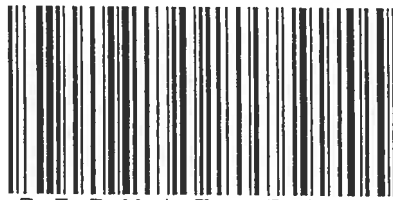


Permit Documents



P E R M I T



P E R M I T F I L E

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NOV 13 2014

DIVISION OF RECLAMATION
MINING AND SAFETY

M-2014-063

WRC WET PIT

112 PERMIT TO COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY AND RIO BLANCO COUNTY COLORADO

Developed by:

fr **White River City Investments**

PO Box 881090
Steamboat Springs, CO 80488

Prepared by:

JSC, Inc.
P.O. Box 1153
Meeker, CO 81641

Phone: 970-878-5292
Fax: 970-878-5392
E-Mail: ljoy@joysurveying.com

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NOV 07 2014
GRAND JUNCTION FIELD OFFICE
DIVISION OF
RECLAMATION MINING & SAFETY

grmthm

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

M-2014-063

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DIVISION OF RECLAMATION
MINING AND SAFETY



CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

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

Permit # M - - - - - (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 - - - - - (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):** White River City Investments
 - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** WRC Wet Pit
3. **Permitted acreage (new or existing site):** 50.80 permitted acres
 - 3.1 Change in acreage (+) _____ acres
 - 3.2 Total acreage in Permit area _____ acres
4. **Fees:**

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	<u>\$3,342.00</u>	quarry application
4.4 Amendment Fee	<u>\$2,229.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,696.00</u>	conversion fee
5. **Primary commodity(s) to be mined:** Gravel
 - 5.1 Incidental commodity(s) to be mined: 1. Topsoil 125,000 Cubic Yds 2. / lbs/Tons/yr
 3. / lbs/Tons/yr 4. / lbs/Tons/yr 5. / lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(s) to be mined: Road Base
 - 5.3 Anticipated end use of incidental commodity(s) to be mined: Topsoil

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

7. **Name of owner of surface of affected land:** White River City Investments

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

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

COUNTY: Rio Blanco

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

SECTION (write number): S 1

TOWNSHIP (write number and check direction): T 1N ☒ North ☐ South

RANGE (write number and check direction): R 97W ☐ 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): _____

16 miles west of town of Meeker

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 05 sec 21.886 (2 decimal places)

Longitude (W): deg 108 min 13 sec 31.106 (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 13

Easting _____

Northing _____

11. **Correspondence Information:**

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

Contact's Name: Don Valentine Title: President
Company Name: White River City Investments
Street/P.O. Box: P.O. Box 881090 P.O. Box: _____
City: Steamboat Springs
State: CO Zip Code: 80488
Telephone Number: (970) - 879-2383
Fax Number: () - N/A

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: J. Leif Joy Title: President
Company Name: JSC, Inc dba Joy Surveying Company
Street/P.O. Box: 646 Main Street P.O. Box: 1153
City: Meeker
State: Colorado Zip Code: 81641
Telephone Number: (970) - 878-5292
Fax Number: (970) - 878-5392

INSPECTION CONTACT

Contact's Name: Don Silva Title: _____
Company Name: White River City Investments
Street/P.O. Box: P.O. Box 519 P.O. Box: _____
City: Hayden
State: CO Zip Code: 81639
Telephone Number: (970) - 276-2526
Fax Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: NONE
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: NONE
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

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

- | | | |
|--|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input checked="" type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | <input type="checkbox"/> Solid Waste Disposal(WD) |

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

- | | | |
|--|--|--|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input checked="" type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel):
Front end loaders, Bulldozers, Scraper, Track Hoe, Off-road Haul trucks and conveyor Belts.

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

13.1 Briefly explain mining method (e.g. truck/shovel):
Front end loaders, Bulldozers, Scraper, Track Hoe, Off-road haul trucks and conveyor Belts.

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).

N/A

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;

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

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 23 day of October, 2014.

Don Silva DON SILVA
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: Don Silva

Signed: _____

Corporate Secretary or Equivalent

Title: President

Town/City/County Clerk

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
_____, by _____ as _____ of _____

Notary Public

My Commission expires: _____

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

CERTIFICATION

The Applicant, White River City Investments (print applicant/company name),
by Don Valentine (print representative's name), as President (print
representative's title), does hereby certify that _____ (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 WRC Wet Pit (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.*

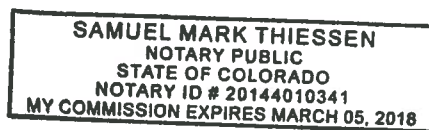
NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant Don Silva Representative Name DON SILVA
Date 10/23/14 Title General Manager
STATE OF Colorado)
) ss.
COUNTY OF Rio Blanco)

The foregoing was acknowledged before me this 23rd day of October, 2014, by
Don Silva as General Manager of White River City Investments

Samuel Mark Thiesen My Commission Expires: March 5, 2018
Notary Public



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) White River City Investments, whose address and phone number is (Address and Phone Number of the Applicant/Operator) (970) 878-2383, 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) Rio Blanco County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 555 Main Street Meeker, CO 81641, 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, Don Valentine, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) WRC Wet Pit, on (Date Posted) _____.

Don Silva
SIGNATURE

10/23/14
DATE

Division of Reclamation, Mining, and Safety

Fee Receipt for M2014063

White River City Investments

000000000

Receipt #: 18544

Date: 11/13/2014

Permit: M2014063

Payment Method	Revenue Code	Fee Description/Notes	Amount
012875 jwd	4300-MAPP	Minerals Application Fees M-2014-063, Paid By Western Gravel LLC	\$2,696.00
Receipt Total:			\$2,696.00

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR **REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

Rio Blanco COUNTY

White River City Investments (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in Rio Blanco County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Recreational use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

NOTICE OF FILING APPLICATION
FOR COLORADO MINED LAND RECLAMATION PERMIT
FOR REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION

NOTICE TO THE BOARD OF SUPERVISORS
OF THE LOCAL CONSERVATION DISTRICT

White River Soil Conservation DISTRICT

White River City Investments (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in Rio Blanco County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Recreational use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

AN EXAMPLE PUBLIC NOTICE WHICH MEETS THE REQUIREMENTS OF THE STATUTES IS SHOWN BELOW. THE BLANKS WHICH REQUIRE DATES WILL NEED TO BE FILLED IN ACCORDING TO THE FOLLOWING INSTRUCTIONS. PLEASE READ CAREFULLY.

PUBLICATION INSTRUCTIONS:

Date of commencement and date of completion should represent the dates which you feel most accurately describe the life of the operation.

For all Regular (112) types of operations, this notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date the application is considered to be submitted to the Division. The final date for receiving comments is the 20th day after the fourth publication or the next regular business day.

All notices must be published in a newspaper of general circulation in the locality of the proposed mining operation and mailed to the landowners as set forth in the Colorado Mined Land Reclamation Rules and Regulations. Since the date for consideration of your application may change, DO NOT include it in this notice.

For a complete discussion of the notice procedures and objections, please refer to C.R.S. 34-32.5-112(10), 114 and 115.

PUBLIC NOTICE

(Operator Name) White River City Investment; (Address and Phone Number) P.O. Box 881090 Steamboat Springs, CO 80488, has filed an application for a Regular (112) Construction Materials Operation Reclamation Permit 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 (Name of the Mine) WRC Wet Pit, and is located at or near Section 1, Township 1N, Range 97W, 6th Prime Meridian.

The proposed date of commencement is September 1, 2014, and the proposed date of completion is September 1, 2034. The proposed future use of the land is (Future Landuse) Recreation. 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 (County Name) Rio Blanco County Clerk and Recorder's office; (Clerk and Recorder's Address) 555 Main Street, Meeker, CO, 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. on (Final Date for Comments) _____.

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.

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. Gas Pipeline within 50' feet of proposed pit boundary
- 2. Two Gas Pipelines within the pit boundary
- 3. Rio Blanco County Road No. 5
- 4.
- 5.

(Please list additional structures on a separate page)

WRC WET PIT
112 OPERATION
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INTRODUCTION

A new gravel mining pit is proposed, to be named WRC Wet Pit. It will be located approximately 15 miles west of the Town of Meeker, on a parcel of land owned by White River City Investments. The proposed operation will mine only gravel, for commercial sale.

The main entrance to the pit is an existing access road (Rio Blanco County Access Permit No. D8003M) that connects to Rio Blanco County Road No. 5, which in turn connects to Colorado State Highway No. 64 at a point approximately 15 miles west of the Town of Meeker. The access road is currently being used by the WRC Gravel Pit under Permit Number M2008070. No upgrades will be necessary and no new access roads are being proposed.

The applicant is proposing to use the existing office, scales and parking area that located at the entrance to the proposed pit and is currently permitted under Permit Number M2008070. The entire pit area is located on a relatively flat parcel of land that is south of the White River and borders the easterly right-of-way of Rio Blanco County Road No. 5. The site has a total area of 50.80 acres, of which 37.82 acres will be mined.

The mining will be done in three phases, phase 1 being approximately 7.5 acres and phases 2 and 3 being approximately 15 acres each. Phase 1 will be the westerly most areas, Phase 2 and 3 will be the eastern area. Operations are planned to start in 2014 and Phase 1 should be completed in 2 years and phases 2 and 3 should each be completed in 4 years within 1 year of commencing. This equates to a 10 year life span of the permitted area with mining operations completed in 2024, and reclamation completed in 2025.

The construction and operation of the gravel pit will involve the use of dozers, loaders, rock trucks, and other heavy equipment in order to remove topsoil, overburden and gravel. Other equipment that will be located on site during portions of the year will consist of crushers, screening plants, truck scale office, asphalt plant and concrete plant.

EXHIBIT A – LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN TRACTS 49, 37 AND 38 OF THE 1908 GOVERNMENT LAND OFFICE RESURVEY IN SECTION 36, T2N, R97W AND SECTION 1, T1N, R97W OF THE 6TH P.M., RIO BLANCO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ANGLE POINT 3 (FOUND BRASS CAP "SUPCO 4880") OF SAID TRACT 38, WHENCE ANGLE POINT 2 (FOUND BRASS CAP "SUPCO 4880") OF SAID TRACT 38 BEARS N00°38'36"W, 1323.15 FEET; THENCE N52°37'42"E, 986.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE N60°08'42"W, 807.81 FEET; THENCE N00°38'36"W, 235.63 FEET; THENCE N30°00'00"W, 750.22 FEET; THENCE N82°28'15"W, 326.17 FEET; THENCE N07°28'01"E, 218.66 FEET; THENCE N08°23'22"E, 255.70 FEET; THENCE N14°52'20"E, 111.21 FEET; THENCE N10°55'45"E, 226.59 FEET; THENCE N18°46'38"E, 241.19 FEET; THENCE S82°09'29"E, 257.76 FEET; THENCE S09°32'09"E, 379.84 FEET; THENCE S72°12'05"E, 254.66 FEET; THENCE S54°15'59"E, 390.75 FEET; THENCE S72°34'01"E, 369.66 FEET; THENCE S61°02'27"E, 217.01 FEET; THENCE S44°39'34"E, 407.46 FEET; THENCE S00°27'50"W, 227.21 FEET; THENCE S29°40'10"W, 1046.88 FEET TO THE POINT OF BEGINNING. CONTAINING 50.80 ACRES MORE OR LESS.

Main Entrance to the Mine Site

MAIN ENTRANCE

LAT: 40°05'21.886"N

LONG: 108°13'31.106"W

(WGS 84 DATUM)

See following 11"x17" Exhibit B Index Map

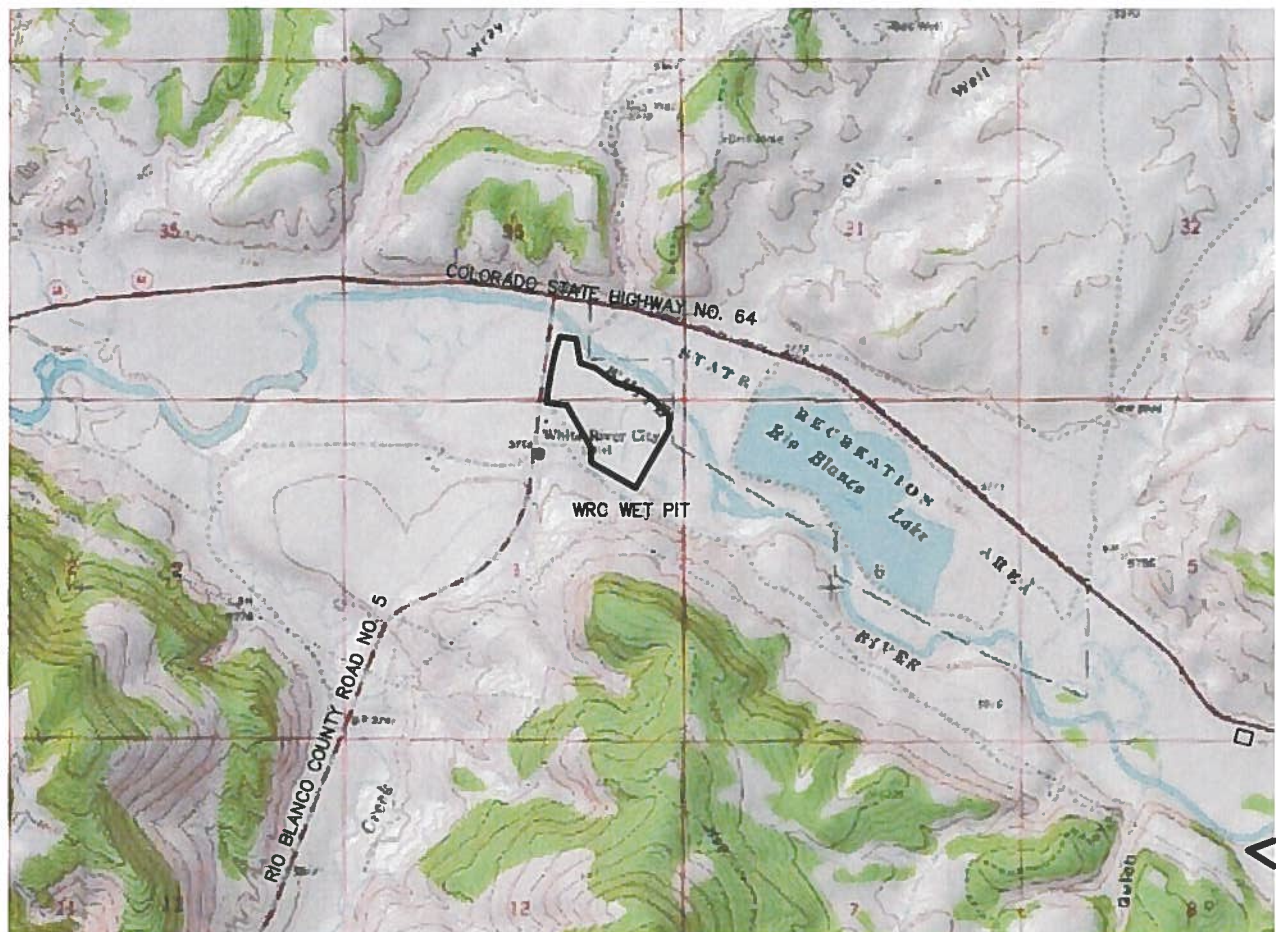
EXHIBIT B, INDEX MAP
WRC WET PIT

IN SECTION 36, T2N, R97W AND SECTION 1, T1N, R97W OF THE 6TH P.M.
RIO BLANCO COUNTY, COLORADO

The WRC Wet Pit is located west of the Town of Meeker at the intersection of Colorado State Highway No. 64 and Rio Blanco County Road No. 5. It is accessed via an existing access and haul road that enters onto Rio Blanco County Road No. 5, which intersects Colorado State Highway No. 64 at a point approximately 15 miles west of the Town of Meeker.

The total proposed permit area is 50.80 acres.

MAIN ENTRANCE
LAT: 40°05'21.886"N
LONG: 108°13'31.106"W
(WGS 84 DATUM)



0 1500 3000 6000
SCALE: 1" = 3000'

EXHIBIT C – PRE-MINING AND MINING PLAN MAP(S) OF AFFECTED LANDS

- Map C titled Pre-Mining Plan Map
- Map C titled Mining Plan Map

EXHIBIT D

Mining Plan

1. Geology

The proposed operation will mine a sand and gravel deposit which is an alluvium of the recent period of Quaternary age. The alluvium is relatively shallow and is underlain by the sandstones, siltstones and mudstones of the Wasatch Formation. These sedimentary layers were formed when uplifting Rocky Mountains to the east blocked eastward drainage during Tertiary time and the Uinta Mountains blocked northward drainage and a very large lake formed in northwest Colorado, northeast Utah and southwest Wyoming. This lake is referred to as Lake Uinta and it received all the washout material from river floodplains and deltas from the mountains on all sides of the lake. Some of the later mud which entered the lake became what is now the Green River Shale, which is noted for its oil content. The Green River Shale forms the hill immediately south of the permit area. Lake Uinta lasted for 6,500,000 years until further uplifts drained it.

2. General Mining Plan

The gravel seam for the entire pit is approximately 18 feet thick and is overlain by approximately 2' feet of topsoil and little to no overburden. Mining operations (crushers, conveyors, dozers and scrapers) will be located in the Southern portion of the phase being mined.

Topsoil and overburden will be kept separate by storing them in separate stockpiles until they are used for reclamation. Utilizing dozers, scrapers and front end loaders, the topsoil will be stripped and placed in a berm along the westerly side of the project. The overburden will be removed in phases and stockpiled in easterly portion of the next phase to be mined. No overburden or topsoil will be stockpiled along the river banks, to ensure that the natural floodways will not be affected. All topsoil piles will be seeded with a temporary seed mix with a tackifier if they will be left for over 1 year without redisturbance. Weeds will be controlled in all disturbed areas and on the entire site.

The raw gravel material will then be loaded into a crusher and screening plant and/or washing plant where various sizes of product will be sorted and placed in separate stockpiles. There will be no blasting as part of this operation. Mining will proceed in general from the south to north for Phase 1 and from the west to east for phases 2-3. Overburden, if any, will be replaced in the bottom of each phase as the operation moves to the next (for details, see Exhibit F, Reclamation Plan). All mining and processing operations will be designed to manage storm water runoff, so that no sediments flow to existing drainage. To ensure that water from inside the operation does not leave the site, isolation berms will be created as needed around the pit (these will also serve as sound barriers). The mining operation will proceed with side slopes of 2:1.

Wetlands are currently present on the proposed pit site. The wetlands delineation was performed by Steve Dahmer with Environmental Solutions and the boundary is shown on the attached Pre-mining plan. The mining limits of the WRC Wet Pit will stay at least 50 feet away from the wetlands to avoid any possible disruptions or issues

It is extremely unlikely that any toxic or acid-producing materials will be encountered during the mining operation since the material is a “clinker rock” in nature. However, in the event that such materials are encountered, they will be covered with subsoil from the stockpiles to the same depths outlined in the reclamation plan and no more mining will occur in that particular area.

The anticipated future average total tonnage sold from the site in any one calendar year is 180,000 tons. Table D-1 shows a breakdown of the expected average annual production.

Table D-1

AVERAGE ANNUAL PRODUCTION DISTRIBUTION

Product	Tons Sold	% Rejection Rate (Naturals)	Tons Mined
Road Base	108,000	0%	108,000
Concrete	18,000	10%	19,800
Asphalt	18,000	40%	25,200
Pit Run	10,800	0%	10,800
Washed Aggregate	18,000	10%	19,800
Total	180,000	7%	183,600

The total permit area is 50.80 acres. A breakdown of the estimated areas is shown in Table D-2.

Table D-2

PERMIT AREA ACREAGES

Phase 1	7.34 Acres
Phase 2	15.24 Acres
Phase 3	15.24 Acres
Wetlands and un-minable area	8.09 Acres
Topsoil stockpiles	4.89 Acres
Total	50.80 Acres

Road extensions (within the permit boundary only) will be constructed, upgraded and maintained with road base and will be compacted if necessary. A water truck will be used to control dust on road during operation.

Mining will progress starting with Phase 1 and then move to Phase 2 and finally to Phase 3. Phase 1 will proceed from South to North, and Phases 2 and 3 will proceed from West to East. As the mining proceeds the overburden is replaced in the previously mined areas

to reclaim the area. By using this method only a portion of the total pit boundary is exposed at a time. Table D-3 shows the phase tonnages, life and exposed area per year of each phase based upon the 180,000 tons per year production (183,600 tons mined).

Table D-3

MINING TONNAGE PER AREA

Phase	Acres (Mined)	Tons Gravel	Gravel Life (years)	Exposed Area (Acres/Year)
1	7.34	347,440	2.5	2.94
2	15.24	721,390	3.75	4.06
3	15.24	721,390	3.75	4.06

3. Mining Timetable

Mining operations would begin in fall of 2014, provided that all permits are granted. Mining may last approximately 10 years, although the market plays a large role in the length of the mining. White River City Investments expects the average production from the pit to be 47,300 tons per acre.

4. Facilities and Equipment

The site may contain:

- A portable screening/washing plant with a 500 gallon diesel tank
- A portable Asphalt plant with a 250 gallon diesel tank
- A portable Concrete plant with a 500 gallon diesel tank
- Portable Scales
- A portable office trailer
- A portable crusher with a 2,000 gallon diesel tank
- A fuel farm with a 10,000 gallon diesel tank
- A portable QC lab trailer
- A small portable shop trailer

Mobile equipment which will be used on site over the mine life:

- 1 or 2 Front end loaders
- 1 or 2 Bulldozers
- 1 Motor Grader
- 1 Scraper
- Track hoe
- 1 Water truck
- 1 Fueling Truck
- Several off-road haul trucks
- Various 24 ton and 14 ton road haul trucks as necessary to move the permitted product to market

No night mining activity is scheduled for the operation; however portable lighting may be used within the pit from time to time. The portable lights will only be used for after hour equipment maintenance. Lighting is not expected to cause a nuisance as there are no nearby neighbors. Furthermore, lighting will be shielded in order to ensure that the lights do not cause a nuisance. The portable mining equipment such as loaders, dozers, trucks and excavators will be serviced on an as-needed basis onsite. Upon reclamation, all portable equipment will be removed from the site.

Security fencing is not necessary as the mining operation is accessed by a private road with limited access. No problems are expected with vandalism since the mining operations are located in a remote area.

To meet the fuel needs of the equipment, Table D-5 shows a summary of tanks which may be present onsite as well with a summary of secondary containment used with each tank.

Fifty-five gallon drums and other small containers which do not have built in secondary containment will be stored in mobile basins which are capable of containing 110% of the capacity of the container. During transport, these containers may not be in secondary containment, as it is not always feasible; however they will always be stored in secondary containment.

Table D-5**TANKS**

Screening/washing plant	1	500 Gallon Diesel	Secondary steel basin containment built into portable plant capable of containing 110% of capacity of tank or double walled tank or lined basin with 110% capacity, depending upon the portable plant that is brought to the site.
Fuel Farm	1	10,000 Gallon Diesel	Lined secondary containment capable of containing 110% of capacity of tank.
Crusher	1	2,000 Gallon Diesel	Secondary steel basin containment built into portable plant capable of containing 110% of capacity of tank or double walled tank or lined basin with 110% capacity, depending upon the portable plant that is brought to the site.
Asphalt Plant	1	250 Gallon Diesel	Secondary containment consists of UV resistant liner and berm capable of containing 110% of capacity of tank
Concrete Plant	1	500 Gallon Diesel	Secondary steel basin containment built into portable plant capable of containing 110% of capacity of tank or double walled tank or lined basin with 110% capacity, depending upon the portable plant that is brought to the site.

If any “reportable quantity” of hazardous material or waste is released into the environment, the operator will notify staff of the Colorado Division of Minerals and Geology as well as all other appropriate local, state and federal agencies. This is more completely described by an excerpt from the February 8, 2002 DRMS memorandum regarding Minerals Program Notification of Toxic or Hazardous Materials Spills at Mine Sites:

“A reportable spill is a spill of any toxic or hazardous substance (including spills of petroleum products) within the permit area reportable to any Division of the Colorado Department of Public Health and the Environment, the National Response Center, the Colorado Emergency Planning Committee, or the State Oil Inspector. The operator shall notify the Office of the reportable spill within the permit area using the same timeframe required by the permit, license, notice, Act, Rule or Regulation governing the reporting of the spill to the appropriate agency. Notice of a reportable spill shall be faxed to: Minerals Program Supervisor, Division of Reclamation, Mining and Safety, FAX (303)832-8106. The FAX shall include a call-back number of a responsible company official for the DRMS staff to use as a contact.”

In the event that White River City Investments needs to bring other facilities onsite for the operations, the Division of Reclamation, Mining and Safety and Rio Blanco County will be contacted with a Technical Revision to allow for these facilities to be onsite. All other necessary permits through state organizations will also be obtained on a case by case basis as required for each facility

5. Water Information, Rights and Augmentation

All water rights information such as availability of water for this operation, consumption rates, dust control, etc. is presented in Exhibit G – Water Information.

6. Schedule of Operations

Mining operation will occur as dictated by demand. Mining and screening/washing activities will take place year round and product will be sold from this site throughout the year, although little is expected to be sold in winter months. The operator does not expect to have any night gravel operation.

7. Rio Blanco County Impacts and Environmental Impacts

The impacts to Rio Blanco County will be limited. Minimal dust is expected since the roads and Pit will be watered as needed. The pit will be accessed via an existing access road from Rio Blanco County Road No. 5. No new impacts to county services will occur. The long term effect of the operation will be beneficial to the environment by providing an aesthetically pleasing lake with a wetland fringe that will provide foraging, nesting, and cover habitats for numerous species of wildlife. Impacts to Rio Blanco County and the surrounding landowners are discussed in detail in the Special Use Application.

EXHIBIT E

RECLAMATION PLAN

1. General Reclamation Plan

The total disturbed area to be reclaimed under this permit is 50.80 acres. The post-mining land uses will be: lake surface in the former pit, wetlands on the lake shore, and dry rangeland in the areas above the lake.

Like the mining, the reclamation will occur in phases. Some reclamation activities will occur concurrently with the mining of the next phase, in order to minimize the soil transport distances and area of disturbance. The following is an outline of the sequence of mining and reclamation activities (see drawings for locations of topsoil stockpile and isolation berms):

- 1) Topsoil will be stripped from the Phase 1 and 2 area and placed in a topsoil-only stockpile to the east of phase 2, and immediately seeded.
- 2) Overburden, if any, will be removed from Phase 1 and 2 and used to construct isolation berms around the pit (for the purpose of preventing water and sediment from leaving the operation site), and immediately seeded.
- 3) Phase 1 will be mined.
- 4) Topsoil will be stripped from the Phase 2 area and placed in the existing topsoil-only stockpile to the east of phase 2, and immediately seeded.
- 5) Overburden, if any, will be removed from Phase 2 and used to replace the overburden that was removed from Phase 1.
- 6) Simultaneously, the mining of Phase 2 will begin, and topsoil from the topsoil-only stockpile will be spread in Phase 1, and immediately seeded.
- 7) Phase 2 will be mined.
- 8) Topsoil will be stripped from the Phase 3 area and placed in a new topsoil stockpile to the east of phase 4, and immediately seeded.
- 9) Overburden, if any, will be removed from Phase 3 and used to replace the overburden that was removed from Phase 2.
- 10) Simultaneously, the mining of Phase 3 will begin, and the reclamation of Phase 2 will be completed (using topsoil from the topsoil-only stockpile).
- 11) The last of the topsoil stockpile will be spread in Phase 3, and immediately seeded.
- 12) All equipment will be removed from the site, and remaining disturbed areas will be seeded (including the former locations of the isolation berms and topsoil stockpile).

During reclamation of each phase, all mine slopes of 2:1 will be backfilled to 3:1 or less, and remaining overburden will be evenly spread over the area that will serve as the lake bottom in that phase. Topsoil will be spread to a 6 inch depth on all graded areas, except those areas that are 5 feet or more below the expected final water level. Any compacted overburden will be ripped before the stockpiled topsoil is spread. Each area will be tilled

and firmed to prepare a suitable seedbed. Each stage of reclamation is expected to take no more than one week.

There are no foundations or other structures which will be required to be removed with the reclamation process, and the access road will be left intact so that the landowner has access to the reclaimed areas. To prevent damage to the hydrologic balance, no stockpiles or berms will be built along the river.

Map F shows the final reclaimed contours planned for the site. The areas above the lake will be returned to rangeland with an Agriculture zoning.

2. Revegetation Plan

The proposed site is located in an area having around 13 inches of annual precipitation. Timing to replant the site is critical to vegetation establishment success. Seeding of the site will be done in the fall (October 15th or later) prior to the soil freezing. The seed will be drilled with a grass drill having double disk openers and packer wheels. Drilling will be performed following the contour, avoiding drilling up and down the slopes, which would increase the risk of erosion. The planting depth should be approximately ½ inch. If the seed is broadcast instead of drilled, the seed rate must be doubled. If broadcast, the area needs to be harrowed or dragged after the seed is spread to incorporate the seed into the soil. Mulching the site is recommended with clean, weed free straw at 3,000 pounds of air dry mulch per acre. The mulch must be properly crimped into the soil with a disc or mulch crimper.

Table E-1 shows the grass species recommended by the United States Department of Agriculture Natural Resources Conservation Service to be used to reseed the gravel pit site and to provide temporary cover on the stock piled soil. Native shrubs are expected to invade the site in relatively short time after the pit closure. Please reference **Exhibit J** for the complete planting and seeding recommendations supplied by the NRCS (National Resource Conservation Service).

Table E-1

SEED MIX IN POUNDS OF PURE LIVE SEED (PLS) PER ACRE		
Species	Variety	Pounds PLS/Acre
Western Wheatgrass	Arriba, Barton	3.2
Alkali Sacaton	Salado	0.60
Bluegrass, Kentucky	VNS	0.10
Foxtail, Creeping meadow	Garrison	0.23
Wildrye, Basin	Magnar, Trailhead	0.50
Clover, Strawberry	VNS	0.30
Total Pounds PLS/Acre		4.93

3. Post-Reclamation Site Drainage

The drainage will primarily have the same direction as the pre mining, which is primarily in a northwesterly direction.

4. Weed Control

Proper and adequate weed control measures will be necessary the first two years, to ensure the establishment of a sufficient stand of grass and prevent the invasion of weeds, especially noxious weeds. If weed competition is reduced the opportunity for grass establishment is increased significantly. Appropriate herbicides should be applied the first growing season during the early spring and summer to control weeds if present. The herbicide label should be followed. The site should have all livestock excluded for a minimum of one and preferably two growing seasons after planting to allow the best opportunity for the seeded species to become established.

5. Revegetation Success Criteria

The area will be deemed adequate when the vegetation has been established in order to control erosion and noxious weeds are not present in any significant amounts and all of the conditions of Rule 3.1.10 of the Division of Reclamation, Mining and Safety Construction Materials Rules have been met as determined by the Division of Reclamation and Safety.

6. Monitoring Reclamation Success

Monitoring the reclamation on an ongoing basis will allow minor revisions to assure successful reclamation. If minor changes or modifications are needed to the seeding and reclamation plan, revision plans will be submitted to the Division as required. All areas disturbed and reclaimed and any other important items regarding the reclamation will be submitted in the annual reports to the Division.

EXHIBIT F

RECLAMATION PLAN MAP

Map F titled Reclamation Plan Map

EXHIBIT G

WATER INFORMATION

The proposed pit is on a slightly sloped area that has been irrigated at some point in the past, but is primarily dry rangeland. The White River runs to the North of the pit and is 100 feet off the permit boundary at the closest point; however, the pit's proximity to the river is not expected to be an issue.

A portion of the physical pit lies within the 100 year flood plain (as determined by the FEMA maps). In the event of a 100 year flood, water will fill the pit to the flood level, then subside the equilibrium ground water level, which is approximately 4 feet below the existing ground surface. After the site is reclaimed, a 100 year flood would still fill the lake, but will not overflow it, since the edge of the lake will be above the level of the ground water.

There is virtually no chance that the river could capture the lake through erosion of the river banks, because the river and lake are too far apart. Many pits exist in Colorado which are closer than 100 feet to a river.

No filling will occur above the original topography, so as not to raise the floodplain in other areas. During mining and after reclamation, approximately 37.82 acres of disturbed area will drain to the pit/lake instead of to the river.

Groundwater

The relatively impermeable layers of the Green River Shale immediately below the gravel deposit prevent any recharge from the gravel operations into deep aquifers that might be located below the shale.

Surface water

According to searches on the Division of Water Resources database, there are no stockponds or springs within 600 feet of the WRC Wet Pit area.

Operational Water Consumption and Water Rights

A small amount of water will be required in mining operations to control dust and for gravel washing. Water will be consumed in the enclosed crusher, screen plant and wash plant, and through water sprays to keep dust down as needed. The wash plant will have some settling ponds, which will have some evaporation, which is also considered a consumptive use. Water will also be used to control dust on the access roads. If necessary, dewatering shallow points are shown on MAP C.

Depletion from evaporation in gravel washing operations is estimated to be approximately 500 gallons per day based upon previous experience. It is expected that the gravel washing operations will be in operation a maximum of 52 weeks per year and 5 days per week. With 1 acre-foot equaling 325,851 gallons, this would result in a consumption of 0.4 acre-feet per year.

The daily consumption of water for dust control on the access road and pit is estimated to be 12,000 gallons of water, or approximately 2 water truck loads. This would result in a consumption of 9.6 acre-feet per year.

A total of approximately 10.0 acre-feet per year of water will be obtained utilizing the land owners' (White River City Investments) water rights.

EXHIBIT H

WILDLIFE INFORMATION

Wildlife Resources on the Affected Lands

The habitat within the development area has a high wildlife value. Wildlife species in the area include deer, elk, eagles, coyotes, bobcats, mountain lions, and numerous other species.

The gravel pit activity will take place on a slightly sloped parcel of land along the river, adjacent to riparian habitat. Riparian habitats along with water are crucial for most wildlife in the area throughout the year; the majority of animals use it for some aspect of their life cycle. Riparian areas are vulnerable to disruption, but offer the best habitat to a wide variety of animal species. The Colorado Division of Wildlife has been contacted and requested to comment concerning the effect of the pending operation on the Wildlife and Wildlife Habitat, but we are still awaiting their response.

Endangered Species

No known threatened or endangered wildlife species are found on the proposed pit site.

Seasonal Use of Affected Lands

The proposed site is important for mule deer and elk as a winter range. Mining operations would be especially stressful during the winter and early spring seasons.

General Effects of the Operation on the Existing Wildlife of the Area

Gravel extraction and screening activities will no doubt create some disturbance to animals near the site. However, resident wildlife will generally become accustomed to these activities. Migrating animals will probably avoid the site, although the site does not block any known migratory routes, and wildlife should be able to move through the area unimpeded. Due to the possibility for animal/vehicle collisions, hauling activities will probably pose the biggest threat to wildlife. Vehicles will keep to posted speeds and drivers reminded to be aware of the potential for collisions. By selling product locally, this operation may reduce some truck traffic supplying material to the Piceance Creek area from elsewhere, so it may actually reduce the overall wildlife collision risk in the area.

Noxious weeds will be controlled during the operation of the pit. The pit will be an asset to wildlife at the time of reclamation as the new vegetation will provide foraging, nesting, and cover habitats for numerous species of wildlife.



COLORADO

Parks and Wildlife

Department of Natural Resources

Meeker Service Center
73485 Hwy 64
Meeker, CO 81641
P 970 878-9972

Jonathan L. Joy
JSC, Inc.
PO Box 1153
Meeker, CO 81641

September 12th, 2014

RE: White River City wet gravel pit.

Mr. Joy,

On behalf of Colorado Parks and Wildlife (CPW), I would like to thank you for giving us this opportunity to provide comments on this project. I hope these comments will be considered beneficial in mitigating any negative impacts this project may have on the wildlife populations, recreational use of those populations, and their habitat that is impacted by this project.

The mission of the Colorado Parks and Wildlife (CPW) is to protect, preserve, enhance, and manage wildlife and their habitats for the use, benefit and enjoyment of the residents of Colorado and its visitors. As you know with a growing population and widespread energy development across western Colorado, there are fewer productive natural habitats that can support such a diverse amount of wildlife. Northwest Colorado is home to some of the largest big game herds in the state as well as one of the most productive areas for Greater-Sage grouse.

CPW believes that the site near Rio Blanco County Road 5 has a high wildlife value. Wildlife species in the White River area include deer, elk, eagles, turkeys, coyotes, bobcats, mountain lions, and numerous other species. This site is located adjacent to the White River riparian corridor. The majority of wildlife species in these areas use these corridors for some aspect of their life cycle. Riparian areas are the most fragile to disruption and offer the best habitat to a wide variety of animal species. They also contain elk and deer wintering areas, which are crucial for nourishment and cover throughout the winter.

Colorado Parks and Wildlife offers the following comments pertaining to the above project:

The project area lies within a winter range, severe winter range, and winter concentration area for mule deer. Severe winter range is classified as critical habitat. Combinations of deep snow,



below zero temperatures, and crusting snow all have impacts on big game survival. Mining activities during the time period of December 1st through April 15th would negatively impact wintering mule deer in this project area by causing them to incur increased winter stress. Due to the current high volume of development in the vicinity of the County Road 5 intersection with Hwy 64, the negative impact will not be as severe. Negative impacts to wintering mule deer along the river could be minimized in this area by avoiding mining activities as much as possible during the dawn and dusk hours, since the river corridor is used by deer the most during those time periods.

The project area also lies within the winter range and winter concentration area for elk. Elk are not as prevalent in this area due to the current level of development, therefore the project should not have a major effect on elk.

Non-native weed species have become established on many disturbed soils throughout the White River/ Piceance Creek area. The invasion of non-native weeds reduces the density of native vegetation and lessens the habitat values for native wildlife species. Many of these non-native weeds are not used as forage by wildlife. The continual control and removal of non-native weeds around the site will help restore native vegetation that is valuable to wildlife. A detailed weed management plan is advised to combat weed problems.

The project area is extremely close to a vital portion of the White River riparian corridor. As stated in your proposal the ponds created after the pit closure could be flooded into the river upon a high water flood year. CPW asks that they be consulted and applications for a private lake license under WCR# 1203 be properly filled out and paid for prior to any fish stocking.

Upon reclamation of the gravel pits and the conversion of the pits into ponds CPW recommends the contouring of the ponds shorelines. With contouring and proper shoreline vegetation this can create better habitat and cover for many wildlife species that would use them such as waterfowl and other migratory birds. It will also give the ponds a more natural look that will increase the esthetic value of the property. CPW would be happy to consult with White River City Investments on any modifications to the shoreline to make it more wildlife friendly.

The travel management section of your project proposal covers most of CPW's recommendations. The only addition CPW would recommend is to have truck traffic avoid operating during the hours around dawn and dusk. This is the time when wildlife is most active and most vulnerable to vehicle collisions.

For wildlife, the less fence the better. Wildlife generally will move through an area at one point or another. This has to be taken into consideration when planning a fence. If fencing is necessary, then it should either allow for relatively free movement of wildlife or be designed to prohibit wildlife from entering or crossing. Generally speaking solid rail fences provide highly visible boundaries that are easy for wildlife to overcome. Chain link fences severely restrict

wildlife movement. When installing a wire fence, make sure the height of the fence is less than 42 inches with at least 12 inch spacing between the top two wires. Deer and elk jump with their hind legs forward, so if the top 2 wires are too close together or are loose they can easily get hung up. Incorporating Wildlife friendly fencing designs into development plans would mitigate many of the impacts associated with development occurring within wildlife migration corridors. To obtain a copy of the Fencing with Wildlife in Mind bulletin visit the CPW website link at <http://cpw.state.co.us/documents/landwater/privatelandprograms/fencingwithwildlifeinmind.pdf>

Wildlife can become a nuisance and cause damage when it finds an easy food source such as garbage. The project should store garbage in closed containers, such as wildlife proof trash cans. Residual garbage odors can be reduced by periodically cleaning the trash cans with hot water and chlorine bleach. Wildlife proof trash containers should be required at any location where animals could access it. In response to increasing bear-human conflicts throughout the state, the Colorado Wildlife Commission adopted regulations which make it illegal for people to knowingly place food or edible waste in the open with the intent of luring a wild bear. Further, after an initial contact or conflict with a bear, it is illegal for any person to continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash and grills. The applicant should be advised that Colorado Parks and Wildlife will not relocate bears that are attracted to the project site being requested due to garbage or waste storage. For additional information on wildlife proof trash container designs and avoiding human-wildlife conflicts go online to CPW website at <http://cpw.state.co.us/learn/Pages/LivingwithWildlifeBears1.aspx>

The applicant should be advised that, as per Colorado Revised Statute 33-6-109 (1), it is unlawful for anyone to hunt, take or possess wildlife except as permitted by Colorado Statute or by Colorado Wildlife Commission regulation. Criminal and civil actions resulting in penalties for wildlife that is illegally taken could be imposed against the applicant.

These comments will help relieve stress on wildlife in the area. Thank you for the opportunity to comment on the project. If you have any further questions please contact the local District Wildlife Manager, Tom Knowles at (970)878-6072.

Sincerely,



Bill deVergie
Area Wildlife Manager
PO Box 1181
Meeker, CO. 81641
(970) 878-6061

Colorado Division of Wildlife

The Colorado Division of Wildlife has been contacted and requested to comment on the pending operation and its effect on wildlife and habitat. We are still awaiting their response and will submit that correspondence as soon as it is received.

EXHIBIT I

SOILS INFORMATION

A general soils report was conducted by the NRCS in 1979. Soil thicknesses are based on site observations and the NRCS soil survey. Topsoil thicknesses average 2-3' feet for the entire pit and no overburden. The property owners and developers dug test pits to determine these figures.

Natural Resources Conservation Service

Refer to NRCS attached documents (**Exhibit I**)

EXHIBIT J

VEGETATION INFORMATION

The White River City Investments is located primarily in NRCS Map Unit 92 where native vegetation is mainly low shrubs and grasses and cottonwood trees and willows along major streams. The potential plant community is mainly western wheatgrass, slender wheatgrass, salt grass, Kentucky bluegrass and tall rabbit brush, smaller amounts of foxtail, basin wildrye, and some greasewood are common. Cottonwood trees, willows and cattails are common along the streambanks and oxbows. The average annual production of air-dry vegetation is about 2,000 pounds per acre.

The remainder of the permit area is located in NRCS Map Unit 71 where native vegetation is mainly cottonwood trees with an understory of shrubs and grasses.

EXHIBIT K

CLIMATE

The permit area is located in the following soils units, from greatest area to least:

NRCS Map Unit 92 with a setting of:

Elevation: 5,800 to 6,200 feet

Mean annual precipitation: 14 to 16 inches

Mean annual air temperature: 42 to 45 degrees F

Frost-free period: 85 to 105 days

NRCS Map Unit 71 with a setting of:

Elevation: 5,800 to 7,200 feet

Mean annual precipitation: 15 to 18 inches

Mean annual air temperature: 39 to 42 degrees F

Frost-free period: 85 to 105 days

Soils Map

Date: 8/21/2014

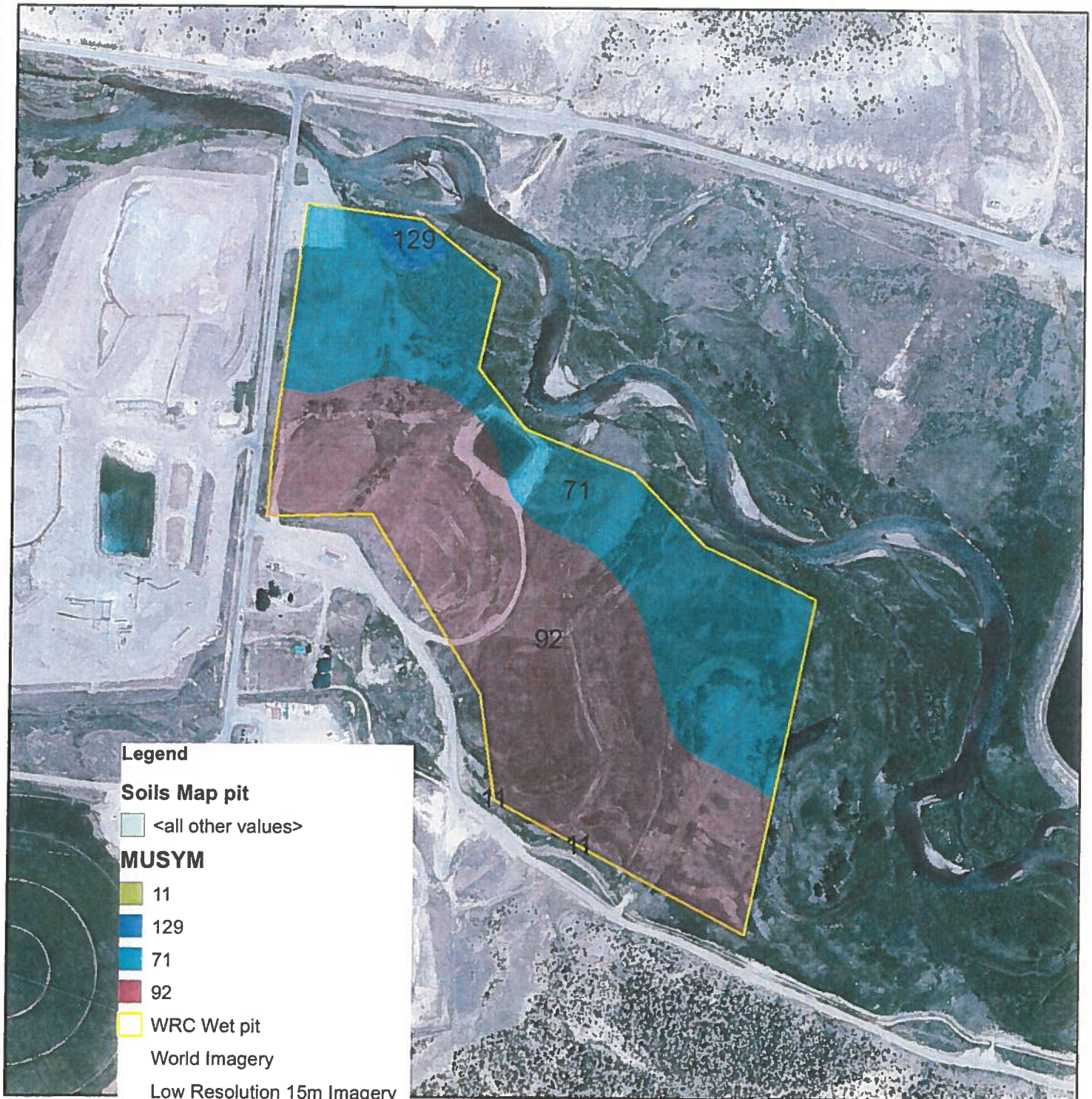
Customer(s): WRC Wet Pit

District: WHITE RIVER CONSERVATION DISTRICT

Field Office: MEEKER SERVICE CENTER

Agency: USDA_NRCS

Assisted By: TIFFANY JEHOEK



310 0 310 620 930 1,240 Feet

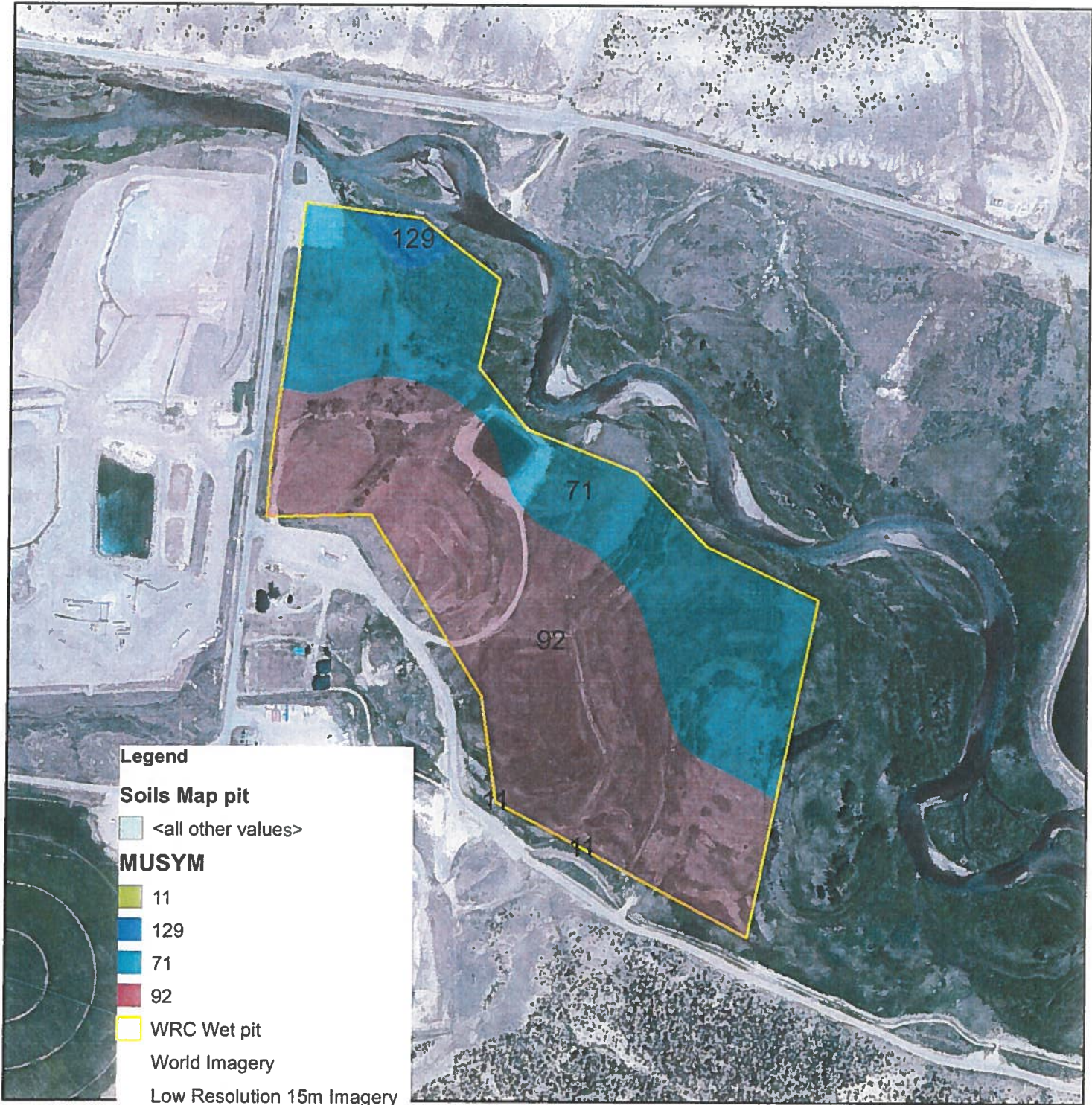


Soils Map

Date: 8/21/2014

Customer(s): WRC Wet Pit
District: WHITE RIVER CONSERVATION DISTRICT

Field Office: MEEKER SERVICE CENTER
Agency: USDA_NRCS
Assisted By: TIFFANY JEHOEK



Soils Inventory Report

Map Unit Symbol	Map Unit Name	Prime Farmland Indicator	Acres	Percent
11	Borollic Calciorthids-Guben complex, 6 to 50 percent slopes		0	0%
129	Water		1.1	2%
71	Redrob loam		25.2	41%
92	Trembles loam, wet		34.7	57%
Total:			61	100%

Prime
Farmland
Total: 0 0%

Rangeland Productivity

Rio Blanco County Area, Colorado

[Only the soils that support rangeland vegetation suitable for grazing are rated. This report shows only the major soils in each map unit]

Map symbol and soil name	Ecological site	Total dry-weight production		
		Favorable year	Normal year	Unfavorable year
		Lb/ac	Lb/ac	Lb/ac
71: Redrob	---	---	---	---
92: Trembles, wet	Salt Meadow	---	---	---

Map Unit Description (Brief, Generated)

Rio Blanco County Area, Colorado

[Minor map unit components are excluded from this report]

Map unit: 71 - Redrob loam

Component: Redrob (85%)

The Redrob component makes up 85 percent of the map unit. Slopes are 0 to 3 percent. This component is on flood plains, stream terraces, valley floors. The parent material consists of mixed alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is rarely flooded. It is not ponded. A seasonal zone of water saturation is at 33 inches during January, February, March, April, May, June, July, August, September, October, November, December. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 5w. Irrigated land capability classification is 4w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 8 percent.

Map unit: 92 - Trembles loam, wet

Component: Trembles, wet (85%)

The Trembles, wet component makes up 85 percent of the map unit. Slopes are 0 to 3 percent. This component is on stream terraces, flood plains, valley floors. The parent material consists of mixed alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. A seasonal zone of water saturation is at 48 inches during April, May. Organic matter content in the surface horizon is about 2 percent. This component is in the R048AY265CO Salt Meadow ecological site. Nonirrigated land capability classification is 3c. Irrigated land capability classification is 3e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 3 percent.

Grass Seeding PART I - Planned

Seed Mix Recommendation, † ‡				(PLS = Pure Live Seed)		
Common name N=native, I=introduced		Genus, species	Recommended Cultivar	% of seed mix	Total Pounds PLS	Pounds PLS per acre
Grasses, forbs						
Alkali sacaton	N	<i>Sporobolus airoides</i>	Salado	40.0	0.60	0.60
Wheatgrass, Western	N	<i>Pascopyrum smithii</i>	Arriba, Barton	20.0	3.20	3.20
Bluegrass, Kentucky	I	<i>Poa pratensis</i>	VNS	10.0	0.10	0.10
Foxtail, Creeping meadow	I	<i>Alopecurus arundinaceus</i>	Garrison	10.0	0.23	0.23
Wildrye, Basin	N	<i>Leymus cinerius</i>	Magnar, Trailhead	5.0	0.50	0.50
Clover, Strawberry	I	<i>Trifolium fragiferum</i>	VNS	5.0	0.30	0.30

90.0

† Certified Seed is required for all NRCS cost share programs				Shrubs	0.00	
‡ Complete a Tree and Shrub Establishment 612 Job Sheet for bare-root shrub plantings				Grasses, Forbs	4.93	
				Total lbs PLS	4.93	
				Seed Rate (Pounds PLS per acre)		4.93

Theresa

8/22/14

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service, Colorado

Technical Guide
Section II E

RANGE SITE NO. 266
Field Office
August 1975

RANGE SITE DESCRIPTION

for

SALT MEADOW

Land Resource Area: Central Desertic Basins, Mountains,
and Plateaus (34)
Colorado and Green Rivers Plateaus (35)

A. PHYSICAL CHARACTERISTICS

1. Physiographic Features

The topography is gently sloping to flat in lowland position subject to a beneficial water table and sometimes overflow water. Elevation ranges from 5000 feet to 7500 feet.

2. Climatic Features

The average annual precipitation is 8 to 15 inches. Optimum growing season for native plants is April 15 to September 1. Plant growth is enhanced over that of upland sites in this climatic zone because of water supplied from the water table.

3. Native (potential) Vegetation

Alkali sacaton, saltgrass, alkali grass, western wheatgrass, sedges, and rushes give this site the meadow aspect. A few fourwing saltbush, rabbitbrush and greasewood shrubs are scattered over the meadow. Other salt meadow plants include alkali cordgrass, slender wheatgrass, foxtail barley, common reed, aster, seepweed and arrowgrass. Basin wildrye grows on less alkaline places in the site.

Ground cover totals as much as 60 percent.

Native (potential) Vegetation and Guide for Determining Range Condition.

Percentage composition by weight of the principal species may total as much as:

x Alkali sacaton	40
x Saltgrass	10
x Western wheatgrass	10
Sedges	10
Rushes	5
Alkaligrass	5
x Foxtail barley	5
x Slender wheatgrass	5
x Basin wildrye	5
Fourwing saltbush	5
Tall rabbitbrush	5
Greasewood	5
Other (listed above)	10

4. Total Annual Production

Favorable years	2500	Pounds	per	Acre	Air	Dry
Unfavorable years	1500	"	"	"	"	"
Median years	2000	"	"	"	"	"

5. Soils

a. Soils are dark brown to almost white, strongly saline-alkaline, poorly drained, sandy loam to clay bottomland, swale, or depression soils. The entire profile is strongly gleyed and is affected by salt and a high water table. These soils have a high pH which is restrictive to kinds, and often amounts, of plant growth. Salt crusts often form on the surface of the soil.

b. Soils in this site are:

Saline wetlands

6. Rare, Threatened or Endangered Plants and Animals

(To be added when known)

Ecological Reference Sheet

MLRA: 34A Ecological Site: Salt Meadow

Date: 01/20/05 Author(s)/participant(s): C. Holcomb, F. Cummings, S. Jacquot

Contact for lead author:

This must be verified based on soils and climate (see Ecological Site Description). Current plant community cannot be used to identify the ecological site.

Composition Indicators: 10 and 12 based on X Annual Production. Cover Produced During Current Year: Bareness:

Indicators. For each indicator, describe the parameter for the site. Where feasible, (if use numbers, 2) include expected range of values for above- and below-average years and natural distribution ranges for each community within the reference site, when appropriate & (3) cite data. Continue descriptions on separate sheet.

1. Number and extent of rills: None
2. Presence of water flow patterns: none
3. Number and height of eroded pedestals or terraces: none
4. Bare ground from Ecological Site Description or other studies (rock, litter, fallen trees, plants, many are not bare ground). Exposed, if bare ground, is soil of the site or soil of adjacent communities and bare ground is minor.
5. Number of gullies and erosion associated with rills: None in this. Evidence of site influence. If present, edges rounded and smoothed.
6. Extent of small-scale (lenticular) and/or depositional areas: none
7. Amount of litter, mulch, or debris (describe size and distance expected to travel). Typically absent, however during major flooding events this can slow water flow and capture litter and sediment.
8. Soil surface (top, low, mid) resistance to erosion (stability values are averages - must also will show a range of values). Stability class rating anticipated to be 1 or 2 at surface.
9. Soil surface structure and stability (include type and strength of structure, and a horizon color and thickness). Soils are typically rich and poorly drained with high water table. Surface is smooth, even, from 0.5 to 1.0 m. to 1.5 m. in depth, medium to fine sand, loam, silty, sandy. Heavy, brown, clayey, about 1.5 inches in depth. Color varies from light gray to dark brown. Moderate to strongly saline at depth. Surface salt may be obvious.
10. Effect of plant community composition (relative proportion of different functional groups) & spatial distribution on infiltration & runoff.
Due to grass, sedge, and herb functional groups and species and degree of structural complexity and density, runoff is slow, ponded flow, and water increases in time for infiltration to occur. However, the high water table inherent to this site has more effect on infiltration than does plant community.
11. Presence and thickness of compaction layer (usually none, describe soil profile features which may be indicated in the compaction on this step alone)
12. Production of biomass (Grasses) (list in order of descending dominance by above-ground production or live litter cover (specify) none graduate) - - - - - to indicate much greater than, and equal for plus, dominant, subdominant, and minor on a scale of 1 to 5.
Dominant: 4 or 5 (100% to 50%)
Subdominant: 3 (25% to 50%)
Minor: 1 or 2 (1% to 25%)
Grasses: 4 or 5 (100% to 50%)
Sedges: 3 (25% to 50%)
Herbs: 1 or 2 (1% to 25%)
Shrubs: 1 or 2 (1% to 25%)
Trees: 1 or 2 (1% to 25%)
13. Amount of plant mortality and decay: The site, which functional groups are expected to show mortality or decay in the summer, fall, and winter may occur due to drought and lack of drainage.
14. Average percent litter cover () and depth () inches. If 10% litter cover and ranges from 0.50 to 1.0 inches in depth. Litter cover declines winter and following season in drought.
15. Expected annual production (list in order of descending dominance by above-ground production or live litter cover) 1500 lbs./ac. low precipitation years 2000 lbs./ac. average precipitation years 2500 lbs./ac. above average precipitation years. After extended drought production may be reduced by 350 - 800 lbs./ac. or more.
16. Potential invasive (including noxious) species (native and non-native). List species which have native degraded states and which after a threshold is crossed, remain and often do, continue to increase regardless of the management of the site and may eventually dominate the site? Greasewood, rabbitbrush, bitterbrush, inland saltgrass.
17. Perennial plant reproductive capability. The only limitations are weather related, wildlife, natural disease, minor species competition, wildlife, and insects that may temporarily reduce reproductive capability.

Functional/Structural Groups Sheet

State: _____ Office: _____

Ecological Site: Salt Meadow

Site ID: RC-LA72800-0

References

DATA:

EXHIBIT L

RECLAMATION COST

The following is an estimate of reclamation costs. Reclamation costs are limited to ripping compacted areas, replacing topsoil, shaping the site, preparing seed bed, and re-vegetation based on single acreage.

The worst case would be one year of open pit in Phase 1 being 7.34 acres. Table L-1 shows a breakdown of the estimated costs.

TABLE L-1

RECLAMATION ESTIMATED COSTS

Description	Cost per Acre	Worst Case Cost (7.34 Acres)
Mobilization from Meeker		\$500
Rip compacted areas prior to topsoil	\$215	\$1578
Backfill from topsoil stockpile with scrapper	\$485	\$3560
Shape with dozer	\$450	\$3303
Final grading and harrowing to prepare seed bed	\$85	\$624
Drill seed, mulch at 3000 lbs per acre	\$2615	\$19194
Total	\$3850	\$28759

EXHIBIT M

OTHER PERMITS AND LICENSES

- 1) County Special Use – A Special Use Permit is needed with the Rio Blanco County Planning and Rio Blanco County Commissioners office. This permit has been applied for.
- 2) APEN – An APEN Permit is required from the Colorado Department of Public Health and Environment. Air emission permits will be in place for all equipment utilized on site which requires a permit. This permit has been applied for.
- 3) A Spill and Containment plan is being developed for the WRC Wet Pit and will be kept onsite at all times since fuel and oils will be stored within the permit area.
- 4) A Gravel Well Permit - A gravel well permit with the Colorado Division of Water Resources will be obtained since there will be groundwater exposed in this operation and water will be used in washing the gravel, therefore there are losses incurred as a result of gravel mining. The White River in this area is under appropriated, so a substitute water supply plan or augmentation plan is not required. After reclamation, additional losses are due to water evaporation from the lake. This also is covered in the gravel well permit. This permit has been applied for.
- 5) NPDES combined water/storm water discharge permit – A NPDES permit will be required from the Colorado Department of Health and Environment since water will be discharged from the site.

EXHIBIT N

SOURCE OF LEGAL RIGHT TO ENTER

The land owner of the affected area is White River City Investments. Copies of the deeds are included.

White River City Investments also owns the property that the existing access road, scales, office and parking area is located on.

STATE DOCUMENTARY FEE

DATE August 6, 2013

\$ Exempt

SPECIAL WARRANTY DEED

THIS DEED, Made this 2nd day of August, 2013, between Donald Valentine, ("Grantor"), and White River City Investments LLC, a Colorado limited liability company ("Grantee"), whose address is P.O. Box 881090, Steamboat Springs, CO 80488.

WITNESSETH, Grantor, for and in consideration of the sum of **Ten and No/Dollars, (\$10.00) and other good and valuable consideration**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Rio Blanco and State of Colorado, described as follows:

See attached Exhibit "A"

TOGETHER, with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto Grantee, its successors and assigns forever. The Grantor, his heirs and assigns, and personal representatives or successors, do covenant and agree that he shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under the Grantor, except general taxes of the year 2013 and subsequent years, and except easements, covenants, conditions, restrictions, reservations, and rights of way, whether or not of record, and those specific exceptions described by reference to recorded documents as reflected in Rio Blanco County Abstract Company Inc.'s Abstract and Title Insurance Policy No. C30-Z052968 dated February 26, 2008.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

GRANTOR:

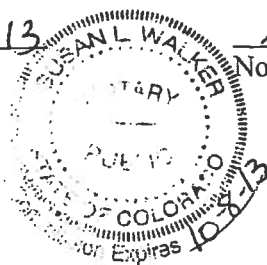

Donald Valentine

STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

The foregoing instrument was acknowledged before me this 2nd day of August, 2013, by Donald Valentine.

WITNESS my hand and official seal.

My commission expires: 10-8-13



Susan L. Walker
Notary Public

EXHIBIT A TO SPECIAL WARRANTY DEED

between

Donald Valentine and White River City Investments LLC, a Colorado limited liability company

A parcel of land lying in Section 6, Township 1 North, Range 96 West; Section 1, Township 1 North, Range 97 West, and Section 36, Township 2 North, Range 97 West of the 6th P.M., County of Rio Blanco, State of Colorado, being more particularly described as follows:

**Beginning at AP (Angle Point) 3 of Tract 38 of the 1908 Government Land Office Resurvey being a brass cap "SUPCO 4880";
thence South 88°39'07" East, 1290.36 feet to AP 4 of said Tract 38 being a B.L.M. brass cap;
thence North 89°32'38" East, along the south line of Tract 43 of said 1908 Resurvey, 561.60 feet;
thence North 59°45'48" West, 1963.05 feet;
thence North 00°15'42" West, 383.04 feet;
thence North 59°45'48" West, 338.67 feet;
thence North 07°54'38" East, 1136.08 feet to AP 3 of Tract 50 of said Resurvey, being a No. 5 rebar and aluminum cap "GFP COR 3 TR 50";
thence North 89°42'57" East, along the South line of said Tract 50, 800.00 feet;
thence North 66°33'04" West, 869.56 feet to a point on the West line of said Tract 50, which bears North 00°22'02" East, 350.00 feet from said AP 3 of Tract 50;
thence North 00°22'02" East, along said West line, 255.43 feet to a point on the Southerly R.O.W. (right-of-way) line of Colorado State Highway No. 64;
thence South 09°33'39" West, along said R.O.W. line, 172.88 feet;
thence North 80°26'21" West, along said R.O.W. line, 104.81 feet;
thence South 44°14'28" East, along the Northeasterly line of a 2.22 acre parcel of land as described and recorded under Reception No. 287603, 281.37 feet to the Southeast Corner thereof;
thence North 81°46'36" West, along the southerly line of said 2.22 acre parcel of land, 583.56 feet to the Southwest Corner thereof being a No. 5 rebar and aluminum cap RLS 12029;
thence South 07°54'38" West, along the Easterly R.O.W. line of Rio Blanco County Road No. 5, 1671.02 feet to the Northwest Corner of Box Elder Ranch Minor Subdivision as platted and recorded under Reception Number 278613, being a No. 5 rebar and aluminum cap RLS 12029;
thence North 89°47'55" East, 715.76 feet to AP 2 of said Tract 38 being a brass cap "SUPCO 4880";
thence South 00°15'42" East, 1323.15 feet to the point of beginning.**

STATE DOCUMENTARY FEE
DATE August 6, 2013
\$ Ex Empt

SPECIAL WARRANTY DEED

THIS DEED, Made this 2nd day of August, 2013, between Donald Valentine, ("Grantor"), and White River City Investments LLC, a Colorado limited liability company ("Grantee"), whose address is P.O. Box 881090, Steamboat Springs, CO 80488.

WITNESSETH, Grantor, for and in consideration of the sum of **Ten and No/Dollars, (\$10.00) and other good and valuable consideration**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Rio Blanco and State of Colorado, described as follows:

See attached Exhibit "A"

TOGETHER, with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto Grantee, its successors and assigns forever. The Grantor, his heirs and assigns, and personal representatives or successors, does covenant and agree that he shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under the Grantor, except general taxes of the year 2013 and subsequent years and except easements, covenants, conditions, restrictions, reservations, and rights of way, whether or not of record, and those specific exceptions described by reference to recorded documents as reflected in Rio Blanco County Abstract Company Inc.'s Abstract and Policy No. C30-Z062441 dated July 14, 2008, the Easement reserved in the Warranty Deed recorded March 10, 2009 at Reception No. 295197 in the Rio Blanco County real estate records by Western Gravel, LLC a Colorado limited liability company, reserving an immediate, permanent and perpetual, non-exclusive access via the haul road described on the Rio Blanco County and State of Colorado permit which accesses the gravel pit described in the Gravel Lease agreement dated December 28, 2007, and all deeds of trust of record.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

GRANTOR:

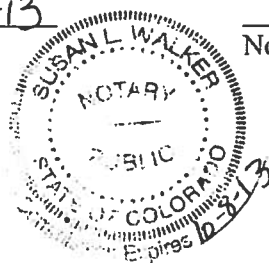

Donald Valentine

STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

The foregoing instrument was acknowledged before me this 2nd day of August, 2013, by Donald Valentine.

WITNESS my hand and official seal.

My commission expires: 10-8-13



Susan L. Walker
Notary Public

EXHIBIT A TO SPECIAL WARRANTY DEED

between

Donald Valentine and White River City Investments LLC, a Colorado limited liability company

TOWNSHIP 1 NORTH, RANGE 97 WEST, 6TH P.M.

Section 1: Lots 2, 3 and 4

As shown by the plat of the original survey under which patent was issued, the same and identical land being designated as Tract 37, Township 1 North and Township 2 North, Range 97 West of the 6th P.M., approved October 31, 1908.

TOWNSHIP 1 NORTH, RANGE 97 WEST, 6TH P.M.

Section 1: SW1/4NE1/4

As shown by the plat of the original survey under which patent was issued, the same and identical land being designated as Tract 38, Township 1 North and Township 2 North, Range 97 West of the 6th P.M., approved October 31, 1908.

TOWNSHIP 1 NORTH, RANGES 96 & 97 WEST, 6TH P.M.

A portion of Tracts Nos. 40 and 43 in Section 6, Township 1 North, Range 96 West of the 6th P.M., and Section 1, Township 1 North, Range 97 West of the 6th P.M., being more particularly described by metes and bounds as follows: Beginning at Corner No. 1 of Tract No. 38, Section 1, Township 1 North, Range 97 West of the 6th P.M., running thence S. along Tract Line for a distance of 1320.0 feet, more or less to Corner No. 3 of Tract No. 43; thence N.89°20'E. along Tract Line for 1310.1 feet, more or less, to Corner No. 4 of Tract No. 43, thence N.89°52'E. along Tract Line a distance of 918.0 feet; thence N.59°41'W. 2580.9 feet, more or less to the place of beginning.

TOWNSHIP 2 NORTH, RANGE 97 WEST, 6TH P.M.

Section 35: SE1/4SE1/4

Section 36: S1/2SW1/4

As shown by plat of the original survey under which patent was issued, the same and identical land being designated as Tract 49 by plat of the Resurvey approved October 31, 1908.

TOWNSHIP 2 NORTH, RANGE 97 WEST, 6TH P.M.

A parcel of land in Tract 50, Section 36, being more particularly described by metes and bounds as follows: Beginning at Corner No. 3 of Tract No. 50, Section 36, Township 2 North, Range 97 West of the 6th P.M., Colorado, running thence N 89°20' E along tract line a distance of 800.0 feet, thence N 66°56' W 869.5 feet, more or less, to the West line of Tract No. 50, thence South along Tract Line a distance of 350.0 feet, more or less to the place of beginning.

LESS AND EXCEPT from the foregoing any portion contained in deed to PHC, LLC recorded February 7, 2007 as Reception No. 287603 and except any portion lying within County Road No. 5 or Colorado Sate Highway No. 64, and that parcel of land described in Warranty Deed to Donald Valentine recorded January 3, 2008 as Reception No. 291054.

August 27, 2014

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTAGE PRE-PAID

Western Gravel and Disposal, LLC
Attention: Don Silva, General Manager
C/O P.O. Box 519
Hayden, CO 81639

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTAGE PRE-PAID

Western Gravel and Disposal, LLC
28982 C.R. 15
Windsor, Colorado 80550

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTAGE PRE-PAID

Western Gravel and Disposal, LLC
P.O. Box 670
Windsor, Colorado 80550

Ladies and Gentlemen:

In accordance with Section 8.2 of the Option Agreement between White River City Investments, LLC ("Optionor") and Western Gravel and Disposal, LLC ("Optionee") dated October 30, 2013 ("Option Agreement"), this correspondence shall serve as written notice to Optionee that Optionor desires to pursue permits as necessary to enable Optionor to conduct a gravel mining operation upon the Option Property, as defined under the Option Agreement. Pursuant to the Option Agreement, within ten days of this Notice, Optionor and Optionee shall meet and confer. Please contact me at _____ at your earliest convenience so that we may meet and confer regarding this matter in accordance with the terms of the Option Agreement.

Best regards,

WHITE RIVER CITY INVESTMENTS, LLC


By: Donald Valentine, Member

EXHIBIT O

OWNER(S) OF RECORD OF AFFECTED LAND (SURFACE AREA) AND OWNERS OF SUBSTANCE TO BE MINED.

Owners of Surface Rights:

White River City Investments

Owners of substance to be mined:

White River City Investments

EXHIBIT P

MUNICIPALITIES WITHIN TWO MILES

There are no municipalities within 2 miles of the proposed mining operation.

EXHIBIT Q

PROOF OF MAILING OF NOTICES TO BOARD OF COUNTY COMMISSIONERS AND SOIL CONSERVATION DISTRICT

See attached affidavits or receipts indicating the date on which the application was placed with the Rio Blanco County Commissioners and with the White River Soil Conservation District.



RIO BLANCO COUNTY
BOARD OF COUNTY COMMISSIONERS
COUNTY ADMIN BUILDING, 200 MAIN
P.O. BOX 1
MEEKER, COLORADO 81641
970-878-9430

23 October 2014

To Whom It May Concern

Rio Blanco County Board of Commissioners has received a copy of a new application from White River City Investments for a Colorado Mined Land Reclamation Permit for Regular 112 Construction Materials Extraction Operation. The application is for extraction of construction materials from a wet pit known as WRC Wet Pit located in S1,T1N, R97W of the 6th P.M., County of Rio Blanco, State of Colorado.

A handwritten signature in black ink, appearing to read "Laura L. Smith", with a long horizontal flourish extending to the right.

Laura L. Smith
HR Director

JON D. HILL
Chairman

JEFFREY D. ESKELSON
Commissioner
bocc@co.rio-blanco.co.us

SHAWN J. BOLTON
Commissioner

EXHIBIT R

PROOF OF FILING WITH COUNTY CLERK AND RECORDER

See attached receipt for placement of the application with the Rio Blanco County Clerk and Recorder's Office.



From the Office of
Rio Blanco County Clerk and Recorder
Nancy R. Amick, County Clerk

Rio Blanco County Courthouse, PO Box 1067, Meeker, Colorado 81641
(970) 878-9460 Fax: (970) 878-3587
Western Annex, 17497 Hwy 64, Rangely, Colorado 81648
(970) 878-9465 Fax (970) 675-5211

NOTICE OF RECEIPT

Re: WRC Wet Pit

Applicant or Company: White River City Investments

On October 24, 2014, the above referenced permit was deposited for public view in the Rio Blanco County Clerk & Recorder's office.

Signed: Lynn Ell Deputy (Clerk or Deputy Clerk)

Revised Dec 2013

Betty Kracht

Subject: FW: WRC Wet PIT

From: Tiffany Jehorek [<mailto:Tiffany.jehorek@co.usda.gov>]
Sent: Monday, November 03, 2014 1:27 PM
To: Leif Joy
Subject: RE: WRC Wet PIT

Attn: JSC, Inc

I have received the application for the WRC Wet Pit reclamation. I will review this with the conservation district board of supervisors on 11/3/2014.

Sincerely,

Tiffany Jehorek

District Conservationist
USDA-NRCS
PO Box 837
Meeker, CO 81641
970-878-5628 ext. 3
970-274-1195

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EXHIBIT S

PERMANENT MAN-MADE STRUCTURES

- 1) A buried gas line owned by Kinder Morgan lies within 50 feet of the proposed pit boundary.
- 2) A buried gas line owned by Source Gas lies within the proposed pit boundary.
- 3) A buried gas line owned by El Paso lies within the proposed pit boundary.
- 4) Rio Blanco County Road No. 5 is adjacent to the proposed pit.

None of the existing man-made structures will be affected by the proposed gravel pit. A 50 foot buffer will remain between the pipelines and any mined area. The existing gravel pit haul road that crosses the pipelines has already been protected from the additional loads by placing a lay down mat with 3 feet of additional fill over the pipeline in accordance with the pipeline company guidelines.

Rocky Mountain Natural Gas, LLC
600 - 12th Street, Unit 200
Golden, CO 80401
1 800 563 0012
303 243 3400
303 243 3602 Fax
www.SourceGas.com



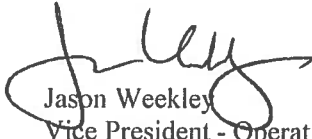
11/3/14

JSC, Inc.
Attn: Jonathan L. Joy
PO Box 1153
Meeker, CO

Dear Jonathan:

In regard to your letter of August 20, 2014, Rocky Mountain Natural Gas, LLC has reviewed the map that you provided and has visited the site location. Our field personnel have reviewed the areas where our pipeline right of way is in relation to your proposed excavations for the gravel pit and find that your proposed excavations will have "no negative effect" on our facilities. Should your excavations come within 25' of our pipeline ROW in the future this should be re-evaluated and we must have a company representative on site during those excavations.

Sincerely,


Jason Weekley
Vice President - Operations

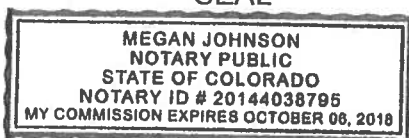
ACKNOWLEDGMENT

STATE OF Colorado)
COUNTY OF Jefferson) ss

This instrument was acknowledged before me this 10th day of November, 2014, by Jason Weekley, and further stated and acknowledged that he or she had so signed, executed, and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

Witness my hand and official seal.

SEAL



Name: Megan Johnson
Notary Public, State of Colorado
My Commission expires: 10/6/2018