



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

March 9, 2023

Martin Lind
Vima Partners, LLC
1625 Pelican Lakes Point Suite 201
Windsor, CO 80550

RE: VIMA Partners, LLC; DRMS File No. M-2021-049; Receipt of 112 Construction Materials Reclamation Permit Amendment Application (AM-01)

Dear Martin Lind,

On March 7, 2023, the Division of Reclamation, Mining and Safety (Division) received your 112 Construction Materials Reclamation Amendment (AM-01) Application package for the Raindance Reservoir #2 site, File No. M-2021-049. Preliminary review of the information received determined that the following items must be received before the Division can consider your application as being submitted and technical review can begin:

Application Form

Responsibilities as a Permittee

1. Item No. 10 under this subsection of the Application Form on page 6 is initialed to indicate that this operation represents a joint venture/partnership. If this item was initialed in error, please submit a revised page 6 of the application which does not have Item No. 10 initialed. If No. 10 was not initialed in error, please submit with a revised Application Form, the appropriate power of attorney document which authorizes the signature of joint operators. **This is not a joint venture and we have removed checking item 10.**

Certification

2. A company seal must be present on the Application Form. If no company seal exists, please write 'no seal' on a revised page 8 of the Application Form under the company seal section. **See attached updated signature page.**

EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands

3. Pursuant to Rule 6.4.3(a), Mining Plan Maps must include all adjoining surface owners of record. Please revise maps to specify who the surface owners are of adjoining parcels to the south of the operation, which includes a house and several structures, and to the east of WCR 15, which includes irrigation ponds. **Additional owners have been added to the map. See attached updated maps for Exhibit C and F**



EXHIBIT D - Mining Plan

4. Pursuant to Rule 6.4.4(f)(i) and (ii), please specify the 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 Paragraph 1.3(3)); and nature of the stratum immediately beneath the material to be mined in sedimentary deposits.

Added.

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

5. Please help the Division locate the “attached agreements” referenced in Exhibit O.

As discussed the notices (agreements) we had provided on Exhibit O were what was requested when we did the original 112 permit. Exhibit C now shows all property owners which should cover this requirement.

You have sixty (60) days from the above date to submit all necessary documents that the Office needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Office, the Office shall deny the application and terminate the application file. This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you have any questions, please contact me by email at hunter.ridley@state.co.us or by phone at (720)868-7757.

Sincerely,
Hunter C. Ridley



Environmental Protection Specialist

cc: Michael Cunningham, DRMS
Derek Patterson, TST, Inc. Consulting Engineers

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.

VMA Partners, LLC
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: [Signature]

Signed: [Signature]

Title: Martin Lind, Manager

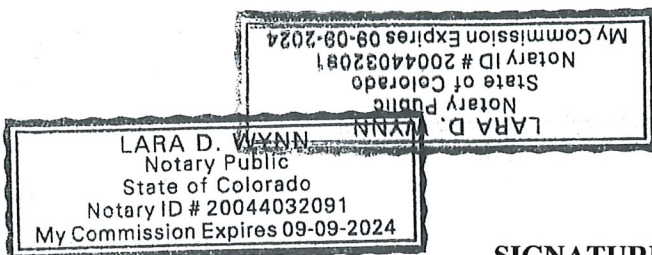
Corporate Secretary or Equivalent

Town/City/County Clerk

State of COLORADO)

County of WELD) ss.

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



[Signature]
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

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. For joint venture/partnership operators: 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.

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 **The primary commodity to be mined is sandy clay borrow material (overburden material) at depths ranging from 0' to 50'.**



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Raindance Reservoir #2 – VIMA Partners, LLC

- (ii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits. **The stratum beneath the material to be mined is claystone.**
- (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'



TST, INC. CONSULTING ENGINEERS



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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.

