

October 26, 2022

Robert Zuber, PE
Environmental Protection Specialist
Division of Reclamation, Mining and Safety, Room 215
1001 East 62nd Avenue
Denver, CO 80216
rob.zuber@state.co.us
(720) 601-2276

RE: New Construction Material Regular 112 Operation Reclamation Permit Application
for VIP Pit #1
Response to letter dated July 15, 2022

Mr. Zuber

We are in receipt of your Adequacy letter dated October 12, 2022. We would like to address your review items as they appear in this letter, as follows:

Adequacy Review Item #1

Please find attached the letters, as requested, from XCEL Energy. We will forward the ATMOS Energy letter as soon as we get it.

Adequacy Review Item #2

Please find attached the 'Native Prairie Mix', provided by Pawnee Buttes Seed Inc., for the requested reclamation reseeding plan. West Greeley Conservation District recommended Pawnee Buttes Seed Inc. species mix. Levi Sievers with NRCS also agreed with the seed mix as did Troy Florain, DOW.

Adequacy Review Item #3

Please find attached an email correspondence with Troy Florain, DOW. In this the email Mr. Florain commented that there is a new regulation to be adopted soon that suggests not beginning new construction between January 1st and April 30th for Pronghorn wintering areas. We discussed how this site has already begun construction as it is part of the VIP Industrial Park Subdivision. Mr. Florain stated that this new regulation should not apply to this site.

Other items as requested

Please find attached the proof of publications from the North Weld Herald. We are prepared to provide a bond for the reclamation of eight (8) acres at \$4,521/acre for \$36,168, as discussed in your email dated October 21, 2022.

We hope that this answers all of your questions so that you can release the 112 Mining permit. Thank you for your help and cooperation. Please contact us with any questions.

Sincerely

Tony Evans, PE
VIP MINES LLC
970-439-0201 encompasshi@gmail.com

VIP MINE LLC
14440 CR 100
Nunn, CO 80648



Tony Evans, PE <encompasshi@gmail.com>

VIP Subdivision letter

Thelen, Cory M <Cory.M.Thelen@xcelenergy.com>
To: Encompass LLC <encompasshi@gmail.com>

Wed, Oct 19, 2022 at 3:00 PM

Tony,

After reviewing the plat, The VIP Mine as proposed, will have no negative effect on any Xcel Energy existing utilities. Thank you, please let me know if you need anything further.

Cory Thelen

Xcel Energy

Design Manager, Northern Division

P: 970-225-7843

C: 970-342-3210

E: cory.m.thelen@xcelenergy.com

From: Encompass LLC <encompasshi@gmail.com>
Sent: Tuesday, October 18, 2022 11:23 AM
To: Thelen, Cory M <Cory.M.Thelen@xcelenergy.com>
Subject: VIP Subdivision letter

You don't often get email from encompasshi@gmail.com. [Learn why this is important](#)

EXTERNAL - STOP & THINK before opening links and attachments.

[Quoted text hidden]



PBSI Native Prairie Mix

PBSI's Native Prairie Mix is engineered to grow optimum forage - naturally. Our mix of grama grasses, green needlegrass, sand dropseed and Western wheatgrass closely resembles the shortgrass prairie of the Great Plains prior to Western settlement. This group of species provides excellent, resilient, sustainable forage production under a variety of moisture conditions - naturally bred for almost every climatic possibility between Zacatecas and Alberta.

Ingredients: Blue Grama , Buffalograss, Sideoats Grama, Western Wheatgrass , Green Needlegrass, Sand Dropseed

Seeding Rate: Min. 10 PLS/Acre drilled (double for cast)

Pawnee Buttes Seed, Inc.

605 25th St., Greeley, Colorado

Hours: Monday-Friday 8:00 AM – 5:00 PM, **Closed 12 :00 – 1:00 PM for**

lunch Mountain Time

Mailing Address:

PO Box 100

Greeley, CO 80632

Office: (970) 356-7002

Toll Free: (800) 782-5947

Fax: (970) 356-7263



Tony Evans, PE <encompasshi@gmail.com>

Conversation about the Varra property gravel pit

3 messages

Encompass LLC <encompasshi@gmail.com>

Wed, Oct 12, 2022 at 12:10 PM

To: Troy Florian <troy.florian@state.co.us>, "Zuber - DNR, Rob" <rob.zuber@state.co.us>, Nick Varra <nick@varrabuildings.com>

Mr. Florian

We spoke today about a new gravel permit in Nunn, CO on the Varra property called the VIP Mine. You suggested that I write this email describing our conversation so that you can confirm it.

As we discussed, Mr. Rob Zuber, Division of Reclamation, has provided a couple of items for clarification on our 112 mining permit. Mr. Zuber has asked us to ensure that you are aware of the new gravel mine and if you have any conditions for this mine.

You stated that you would like to have the side slopes of the pit to be at a grade that allows for pronghorn to exit the pit if they stray into it. I suggested 3:1 side slopes and you stated that that is adequate.

You asked what type of fencing will be around the site and I stated that we did not intend to build fencing around the site. We have put up "T" post approximately every 800 feet to mark the boundary and at the property corners. We have also installed temporary silt fencing along the south property line. You stated that was fine.

You stated that there is a new regulation to be adopted soon that suggests not beginning new construction between January 1st and April 30th. We discussed how this site has already begun construction as it is part of the VIP Industrial Park subdivision. You stated that this new regulation should not apply to this site.

You asked about the reclamation process. I stated that we are beginning at the east end of the site and working west and then north. We anticipate mining approximately 10 acres per year. As we move west and north, we will provide reclamation reseeding beginning at the east end of the site. You stated that this is a good plan.

We also discussed plant species for reseeding. You stated that you do not have a recommendation for reseeding as long as it is a native dryland prairie species. You requested a large variety of species to be planted. I have tried to contact the West Greeley Conservation District for some plant species and reseeding recommendations. On their website they recommend Blue Grama, Buffalo grass, Sideoats Grama, and Western Wheatgrass. The NRCS recommended that we use slender hair grass, slender wheat grass and annual hairgrass in our permit application. We will gladly use a variety of any and all. We are waiting for recommendations from the West Greeley Conservation District.

I believe this covers our conversation today. Would you please respond with confirmation of this email?

Thank you
Tony Evans, PE
Encompass LLC
970.439.0201

Florian - DNR, Troy <troy.florian@state.co.us>

Wed, Oct 12, 2022 at 1:10 PM

To: Encompass LLC <encompasshi@gmail.com>

Cc: Nick Varra <nick@varrabuildings.com>, "Zuber - DNR, Rob" <rob.zuber@state.co.us>

Hi Tony,

Your summary looks accurate from what I recall. As for any clarification on the operational weed management and post operational vegetation reclamation... I believe you mentioned that there will be a construction and operational weed management plan throughout construction, and a vegetation reclamation plan once everything is complete. In terms of the seed mix for reclamation, I'd like to clarify that it would be preferred to target a mix of native plains cool and warm season grasses containing a variety of forbs / pollinators species unless there is cultivated ag planned by the landowner.

thanks for the follow up.

[Quoted text hidden]

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Troy Florian
District Wildlife Manager
Ault District / Area 4



LIVE LIFE
OUTSIDE

P 970-472-4300 | C 970-443-1993
317 W. Prospect Ave, Ft. Collins CO 80526
troy.florian@state.co.us | cpw.state.co.us

Zuber - DNR, Rob <rob.zuber@state.co.us>
To: Encompass LLC <encompasshi@gmail.com>
Cc: Nick Varra <nick@varrabuildings.com>

Wed, Oct 12, 2022 at 1:16 PM

Hi, Tony

Please summarize Troy Florian's comments on pronghorn when you respond to my adequacy letter from this morning. Most importantly, elaborate on why the new regulation related to new construction from January 1st to April 30th is not applicable.

Thanks,
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:

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Denver, CO 80203

Mailing Address:

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1001 East 62nd Avenue
Denver, CO 80216
rob.zuber@state.co.us | <http://drms.colorado.gov>

On Wed, Oct 12, 2022 at 12:11 PM Encompass LLC <encompasshi@gmail.com> wrote:

[Quoted text hidden]