me this _____ day of _____ 2022,
by _____ (_____ for _____)
Title Company or Corporation

Notary Public

My Commission expires: _____

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

3.75

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$

4.68

Total Postage and Fees

\$

4.68

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here

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July 7, 2022

Stan Linker
Central Weld County Water District
Weld County Water District
ATTN: Right of Way Dept.
2235 Second Ave
Greeley, CO 80631

Re: Notification of Transfer of Permit M-2015-033
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July 7, 2022

Northern Colorado Water Conservancy District
ATTN: Right of Way Dept
220 Water Ave
Berthoud, CO 80513

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Health, Safety & Environmental Manager

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Signature of Adjacent Landowner

Date

Print Name

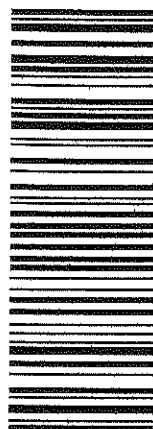
Company

State of _____)
County of _____)SS.

The foregoing instrument was acknowledged before me this _____ day of _____ 2022,
by _____ (_____ for _____)
Title Company or Corporation

Notary Public

My Commission expires: _____



7022 0410 0000 6372 4770
7022 0410 0000 6372 4770

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®	
OFFICIAL USE	
Certified Mail Fee \$ 3.75	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 4.68	
Total Postage and Fees \$ 4.68	
Sent To Northern Colorado Water Conservancy District	
Street and Apt. No., or PO Box No. 220 Water Ave.	
City, State, ZIP+4® Berthoud, CO 80513	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



July 7, 2022

Northern Colorado Water Conservancy District
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220 Water Ave
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July 7, 2022

Rob Fleck
St. Vrain Sanitation Dist.
ATTN: Right of Way Dept.
11307 Business Park Circle
Firestone, Colorado 80504

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1. A Stability Analysis Report pertaining to the Parcel 122 permit area; and,
2. A Map showing the approximate relationship of our property and the potential for any qualified significant, valuable and permanent man-made structure(s), which may occur within 200 feet of lands affected within the Parcel 122 permit area.

Upon review of the available material and understanding the relationship of any significant, valuable and permanent man-made structures under our ownership and which may stand within 200 feet of lands affected within the Parcel 122 permit area;

Further, by our signatures, as notarized below, we concur that activities detailed in in Permit M-2015-033; do not impact our qualified significant, valuable and permanent adjacent man-made structures; and to assure you that in the unlikely event damage occurs to your structures as a direct result of our active operations, it will be compensated for, consistent with established law.

Signature of Adjacent Landowner

Date

Print Name

Company

State of _____)
County of _____)SS.

The foregoing instrument was acknowledged before me this _____ day of _____ 2022,
by _____ (_____ for _____)
Title Company or Corporation

Notary Public

My Commission expires: _____

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☐ Return Receipt (hardcopy) \$

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☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

\$ 4.68

Total Postage and Fees

\$ 4.68

Sent To

St. Vrain Sanitation Dist.

11307 Business Park Circle

City, State, ZIP+4® Firestone, CO 80504

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



July 7, 2022

Rob Fleck

St. Vrain Sanitation Dist.

ATTN: Right of Way Dept.

11307 Business Park Circle

Firestone, Colorado 80504

Re: Notification of Transfer of Permit M-2015-033
Structure Agreement Request

To Whom it May Concern,

This letter is to provide notification that Varra Companies Inc has begun the process of transferring Reclamation Permit M-2015-033 to Raptor Materials LLC. In September 2015 you received a notice and request for a Structure Agreement because you were the owner of one or more significant, valuable and permanent man-made structure(s)³ located within two hundred (200) feet of the planned extraction and related affected land permit area. You provided a signed and notarized Structure Agreement to Varra Companies, Inc. The planned extraction was approved under Permit M-2015-033, and Raptor Materials LLC intends to continue mining operations without a change in operation within the permit area.

As the owner of a qualified man-made structure located within 200 feet of the permit area, the Colorado Division of Reclamation, Mining and Safety requests we provide evidence of our efforts to protect such structures from injury during the planned extraction activities; and to assure you that in the unlikely event damage occurs to your structures as a direct result of our active operations, it will be compensated for, consistent with established law.

Upon request, we will provide you with one copy of our Stability Analysis Report, as included in our permit application with the Colorado Division of Reclamation, Mining and Safety. The report indicates that planned extraction activities are not expected to adversely impact adjacent qualified man-made structures.

Also included is a map showing the approximate area of the permit area and the relationship to your property. A line showing the approximate extent 200 feet from our permit boundary is shown for your reference.

Please review the available materials, and if you agree that activities will not impact your qualified structures, verify this understanding by your notarized signature, below. Please return it to us in the

³ A qualified man-made structure may include a fence, a residence or outbuilding, a road, utility, or other significant, valuable and permanent man-made structure.