



STATE OF
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

VIP MINE LLC Response #3

1 message

Encompass LLC <encompasshi@gmail.com>

Mon, Nov 21, 2022 at 5:46 PM

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

Mr. Zuber

Please find attached the response to your adequacy letter dated November 14, 2022 with attached info as requested.

- 11-10-22 north weld herald proof.pdf
- 11-16-22 LTR FROM ATMOS.pdf
- 11-21-22 response to state comments 3.pdf
- EXH B MAP.pdf
- EXH C a (3) (1).pdf
- EXH C b-g (2).pdf
- EXH C-a (2).pdf
- EXH C-h (2).pdf
- EXH E.pdf
- EXH F (2).pdf
- REVISED Construction112 Application PG 3.pdf
- USGS QUAD VICINITY MAP 1.pdf

Thank you
Tony Evans, PE
Encompass LLC
970.439.0201

November 21, 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 November 14, 2022

Mr. Zuber

We are in receipt of your Adequacy letter dated November 21, 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 letter from ATMOS Energy as requested.

Adequacy Review Item #2
Complete, Thank you.

Adequacy Review Item #3
Complete, Thank you.

Adequacy Review Item #4
The maps have been updated and attached as requested.

Adequacy Review Item #5
Exhibit C.a has been revised as requested and is attached.

Adequacy Review Item #6
A weed control plan has been added to Exhibit E as requested. A revised Exhibit E has been attached.

Adequacy Review Item #7
Exhibit E has been updated and attached.

We hope that this answers all 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



November 16, 2022

Tony Evans, PE
VIP MINES LLC
14440 CR 100
Nunn, CO 80648
970-439-0201
encompasshi@gmail.com

Mr. Evans:

The VIP Mine, as proposed, will have no negative effect on Atmos facilities.

Thank you,

A handwritten signature in black ink, appearing to read "Jerry Adams", with a stylized flourish at the end.

Jerry Adams
Sr Project Specialist
Atmos Energy Corporation
970-567-4058
Jerry.adams@atmosenergy.com

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: Nick Varra Title: Owner
Company Name: VIP MINE LLC
Street/P.O. Box: 14440 CR 100 STE 1 P.O. Box: _____
City: Nunn
State: CO Zip Code: 80648
Telephone Number: (970) - 692-0018
Fax Number: () -

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Tony Evans Title: Owner
Company Name: VIP MINE LLC
Street/P.O. Box: 14440 CR 100 STE 1 P.O. Box: _____
City: Nunn
State: CO Zip Code: 80648
Telephone Number: (970) - 439-0201
Fax Number: () -

INSPECTION CONTACT

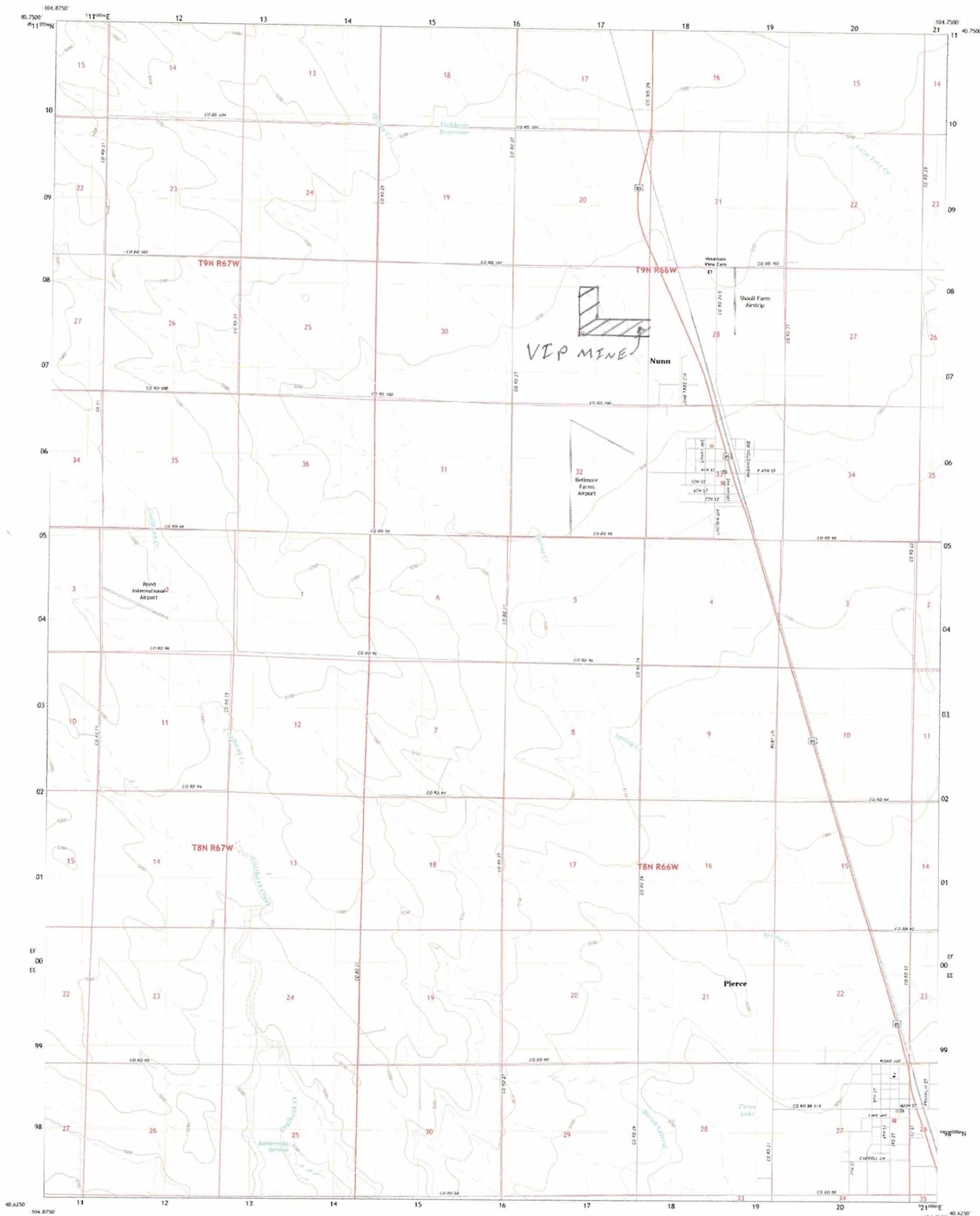
Contact's Name: Tony Evans Title: Engineer
Company Name: VIP MINE LLC
Street/P.O. Box: 14440 CR 100 STE 1 P.O. Box: _____
City: Nunn
State: CO Zip Code: 80648
Telephone Number: (970) - 439-0201
Fax Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

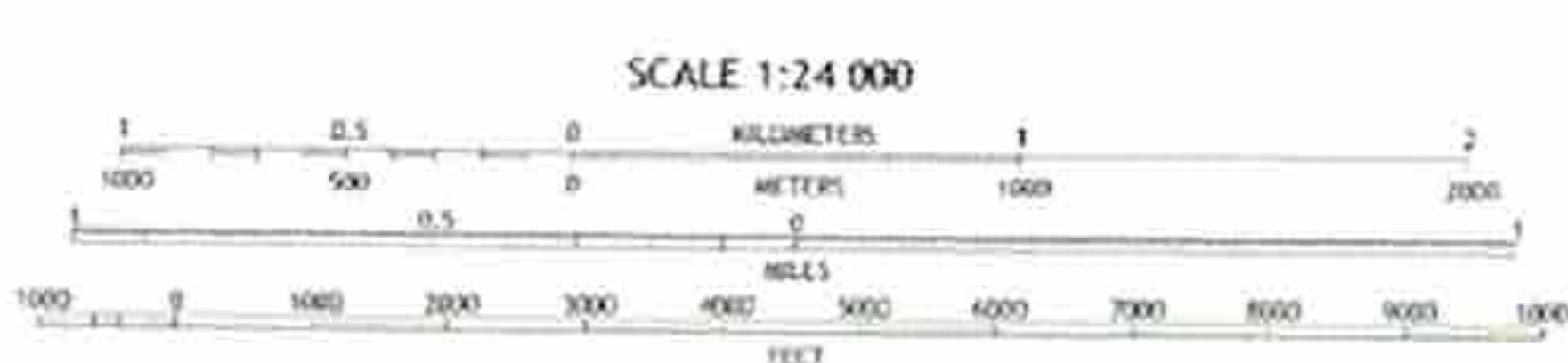


Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1:250,000 scale Universal Transverse Mercator, Zone 13T
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
trusts may not be shown. Obtain permission before
entering private lands.

Imagery: NAD83, September 2017 - November 2017
Roads: U.S. Census Bureau, 2016
Hydrography: National Hydrography Dataset, 2004
Contours: Multiple sources; see metadata file, 2019
Public Land Survey System: BLM, 2021
Wetlands: FWS National Wetlands Inventory, 1975

UTM GRID AND 2011 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



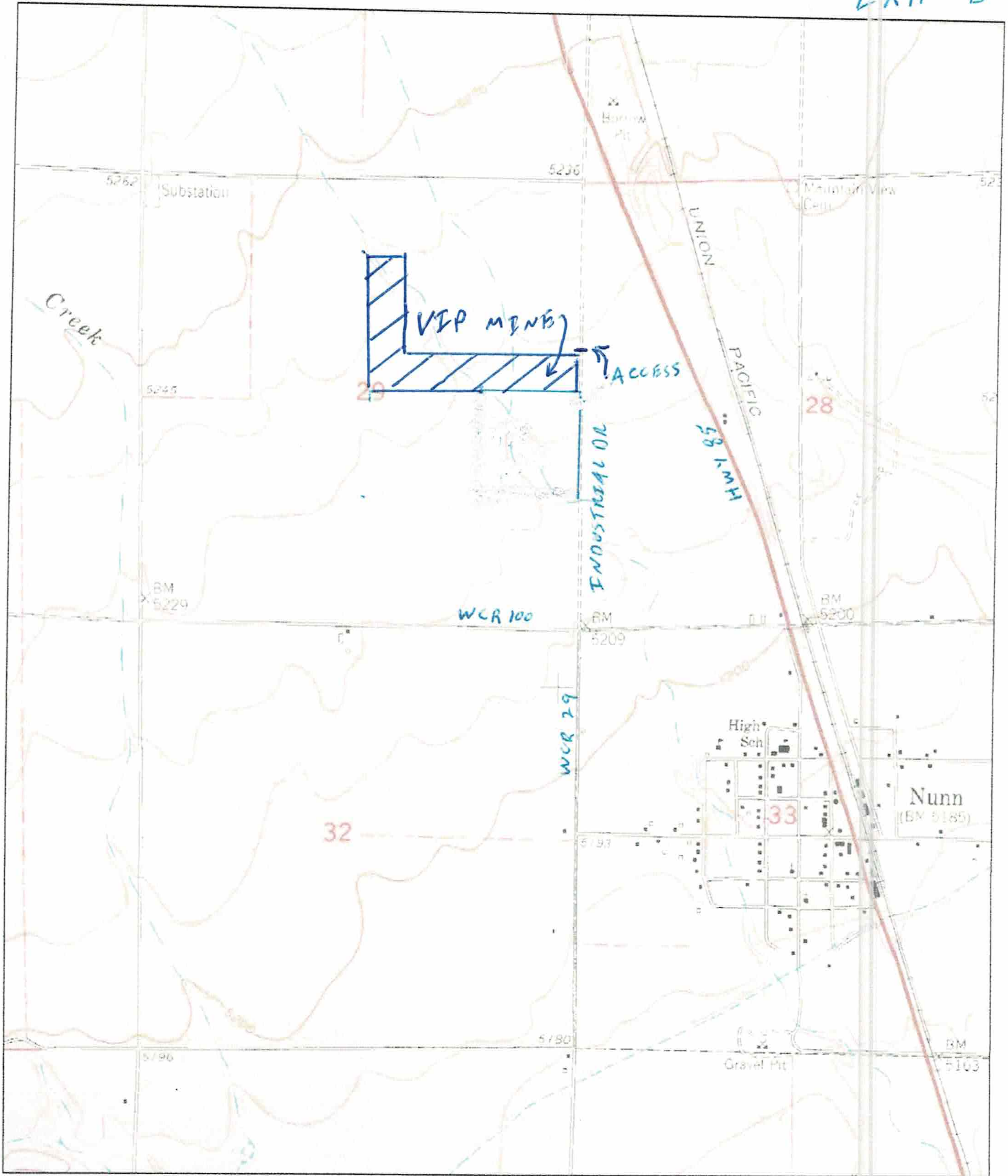
CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1982
This map was produced to conform with the
National Geospatial Program US Topo Product Standard.



ROAD CLASSIFICATION
Expressway
Secondary
Local Connector
Local Road
US Route
State Route

1. Carr SW
2. Dove
3. Eastman Creek South
4. Cook Lake
5. Antelope Reservoir
6. Through
7. Severance

NUNN, CO



0 0.5 Mi
0 2000 Ft

Map provided by MyTopo.com

VEP MINE LLC
6-22-22

EXH-C.a

WELD COUNTY COLORADO LAND RECORDS
AFFIDAVIT OF INTERESTED LAND OWNERS
SURFACE ESTATE

6/10/2022
10:59:14 AM

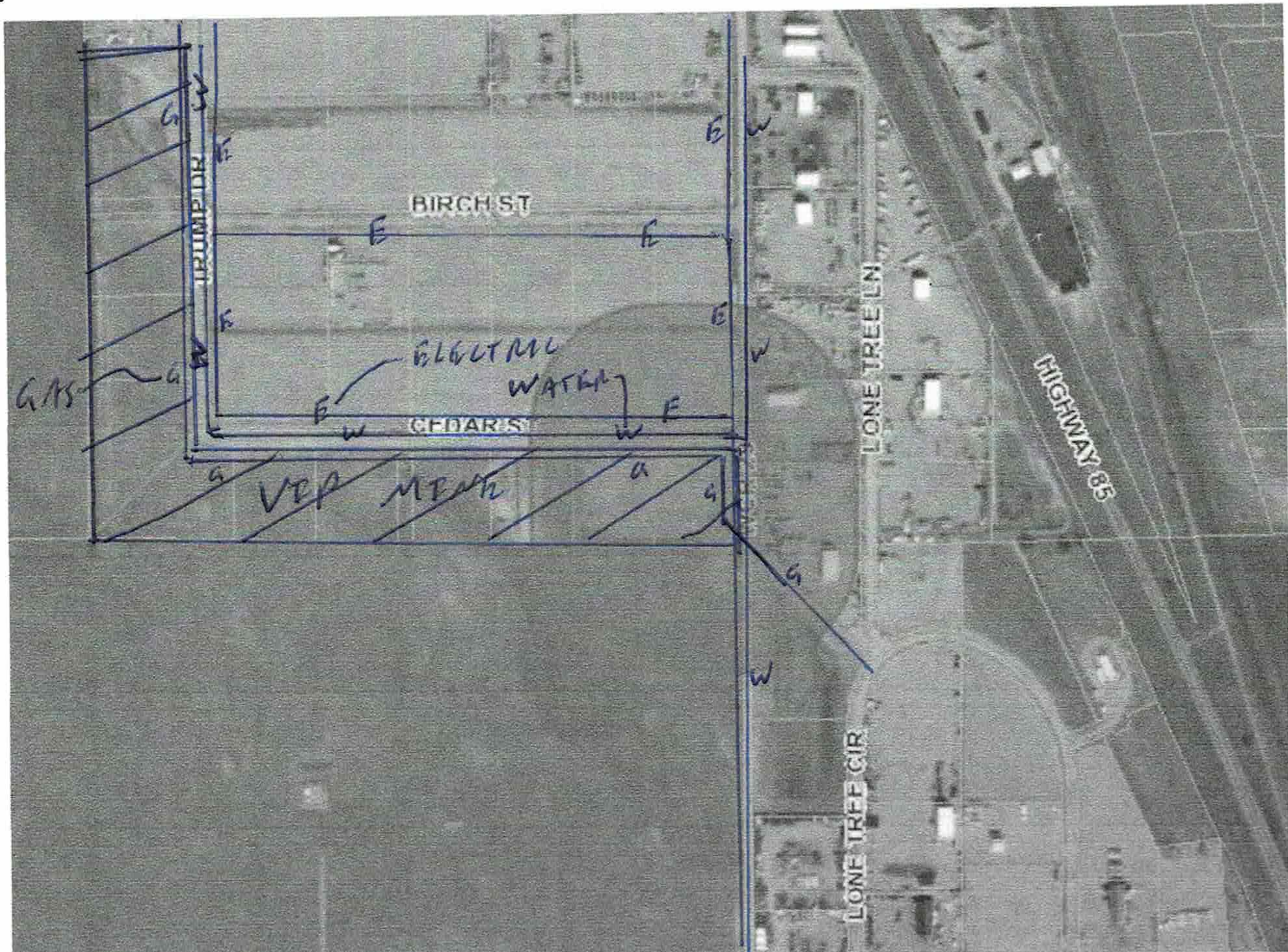
THE UNDERSIGNED, States that to the best of his or her knowledge the attached list is a true and accurate list of the names, addresses, and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of the property (the surface estate) within 500 feet of the property being considered. This list was compiled utilizing the records of the Weld County Assessor available on the Weld County Internet Mapping site, <http://www.co.weld.co.us>, and has not been modified from the original. The list compiled for the records of the Weld County Assessor was assembled within thirty days of the applications submission date.

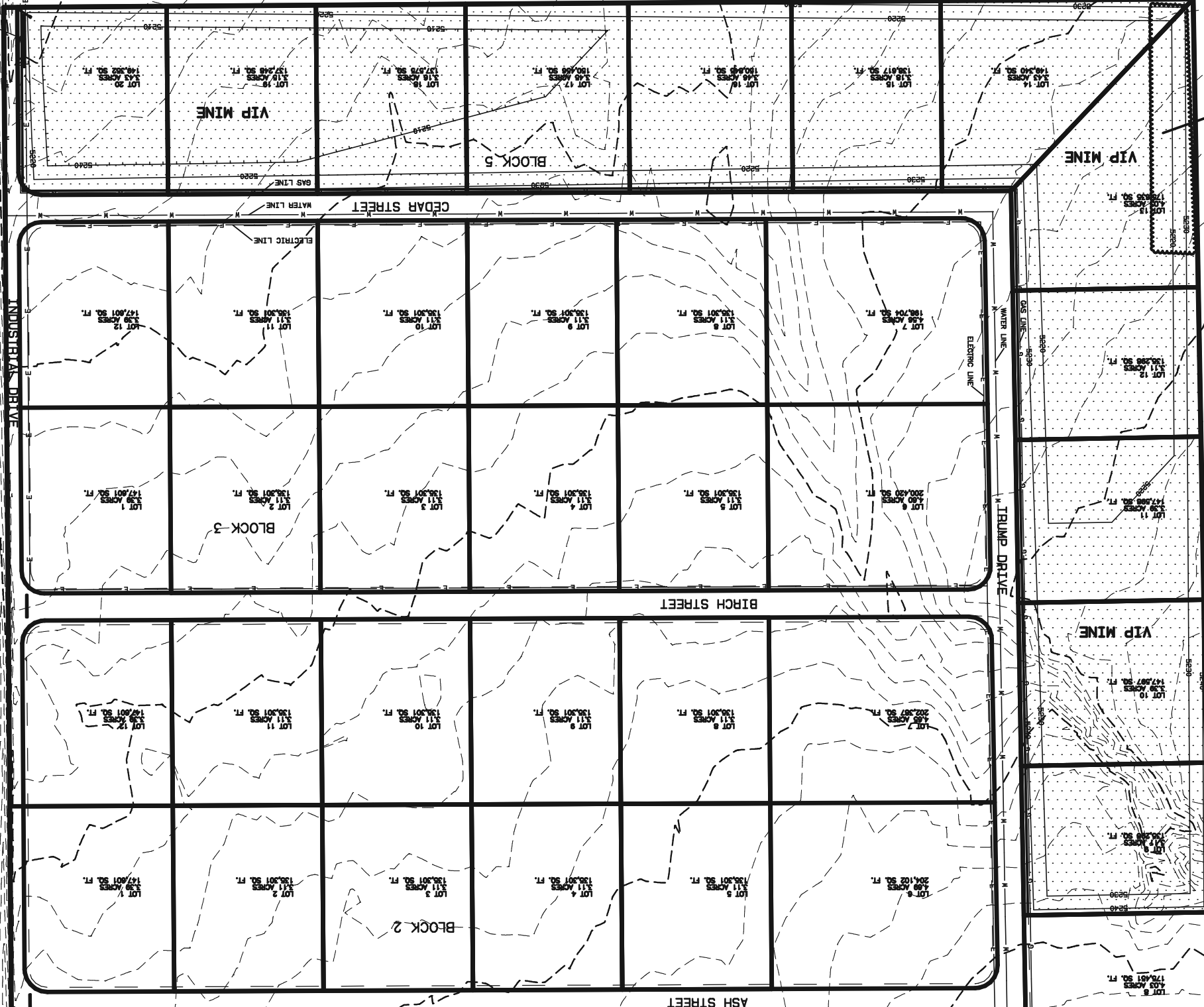
E - ELECTRIC
G - GAS
W - WATER

Signature

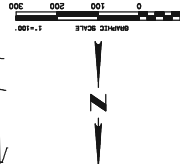
Date

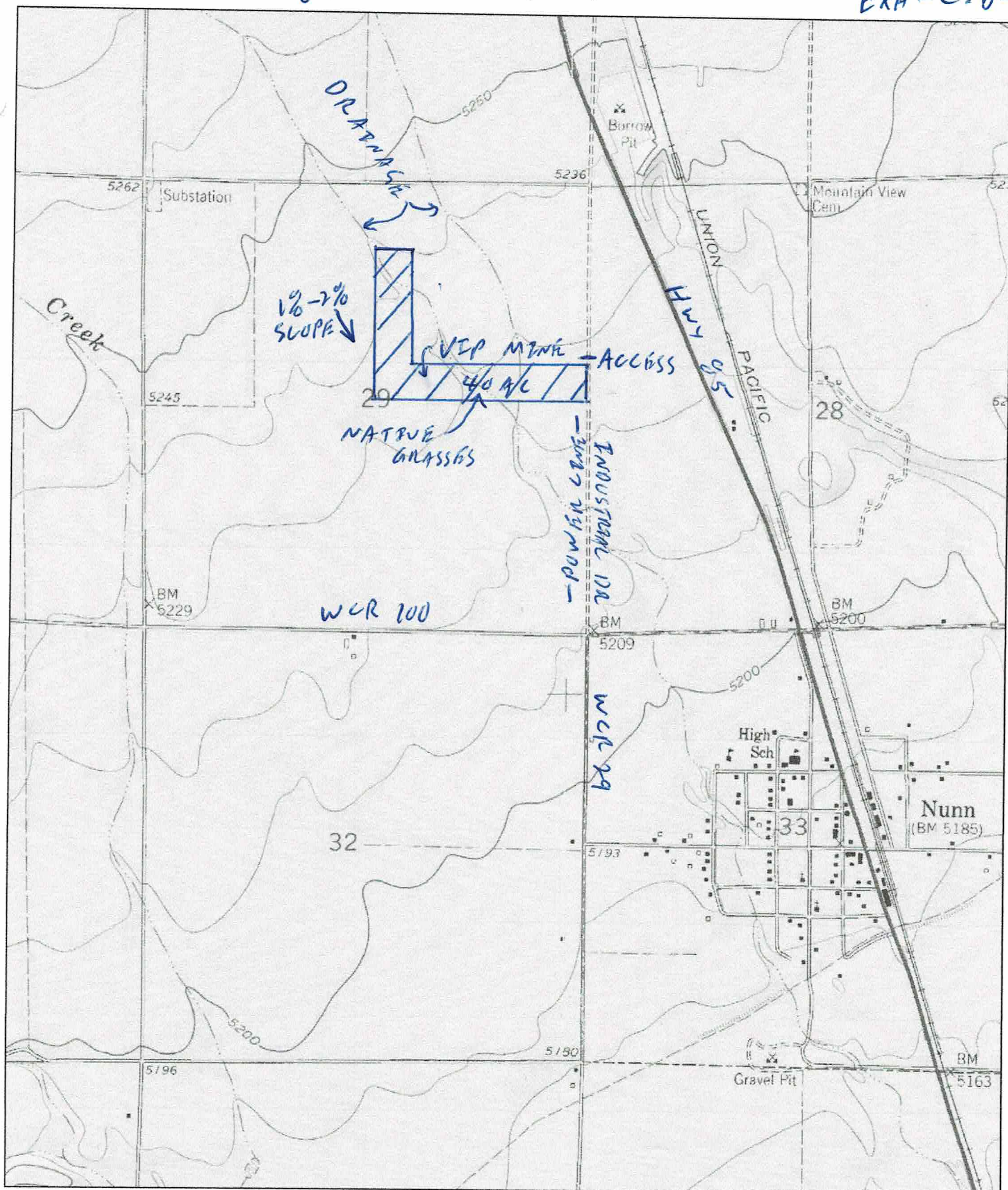
Property Owners Within 500 Feet of Parcel # 045529105010





TOPSOIL
STORAGE
AREA





0 0.5 Mi
0 2000 Ft

Map provided by MyTopo.com

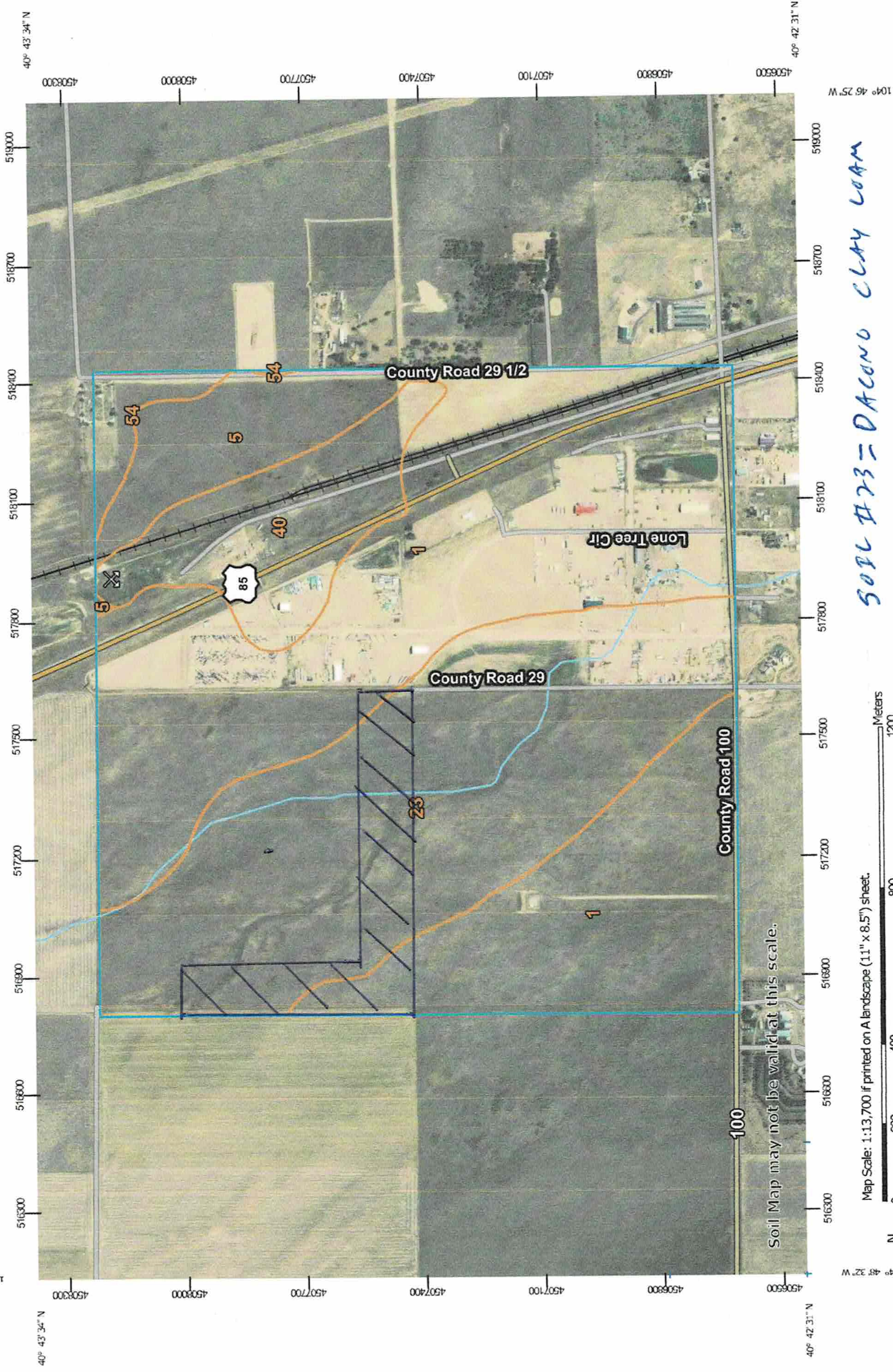
OWNER: VANDER INDUSTRIAL PROPERTIES INC

* NO PERMANENT STRUCTURES

VIP MINE LLC
6-22-22

Soil Map—Weld County, Colorado, Northern Part

EXH-C.h



SOIL #23 = DACONO CLAY LOAM



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

6.4.5 EXHIBIT E -Reclamation Plan

- (1) Reclaiming this site will consist of placing the stored topsoil on top of all exposed areas 2 to 5 inches in depth. The final side slopes shall not exceed 3 foot horizontal to 1 foot vertical (3:1). The topsoil will be reseeded with native grasses. Reseeding will be done if necessary, within the first six months. No shrubs or trees are proposed for reclamation. Drainage will be kept on site. The storm water will discharge into the ground as the water table is very low.
- (2) The reclamation reseeding will be done by drilling the seed in to the topsoil. This reclamation reseeding will be done in the spring or early summer. We anticipate using a seed mix of slender hair grass, slender wheat grass and annual hairgrass at a rate of 5 to 15 lbs per acre. We will consult with the local USGS for their desired seed mix at the time of reclamation. The reseeding will be evaluated four months later and reseeded if the reclamation has not covered at least 70% established.

The existing land use for this site is native pasture grass. The proposed post-mining use is native pasture grass. The properties to the west and south are native pasture grass. The properties to the north and east are large acre industrial.

This mining operation and reclamation will abide by the Division of Reclamation, Mining, and Safety Code of Colorado Regulations Rule 3.1. Grading will be done to ensure adequate compaction and stability. Erosion control will be done throughout the mining operation. No acid or toxic materials are to be used in this mining process. Side slope shall be 3:1 maximum. No pollutants are anticipated to be released from this site. No ground water is anticipated for this site. No wildlife will be affected at this site. Any buildings will be temporary and removed for reclamation. Signs will be placed at the entrance of the site of the name of the operator and permit numbers. Spills will be reported and cleaned up immediately, if a spill happens.

- (3) No Cattle Grazing is proposed for this site upon completion of mining.

(4) WEED CONTROL PLAN

The Colorado Department of Agriculture has evaluated the noxious weed situation throughout the state and has created a hierarchy policy for certain species across the state. Weld County has prepared and provided guidance to control and maintain weeds mandated for control. List A and C species will be eradicated, and List B species will be controlled. The information can be found at <https://www.weld.gov/Government/Departments/Public-Works/Weed-Management>.

- A. VIP Mine LLC will adhere to the criteria described by Weld County for weed control. Weeds will be monitored a minimum of twice per year (late spring and mid to late summer).
- B. The top five noxious weeds in Weld County are; Canada Thistle, Field Bindweed, Cheatgrass, Musk Thistle and Scotch Thistle. Per Weld County Public Works <https://www.weld.gov/files/sharedassets/public/departments/public-works/documents/top-5-noxious-weeds-in-weld-county.pdf>.

- C. Weeds will be controlled with mowing as needed, at least twice per year (late spring and mid to late summer), until the native grasses are 70% established as described above in 6.4.5(2). Herbicides will be used as needed for weed control and/or eradication per the Weld County guidelines.
- D. The mining area is within the Varra Industrial Park and the owner will be responsible for weed control and vegetation maintenance after mining operations are complete.

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