



October 6, 2022

Nick Varra
Varra Building Inc.
14440 WCR 100, Suite 1
Nunn, CO 80648

**Re: VIP Mine, File No. M-2022-032,
112c Permit Application, Preliminary Adequacy Review with Focus on Structures**

Mr. Varra -

The Division of Reclamation, Mining and Safety (Division) reviewed the contents of the 112c permit application for the VIP Mine, File No. M-2022-032, and submits the following comments. The Division is required to issue an approval or denial decision no later than November 14, 2022, therefore a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

This review consisted of comparing the application contents with the specific requirements of Rule 6.4.19 (EXHIBIT S – Permanent Man-made Structures). An additional adequacy review will entail a review of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (effective date July 15, 2019). **The Division is separating the portion of the review related to structures to expedite agreements with utility companies.**

- 1) There are structures within 200 feet of the VIP Mine that are associated with power and gas utilities. The Division requires that VIP Mine LLC or Varra Building Inc. supply notarized letters, on utility letterhead, from the owners of these utilities. Each letter must state that the mining and reclamation activities of the VIP Mine, as proposed, will have no negative effect on the utility.

Please be advised that the Two Rivers, Sand, Gravel, and Reservoir Project application may be deemed inadequate, and the application may be denied unless the above-mentioned adequacy review item (and others in a pending letter) are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by November 14, 2022 and a request for additional time. This must be received no later than the decision date.

If you have any questions, please contact me at rob.zuber@state.co.us or (720) 601-2276.

Sincerely,

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

Robert D. Zuber, P.E.

Environmental Protection Specialist

Cc: Tony Evans, Encompass LLC
Michael Cunningham, DRMS

