



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

July 13, 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,

On June 27, 2023, the Division of Reclamation, Mining and Safety (Division) received your adequacy response letter for the Raindance Reservoir #2 Amendment 1 (AM-01), File No. M-2021-049. The Division has reviewed the above referenced amendment adequacy review response letter and material submitted. The following is a list of the adequacy review items from the Division's May 19, 2023 first adequacy review letter followed by the response provided by Vima Partners, LLC (VP). If additional information or revision is required it will be noted. If an item is resolved, that will be indicated.

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.
  - **Division Response: Resolved**
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.
  - **VP Response: As discuss the Niess property is not within the 112 affect lands and isn't needed.**
  - **Division Response: Resolved**

**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).
  - **VP Response: Sign posting has been updated. See attached image**
  - **Division Response: Resolved**

#### **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.
  - **VP Response: The narrative has been updated in this section to include information on the sediment ponds.**
  - **Division Response: Resolved**
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?
  - **VP Response: The notes on the plan have been updated to show the ex. irrigation pond to be removed. It is not planned to be relocated at this time.**
  - **Division Response: Resolved**

#### **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.
  - **VP Response: The reclamation plan has been updated to allow a range of 4"-6" of topsoil replacement.**
  - **Division Response: Resolved**

#### **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?
  - **VP Response: Once the reservoir and pump station is completed and the reservoir is filled, the pump station will be utilized to pump storm flows out of the reservoir via the wet well/pumps within the pump station to meet return flow obligations.**
  - **Division Response: Resolved**

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.

- **VP Response: The statement about temporary sprinklers has been removed from the exhibit.**
- **Division Response: Resolved**

#### **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.

- **VP Response: All structure agreements have been added.**
- **Division Response: Resolved**

#### **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.

- **VP Response: Costs have been updated to include more information.**
- **Division Response: Resolved**

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

- **VP Response: The total reclamation area is approx. 86 acres (3,746,160 sqft) and at a depth of 4 inches the volume would be  $[(3,746,160 \text{ ft}^2 \times 0.333 \text{ ft}) / 27 \text{ ft}^3 \text{ per cubic yd} = 46,245 \text{ CY}]$ . The footprint of the topsoil stockpile is 2.6 acres and it is 22' tall providing approximately 60,000 CY of topsoil.**
- **Division Response: Resolved**

12. The Reclamation Map provided for this amendment notes that 'The portion 2' above and 5' below high water level to have erosion control'. For the purposes of calculating an accurate bond, please elaborate on this plan to secure the reservoir slopes and provide an estimated cost of materials and labor to complete this reclamation task.

This concludes the Division's review of this adequacy response. 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