STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106

CONSTRUCTION MATERIALS
REGULAR (112) OPERATION
RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☑ **There is a File Number Already Assigned to this Operation**

Permit # M - 2021 049 (Please reference the file number currently assigned to this operation)

☐ **New** Application (Rule 1.4.5) ☑ **Amendment** Application (Rule 1.10)

☐ **Conversion** Application (Rule 1.11)

Permit # M - 2021 049 (provide for **Amendments** and **Conversions** of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized **ORIGINAL** and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit)**: VIMA Partners, LLC
   - 1.1 Type of organization (corporation, partnership, etc.): Developer
2. **Operation name (pit, mine or site name)**: Raindance Reservoir #2
3. **Permitted acreage (new or existing site)**: 91.1 permitted acres
   - 3.1 Change in acreage (+): 38.9 acres
   - 3.2 Total acreage in Permit area: 130.0 acres
4. **Fees**:
   - 4.1 New Application: $2,696.00 application fee
   - 4.2 New Quarry Application: $3,342.00 quarry application
   - 4.4 Amendment Fee: $2,229.00 amendment fee
   - 4.5 Conversion to 112 operation (set by statute): $2,696.00 conversion fee
5. **Primary commoditie(s) to be mined**: Sandy Clay Borrow Mate
   - 5.1 Incidental commoditie(s) to be mined: 1. - lbs/Tons/yr 2. / lbs/Tons/yr 3. / lbs/Tons/yr 4. / lbs/Tons/yr 5. / lbs/Tons/yr
   - 5.2 Anticipated end use of primary commoditie(s) to be mined: Construction fill material
   - 5.3 Anticipated end use of incidental commoditie(s) to be mined:

6. **Name of owner of subsurface rights of affected land**: Martin Lind
   If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land**: Martin Lind

8. **Type of mining operation**: ☑ Surface ☐ Underground

9. **Location Information**: The center of the area where the majority of mining will occur:

   COUNTY: WELD

   PRINCIPAL MERIDIAN (check one): ☐ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

   SECTION (write number): S 6

   TOWNSHIP (write number and check direction): T 5 ☑ North ☐ South

   RANGE (write number and check direction): R 67 ☐ East ☐ West

   QUARTER SECTION (check one): ☑ NE ☐ NW ☐ SE ☐ SW

   QUARTER/QUARTER SECTION (check one): ☑ NE ☐ NW ☐ SE ☐ SW

   GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation):
   Intersection of WCR 62 and WCR 15. Just south of the Town of Windsor. Elevation 4925

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

    Latitude/Longitude:

    Example: (N) 39° 44′ 12.98″
    (W) 104° 59′ 3.87″

    Latitude (N): deg 40 min 26 sec 06. (2 decimal places)

    Longitude (W): deg 104 min 55 sec 36. (2 decimal places)

    OR

    Example: (N) 39.73691°
    (W) -104.98449°

    Latitude (N) _____. (5 decimal places)

    Longitude(W) _____. (5 decimal places)

    OR

    Universal Tranverse Mercator (UTM)

    Example: 201336.3 E NAD27 Zone 13
    4398351.2 N

    UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 12

    Easting _____

    Northing _____

11. **Correspondence Information**:

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

Contact's Name: **Martin Lind** Title: _____

Company Name: VIMA Partners, LLC

Street/P.O. Box: 1625 Pelican Lakes Point, Suite 201 P.O. Box: _____

City: Windsor

State: Colorado Zip Code: 80550

Telephone Number: (970) - 686-5828

Fax Number: ( ) - _____

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: _____ Title: _____

Company Name: _____

Street/P.O. Box: _____ P.O. Box: _____

City: _____

State: _____ Zip Code: _____

Telephone Number: ( ) - _____

Fax Number: ( ) - _____

INSPECTION CONTACT

Contact's Name: Cody Wooldridge Title: _____

Company Name: Water Valley Land Company

Street/P.O. Box: 1625 Pelican Lakes Point, Suite 201 P.O. Box: _____

City: Windsor

State: Colorado Zip Code: 80550

Telephone Number: (970) - 686-5828

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: ( ) - _____

12. **Primary future (Post-mining) land use (check one)**:

☐ Cropland(CR)	☐ Pastureland(PL)	☐ General Agriculture(GA)
☐ Rangeland(RL)	☐ Forestry(FR)	☐ Wildlife Habitat(WL)
☐ Residential(RS)	☐ Recreation(RC)	☐ Industrial/Commercial(IC)
☑ Developed Water Resources(WR)		☐ Solid Waste Disposal(WD)

13. **Primary present land use (check one)**:

☐ Cropland(CR)	☐ Pastureland(PL)	☑ General Agriculture(GA)
☐ Rangeland(RL)	☐ Forestry(FR)	☐ Wildlife Habitat(WL)
☐ Residential(RS)	☐ Recreation(RC)	☐ Industrial/Commercial(IC)
☐ Developed Water Resources(WR)		

14. **Method of Mining**: Briefly explain mining method (e.g. truck/shovel): Excavator's removing material and placing in trucks. Scrapers to stockpile

15. **On Site Processing**: ☐ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): None

List any designated chemicals or acid-producing materials to be used or stored within permit area: None

16. **Description of Amendment or Conversion**:

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

The total area has increased to 130 acres which will allow enough area for proposed stockpiles within the limits of disturbance.

Maps and Exhibits:

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

____ 1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

5. It is your responsibility to notify the Office of any changes in your address or phone number;

6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

   a. the name of the operator;

   b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

   c. the permit number.

7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.

8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

10. <u>For joint venture/partnership operators</u>: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).

2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.;

3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.

4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112,C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 24th day of February, 2023.

VFMA Partners, LLC
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: _____

Title: Martin Lind, Manager

Signed: _____

Corporate Secretary or Equivalent

Town/City/County Clerk

State of COLORADO)
) ss.
County of WELD)

The foregoing instrument was acknowledged before me this 24th day of February, 2023, by Martin Lind as Manager of VFMA Partners, LLC

LARA D. WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 09-09-2024

LARA D. WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 09-09-2024

Notary Public

My Commission expires: 9/9/2024

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

proposed mining operation. The following is a sample of the Notice required for Rule 1.6.2(1)(b) that you may wish to use.

NOTICE

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) VIMA Partners, LLC, whose address and phone number is (Address and Phone Number of the Applicant/Operator) 1625 Pelican Lakes Point Windsor, CO 970-686-5828, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) WELD County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 1250 H Street Greeley, CO, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

Certification:

I, VIMA Partners, LLC, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) Raindance Reservoir #2, on (Date Posted) 07-15-2021,

.

SIGNATURE

7-15-2021

DATE

Construction Material Regular 112 Operations Reclamation Exhibits

Raindance Reservoir #2

VIMA Partners, LLC

submitted to:

Division of Reclamation, Mining and Safety, State of Colorado

February 24, 2023

TST, Inc. Consulting Engineers

Table of Contents

Construction Material Regular 112 Operation Reclamation Exhibits

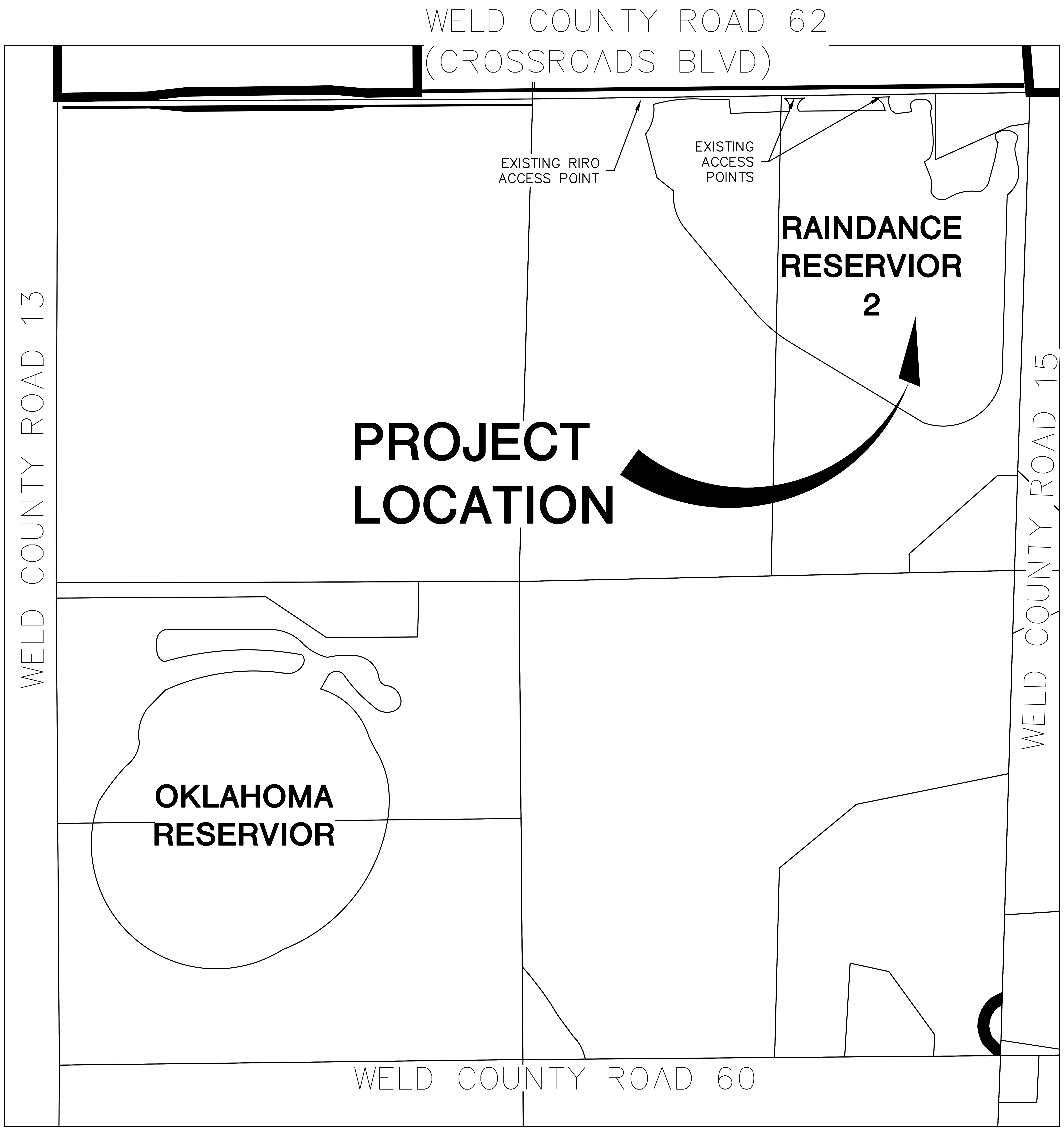
Raindance Reservoir #2 – VIMA Partners, LLC

Exhibit A – Legal Description

1. Being a parcel of land in the northeast quarter of the northeast quarter of Section 6, Township 5 North, Range 67 West of the 6th P.M., Town of Windsor, County of Weld, State of Colorado.
2. Access Coordinates –
    - Location of east access - Latitude (N) 40°26’09.00” Longitude (W) 104°55’40.45”
    - Location of center access - Latitude (N) 40°26’09.00” Longitude (W) 104°55’47.00”
    - Location of west access – Latitude (N) 40°26’09.00” Longitude (W) 104°55’58.50”

Exhibit B – Index Map

See attached map in Exhibit B.



LEGAL DESCRIPTION:

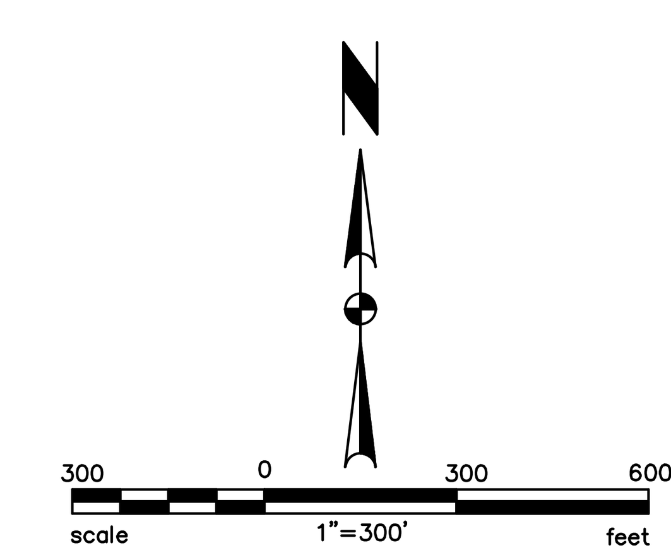
LOCATED IN NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, T5N, RANGE 67 WEST, WELD COUNTY COLORADO.

SOUTHWEST CORNER OF WCR 62 AND WCR 15.

LATITUDE (N): 40°26'06.00"
LONGITUDE (W): 104°55'36.00"

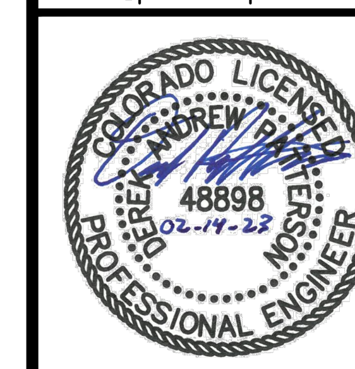
NOTES:

1. EXCAVATED/AFFECTED AREA FOR THIS PERMIT IS APPROXIMATELY 130 ACRES AND INCLUDES THE THREE ACCESS ROUTES.



REVISIONS		
BY	DATE	DESCRIPTION

DRAWN: EKO
CHECKED: DAP
DESIGNED: EKO
FILENAME: 0383_Special 112 Permit Map - Exhbit B and C



RAINDANCE RESERVOIR #2
VIMA PARTNERS, LLC

CONSTRUCTION MATERIAL REGULAR 112 OPERATION
RECLAMATION - EXHIBIT B (INDEX MAP)

TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 0732.0383.00
SCALE 1" = 300'
DATE FEBRUARY 2, 2023
SHEET **1 of 1**

Exhibit C – Pre-Mining Plan Map(s) of Affected Lands

(a) all adjoining surface owners of record;

See attached map in Exhibit C.

(b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;

See attached map in Exhibit C.

(c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;

See attached map in Exhibit C.

(d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
The total affected land area is 130 acres.

(e) the type of present vegetation covering the affected lands; and
Most of the vegetation has been stripped under the construction of the existing detention pond and under the ongoing construction under the existing State issued 112 Permit No. M-2021-049. The areas that have not been stripped consist of native grasses.

(f) in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
See attached map in Exhibit C and refer to Exhibit G for responses to Rule 6.4.7.

(g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.

See attached map in Exhibit C.

(h) In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section.

See attached map in Exhibit C.

(i) Aerial photos, if available, may be included in this section.

See attached map in Exhibit C.

LEGEND

- EXISTING 5' CONTOUR
- EXISTING 1' CONTOUR
- EXISTING STORM DRAIN
- PROPOSED 1' CONTOUR
- PROPOSED 5' CONTOUR
- FLOW ARROW
- FUTURE STORM LINE
- LIMIT OF DISTURBANCE (LOD)
- HIGH WATER LINE
- 200' OFFSET LINE
- SEEDING & MULCHING (MU)

LEGAL DESCRIPTION:

LOCATED IN NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, T5N, RANGE 67 WEST, WELD COUNTY COLORADO.

SOUTHWEST CORNER OF WCR 62 AND WCR 15.

LATITUDE (N): 40°26'06.00"
LONGITUDE (W): 104°55'36.00"

NOTES:

1. EXCAVATED/AFFECTED AREA FOR THIS PERMIT IS APPROXIMATELY 130 ACRES AND INCLUDES THREE ACCESS ROUTES.

200 0 200 400
scale 1"=200' feet

REVISIONS

BY	DATE	DESCRIPTION

DRAWN EKO
CHECKED DAP
DESIGNED EKO
FILENAME 0383_Special 112 Permit Map - Exhibit B and C

COLORADO LICENSED DANIEL A. PEARSON 48898 02-14-23 PROFESSIONAL ENGINEER

RAINDANCE RESERVOIR #2
VIMA PARTNERS, LLC
CONSTRUCTION MATERIAL REGULAR 112 OPERATION RECLAMATION - EXHIBIT C (MINING PLAN MAP)

TST
TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 0732.0383.00
SCALE 1" = 200'
DATE FEBRUARY 01, 2023
SHEET 1 of 1

Exhibit D – Mining Plan

The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:

(a) description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands;
Dump trucks will enter the site from the existing eastern access point off WCR 62 (Crossroads Blvd) where they will be loaded with borrow material by excavators. The dump trucks will then exit the site via the existing center access point onto WCR 62, and then head east or west bound. Any borrow material not hauled off site will be stockpiled within the limits of disturbance. Borrow material from stockpiles will be hauled off site via dump trucks that will enter and exit the site from the existing western (right-in-right-out) access road off WCR 62.

(b) earthmoving;
Earthmoving will move from south to north.

(c) all water diversions and impoundments; and
None

(d) the size of area(s) to be worked at any one time.
Excavation will be done in 5' to 6' lifts, and 15'x20' wide flattened areas for trucks to set level during loading.

(e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. An Operator/Applicant shall not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt an Operator/Applicant from complying with the performance standards of Rule 3.1. If the operation is intended to be an intermittent operation as defined in Section 34- 32.5-103(11)(b), C.R.S., the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S. Such timetable should include:

  (i) an estimate of the periods of time which will be required for the various stages or phases of the operation;
  Excavation of the reservoir is anticipated to continue through November 2023. Filling the reservoir with water is anticipated to take 4-6 months. Any stockpiled dirt is anticipated to be gone by 2028.

  (ii) a description of the size and location of each area to be worked during each phase; and
  The project will be completed in one phase.

  (iii) outlining the sequence in which each stage or phase of the operation will be carried out.
  The project will be completed in one phase.

(f) A map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Rule 6.4.3) may be used along with a narrative to present the following information:

  (i) nature, depth and thickness of the deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," pursuant to Rule 1.3(3)); and

  (ii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits.

(g) Identify the primary and secondary commodities to be mined/extracted and describe the intended use; and

The primary commodity to be mined is sandy clay borrow material. Sandy clay borrow material is being removed for the purpose of creating a reservoir. Excavated sandy clay borrow material will be used for other projects as needed. The excavated sandy clay borrow material will be stockpiled on site until it is needed on other projects in the area and can be hauled off site.

(h) name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.

None

(i) Specify if explosives will be used in conjunction with the mining (or reclamation). In consultation with the Office, the Applicant must demonstrate pursuant to Rule 6.5(4), Geotechnical Stability Exhibit, that off-site areas will not be adversely affected by blasting.

None

(j) Specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the affected lands and permitted acreage. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. Describe any associated drainage and runoff conveyance structures to include sufficient information to evaluate structure sizing.

WCR 62 is an existing 4 lane rural arterial roadway with a width of 60-feet.

There are no improvements necessary to the existing roadways for this mining operation.

Mining Plan –

The mining plan for this operation entails dump trucks entering the site from the existing eastern access point off WCR 62 (Crossroads Blvd) where they will be loaded with borrow material by excavators. The dump trucks will then exit the site via the existing center access onto WCR 62, and then head east or west bound. If the material is not needed for other projects in the area, the excess borrow material will be taken to stockpile locations within the limits of disturbance of the site. Dump trucks will access the stockpile locations through the existing right-in, right-out. WCR 62 is an existing 4 lane rural arterial roadway with a width of 60-feet. The site does not have any water diversions or impoundments. Throughout the operation, excavation will be done in 5' to 6' lifts on 15'x20' wide flattened areas for trucks to set level during loading. The operation on the 130-acre site will take place in one phase that has already started under the existing state issued

112 permit No. M-2021-049 for mining on the site. Of the 130-acres, 44-acres will be submerged in water from the reservoir and 86-acres will be reclaimed and vegetated after the excavation process has been completed. At this time there are no plans to use highwall mining practices for this excavation so there will be no highwalls to grade after excavation has occurred. The primary commodity to be mined is sandy clay borrow material. Sandy clay borrow material is being removed for the purpose of creating a reservoir. Excavated sandy clay borrow material is being used for development in the surrounding area. After the reservoir is excavated and graded, topsoil will be moved from the stockpile location to cover the exposed land not covered by the extents of the reservoir water. This will allow for reclamation to occur throughout the site.

Exhibit E – Reclamation Plan

(1) In preparing the Reclamation Plan, the Operator/Applicant should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. Operators/Applicants are encouraged to allow flexibility in their plans by committing themselves to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures.

(2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the Operator/Applicant. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:

(a) A description of the type(s) of reclamation the Operator/Applicant proposes to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;

All the affected land will be used as a reservoir. The water will fill roughly 44 surface acres at its highest point. Additionally, there is an area of 86 acres that may need to be vegetated with native seed. The reservoir will serve the Raindance Development irrigation system. All areas outside the reservoir (where stockpiles are placed) will be reclaimed for general agricultural use.

(b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post-mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted;

The proposed post land use will be a reservoir that will be used to support the Raindance Subdivision non potable water system to the north. Most of the surrounding area is farmlands that will remain undeveloped for the time being. Southwest of the site is an existing reservoir called Oklahoma Reservoir.

(c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Rule 3.1;

The stated reclamation plan will follow each applicable requirement of 3.1. A post mining use of a reservoir has been established and no land will be substituted in the reclamation process. The reclamation process will be completed within five (5) years and the owner recognizes that the land can be designated for public use. Additionally, there will be no backfill required for this operation. All Colorado and federal water laws will be followed and the necessary permits for the reservoir have

been or are in the process of being received. All necessary protections for groundwater have been implemented, including those pertaining to the WQCC. To the best of the applicant's knowledge, groundwater monitoring is not required. Topsoil will be stockpiled to the southwest of the reservoir grading and be used to reclaim the areas outside of the water surface. Once the operation is completed topsoil will be moved from the stockpile to cover the remainder of the site outside of the reservoir water level. The revegetation process will include diverse seeding as stated in Exhibit J. There are no buildings or structures on the property and a sign has been posted at the entrance of the site with the correct requirements. Finally, the operator acknowledges all requirements if a spill occurs on the site.

(d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting;

In areas that are not inundated approximately 4" of plant growth medium will be replaced, and or soils will be amended as needed to establish proper plant growth.

(e) A plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Rule 6.4.4(e). The plan or schedule shall include:

(i) An estimate of the periods of time which will be required for the various stages or phases of reclamation;

Once excavation of the reservoir has been completed, it is estimated that the reclamation process, including filling the reservoir, will take about 4-6 months.

(ii) A description of the size and location of each area to be reclaimed during each phase; and

The water in the reservoir will fill roughly 44 surface acres at its highest point; the area that may need to be vegetated is 86 acres. Of the 86 acres to be vegetated, approximately 68 acres is the area under the stockpiles. The stockpiles are expected to be fully removed by 2028 and will be reclaimed for general agricultural use once the stockpiles are removed.

(iii) An outline of the sequence in which each stage or phase of reclamation will be carried out.

1. **Completion of excavating operation.**

2. **Fine grading of outer edge of reservoir.**

3. **Reservoir filled with raw water to a highwater elevation of 4914'.**

4. **Topsoil placed and graded around outer edge of reservoir.**

5. **Revegetation of disturbed areas through planting and seeding around outer edge of reservoir.**

6. **Areas where stockpiles exist will be revegetated once all stockpiles are hauled off.**

(f) A description of each of the following:

(i) Final grading - specify maximum anticipated slope gradient or expected ranges thereof;

The maximum slopes that will be outside of the reservoir water coverage are planned to be 3:1.

(ii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting;

Seeding and mulching to follow the recommendations as set forth in the Mile High Flood District Criteria Manual.

Clean, weed-free and seed-free cereal grain straw will be applied evenly at a rate of 2 tons per acre and will be tacked or fastened by a method suitable for the condition of the site. Straw mulch will be anchored on the surface mechanically by crimping.

Expected time(s) of seeding and planting will occur during Spring or Fall.

(iv) Fertilization - if applicable, specify types, mixtures, quantities and time of application;

Soil amendments to be added if deemed necessary and will be applied at the time of seeding.

(v) Revegetation - specify types of trees, shrubs, etc., quantities, size and location; and

No trees or shrubs will be used.

(vi) Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced

Existing topsoil within the limits of disturbance will be stripped and stockpiled on site for the purpose of reclaiming the site. Approximately a 4" depth of topsoil will be used to re-establish vegetation as needed along the banks of the reservoir and extents of the project.

Reclamation Plan –

The reclamation plan is to turn the site into a reservoir to support the non-potable water system of the Raindance Subdivision to the north. The reservoir will fill around 44 acres of surface area at its highest point, roughly 1500 acre-ft of water, and 86 additional acres will be vegetated in the surrounding areas of the reservoir. Most of the surrounding area is farmland that will remain undeveloped for the time being. Southwest of the site is an existing reservoir called Oklahoma Reservoir.

The stated reclamation plan will follow each applicable requirement of 3.1. A post mining use of a reservoir has been established and no land will be substituted in the reclamation process. The reclamation process will be completed within five (5) years and the owner recognizes that the land can be designated for public use. Additionally, there will be no backfill required for this operation. All Colorado and federal water laws will be followed and the necessary permits for the reservoir have been or are in the process of being received. All necessary protections for groundwater have been implemented, including those pertaining to the WQCC. Groundwater levels are monitored in nearby monitoring wells. Any topsoil will be stockpiled to the southwest of the reservoir. The approximate location of this stockpile is shown in Exhibit F. Once the operation is complete, topsoil will be placed to cover the site outside of the reservoir water level if needed. The revegetation process will include diverse seeding as stated in Exhibit J. There are no buildings or structures on the property and a sign has been posted at the entrance of the site with the correct requirements. Finally, the operator acknowledges all requirements if a spill occurs on the site.

Approximately 4" of plant growth medium will be replaced, and or soils will be amended as needed to establish proper plant growth. The reclamation schedule is as follows,

1. **Completion of excavating operation.**
2. **Fine grading of outer edge of reservoir.**
3. **Reservoir filled with raw water with a high-water elevation of 4914'.**
4. **Topsoil placed and graded around outer edge of reservoir.**

5. **Revegetation of disturbed areas through planting and seeding around outer edge of reservoir.**

6. **Areas where stockpiles exist will be revegetated once all stockpiles are hauled off.**

The maximum slopes that will be outside of the reservoir coverage are planned to be 3:1 or flatter for the banks of the proposed reservoir. The excavation process will happen in 5' to 6' lifts but once completed the banks will be graded and maintained at a 3:1 slope. Once the reservoir is filled with raw water, topsoil along with planting and seeding will take place. The seeding and mulching operation will follow the recommendations as set forth in the Mile High Flood District Criteria Manual. Clean, weed-free and seed-free cereal grain straw will be applied evenly at a rate of 2 tons per acre and will be tacked or fastened by a method suitable for the condition of the site. Straw mulch will be anchored on the surface mechanically by crimping. Depending on the time of completion, seeding and mulching will most likely take place in the fall of 2023 or early spring of 2024. There will be no trees or shrubs used around the reservoir.

Exhibit F – Reclamation Plan Map

The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

(a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and

See attached map in Exhibit F.

(b) Portrayal of the proposed final land use for each portion of the affected lands.

See attached map in Exhibit F.

LEGEND

EXISTING 5' CONTOUR	4925
EXISTING 1' CONTOUR	4921
EXISTING STORM DRAIN	
PROPOSED 1' CONTOUR	4921
PROPOSED 5' CONTOUR	4925
FLOW ARROW	⟹
FUTURE STORM LINE	
LIMIT OF DISTURBANCE	LOD
HIGH WATER LINE	
200' OFFSET LINE	
TOPSOIL STOCKPILE LOCATION	
SEEDING & MULCHING	MU
RECLAMATION AREA – RESERVOIR (WATER)	
RECLAMATION AREA – VEGETATION	

NOTES:

1. EXCAVATED/AFFECTED AREA FOR THIS PERMIT IS APPROXIMATELY 130 ACRES AND INCLUDES THE THREE ACCESS ROUTES.
2. ALL SIDE SLOPES TO BE RECLAIMED AT 3:1 OR LESS.
3. 4" OF TOPSOIL TO BE REPLACED WITHIN RECLAMATION AREAS.
4. BECAUSE THIS WILL ULTIMATELY BECOME A RESERVOIR, OVERBURDEN BORROW MATERIAL WILL NOT BE REPLACED. ALL BORROW MATERIAL TO BE HAULED OFFSITE OR STOCKPILED WITHIN THE PERMIT BOUNDARY.
5. STOCKPILES WILL REMAIN WITHIN PERMIT BOUNDARY UNTIL ALL MATERIAL CAN BE HAULED OUT. ONCE STOCKPILES HAVE BEEN REMOVED, AFFECTED AREAS WILL BE SEEDED & MULCHED.
6. SEEDING AND MULCHING TO BE INSTALLED PER RECOMMENDATIONS OF MILE HIGH FLOOD DISTRICT CRITERIA MANUAL VOLUME 2 CHAPTER 13: REVEGETATION, AND VOLUME 3 CHAPTER 7. DRILL SEED AS APPLICABLE.

SEED MIX TO BE AS FOLLOWS:
SEEDING RATE = 10 LB/ACRE (PLS)

IF BROADCAST SEEDING USE DOUBLE THE RATE

NON-IRRIGATED PBSI NATIVE PRAIRIE SEED MIX

COMMON NAME	% OF MIX
WESTERN WHEATGRASS	24%
SIDE OATS GRAMA	20%
BLUE GRAMA	20%
GREEN NEEDLE	24%
BUFFALO GRASS	10%
SAND DROPSEED	2%
TOTAL	100%

CONTACT:
PAWNEE BUTTES SEED, 605 25TH ST. GREELEY CO 80631
OR APPROVED EQUAL

REVISIONS		
BY	DATE	DESCRIPTION

DRAWN: EKO
CHECKED: DAP
DESIGNED: EKO
FILENAME: 0383_Special 112 Permit Map - Exhibit F

COLORADO LICENSED PROFESSIONAL ENGINEER 48898 02-14-23

RAINDANCE RESERVOIR #2
VIMA PARTNERS, LLC
CONSTRUCTION MATERIAL SPECIAL 112 OPERATION RECLAMATION - EXHIBIT F (RECLAMATION PLAN MAP)

TST
TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 0732.0383.00
SCALE 1" = 200'
DATE FEBRUARY 01, 2023
SHEET 1 of 1

Exhibit G – Water Information

(1) If the operation is not expected to directly affect surface or groundwater systems, a statement and sufficient demonstration of that expectation shall be submitted.

See attached Ground Engineering observation letter related to groundwater systems.

(2) If the operation is expected to directly affect surface or groundwater systems, the Operator/Applicant shall:

(a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations.

See attached map in Exhibit C.

(b) Identify all known aquifers; and

There are no known aquifers in the area.

(c) Submit a brief statement or plan showing how water from de-watering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.

If groundwater is encountered temporarily, proper dewatering procedures and practices as defined in the Mile High Flood District Criteria Manual will be utilized. If any rain events occur and cause standing water within the operation, the water will be pumped out. Any discharge will occur at the current detention pond outlet point. After operation stormwater will enter at two points along the north side and will be pumped out within 72 hours at a volume equal to the inflow volume.

(3) The Operator/ Applicant shall provide an estimate of the project water requirements including flow rates an annual volumes for the development, mining and reclamation phases of the project.

During operation very little water is anticipated to be used. Water will be applied for dust control by a water truck as needed and is estimated at less than 1,300 gallons per day. After operation the site will be operated as a reservoir. The capacity is designed at 1,500-acre feet with approximately 475-acre feet of annual consumption divided between Raindance River Reservoir and Reservoir Number 2. Water use from each reservoir will vary from year to year based on water availability and operation.

(4) The Operator/ Applicant shall indicate the projected amount from each of the sources of water

to supply the project water requirements for the mining operation and reclamation.

During operation, construction water will be purchased from the Town of Windsor via a fire hydrant meter. After operation raw water will be pumped from Raindance River Reservoir and the BH Eaton ditch diversion from the Poudre River. Storage rights have already been adjudicated through the Colorado District Court, Water Division No. 1, case No. 02 CW 391.

(5) The operator/ Applicant shall affirmatively state that the Operator/ Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of health and Environment, if necessary.

Discharge Permit – COR403818 recently revised and updated with the state for this project.

Water Information –

There are no known aquifers in the area, however, if groundwater is encountered temporarily, proper dewatering procedures and practices as defined in the Mile High Flood District Criteria Manual will be utilized. If any rain events occur and cause standing water within the operation, the water will be pumped out. Any discharge will occur at the current detention pond outlet point.

The reservoir will use 1500 acre-ft of water to fill. Additionally, assuming 12 acres of planting and seeding for the disturbed areas and about 1.5 vertical feet of water over that area needed for watering purposes for the reclamation process, an additional 18 acre-ft will be needed. Temporary sprinklers may be used to establish seeding during the reclamation process. The water will be supplied from the existing non-potable water system.

Water trucks will be used for dust mitigation throughout the construction of the reservoir. Assuming one full time water truck during construction, about 1300 gallons of water will be used per day.

GROUND
ENGINEERING

February 24, 2023

Subject: Raindance Reservoir #2 Additional Borings: **Groundwater Observation Update**, Weld County, Colorado

Job No. 22-0045

Garrett Scallon
Raindance Development, LLC
1625 Pelican Lakes Point, Suite 201
Windsor, Colorado 80543

Dear Mr. Scallon,

Ground Engineering Consultants, Inc. (GROUND) previously completed a subsurface exploration program to obtain information on the subsurface conditions at the proposed Raindance Reservoir #2 located south of Crossroads Blvd east of County Road 15 in Weld County, Colorado. The results were summarized in GROUND's report titled, *Geotechnical Subsurface Exploration Program, Raindance Reservoir #2 Additional Borings, Windsor, Colorado*, Job No. 22-0045, prepared for Raindance Development, LLC dated December 9th, 2022.

Reference is made to our December 2022 report for a description of the site surface and subsurface conditions, our general geotechnical opinions and parameters, and the limitations on our work, which also apply to GROUND's conclusions and parameters provided herein. We consider all parameters in that report not specifically superseded herein to remain valid.

Water conditions as encountered in the above referenced study ranged from an elevation of 4933 feet to 4871 feet. It is our understanding that excavation has progressed below these elevations, however no static groundwater was evident during deeper excavations. Therefore, GROUND was asked to observe the ongoing Reservoir excavation by a representative of Raindance Development, LLC to reevaluate the existing groundwater conditions.

GROUND observed the partial excavation for Reservoir #2 on February 24, 2023 and February 25,2023. Test pits were excavated on the east (TP-1) and west (TP-2) ends of

the current reservoir excavation. See Map. Test Pit 1 was excavated down to approximately 4871 ft. Test Pit 2 was excavated down to approximately 4890 ft. Approximate elevations were provided by Raindance Development, LLC. Both test pits were dry when check 1 day after excavation.

Figure 1- Test Pit #1 2/24/2023

Figure 2-Test Pit #2 2/24/2023

Based on these field observations, static groundwater conditions were not evident within the excavation or seeping from the sides of the excavation at the elevations noted during our site visit. This would suggest that the moisture/water conditions as noted in the referenced soils report appear to have been local conditions and not considered a static ground water condition for the greater area. Furthermore, the contractor indicated that there were pockets of very moist to saturated soil that were encountered during excavation and that drier conditions were encountered at lower elevations with no accumulation of water. This may have been the source of the local moisture/groundwater conditions that were observed for our December 2022 report.

We trust that this provided the additional information that you needed at this time. If you have any questions, please contact this office.

Sincerely,

GROUND Engineering Consultants, Inc.

Kelsey Van Bemmel, P.E.

Reviewed by Joseph Zorack, P.E.

Exhibit H – Wildlife Information

(1) In developing the wildlife information, the Operator/Applicant may wish to contact the local wildlife conservation officer. The Operator/Applicant shall include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:

(a) a description of the significant wildlife resources on the affected land;

(b) seasonal use of the area;

(c) the presence and estimated population of threatened or endangered species from either federal or state lists; and

(f) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general affect on the wildlife from increased human activity, including noise.

(2) The application may be reviewed and commented upon by Colorado Parks and Wildlife (CPW). If CPW has comments, they must be provided prior to the end of the public comment period specified in Rule 1.7.1(2)(a) to be considered by the Board and Office.

Refer to technical memo prepared by AloTerra Restoration Services in Exhibit H.

AloTerra
Restoration Services

320 E. Vine Drive Suite 213
Fort Collins, CO 80524
www.aloterraservices.com
970-420-7346

October 18, 2021

TO: Derek Patterson, P.E.
TST, Inc. Consulting Engineers
748 Whalers Way, Suite 200
Fort Collins, CO 80525

RE: Wildlife Technical Memo for Raindance Reservoir

Dear Mr. Patterson,

Please find attached the wildlife technical memo for Raindance Reservoir. This memo was drafted to address questions CPW raised with regards to "Construction Material Regular 112 Operation Reclamation, Exhibit H (Wildlife)," and other documents provided by TST to AloTerra on Sept 22, 2021.

For additional information, or should you have any questions, please contact me at 970-420-7346 or john@aloterraservices.com. Thank you for involving AloTerra to support you in this project.

Kind regards,

John Giordanengo
Principal Restoration Ecologist/Owner

Wildlife Technical Memo

Prepared by: AloTerra Restoration Services, LLC
320 E. Vine Drive, Suite 213
Fort Collins, CO 80524

Prepared on: October 14, 2021
Approved on: October 18, 2021

Introduction

Background

The Raindance Reservoir project (hereafter referred to as The Project) site is located in Windsor, Colorado in Weld County. The property is situated between County Rd 62 (N), County Rd 15 (E), Colorado Blvd. (W), County Rd 60 (S). The Project is currently under construction for a new reservoir. **Figure 1** is a map showing The Project boundaries and potential habitat for raptor nesting (old growth trees).

Figure 1: Raindance Reservoir project area

Purpose

The purpose of this wildlife technical memorandum is to assess the probable effects on federally listed species and sensitive species, and game and non-game species, in the Project site, as well as address questions in Permit 112, Exhibit H.

6.4.8 EXHIBIT H - Wildlife Information

(1) In developing the wildlife information, the Operator/Applicant may wish to contact the local wildlife conservation officer. The Operator/Applicant shall include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:

(a) a description of the significant wildlife resources on the affected land;

(b) seasonal use of the area;

(c) the presence and estimated population of threatened or endangered species from either federal or state lists; and

(d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

(2) The application may be reviewed and commented upon by Colorado Parks and Wildlife (CPW). If CPW has comments, they must be provided prior to the end of the public comment period specified in Rule 1.7.1(2)(a) to be considered by the Board and Office.

Further, the objective of this technical memo is to ensure suitable habitat and significant ecological processes are not in danger of being adversely affected by proposed construction. The species information within this memo is compiled from known species' life histories, ranges, and critical habitat distributions that may overlap and/or coincide with the project site.

On Site Observations

During a site visit on October 6, 2021 an AloTerra staff biologist looked for signs of wildlife (game and non-game) within the project site. The Project site is surrounded by active agriculture fields on south, east, west sides, and fully developed housing area to the north. Due, in part, to the area being highly impacted by human activity, no wildlife was observed.

Responses to Permit 112 Exhibit H Questions

(1a) A description of the significant wildlife resources on the affected land;

There are small clusters of old growth trees on the privately owned farms on the NE and SE corners just outside project disturbance limit which could be potential raptor nesting sites. No nests were seen during the site visit. However, visibility was limited due to trees being in full leaf. Careful considerations will be given during mining operations in the spring time to limit impacts to potential nesting raptors.

A 0.5-acre retaining pond is also just outside of project limits which could be providing a minimal amount of water and shelter to passing through wildlife. The pond is well established and ringed with obligate and mesic meadow wetland vegetation. We could state that this pond will become part of the reservoir and therefore will continue to provide water and shelter to wildlife passing through?

Due to the poor habitat quality of the project site and adjacent areas, as well as the lack of connectivity with potential migration corridors, the project site has minimal value for game or non-game species.

(1b) Seasonal use of the area;

Seasonal use of old growth trees on NE and SE properties just outside Project area may be used by nesting raptors. At the time of site visit, no raptors were seen but are certainly common in the area.

A few signs of rodent activity and scat from unknown mammals were observed around the perimeter of the project site. This indicates that some wildlife is passing through the area making use of the open terrain and very narrow swath of vegetation on the perimeter of project site. During mining operations, disturbance of these areas should be kept to a minimum.

(1c) The presence and estimated population of threatened or endangered species from either federal or state lists.

See tables and descriptions below

Threatened, Endangered, and Proposed Species

In early October, 2021, an AloTerra Restoration Services wildlife biologist conducted a site visit of the project area to assess suitable habitat for known listed and sensitive species. Staff also acquired an official species list of known occurrences for The Project. The species list was sourced from U.S Fish and Wildlife Service's Information for Planning and Consultation (IPAC) website. **Table 1** shows the federally listed species that could potentially occur within the Project site.

The table includes: 1) the common name of the species, 2) the scientific name of the species, 3) the status of the species in question, 4) whether or not the species should be excluded, and 5) the reasoning why the species should be excluded. The reasoning of excluding species from the list of concerned species is given based off a variety of reasons including; a) no suitable habitat was found during site visit, b) the range of species in not known near project site, or c) no critical habitat is recorded on The Project site.

Suitable habitat for listed species was not encountered within the project area. No further analysis is needed for listed species that were found to have no suitable habitat present, or were not known to occur on the mitigation site, unless construction results in adverse effects on downstream habitat.

Table 1: Federally listed species that could occur in The Project area, or be affected by actions from project site.				
Common name	**Species**	**Status**	**Species Excluded**	**Reasons**
Mammals				
Preble's Meadow Jumping Mouse	*Zapus hudsonius preblei*	Threatened	Yes	Suitable habitat does no exist at project site
Birds				
Eastern Black Rail	*Laterallus jamaicensis ssp. jamaicensis*	Threatened	Yes	Critical habitat does not overlap with project site
Piping Plover	*Charadrius melodus*	Threatened	Yes	Critical habitat does not overlap with project site
Whooping Crane	*Grus americana*	Endangered	Yes	Critical habitat does not overlap with project site
Fish				
Pallid Sturgeon	*Scaphirhynchus albus*	Endangered	Yes	Critical habitat does not overlap with project site
Flowering Plants				
Western Prairie Fringed Orchid	*Platanthera praeclara*	Threatened	Yes	No habitat exists at project site
Ute Ladies'-tresses	*Spiranthes diluvialis*	Threatened	Yes	No habitat exists at project site
Sourced from **IPAC**: http://ecos.fws.gov/ipac/ website. Note- Some species may be affected downstream from water source. ***There are no critical habitats within The Project area.**				

Sensitive Species

The sensitive species list is derived from U.S. Forest Service (https://www.fs.usda.gov) and Colorado Parks and Wildlife data on present sensitive species ranges and distributions (USFS, 2005). The Regional Forester's sensitive list is evaluated by examining viable risk of species; these species are categorized as R2 sensitive, not R2 sensitive, or not a concern. Suitable habitat was determined by desktop modeling. Under the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act no activity that "takes, transports, barters, or exports" the listed migratory birds or eagles is permissible unless it is sanctioned by the U.S. Fish and Wildlife Service. The sensitive species list includes migratory birds that could use The Project area as a breeding, over-wintering, or stopover site.

The species found in **Table 2** below are compiled from lists of at-risk species that have potential habitat or occurrence in the proposed Project area, specifically in the vicinity of the documented wetland. The table is organized as followed: (a) the common name of the

species, (b) the scientific name of the species, (c) the status of the species in question, (d) whether or not the species should be excluded, and (e) the reasons why the species should be excluded.

Table 2: Sensitive Species that could occur in The Project area (or be affected by actions from project site.				
Common name	**Species**	**Status**	**Species Excluded**	**Reasons for Exclusion**
Mammals				
Pygmy Shrew	*Sorex hoyi montanus*	Forest Service Sensitive	Yes	Found in mountainous national forests in Colorado
American Marten	*Martes americana*	Forest Service Sensitive	Yes	Range does not overlap with project site
Fringed Myotis	Myotis thysanodes	Forest Service Sensitive	Yes	Found in coniferous forest and mixed pine
Townsend's Big-Eared Bat	*Corynorhinus townsendii*	Forest Service Sensitive	Yes	No suitable habitat
Wyoming pocket gopher	*Thomomys clusius*	Forest Service Sensitive	Yes	No suitable habitat
Hoary Bat	*Lasiurus cinereus*	Forest Service Sensitive	Yes	No suitable habitat
Water Vole	*Microtus richardsoni*	Forest Service Sensitive	Yes	Occupies the boreal and alpine zones of major mountain ranges
Black-tailed Prairie Dog	*Cynomys ludovicianus*	Forest Service Sensitive	Yes	No suitable habitat
White-tailed Prairie Dog	*Ocynomys leucurus*	Forest Service Sensitive	Yes	No suitable habitat
Kit Fox	*Vulpes macrotis*	Forest Service Sensitive	Yes	Range does not overlap with project site
Swift Fox	*Vulpes velox*	Forest Service Sensitive	Yes	Range does not overlap with project area
Birds				
*Bald Eagle	*Haliaeetus leucocephalus*	Forest Service Sensitive	No	
Black Swift	*Cypseloides niger*	Forest Service Sensitive	Yes	Habitat requires cliffs limited in Colorado
*Grasshopper Sparrow	*Ammodramus savannarum*	Forest Service Sensitive	Yes	No suitable habitat
*Chestnut-Collared Longspur	*Calcarius ornatus*	Forest Service Sensitive	Yes	Habitat does not overlap with project site

*Sandhill Crane	*Grus Canadensis*	Forest Service Sensitive	Yes	No suitable habitat
Short-eared Owl	*Asio flammeus*	Forest Service Sensitive State Special Concern	Yes	No suitable habitat
*American Peregrine Falcon	*Falco peregrinus anatum*	Forest Service Sensitive State Special Concern	Yes	No suitable habitat
*Northern Goshawk	*Accipiter gentilis*	Forest Service Sensitive	Yes	No suitable habitat
*Northern Harrier	*Circus cyaneus*	Forest Service Sensitive	No	
*Swainson's Hawk	*Buteo swainsoni*	Federal Species of Concern	No	
Greater Sage-Grouse	Centrocercus urophasianus	Forest Service Sensitive	Yes	No suitable habitat
American Bittern	*Botaurus lentiginosus*	Forest Service Sensitive	No	No suitable habitat
Mountain Plover	*Charadrius montanus*	Near Threatened	Yes	No suitable habitat
Fish				
Plains Minnow	*Hybognathus plactius*	State Endangered	Yes	Believed to be extirpated in CO
Plains Topminnow	*Fundulus sciadicus*	Forest Service Sensitive	Yes	Known populations found only in Pawnee NG
Flannelmouth Sucker	*Catostomus latipinnis*	Forest Service Sensitive	Yes	No suitable habitat
Northern Redbelly Dace	*Phoxinus eos*	State Endangered	Yes	Found only West Plum Creek near Sadalia, CO
Southern Redbelly Dace	*Chrosomus erythrogaster*	Forest Service Sensitive	Yes	Found in Arkansas basin
Amphibians				
Northern Leopard Frog	*Lithobates pipiens*	Forest Service Sensitive	Yes	No suitable habitat
Boreal Toad	*Anaxyrus boreas boreas*	Forest Service Sensitive	Yes	Found in elevations between 8,000 feet and 11,000
Plains Leopard Frog	*Lithobates blairi*	Forest Service Sensitive	Yes	Range does not overlap with project site
Wood Frog	*Lithobates sylvatica*	Forest Service Sensitive	Yes	Found in elevations of 7,900-9,800 feet
Note: Species list was sourced from U.S. Forest Service https://www.fs.usda.gov Rocky Mountain Region and USFWS Migratory birds for Mountain-Prairie Region ***Migratory Bird Species**				

Sensitive Species Habitat Information and Potential Impacts

Bald Eagle

The bald eagle (*Haliaeetus leucocephalus*) is found only in North America (CPW, n.d.). Populations declined in the early-mid 20th century due to impacts from pesticides (mainly DDT), disturbance and loss of trees for nesting habitat. The eagle was consequently placed on the Endangered Species List. However, with the ban on the pesticide DDT and protection of nesting habitat, the eagles have substantially recovered, with Endangered status reduced to Threatened in 1995 and with further recovery was de-listed nationally. The bald eagle was removed from the Colorado list of threatened and endangered species in 2009. Bald eagles can be found throughout much of Colorado during both summer and winter and can be observed near reservoirs and major rivers such as the South Platte. Eagles will roost and nest in large cottonwood trees, roosting communally in the winter for warmth. Bald eagles have a varied diet, with nests often found near water in tall trees, building nests that can be 7 to 8 feet across. The bald eagle should not be negatively affected by the project, especially if large trees in the area can be protected from construction activities.

Northern Harrier

The Northern harrier (*Circus cyaneus*) resides in a variety of habitats in Colorado year-round, including short-grass prairies and marshes. Like many raptors, Northern harrier populations declined due to habitat loss and widespread use of the pesticide DDT. These birds of prey can be found roosting in tall grasses with dense vegetation as seen on this site. Northern harriers require at least a one square kilometer tract in order to breed, preferring areas with greater than 40 percent ground coverage. More specifically nests are commonly found hidden in wetland vegetation, where cover is taller than 2 feet (CNHP, 2004). The Project should have minimal to no impact on suitable nesting sites due the location and scale of construction activities. Due to the scope of The Project, potential adverse effects should not impact overall populations of Northern harriers.

Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*) is found throughout Colorado in open areas, usually native short and tall grass prairies, and agricultural lands. Since the 1980s, Swainson's hawk populations declined in many parts of its range due to removal of riparian habitat, and lack of nest site availability (Bechard, 2010). The raptors' home range varies between about 170 to 21,550 acres depending on the amount of forage and water available. Nests will frequently be found in a lone tree or post in these grasslands, but they can also be found along riparian areas among a cluster of trees within their home range. The nests are found in a variety of tree species including cottonwood (*Populus spp.*), willows (*Salix spp.*), sycamores (*Platanus spp*.), and walnut (*Juglans spp*.) These hawks are a migratory bird species, listed on the Migratory Bird Treaty Act, traveling from North America to breed in the summer to South America for wintering (Woodbridge, 1998). This raptor has a high tolerance for human disturbance and can be found in areas with high human activity, although there can be nest abandonment if there is high-intensity disturbance or

construction near a nesting tree. When nests occur, they are usually found 15-30 feet above ground. The Swainson's Hawk should not be negatively affected due to extensive size of their home range and the location of The Project.

Mitigation Measures and Reservoir Wildlife Benefits

In order to mitigate possible harm to wildlife during construction and restoration of The Project area, it is important to identify locations of listed or sensitive species (**Figure 1**).

As outlined in the letter from CPW, and additionally recommended by AloTerra staff, mitigation opportunities to protect wildlife such as construction timing should be implemented. Raptors nest in early spring so, heavy machinery, grinding and sorting operations, and earth moving activities should be conducted outside of the breeding season. Other wildlife that may be using the Project Area will also bypass the interior of project site during construction activities, and be forced to use the outer perimeter that feels safe to them.

The reservoir and associated littoral and riparian habitats, when they include a diversity of native species, and structural diversity, would have high wildlife value. AloTerra recommends the final revegetation plan for the reservoir include high structural diversity, and high richness of native wetland and riparian vegetation, to support a diversity of wildlife.

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Exhibit I – Soils Information

(1) In consultation with the Natural Resources Conservation Service (NRCS) or other qualified person, the Operator/Applicant shall indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. If necessary, at its discretion, the Board may require additional information on soils or other growth media to be stockpiled and used in revegetation.

The following soil types were observed at the project site by the United States Department of Agriculture (USDA), and determined through the Web Soil Survey:

- **Colby Loam (15) and (16) and Weld Loam (79).**

The characteristics of the soil found on the project site include low-medium water erosion and low wind erosion potentials. These soils consist of the following hydrologic soil groups as defined in the USDA Web Soil Survey:

- **Group B– 75.7%**
- **Group C – 24.3%**

The USDA web soil survey report is attached herein.

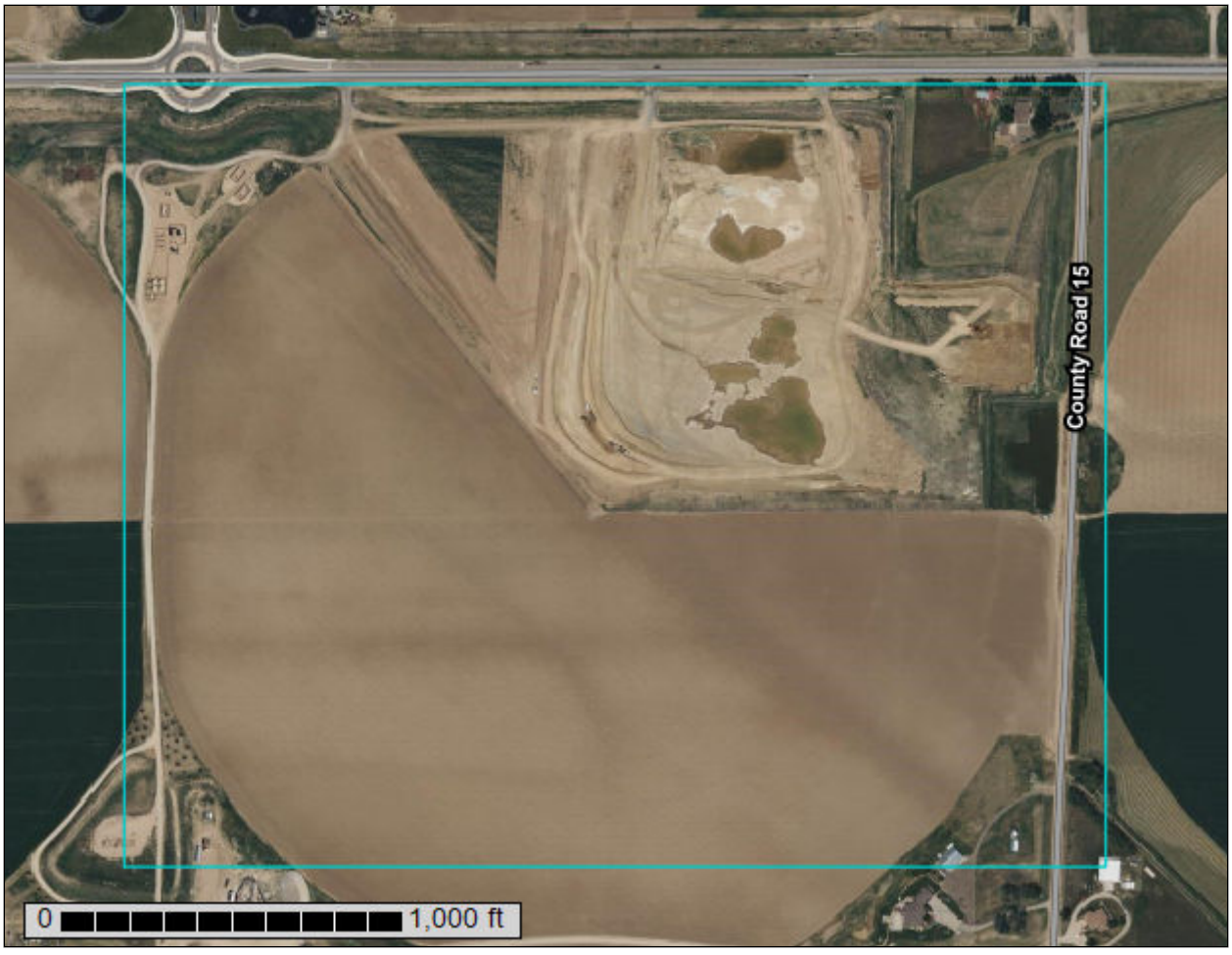
United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Weld County, Colorado, Southern Part



February 3, 2023

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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Contents

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

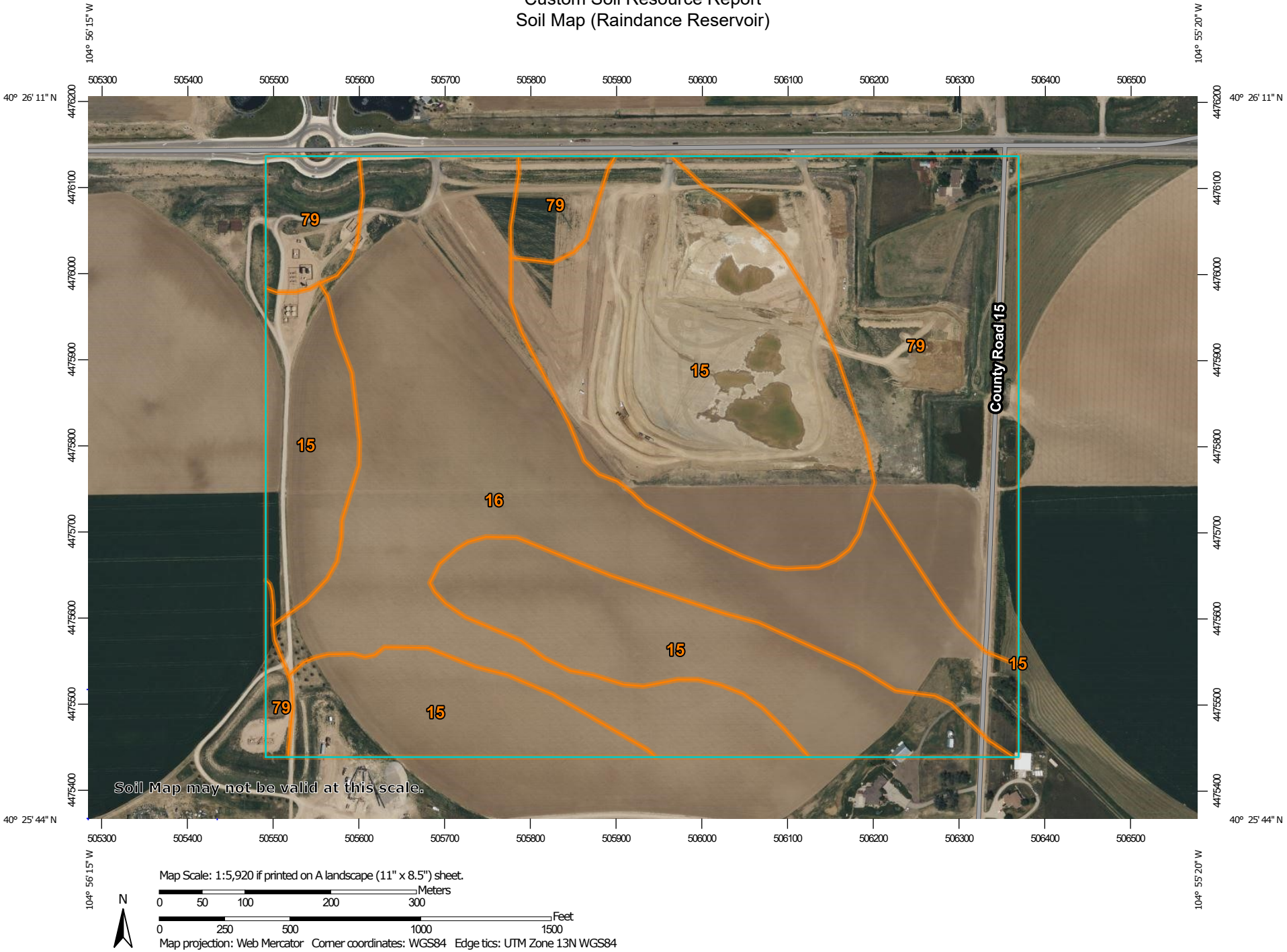
After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map (Raindance Reservoir)



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Southern Part
Survey Area Data: Version 21, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 8, 2021—Jun 12, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend (Raindance Reservoir)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
15	Colby loam, 1 to 3 percent slopes	65.2	42.9%
16	Colby loam, 3 to 5 percent slopes	50.0	32.9%
79	Weld loam, 1 to 3 percent slopes	36.9	24.3%
Totals for Area of Interest		**152.1**	**100.0%**

Map Unit Descriptions (Raindance Reservoir)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate

pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Weld County, Colorado, Southern Part

15—Colby loam, 1 to 3 percent slopes

Map Unit Setting

National map unit symbol: 361q
Elevation: 4,850 to 5,050 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 48 to 50 degrees F
Frost-free period: 135 to 155 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Colby and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Colby

Setting

Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Calcareous eolian deposits

Typical profile

H1 - 0 to 7 inches: loam
H2 - 7 to 60 inches: silt loam

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Available water supply, 0 to 60 inches: High (about 10.6 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R067BY002CO - Loamy Plains
Hydric soil rating: No

Minor Components

Wiley

Percent of map unit: 9 percent
Hydric soil rating: No

Keith

Percent of map unit: 6 percent

Hydric soil rating: No

16—Colby loam, 3 to 5 percent slopes

Map Unit Setting

National map unit symbol: 361r
Elevation: 4,850 to 5,050 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 48 to 50 degrees F
Frost-free period: 135 to 155 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Colby and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Colby

Setting

Landform: Hills, ridges
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Calcareous eolian deposits

Typical profile

H1 - 0 to 7 inches: loam
H2 - 7 to 60 inches: silt loam

Properties and qualities

Slope: 3 to 5 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Available water supply, 0 to 60 inches: High (about 10.6 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R067BY002CO - Loamy Plains
Hydric soil rating: No

Minor Components

Wiley

Percent of map unit: 8 percent
Hydric soil rating: No

Keith

Percent of map unit: 7 percent
Hydric soil rating: No

79—Weld loam, 1 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2x0hw
Elevation: 3,600 to 5,750 feet
Mean annual precipitation: 12 to 17 inches
Mean annual air temperature: 46 to 54 degrees F
Frost-free period: 115 to 155 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Weld and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Weld

Setting

Landform: Interfluves
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Calcareous loess

Typical profile

Ap - 0 to 8 inches: loam
Bt1 - 8 to 12 inches: clay
Bt2 - 12 to 15 inches: clay loam
Btk - 15 to 28 inches: loam
Bk - 28 to 60 inches: silt loam
C - 60 to 80 inches: silt loam

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)

Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 14 percent
Maximum salinity: Nonsaline to very slightly saline (0.1 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: High (about 11.3 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3c
Hydrologic Soil Group: C
Ecological site: R067BY002CO - Loamy Plains
Hydric soil rating: No

Minor Components

Adena

Percent of map unit: 8 percent
Landform: Interfluves
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Convex
Ecological site: R067BY002CO - Loamy Plains
Hydric soil rating: No

Colby

Percent of map unit: 7 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Ecological site: R067BY002CO - Loamy Plains
Hydric soil rating: No

Keith

Percent of map unit: 3 percent
Landform: Interfluves
Landform position (two-dimensional): Summit
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R067BY002CO - Loamy Plains
Hydric soil rating: No

Baca

Percent of map unit: 2 percent
Landform: Interfluves
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex, linear
Across-slope shape: Convex, linear
Ecological site: R067BY002CO - Loamy Plains
Hydric soil rating: No

Soil Information for All Uses

Soil Properties and Qualities

The Soil Properties and Qualities section includes various soil properties and qualities displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each property or quality.

Soil Erosion Factors

Soil Erosion Factors are soil properties and interpretations used in evaluating the soil for potential erosion. Example soil erosion factors can include K factor for the whole soil or on a rock free basis, T factor, wind erodibility group and wind erodibility index.

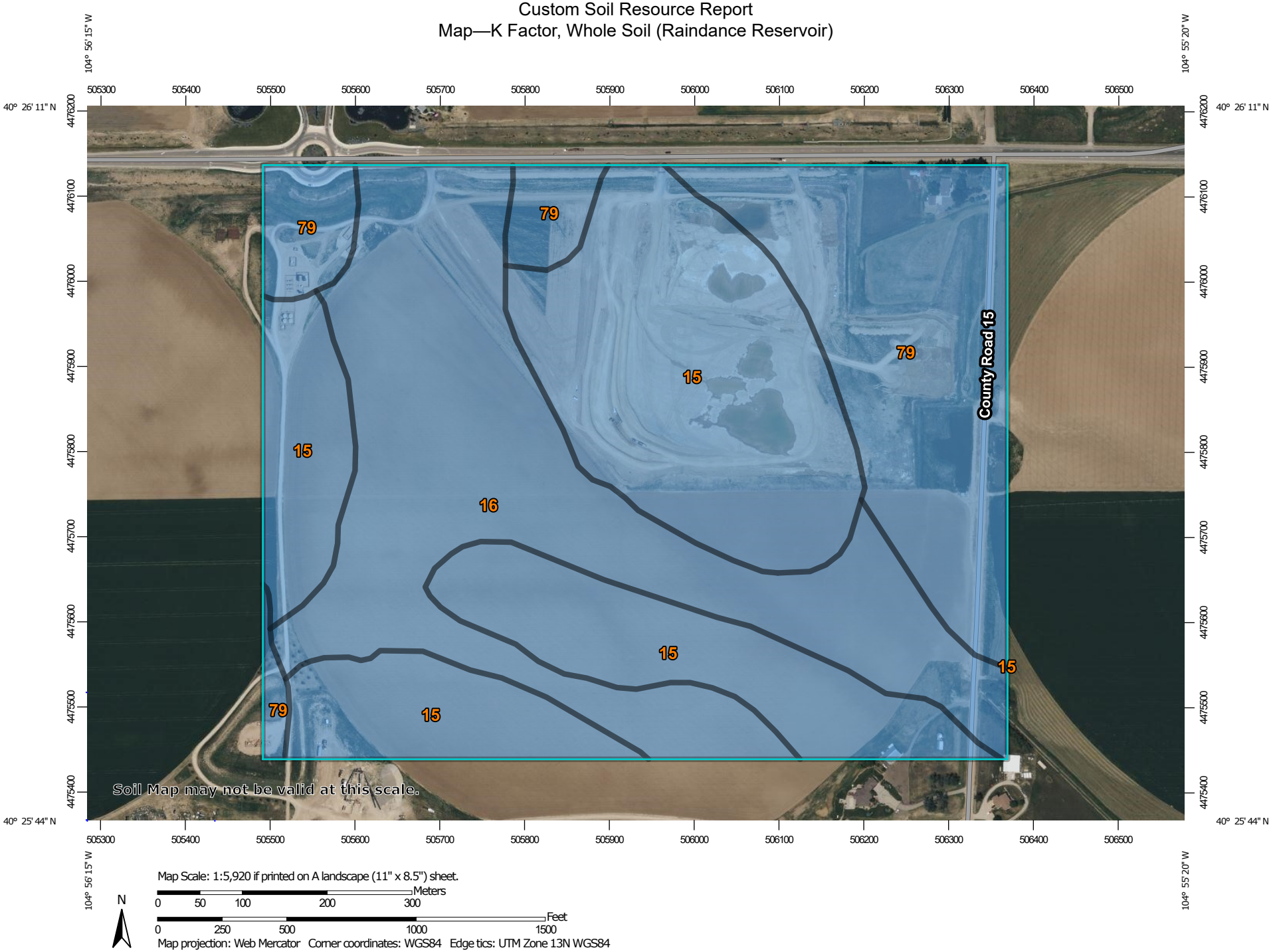
K Factor, Whole Soil (Raindance Reservoir)

Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and saturated hydraulic conductivity (Ksat). Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

"Erosion factor Kw (whole soil)" indicates the erodibility of the whole soil. The estimates are modified by the presence of rock fragments.

Factor K does not apply to organic horizons and is not reported for those layers.

Map—K Factor, Whole Soil (Raindance Reservoir)



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

.02
.05
.10
.15
.17
.20
.24
.28
.32
.37
.43
.49
.55
.64
Not rated or not available

Soil Rating Lines

.02
.05
.10
.15
.17
.20
.24
.28
.32
.37
.43
.49
.55
.64
Not rated or not available

Soil Rating Points

.02
.05
.10
.15
.17
.20
.24
.28
.32
.37
.43
.49
.55
.64
Not rated or not available

Water Features

Streams and Canals

Transportation

Rails
Interstate Highways
US Routes
Major Roads
Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Southern Part
Survey Area Data: Version 21, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 8, 2021—Jun 12, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—K Factor, Whole Soil (Raindance Reservoir)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
15	Colby loam, 1 to 3 percent slopes	.43	65.2	42.9%
16	Colby loam, 3 to 5 percent slopes	.43	50.0	32.9%
79	Weld loam, 1 to 3 percent slopes	.43	36.9	24.3%
Totals for Area of Interest			**152.1**	**100.0%**

Rating Options—K Factor, Whole Soil (Raindance Reservoir)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)

Soil Qualities and Features

Soil qualities are behavior and performance attributes that are not directly measured, but are inferred from observations of dynamic conditions and from soil properties. Example soil qualities include natural drainage, and frost action. Soil features are attributes that are not directly part of the soil. Example soil features include slope and depth to restrictive layer. These features can greatly impact the use and management of the soil.

Hydrologic Soil Group (Raindance Reservoir)

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained

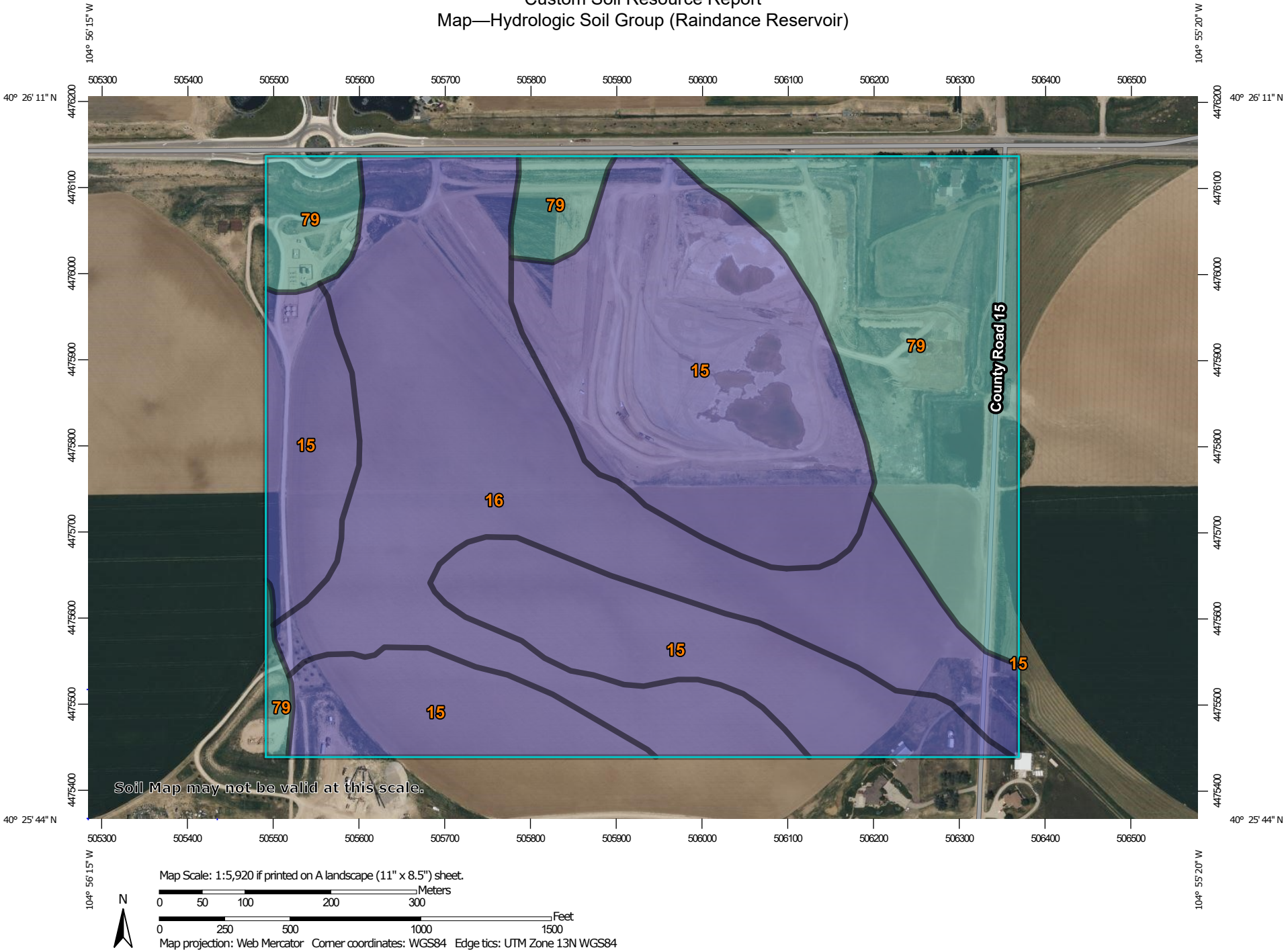
soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Custom Soil Resource Report
Map—Hydrologic Soil Group (Raindance Reservoir)



Map Scale: 1:5,920 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 50 100 200 300

Feet
0 250 500 1000 1500

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

A

A/D

B

B/D

C

C/D

D

Not rated or not available

Soil Rating Lines

A

A/D

B

B/D

C

C/D

D

Not rated or not available

Soil Rating Points

A

A/D

B

B/D

C

C/D

D

Not rated or not available

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Southern Part
Survey Area Data: Version 21, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 8, 2021—Jun 12, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Hydrologic Soil Group (Raindance Reservoir)

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79	Weld loam, 1 to 3 percent slopes	C	36.9	24.3%
Totals for Area of Interest			**152.1**	**100.0%**

Rating Options—Hydrologic Soil Group (Raindance Reservoir)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

References

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

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United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

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United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Exhibit J – Vegetation Information

(1) The Operator/Applicant shall include in this Exhibit a narrative of the following items:

(a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);

Most of the vegetation has been stripped under the construction of the existing detention pond and the ongoing construction under the State issued 112 Permit No. M-2021-049. However, the areas that have not been stripped consist of native grasses covering approximately 40% of the ground area and average 18" in height.

(b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and

See summary below.

(c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.

There is no annual production of hay meadows or croplands for the site.

(2) The Operator/Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, the Operator/Applicant may want to contact the local Conservation District.

See attached map in Exhibit C.

Vegetation Information –

The operation site has very minimal vegetation. Most vegetation was removed with the construction of the existing detention pond along with a portion of the current reservoir construction being performed under the permittance of the state issued 112 permit No M-2021-049. There is no annual production of hay meadows or croplands for the site.

Exhibit K – Climate

Provide a description of the significant climatological factors for the locality.

Climate –

This specific operation is in Northern Colorado where there are moderate temperatures year-round along with all four seasons. There are noticeable swings in temperature between seasons. Northern Colorado receives about 15 inches of rain and 47 inches of snow per year.

Exhibit L – Reclamation Costs

(1) All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. The information provided by the Operator/Applicant must be sufficient to calculate the cost of reclamation that would be incurred by the state.

If reclamation of the entire extents of the limit of disturbance is required and the reservoir is never filled (130 acres)-

130 acres				
	Unit	Unit Cost	# of Units	Total
Mobilization & Fine Grading	Acre	$675.00	130.00	$87,750.00
Replace Topsoil from Stockpile	CY	$3	69,000	$207,000.00
Seeding & Mulching	Acre	$1,200.00	130.00	$156,000.00
Total				$450,750.00
Total + 18.5%				$534,139.75

(2) The Office may request the Operator/Applicant to provide additional, reasonable data to substantiate said Operator/Applicant's estimate of the cost of reclamation for all Affected Lands.

Exhibit M – Other Permits and Licenses

A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, explosives permits, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

Current Active Permits

Discharge Permit – COR403818 recently revised and updated with the state for this project.

Mining and Reclamation Permit Construction Material Mining Operations 112 – Permit No. M-2021-049

Recently Submitted / In Progress Permits

APEN Mining Permit – Recently submitted new application form APCD-222.

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Exhibit N – Source of Legal Right to Enter

Provide documentation of the legal right to enter to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

See attached deed in Exhibit N.

4348654 10/31/2017 04:50 PM
Total Pages: 1 Rec Fee: $13.00
Carly Koppes - Clerk and Recorder, Weld County, CO

QUITCLAIM DEED

THIS DEED, made this 31st day of October, 2017, between Martin Lind, whose address is 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550, Grantor, and VIMA PARTNERS, LLC, whose legal address is 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550, Grantees:

WITNESS, that the grantor, for and in consideration of the sum of TEN DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantees, grantees' heirs, successors and assigns forever, all the right, title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Weld and State of Colorado, described as follows:

LOT B, RECORDED EXEMPTION NO 0957-6-1 RE 3566, RECORDED OCTOBER 8, 2003 AT RECEPTION NO. 3114703, BEING LOCATED IN THE E ½ OF THE NE 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO

AND

THE WEST ½ OF THE NE 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO

****EXCEPTING THEREFROM, ANY WATER RIGHTS, DITCH AND DITCH RIGHTS, NON-TRIBUTARY WATER RIGHTS, MINERALS, MINERAL RIGHTS, GRAVEL OR GRAVEL RIGHTS, ALL OIL AND GAS, AND OIL AND GAS RIGHTS OWNED, IF ANY ARE, BY GRANTOR.**

commonly known as vacant land.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee its heirs and assigns forever.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

GRANTOR(S):

Martin Lind

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 31st day of October, 2017, by Martin Lind, individually.

My commission expires: September 9, 2020
Witness my hand and official seal.

LARA D WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 09-09-2020

Lara D. Wynn, Notary Public

Exhibit O – Owner(s) of Record and Affected Land (Surface Area) and Owners of Substance to be Mined

The complete list of all owners can be submitted as a list or on a map in Exhibit C.

See attached map in Exhibit C and attached agreements in Exhibit O.

PUBLIC NOTICE:

VIMA Partners, LLC.; 1625 Pelican Lakes Point Ste 201, Windsor, Colorado 80550, (970) 686-5828 has filed an application for a Regular (112) Construction Materials Operation Reclamation Permit (#M-2021-049) with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Raindance Reservoir #2, and is located at NE/4 NE/4 Section 6, Township 5 North, Range 67W of the 6th P.M., Town of Windsor, County of Weld, State of Colorado.

The date of commencement was August 2021, and the proposed date of completion is August 2025.

The proposed future use of the land is a reservoir for the non-potable system of the adjacent housing community known as Raindance. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Weld County Clerk and Recorder's Office; 1250 H Street, Greeley, or the above-named applicant.

Comments must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. not more than twenty (20) calendar days after the last date for the newspaper publication.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board. Published: Greeley Tribune.

ACKNOWLEDGEMENT OF RECEIPT OF PUBLIC NOTICE BY PERSONAL SERVICE

10/4/2021

Leasehold Interest Owner Signature Date

Martin Lind, President, Trollco, Inc.

Printed Name

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ACKNOWLEDGEMENT OF RECEIPT OF PUBLIC NOTICE BY PERSONAL SERVICE

10/4/2021

Leasehold Interest Owner Signature Date

Martin Lind

Printed Name

Exhibit P – Municipalities Within Two Miles

A list of any municipality(s) within two (2) miles of the proposed mining operation and address of the general office of each municipality.

1. Town of Windsor Colorado – 301 Walnut Street Windsor, CO 80550 – 970-674-2400
2. Weld County Colorado – 1150 O. St. Greeley, CO 80631 – 970-356-4000

Exhibit Q – Proof of Mailing of Notices of Board of County Commissioners and Conservation District

Proof that notice, of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

See attached in Exhibit Q.

Derek Patterson

From: Kandee Nourse <kandee.nourse@wgcd.org>
Sent: Monday, February 27, 2023 12:41 PM
To: Derek Patterson
Subject: RE: Raindance reservoir #2 Regular 112 Operation Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning~
I have received your attachment and I will put this on our Agenda for the March 13 meeting.
Thank you!

Kandee Nourse
District Manager
West Greeley Conservation District
4302 W 9th Street Rd
Greeley, CO 80634
970.534.2317 Office
970.590.5035 Cell Phone

From: Derek Patterson <dpatterson@tstinc.com>
Sent: Friday, February 24, 2023 5:04 PM
To: Kandee Nourse <kandee.nourse@wgcd.org>
Cc: Erika O'Rourke <eorourke@tstinc.com>
Subject: RE: Raindance reservoir #2 Regular 112 Operation Permit

Hi Kandee,

Hope all has been well your way! I'm reaching back out because we are making a modification to our current State 112 permit. I need to show proof that you have received the application. Can you please respond to this e-mail verifying that you have received the application.

Have a great weekend!

Derek Patterson, P.E.

TST, INC. CONSULTING ENGINEERS

TST, Inc. Consulting Engineers
748 Whalers Way, Suite 200
Fort Collins, CO 80525
Phone: (970) 226-0557 Ext. 160
Direct: (970) 488-2160
Fax: (970) 226-0204
Cell: (970) 690-5392
dpatterson@tstinc.com

Derek Patterson

From: Mariah Higgins <mhiggins@weldgov.com>
Sent: Monday, February 27, 2023 8:42 AM
To: Derek Patterson
Subject: RE: Raindance Reservoir #2 Regular 112 Permit

Received. Thank you!

Mariah Higgins
Deputy Clerk to the Board
Clerk to the Board's Office
Weld County
1150 O Street
Greeley, CO 80631
Tel: (970) 400-4225
Email: mhiggins@weld.gov

From: Derek Patterson <dpatterson@tstinc.com>
Sent: Friday, February 24, 2023 5:13 PM
To: Mariah Higgins <mhiggins@weldgov.com>
Subject: RE: Raindance Reservoir #2 Regular 112 Permit

Hi Mariah,

Hope all has been well your way. We are making an Amendment to our current 112 permit, and I need to get proof of receipt again. Attached is the application. Please let me know if you have any questions.

Have a great weekend!

Derek Patterson, P.E.

Exhibit R – Proof of Filing with County Clerk and Recorder

An affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule1.6.2(1)(c).

See attached in Exhibit R.

4884101 02/28/2023 04:54 PM
Total Pages: 86 Rec Fee: $438.00
Carly Koppes - Clerk and Recorder, Weld County , CO

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106

COLORADO DIVISION OF RECLAMATION MINING & SAFETY

CONSTRUCTION MATERIALS
REGULAR (112) OPERATION
RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☑ **There is a File Number Already Assigned to this Operation**

Permit # M - 2021 049 (Please reference the file number currently assigned to this operation)

☐ **New** Application (Rule 1.4.5) ☑ **Amendment** Application (Rule 1.10)

☐ **Conversion** Application (Rule 1.11)

Permit # M - 2021 049 (provide for **Amendments** and **Conversions** of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized **ORIGINAL** and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit)**: VIMA Partners, LLC
   - 1.1 Type of organization (corporation, partnership, etc.): Developer
2. **Operation name (pit, mine or site name)**: Raindance Reservoir #2
3. **Permitted acreage (new or existing site)**: 91.1 permitted acres
   - 3.1 Change in acreage (+): 38.9 acres
   - 3.2 Total acreage in Permit area: 130.0 acres
4. **Fees**:
   - 4.1 New Application: $2,696.00 application fee
   - 4.2 New Quarry Application: $3,342.00 quarry application
   - 4.4 Amendment Fee: $2,229.00 amendment fee
   - 4.5 Conversion to 112 operation (set by statute): $2,696.00 conversion fee
5. **Primary commoditie(s) to be mined**: Sandy Clay Borrow Mate
   - 5.1 Incidental commoditie(s) to be mined: 1. - lbs/Tons/yr 2. / lbs/Tons/yr 3. / lbs/Tons/yr 4. / lbs/Tons/yr 5. / lbs/Tons/yr
   - 5.2 Anticipated end use of primary commoditie(s) to be mined: Construction fill material
   - 5.3 Anticipated end use of incidental commoditie(s) to be mined:

Exhibit S – Permanent Man-made Structures

Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:

(a) provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or

See attached agreements in Exhibit S.

(b) where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

N/A

(c) where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

See attached agreements in Exhibit S.

LUMEN

To Whom It May Concern,

Upon review of the plans submitted for Raindance Reservoir #2, there are no conflicts with Lumen (Centurylink) plant. Lumen plant runs along the north side of Crossroads Blvd and while within 200' of the reservoir boundaries it has no negative effects on Lumen facilities.

Please contact me if you have any questions of need any other additional information

Sincerely,

Robert Rulli

Network Implementation Field Engineer II

Robert.Rulli@lumen.com

970.988.2120 cell

970.297.7537 Skype

In the County of WELD, State of Colorado, in the presence of me, Notary, and the undersigned competent witnesses who have signed in the presence of the parties and me, Notary, on this 14th day of April, 2021.

LARA D. WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 08-09-2024

Notary Public

COMCAST

April 7, 2021

Too: Water Valley Land Company

RE: Raindance Reservoir #2
Windsor, Colorado 80550

Dear Colton,

Please accept this letter as confirmation that Comcast of Colorado will have "No Negative Effect" on our Utility that is located along the North side of Crossroads Blvd.

Should you require additional information, please contact John Hamburg. I can be reached at (970) 567-4797

Sincerely,

John M Hamburg

John Hamburg
Construction Specialist II
Comcast

This letter is not intended to give rise to binding obligations for either party.

In the County of WELD, State of Colorado, in the presence of me, Notary, and the undersigned competent witnesses who have signed in the presence of the parties and me, Notary, on this 8th day of April, 2021

LARA D WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 09-09-2024

Lara D Wynn, Notary Public

KERR-MCGEE GATHERING LLC

1099 18TH STREET #1800 • DENVER, COLORADO 80202
P.O. BOX 173779 • DENVER, COLORADO 80202

March 31, 2021

Cody Wooldridge
Water Valley Land Company
1625 Pelican Lakes Point, Suite 201
Windsor, CO 80550

Dear Cody,

After review of the proposed Raindance Development's Final Erosion Control Plan near the easement for Kerr McGee's 6"natural gas pipeline, we have found that the proposed plans are acceptable as shown on the attach exhibit "A".

Kerr McGee Gathering LLC has a 50 foot wide easement recorded at reception number 3569939 in Weld County, CO records; which is located south of Crossroads Boulevard, that gives us the "right to maintain, inspect, operate, protect, repair, reconstruct, replace and remove or abandon".

Please contact me if you have any questions or need additional information.

By: _____

Name: Brett A. Cavanagh

Title: Agent and Attorney-in-Fact

STATE OF COLORADO)
) ss.
County of DENVER)

The foregoing instrument was acknowledged before me this day of 31st March 2021 by Brett A. Cavanagh, as Agent and Attorney in Fact for Kerr McGee Gathering LLC, on its behalf.

Witness my hand and official seal.
My commission expires: 1-7-2022

_____
Notary Public

PATRICK J. BILLADEAU
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144000675
MY COMMISSION EXPIRES JANUARY 07, 2022

An example Structure Agreement which meets the requirements of the Statutes is shown below.
****

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)*

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. Single Family House
2. Barbed Wire Fence
3. Shed
4. _____
5. _____

(*Please list additional structures on a separate page*)

CERTIFICATION

The Applicant, VIMA PARTNERS, LLC (print applicant/company name), by Martin Lind (print representative's name), as Owner/Manager (print representative's title), does hereby certify that Robin K. Erbes & Gary J. Erbes (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Raindance Reservoir #2 (operation name), File Number M-____-____.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:

Applicant _____ Representative Name VIMA PARTNERS, LLC by Martin Lind

Date April 13, 2021 Title Owner/Manager

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing was acknowledged before me this 13th day of April, 20 21, by Martin Lind as Owner/Manager of VIMA PARTNERS, LLC.

_____ My Commission Expires: September 9, 2024
Notary Public

LARA D WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 09-09-2024

NOTARY FOR STRUCTURE OWNER

ACKNOWLEGED BY: Robin K Erbes

Structure Owner Gary J Erbes Name Robin K. Erbes / Gary J. Erbes

Date April 13 2021 Title Individually

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing was acknowledged before me this 13th day of April, 20 21, by Robin K. Erbes and Gary J. Erbes, as individuals of .

Lara D Wynn My Commission Expires: September 9, 2024
Notary Public

LARA D WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 09-09-2024

TOWN OF WINDSOR COLORADO

April 7, 2021

Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street
Denver, CO 80203

Re: Proposed Raindance Reservoir #2

Dear State of Colorado, Division of Reclamation, Mining and Safety:

With respect to the proposed Raindance Reservoir #2, the Town of Windsor has been asked to provide a notarized letter in compliance with Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20. The Town is the owner of utility facilities within 200 feet of the affected land.

Upon review of the application, I wish to inform you that the mining and reclamation activities, as proposed in the Reclamation Permit Application for Raindance Reservoir #2, will not adversely affect the Town's utility facilities located on or within 200 feet of the proposed affected area.

Sincerely,

Shane Hale
Town Manager

301 Walnut Street
Windsor, CO 80550

Office: 970-674-2400
Fax: 970-674-2456

www.windsorgov.com

An example Structure Agreement which meets the requirements of the Statutes is shown below.
****

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)*

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. WCR 62 (Crossroads Blvd.) (Town of Windsor)
2. Water, Sewer, and Storm Utilities (Town of Windsor)
3. _____
4. _____
5. _____

(*Please list additional structures on a separate page*)

CERTIFICATION

The Applicant, VIMA PARTNERS, LLC (print applicant/company name), by Martin Lind (print representative's name), as Owner/Manager (print representative's title), does hereby certify that Town of Windsor (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Raindance Reservoir #2 (operation name), File Number M-____-____.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:

Applicant _____ Representative Name VIMA PARTNERS, LLC by Martin Lind

Date March 30, 2021 Title Owner/Manager

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing was acknowledged before me this 30th day of March, 2021, by Martin Lind as Owner/Manager of VIMA PARTNERS, LLC.

_____ My Commission Expires: September 9, 2024
Notary Public

LARA D WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 09-09-2024

NOTARY FOR STRUCTURE OWNER

ACKNOWLEGED BY:

Structure Owner _____ Name Town of Windsor by Paul Rennemeyer

Date _____ Title Mayor

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing was acknowledged before me this 5th day of April, 2021, by Paul Rennemeyer as Mayor of Town of Windsor.

Karen Ann Frawley
Notary Public

My Commission Expires: 09-06-2022

KAREN ANN FRAWLEY
Notary Public
State of Colorado
Notary ID # 20184035564
My Commission Expires 09-06-2022

Derek Patterson

From: Amy Mutchie <amutchie@weldgov.com>
Sent: Friday, July 9, 2021 12:02 PM
To: Garrett Scallon
Cc: Lara Wynn; Cody Wooldridge; Chris Gathman; Derek Patterson; Dawn Anderson
Subject: RE: Structure Agreement - Weld County

Garrett,
In follow up to our phone conversation, I confirmed that Weld County is not finding a need for the structures agreement. This has been discussed by Pubic Works, Planning, and commented on by our Legal department.

Thank you,

Amy Mutchie
Permitting Coordinator
Weld County Public Works
(970) 400-3764
amutchie@weldgov.com

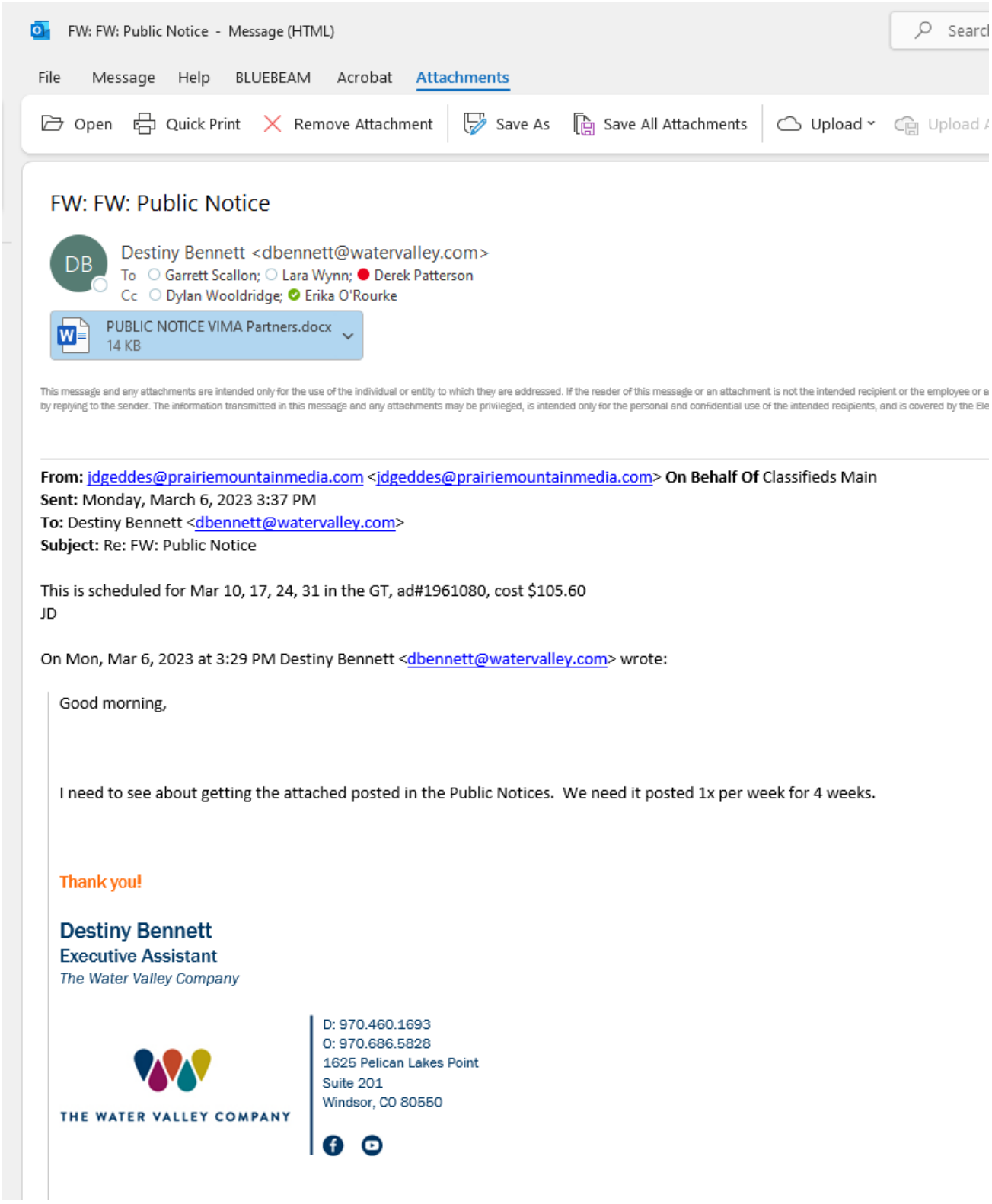
From: Garrett Scallon <gscallon@watervalley.com>
Sent: Thursday, June 24, 2021 7:47 AM
To: Amy Mutchie <amutchie@weldgov.com>
Cc: Lara Wynn <LWynn@watervalley.com>; Cody Wooldridge <CWooldridge@watervalley.com>; Chris Gathman <cgathman@weldgov.com>; Mike McRoberts <mmcroberts@weldgov.com>; Derek Patterson <dpatterson@tstinc.com>
Subject: RE: Structure Agreement - Weld County

Rule 1.6.2(1) – Addendum 1 – Notice Requirements

See attached notices in Rule 1.6.2(1).

The following has been scheduled to be posted for March 10, 17, 24, & 31.

PUBLIC NOTICE VIMA Partners, LLC.; 1625 Pelican Lakes Point Ste 201, Windsor, Colorado 80550, (970) 686-5828 has filed an amended application for a Regular (112) Construction Materials Operation Reclamation Permit (#M-2021-049) with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Raindance Reservoir #2, and is located at NE/4 NE/4 Section 6, Township 5 North, Range 67W of the 6th P.M., Town of Windsor, County of Weld, State of Colorado. The date of commencement was August 2021, and the proposed date of completion is November 2028. The proposed future use of the land is a reservoir for the non-potable system of the adjacent housing community known as Raindance. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Weld County Clerk and Recorder's Office; 1250 H Street, Greeley, or the above-named applicant. Comments must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m. not more than twenty (20) calendar days after the last date for the newspaper publication. Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board. Published: Greeley Tribune.


FW: FW: Public Notice - Message (HTML)
File Message Help BLUEBEAM Acrobat Attachments
Open Quick Print Remove Attachment Save As Save All Attachments Upload
FW: FW: Public Notice
DB
Destiny Bennett <dbennett@watervalley.com>
To Garrett Scallon; Lara Wynn; Derek Patterson
Cc Dylan Wooldridge; Erika O'Rourke
PUBLIC NOTICE VIMA Partners.docx
14 KB
This message and any attachments are intended only for the use of the individual or entity to which they are addressed. If the reader of this message or an attachment is not the intended recipient or the employee or a
by replying to the sender. The information transmitted in this message and any attachments may be privileged, is intended only for the personal and confidential use of the intended recipients, and is covered by the Ele
From: jdgeddes@prairiemountainmedia.com <jdgeddes@prairiemountainmedia.com> On Behalf Of Classifieds Main
Sent: Monday, March 6, 2023 3:37 PM
To: Destiny Bennett <dbennett@watervalley.com>
Subject: Re: FW: Public Notice
This is scheduled for Mar 10, 17, 24, 31 in the GT, ad#1961080, cost $105.60
JD
On Mon, Mar 6, 2023 at 3:29 PM Destiny Bennett <dbennett@watervalley.com> wrote:
Good morning,
I need to see about getting the attached posted in the Public Notices. We need it posted 1x per week for 4 weeks.
Thank you!
Destiny Bennett
Executive Assistant
The Water Valley Company
THE WATER VALLEY COMPANY
D: 970.460.1693
O: 970.686.5828
1625 Pelican Lakes Point
Suite 201
Windsor, CO 80550

Rule 6.5 – Geotechnical Stability Exhibit

(1) On a site-specific basis, an Applicant shall be required to provide a geotechnical evaluation of all geologic hazards that have the potential to affect any proposed impoundment, slope, embankment, highwall, or waste pile within the affected area. A geologic hazard is one of several types of adverse geologic conditions capable of causing damage or loss of property and life. The Applicant may also be required to provide a geotechnical evaluation of all geologic hazards, within or in the vicinity of the affected lands, which may be de-stabilized or exacerbated by mining or reclamation activities. **N/A**

(2) On a site-specific basis, an Applicant shall be required to provide engineering stability analyses for proposed final reclaimed slopes, highwalls, waste piles and embankments. An Applicant may also be required to provide engineering stability analyses for certain slopes configuration as they will occur during operations, including, but not limited to embankments. Information for slope stability analyses may include, but would not be limited to, slope angles and configurations, compaction and density, physical characteristics of earthen materials, pore pressure information, slope height, post- placement use of site, and information on structures or facilities that could be adversely affected by slope failure. **N/A**

(3) Where there is the potential for off-site impacts due to failure of any geologic structure or constructed earthen facility, which may be caused by mining or reclamation activities, the Applicant shall demonstrate through appropriate geotechnical, and stability analyses that off-site areas will be protected with appropriate factors of safety incorporated into the analysis. The minimum acceptable safety factors will be subject to approval by the Office, on a case-by-case basis, depending upon the degree of certainty of soil or rock strength determinations utilized in the stability analysis, depending upon the consequences associated with a potential failure, and depending upon the potential for seismic activity at each site. **N/A**

(4) At sites where blasting is part of the proposed mining or reclamation plan, the Applicant shall demonstrate through appropriate blasting, vibration, geotechnical, and structural engineering analyses, that off-site areas will not be adversely affected by blasting.

No blasting will be used on the site for any of the operation.