



STATE OF  
COLORADO

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

---

## Adequacy Review, AM1, Raindance Reservoir #2, M-2021-049

---

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

Fri, May 19, 2023 at 9:41 AM

To: Martin Lind <mlind@watervalley.com>

Cc: Garrett Scallon <gscallon@watervalley.com>, Derek Patterson <dpatterson@tstinc.com>

Good morning,

Please find attached the Division's adequacy review letter for the Raindance Reservoir #2 Amendment 1 (AM1). Please let me know if you have any questions.

Kind regards,  
Hunter Ridley  
Environmental Protection Specialist



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

P 720.868.7757 | F 303.832.8106

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

[hunter.ridley@state.co.us](mailto:hunter.ridley@state.co.us) | <https://drms.colorado.gov>



---

**AdequacyReview\_M-2021-049.pdf**

345K



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

May 19, 2023

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

**RE: Adequacy Review, 112 Construction Materials Amendment (AM-01); Raindance Reservoir #2, DRMS File No. M-2021-049**

Dear Martin Lind,

The Division of Reclamation, Mining, and Safety (Division) has reviewed the content of the Routt County 112 Construction Materials Application for Amendment AM-01 for the Raindance Reservoir #2 operation, File No. M-2021-049, and submits the following additional comments. Comments received from other agencies regarding this proposed permit renewal are attached to this letter. The Division is required to make an approval or denial decision no later than August 2, 2023; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

1. The Division found the application for AM-01 complete on May 4, 2023. Pursuant to Rule 1.6.2(1)(g), upon completeness VIMA Partners, LLC is required to publish a Public Notice for four consecutive weeks which will initiate a 20 day comment period from the date of the last publication. As of the date of this letter, the Division has yet to receive a proof of publication of the public notice for AM-01. Please provide the Division with a copy of the public notice to ensure that the Public Notice was published as required.
2. Please provide proof of service to the entities listed under Rule 1.6.2(1)(e). Notices are currently missing from the following parcel owners: Niess, Brian and Carolyn.

**ADDENDUM 1 - Notice Requirements - Affidavit of Posting Notice**

3. Please provide an affidavit that notice signs were posted on-site pursuant to Rule 1.6.2(1)(b).

**EXHIBIT D - Mining Plan**

4. Section (c) states that no water diversion or impoundments exist on site. However, site maps show sedimentation ponds within the permit boundary. Please amend the narrative in this section to include information on this pond system.



5. Mining Plan Map C shows an “Ex. irrigation pond to be relocated” along the eastern permit boundary. Please expand on the plan to relocate this pond. Where will the pond be relocated to? Within the mining plan sequence, when will this relocation occur?

#### **EXHIBIT E - Reclamation Plan**

6. As per Rule 6.4.5(1), Operators 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. Exhibit E 2(d) and 2(f)(vi) state that topsoil will be replaced in a single 4-inch lift across areas. Consider revising this number to be a range rather than a specific figure to allow for variability during reclamation without need for a future revision.

#### **EXHIBIT G - Water Information**

7. Section 2(c) states, “After mining operations stormwater will enter at the northwest corner of the reservoir and will be pumped out within 72 hours”. Please clarify what is meant by “after mining operations”. Does this sentence suggest pumping will be required after final reclamation?
8. This Exhibit states that temporary sprinklers may be used to establish seeding during the reclamation process. The Division does not encourage the use of sprinklers for this purpose. The approved seed mix is composed entirely of native species and thus, should be able to thrive in its native habitat without the help of artificial watering methods. Further, the proposed revegetation plan includes the use of straw mulch and fertilizer which will aid in the seeding process.

#### **EXHIBIT S - Permanent Man-made Structures**

9. Please provide the Division with additional proof of structure agreements for the following structures labeled on the Mining Plan Map: Sinclair gas line, PVREA electric line, and City of Greeley waterline.

#### **EXHIBIT L - Reclamation Costs**

10. Reclamation cost information will need to be updated to provide more specific estimates on the cost of tasks associated with this operation. The types of equipment used to conduct reclamation tasks will also need to be listed. Common reclamation tasks include: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor. If possible, please also list the cost per unit of each of the listed tasks, e.g. grass seed mix and seed and tree replacement.
11. The Reclamation Plan Map shows that the currently existing topsoil pile will be moved from the west to the south end of the operation and occupy an ~ 2.6 acre footprint. Please provide justification in the form of calculations that enough topsoil will be available on

site to replace 4 inches of depth across the potential 86 acres of disturbed land which would need to be reseeded.

This concludes the Division's adequacy review of this application. This letter shall not be interpreted to mean that there are no other technical deficiencies in your application; other issues may arise as additional information is supplied. Please be advised the permit application may be deemed inadequate, and the application may be denied on August 2, 2023, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by August 2, 2023, and the request for additional time. This must be received no later than the deadline date.

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

Sincerely,  
Hunter C. Ridley



Environmental Protection Specialist

CC: Michael Cunningham, DRMS  
Garrett Scallon, Water Valley Land Company  
Derek Patterson, TST, Inc. Consulting Engineers



# History Colorado

Hunter Ridley  
Colorado Division of Reclamation,  
Mining and Safety  
Department of Natural Resources  
1313 Sherman St., Room 215  
Denver, CO 80203

RE: Raindance Reservoir #2 – File No. M-2021-049, Vima Partners, LLC, Amendment Application (AM-1),  
Raindance Reservoir #2 Amendment (HC # 80220)

Dear Mr. Ridley,

This letter is provided in response to your correspondence dated and received on May 4, 2023 requesting consultation with our office for the above mentioned subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1.

Based on the documentation provided, we find that the subject action will not adversely affect properties listed on or nominated for the State Register of Historic Properties.

Please note that our comments should not be interpreted as concurrence under the National Historic Preservation Act or any other environmental law or regulation. If human remains are discovered during ground disturbing activities, the requirements under CRS 24-80 part 13 apply and must be followed. Should the current subject action change, please contact our office for continued consultation under CRS 24-80.1.

In the event that there is federal agency involvement, please note that it is the responsibility of the federal agency to meet the requirements of Section 106 as set forth in 36 CFR Part 800 titled “Protection of Historic Properties”. This includes not only reasonable and good faith identification efforts of any historic properties located within the area of potential effects, but determining whether the undertaking will have an effect upon such properties. The State Historic Preservation Office, Native American tribes, representatives of local governments, and applicants for federal permits are entitled to consultative roles in this process.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Matthew Marques, Section 106 Compliance Manager, at (303) 866-4678 or [matthew.marques@state.co.us](mailto:matthew.marques@state.co.us).

Sincerely,

Dawn DiPrince  
State Historic Preservation Officer