

Environment, Inc.

LARRY E. O'BRIAN
FOUNDER

STEVAN L. O'BRIAN
PRESIDENT

7985 VANCE DRIVE, SUITE 205A
ARVADA, COLORADO 80003
303-423-7297
FAX 303-423-7599

July 15, 2015

Ms. Amy Eschberger
Division of Reclamation, Mining & Safety
1313 Sherman St., Suite 215
Denver, CO 80215

RECEIVED

JUL 15 2015

DIVISION OF RECLAMATION,
MINING AND SAFETY

Dear Amy,

RE: Leone Sand and Gravel LLC.
Leone Gravel Pit #2-M-2006-085*
Adequacy Review 01 & Inspection Response ..

AMØ1

RECEIVED

JUL 15 2015

DIVISION OF RECLAMATION,
MINING AND SAFETY

On behalf of my client Leone Sand and Gravel LLC. , I am responding to your adequacy review letter dated May 18, 2015 and your observations noted in the Inspection Report of May 21, 2015. I have included your review points that need to be addressed in the order presented so the questions and answers will be in the same document for easy reference.

APPLICATION FORM: On Page 2, General Description, please provide the number of miles and direction from the nearest town and the approximate elevation.

Attached is a replacement page for Page 2.

On Page 4, Description of Amendment or Conversion, you state "This amendment adds 366.67 acres more or less to an existing gravel mine." However, on Page 1, you state that 327.50 acres are being added to the permitted acreage (and this is what is shown on the maps submitted). Therefore, it appears that the correct added acreage is 327.50 acres. If this is correct, please change the added acreage listed here.

Attached is a replacement page for Page 4. The correct number is 327.50 acres.

EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):

(a) Map C and Map C-1 submitted show landowner information for the parcels included in the proposed permit area. However, it is unclear on the map whether the Biber family and Randall and Joyce Howell also own the land immediately adjacent to the proposed permit area. On at least one of these maps, please show all immediately adjacent surface owners of record.

The inset in the upper left hand corner was intended to make it clear which parties owned what lands and adjoining areas. I color coded all the land owned by both owners showing the Biber Lands in

green and the Howell lands in blue as shown where the color coding extends past the permit lines. Both property owners own all lands within 200 feet of the permit lines on their respective parcels except where they join and along the east side of Section 31 that is owned by Howell. Sorry for any confusion this caused. I have added each owners name to the perimeter of **MAP EXHIBIT C PRE-MINING MAP**.

(g) Map C and Map C-1 submitted show the location of one fenceline, oriented NW-SE across the southern portion of the Biber parcel. However, you state that the Howells also own 3-strand wire fences on or within 200 feet of the affected land. Please be sure to show the locations of all permanent or man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land on at least one of the maps submitted.

The fence lines are on the maps but due to the width needed to show the permit lines they are not visible. I will add a label on each permit line that has an underlying fence line and fix the missing fence on the property boundary between the two owners. Both maps have been revised and are included to replace those submitted in the original permit packet.

EXHIBIT D - Mining Plan (Rule 6.4.4): The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:

(c) You state in this exhibit that "...all stormwater will be directed to holding ponds built on the mined area". Please describe in the text and/or indicate on the Mining Plan Map where these ponds might be constructed.

Their exact locations are not know as they are built as mining progresses. This usually is at the head of a major draw to contain runoff from the disturbed area and they are reclaimed when no longer needed. I have added the approximate location on **EXHIBIT C-1 MINING PLAN Map** to show where they would be in relation to the mining area at the time shown on the map.

(e) In the Mining Timetable (Table D-1) you submitted with this exhibit, you state that the total area of Buffers and Setbacks is 184.80 acres, including 64.10 acres on the Howell parcel and 120.70 acres on the Biber parcel. Please describe in this exhibit and show on the Mining Plan Map the locations of these buffers and setbacks.

Ops, I forgot to turn on the hatching for those area on the large maps. Figure E-1 in the original packet shows them as dark green areas. The revised Exhibit C-1 and F maps show the buffers as cross hatched areas and are included in this response.

EXHIBIT L - Reclamation Costs (Rule 6.4.12):

(1) Your reclamation cost estimate provided in this exhibit is based on a maximum disturbed area of 20 acres at any time in the proposed permit area located on the Biber property. Please be advised that the required financial warranty must include costs for reclaiming all land disturbed by the operation, including that located in the existing permit area and that located in the proposed permit area.

As I began to address this I found that while much of the area in the old mine was reclaimed I needed to do a current disturbance analysis for the bond and I found it was consistent with your findings in that there was closer to 55.0 acres needing some form of reclamation. While the mining and processing areas were under 20.0 acres, the remaining areas than may need some future

reclamation actually made the disturbed area closer to 56 acres. I have revised pages 5, and 6 and attached copies to increase the allowable area to 60 acres. This is approximately four acres over the current disturbance area that mining can expand into until we can request a release on approximately 40 acres that is shown on the Bond Map that will be ready for release in the next year. This increase of 40 acres will allow adequate room for expansion into the new area as the final mined areas are reclaimed in the existing areas. I have added the approximate location of the Earthen Berms along the mining area and hatched and labeled the estimated area of disturbance on **EXHIBIT C-1 MINING PLAN MAP** to depict how the site will look when mining has progressed into the amendment area and the final seeding is completed on the Howell parcel.

You state in Exhibit D that all but 36.80 acres of the existing 180 acres permitted have been disturbed and are in various stages of reclamation. This would mean that 143.20 acres have been disturbed in the existing permit area. However, you state that reclamation is partially or totally complete on approximately 74.55 acres. Does this mean that 68.65 acres in the existing permit area have been disturbed but are not in reclamation? Is this unreclaimed area being used by the operation (e.g. for processing, stockpiling)? Please clarify here how many acres in the existing permit area have been disturbed and specify what reclamation tasks are left for each portion (by acreage) so that the Division can estimate reclamation costs associated with the existing permit area.

I got this wrong and found it when I started looking at the areas disturbed. What I should have said was that of the 180 acres in the permit area approximately 95.48 has been partially mine and reclaimed. Then went on to explain that the remaining 84.52 acres, was made up of buffer, 64.10 ac; the east satellite mining area, 8.82 ac; and undisturbed area north of the gaslines, 11.60 ac. The 95.48 acres of disturbance contains the areas where seeding has been successful, 39.58 ac.; leaving 55.90 acres that is part of the active mining operations.

For bonding purposes the 55.90 acres is broken down as 19.35 ac, Plant Site/Mining area; 12.70 acres, that has been graded, and resoiled and 23.85 acres, that has been seeded for less than 3 years. I revised the bond amount estimate to cover the current conditions and have submitted a revised **EXHIBIT L - RECLAMATION COST ESTIMATE** that is based on these numbers, includes the **BOND MAP** I used to arrive at them.

If the operation intends to maintain a maximum disturbance of 20 acres, this must include all disturbed land in the entire permit area that has not been reclaimed in accordance with the approved reclamation plan. With this in mind, does the operator intend to disturb only 20 acres at any time within the entire permit area, including both the Howell and Biber properties?

We wish to revise the 20 acres disturbance area to be 60 acres. This is bigger than the existing site disturbance and will give Leone Sand and Gravel LLC. room to operate as they expand into the amendment area. They are committed to reclaiming as they go but in the past did not understand that the 20 acres maximum disturbance included areas needing resoiling, grading and seeding, not just mining and processing areas.

If, at a later date, the operator intends to disturb more than 20 acres, the maximum allowed disturbance could be revised with the submittal of a Technical Revision.

We are making that change now, since your inspection and our bond analysis suggest that 20 acres is not adequate at this time. I revised pages 4 and 5 in the application packet to reflect this change. Copies of the replacement pages are provided in this response.

EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14): In this exhibit, you provided an adequate lease agreement between the operator and Randall and Joyce Howell, and an adequate access agreement between the operator and the Howells, the Bibers, and the Stanley H. Biber Family Trust for use of the existing ranch road that crosses both properties. However, the letter provided for the proposed permit acreage owned by John and Terri Biber and The Stanley H. Biber Family Trust is not adequate because it is not notarized. You state in this exhibit that a lease for the Biber parcel will be submitted to the Division as soon as it is available. Please be aware that either a copy of access lease for the Biber parcel or a signed statement by the landowner(s), acknowledged by a Notary Public, stating that the operator has legal right to enter and mine, must be submitted to the Division before the Amendment can be approved.

Thank you for reminding me that the existing Biber document needs to be replaced. The Bibers sent the lease to their attorney and we are awaiting on him. The ownership on the Biber parcel has changed with the Trust having transferred the surface and minerals to John Biber and Terri Thomas aka Terri Biber. Attached are notarized affidavits from the Mr. Biber and Mrs. Thomas that contains a statement that Leone Sand and Gravel LLC. has the right to enter and mine the property. Once the lease is done we will provide a copy to the Division for the file.

EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15): Of the three owners of record listed, please specify which ones are owners of subsurface rights of the affected land, and which ones are owners of surface of the affected land.

The Howell's are the surface and subsurface of their parcel in Section 29 and the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 32 including those lands surrounding their parcel on the East, North and West and to the west of the Biber parcel. John Biber and Terri Thomas aka Terri Biber are joint owner of the Biber Parcel and the owners of the surface and subsurface area of the S $\frac{1}{2}$ N $\frac{1}{2}$ and the S $\frac{1}{2}$ of Section 32, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31 and the permit lands in Section 6. In addition to the lands surrounding that parcel on the east, south and west.

EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19):

The Division was able to find an adequate structure agreement provided with the original application for the high-pressure gaslines present in the existing permit area.

They were provided to the Division on March 14, 2007 with the adequacy response. Copies are attached.

You state in this exhibit that structure agreements for the property fences present on and within 200 feet of the proposed affected area are included in the lease agreements with the respective owners. However, this information could not be found in the lease agreements provided to the Division.

This was my mistake, a notarized Structure Agreement for the Howell fences was provided on March 14, 2007 with the adequacy response, a copy is attached.

If the fences are not listed in the Biber Lease agreement, we will provide the necessary Structure agreements prior to mining within 200 feet of the Biber fences on the amendment parcel.

In accordance with Rule 6.4.19, when mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected area, the applicant may 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

Please provide one of the items listed above for each owner of a property fence present on and within 200 feet of the proposed affected area.

We will provide one or the other of the items noted above prior to mining within 200 feet of the fences on the amendment parcel.

ADDITIONAL INFORMATION: Prior to approval of this Amendment, you must provide the Division with proof of publication and proof of all required notices pursuant to Rule 1.6.2(1)(g).

The Notice was published on May 15, 22, 29 & June 5 the public comment period ends on June 25, 2015, attached is a copy of the Proof of Publication. The adjoining owner letters were mailed on May 15, 2015. Attached are copies of the Return Receipts cards and proof of mailing receipt for the mailed notices.

The following items are attached to this letter:

Application form - replacement pages 2 & 4
Revised Map Exhibit C
Revised Map Exhibit C-1
Revised Map Exhibit F
Revised Mining Plan page 5 & 6
Revised Exhibit L & Bond Map

Copies of old Structure agreements
Copies of old gasline agreements
Copies of Notarized Source of Legal Right to Enters - Biber & Thomas
Proof of Publication
Proof of Adjoining owner notices

The current decision deadline for this application is August 10, 2014 and Leone Sand and Gravel LLC. would prefer to keep with this timetable if at all possible. Attached is a copy of the cover letter showing that we placed a copy of this packet in the Las Animas County Clerks file copy. If you have more questions or need more information please call me at (303) 423-7297.

Sincerely,



Stevan L. O'Brian
Environment, Inc.

cc Leone Sand and Gravel LLC., Frank Leone
Amy Eschberger - via e-mail
Las Animas County Clerk.
file

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

7. **Name of owner of surface of affected land:** See Exhibit O

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

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

COUNTY: Las Animas

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

SECTION (write number): S 29

TOWNSHIP (write number and check direction): T 32 ☐ North ☒ South

RANGE (write number and check direction): R 62 ☐ 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): _____

Approximately 8 miles northeast of Trinidad, CO at 5900 ft.

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 37 min 13 sec 48.29 (2 decimal places)

Longitude (W): deg 104 min 21 sec 49.47 (2 decimal places)

OR

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

Latitude (N) _____ (5 decimal places)

Longitude(W) _____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) WGS 84 Zone 13

Easting _____

Northing _____

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 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) | | <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): _____
Scrapers, Dozers, excavators, haul trucks and front end loaders remove material and take to plant.

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

13.1 Briefly explain mining method (e.g. truck/shovel): Material is delivered to plant and stockpiled for processing
some will be sold as pit run and the rest will be processed into specification aggregates.

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).

This amendment adds 327.50 acres more or less to an existing gravel mine. The same basic method
of mining and reclamation will be used as described in the original permit application. The plant will
remain in the existing mine area and the material will be hauled to the plant using haul trucks and
scrapers.

The plan to keep the plant site and stockpile area close by the working face to reduce raw material haul distances and keep all disturbance in and around the processing area. The overburden screened from the material will then be placed on the previously mined area, topsoil and seeded as mining progresses thru the property.

Originally it was estimated that mine would last approximately 27 years but due to the demand for material and the amount of minable material it has only been 9 years. By adding this new area we expect to extend the mines life for an additional 23 years ±.

Please refer to the Mining Timetable following this text for the areas in the mine and the revised estimate on the life of the mine.

CHANGES TO MINING PLAN

The following changes are a result of the site specific conditions found on the Biber property but have no effect on area remaining to be mined on the Howell property.

The depth of the deposit on the amendment area is different then that found in the Existing permit. In this area it ranges from 5 feet to possibly 35 feet deep, along the upland deposit. No groundwater will be encountered on this area as the final area will be graded to preserve the natural drainage across the site. This mine will be a year round operation with no planned extended shutdowns. However, depending on the demand for material and market conditions, the mine may be operated on an intermittent status. It is proposed to use a floating bond on 60 acres on this operation. Reclamation will run concurrent with mining so on any given area, when mining begins reclamation will follow immediately to keep the amount of area disturbed at anyone time to the maximum proposed. It is planned that it will take approximately three to four years after mining commences on the Biber property before reclamation begins. Reclamation will be completed on the last area mined on the Howell property when the mining operation is moved to the north end of the Biber property.

It will then take between 3 to 5 years to establish the reclaimed area back to rangeland that may be considered for release by the Mined Land Reclamation Board or the Division of Reclamation, Mining & Safety. The reclamation will be an ongoing process as soon as the first section is deemed mined-out, and mining and reclamation will follow a natural progression to the south with final reclamation as the ultimate goal. The amount of

area affected at any-one-time will range between 5 to 60 acres with a maximum of 60 acres \pm .

The back sloping and final pit floor grading will be done during mining. It is planned to start reclaiming 5 acres as they are deemed mined-out. This allows the operator the allotted time to establish a planned reclamation plan and continue to mine, hence the 60 acre floating bond. As stated before, this site is on an upland terrace deposit with the following characteristics:

The areas to be mined are **MIK Midway-Ritoazul** complex, 5 to 35 percent slopes and **MnB Mananst** silty clay loam, 1 to 3 percent slopes. It is estimated that the deposit is from 5 to 35 feet deep with negligible overburden and from 6 to 9 inches of topsoil. Since the permit was originally approved in 2006 the NRCS has changed the names of some of the soil types so we have provided an updated soils report as part of this permit packet.

The stratum beneath the deposit is presumed to be sandstone, shale, or conglomerate or a combination thereof. No ground water will be encountered in this mine and all stormwater will be directed to holding ponds built on the mined area. Due to the nature of the site we will not hold stormwater past the 72 hours required by the Colorado State Engineers Office. In the past any stormwater that collects evaporates or soaks into the ground within the first 48 hours.

STAGING CHANGES

In the existing permit, Leone Sand and Gravel is committed to working in 20 acres areas sequentially around the mine in a counter clock wise direction. This was to be done, using a series of 11 Mining Areas. In the new area, we will not use areas to define mining direction or limit what area may be mined at one time. Instead we propose having no more the 60 acre maximum disturbance area as a limitation, but instead of being in a specific location and time, it will float around the mining area with the general plan to mine from north to south across the deposit. This allows more flexibility during the mines development as we will be able to mine areas that may contain specific materials needed to make a product. Since the deposit lies on a number of fingers along the east and south edges of the mesa, the plan is to start mining on the north end, work south on the main deposit and east or south, out the fingers as they are reached. This is shown on the **Mining Plan Map**.

EXHIBIT L**RECLAMATION COSTS (Revised 7/09/15)**

This reclamation cost estimate is based on the assumption that no more than 60 acres will need some form of reclamation at any one time. Of this 60 acres, 20.0 acres would be stripped, partially mined or being used as plant site area and the remaining 40.0 acres would be partially reclaimed areas. In addition, the estimate includes a 1000 feet of mine face grading (0.5:1 to 3:1) at 2.65 cyd/linear ft (15 ft high). This estimate is based on the current status at the mine as shown on the attached Bond Map. This means that 2,912 cubic yards of cut/fill sloping will be needed to knock down the mine face and 25,855 yard of topsoil/growth medium will be needed on the area to be reclaimed. We would also have to resoil, grade and shape 32.05 acres of seed bed area and revegetate 32.05 ac. ±. There is 23.85 acres that is seeded and is included in the reseeding estimate since it is not ready for release. The amount of topsoil that will be re-spread is based on an average of 6 inches. The revegetation cost figure includes fertilizer, grass seed, mulch and drilling costs. We have not included the cost to demolish concrete foundations since all of the equipment on site is portable.

A 627C Cat motor scraper or similar equipment will be used to resoil the area and a 140G Cat motor grader or similar equipment will be used to shape the seed bed, and the resoiled areas. A D8N Cat dozer or similar equipment will be used to cut down the mine face and create slopes.

RECLAMATION ACTIVITY	AREA (UNITS AC., LFT, YDS OR PIECES)
	Phase 1
RESOIL (ac)	32.05
REVEGETATE (ac)	32.05
GRADE AND SHAPE (ac)	32.05
CUT/FILL SLOPES (lft)	1,000

DATA		
EXPLANATION	QUANTITY	UNITS
Soil depth (average)	6.00	Inches
Cut/fill slope reconstruction	2.60	cy/Lft
Swell factor	1.12	
Weed control costs	\$2,000.00	Per year

EXHIBIT L**RECLAMATION COSTS (cont)****ESTIMATED UNIT COSTS FOR RECLAMATION ITEMS:**

	<u>Unit Cost</u>
1. Revegetation includes grass seed mix, mulch and fertilizer and labor to drill	\$1,000.00/AC.
2. Re-spreading soil and/or growth media with 627-E MOTOR SCRAPER, HAUL DISTANCE LESS THAN 900 . . .	60.6¢/YD ³
3. Grade and shape seed beds, 140G motor grader .	\$59.54/ac
4. Cut/fill slopes, D8N Dozer push distance less than 60 feet	41.0¢/YD ³
5. Secondary Revegetation seeding only	\$400.00/ac

RECLAMATION COSTS

1. Revegetation, 32.05 ac @ \$1,000.00/ac	\$32,050.00
2. Resoiling, 25,855 yd ³ *1.12* 60.6¢/yd ³	10,593.05
3. Grading and shaping 32.05 ac. @ \$59.54/ac	1,908.13
4. Cut/fill slopes, 2,600 yd ³ * 1.12 @ 41.0¢/yd ³	1,193.27
5. Secondary revegetation 55.90 ac x 40% x \$1000.00/ac	22,360.00
6. Weed control costs	<u>2,000.00</u>
Net Total	\$70,104.45
9. Indirect costs	
Mobilization	3,652.68
Insurance, Bond, & Profit	9,478.13
10. Administration costs	<u>3,979.13</u>
TOTAL ESTIMATE	\$87,214.39

CURRENT BOND IS \$57,664.00

RECOMMEND BOND BE SET AT \$87,200.00










EQUIPMENT LISTED IN THIS ESTIMATE IS USED FOR THE CALCULATIONS AND SIMILAR TYPES MAY BE USED IN THE ACTUAL RECLAMATION ACTIVITIES AT THE MINE.

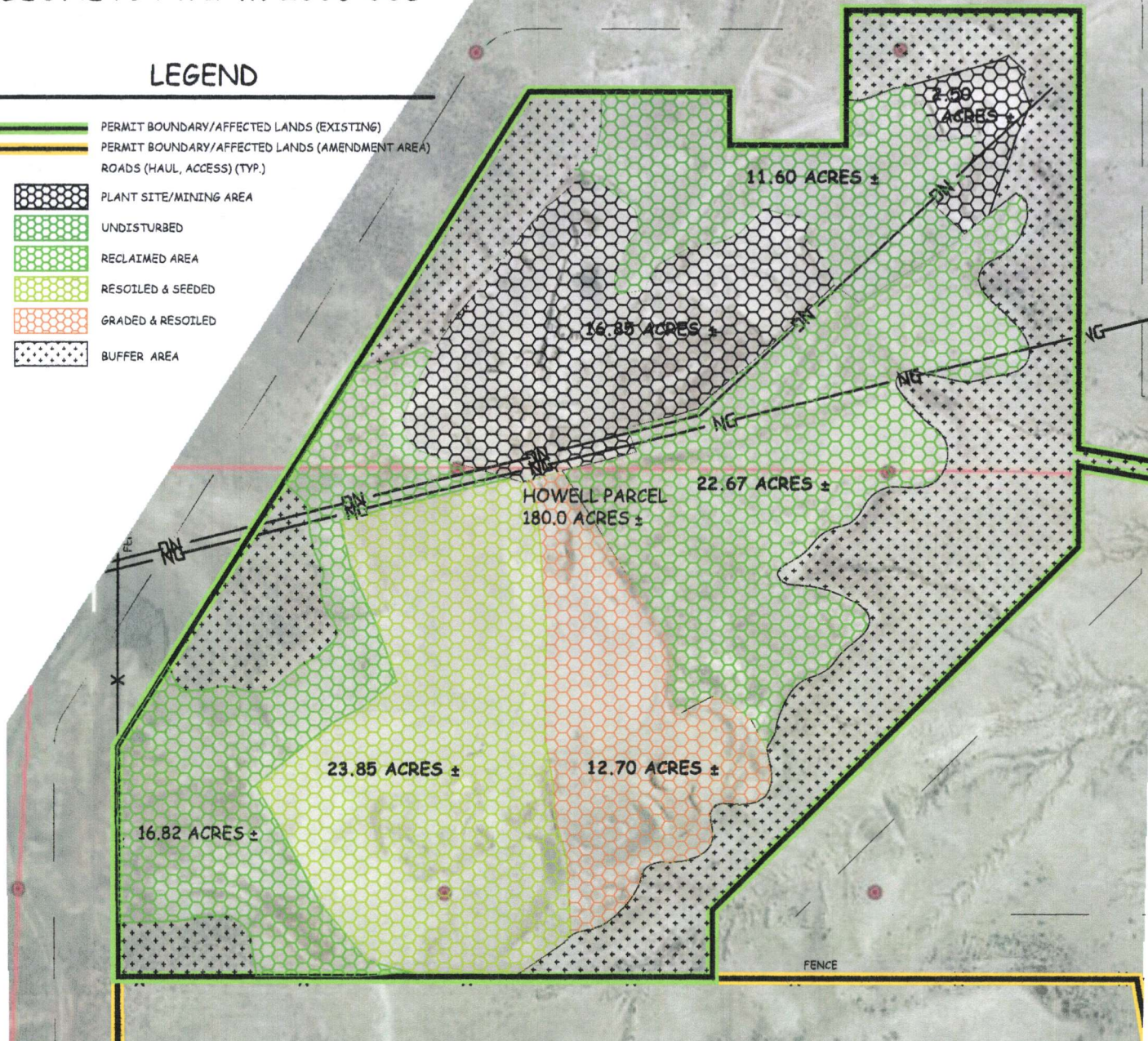
SOURCE OF FIGURED USING, CAT HANDBOOK #38 AND RENTAL COSTS FROM MEANS FOR 83% EFFICIENCY, FOR SOUTHERN COLORADO

LEONE SAND & GRAVEL, LLC
LEONE PIT #2 M-2006-085

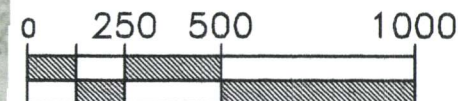
BOND MAP

LEGEND

-  PERMIT BOUNDARY/AFFECTED LANDS (EXISTING)
-  PERMIT BOUNDARY/AFFECTED LANDS (AMENDMENT AREA)
-  ROADS (HAUL, ACCESS) (TYP.)
-  PLANT SITE/MINING AREA
-  UNDISTURBED
-  RECLAIMED AREA
-  RESOILED & SEEDDED
-  GRADED & RESOILED
-  BUFFER AREA



JUN 17, 2015 - 14:16:41



SCALE 1"=500'


 PREPARED BY: **ENVIRONMENT, INC.**
 7905 VANCE DR., # 205A
 ARVADA, CO 80003
 (303) 423-7297
 environment@earthlink.net

CERTIFICATION OF OWNERSHIP

WE, RANDALL & JOYCE HOWELL, HEREBY STATE THAT WE ARE THE SOLE OWNERS
OF ALL FENCES SURROUNDING AND WITHIN SAID PROPERTY DESCRIBED,
AND THAT;

LEONE SAND AND GRAVEL SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES
TO SAID FENCES AND SHALL REIMBURSE US FOR ALL COSTS OF REPAIR.

Randall Howell
RANDALL HOWELL

Joyce Howell
JOYCE HOWELL

DATED: 12-22-06



SUBSCRIBED AND Affirmed before me
This 22 DAY of DECEMBER, 2006

Joseph P. Gagliano

NOTARY PUBLIC

MY COMMISSION Expires

DECEMBER 1, 2010

January 23, 2007



LJ Development, Inc.
Attn: Joe Gagliano
256 N. Merrill Dr.
Pueblo West, CO 81007

Re: Colorado Interstate gas Company's executed Encroachment Permit form
Leone Sand & Gravel Pit # 2 S½ of Section 29, N½ of Section 32, 32 South, 62 West

Hi Joe,

Enclosed is a copy of the executed Encroachment Permit for your records. Thank you for your cooperation in this matter. Another copy is being mailed to Leone Sand & Gravel per your request. If you have any questions, please feel free to call me at (719) 520-4713 or on my cell at (719) 659-5936. Thanks.

Sincerely,

A handwritten signature in cursive script that reads 'Stephen D. Bacon'.

Stephen Bacon
Sr. Right of Way Analyst
Colorado Interstate Gas Company

Cc: Frank Leone, Jr. -- Leone Sand & Gravel

Encl: CIG executed Encroachment Permit for mining excavation

Revision Date: 9/30/04

- ☐ Cheyenne Plains Gas Pipeline Co.
☒ Colorado Interstate Gas Co.
☐ El Paso Natural Gas Co.
☐ Mojave Pipeline Operating Co.
☐ Wyoming Interstate Company

**GAS
PIPELINE**



el paso

Permit Requested by Leone Scott & Gravel
Name L.S. Development, Inc. 70 Jon B. Gravel
Address 256 N. Merrell Dr. Pueblo West, CO
Phone (719) 240-7424 81007

Your gas company representative is Cecil Collman (719) 520-4671 cell 719-859-0635
Phone (Collect Calls Accepted)

ENCROACHMENT LOCATION					
SECTION: <u>32S</u> <u>N 1/2 32S</u>	TOWNSHIP: <u>32S</u>	RANGE: <u>62W</u>	COUNTY: <u>Las Animas</u>	ST: <u>CO</u>	PM: <u>1/22/07</u>
LATITUDE:	LONGITUDE:	LENGTH:	STATION NO:		
LINE LIST NO.: <u>200A/200B</u>	ROW WIDTH: <u>75'</u>	ALIGNMENT SHEET NO.:			
ENCROACHMENT DESCRIPTION					
<u>Mining excavation. 75' ROW to remain unchanged. Minimum 4' of cover required for equipment crossings.</u>					

One Call number for your area is (800) 922-1987

Colorado Interstate Gas Co. ("Grantor") hereby grants a permit to install, maintain and operate the above-referenced encroachment facilities ("Permitted Facility") on the above-referenced Company easement or other property ("the Property"). This permit is granted subject to the terms, requirements, and conditions shown below and strictly in accordance with the general requirements and item(s) _____ of the encroachment specifications shown on the following page(s).

DAMAGE PREVENTION: Permittee agrees that it shall not begin construction upon and along the Property until Permittee first provides Grantor with plans and specifications and until such plans and specifications have been approved by Grantor. Permittee further agrees to contact the following the statewide associations (One Call) within its area at least two working days prior to the commencement of construction on the property. Such construction shall be made only when a representative of Grantor is present at the time and place of construction. The instructions of such representative relating to the safety of the pipelines or other facilities of Grantor shall be followed by the Permittee, its agents and employees. Any damage done to Grantor's facilities incurred due to Permittee's failure to adhere to the state "CALL BEFORE YOU DIG" law, or incurred during construction of the Permitted Facility, shall be paid for or repaired at the expense of the Permittee.

This Permit shall be revocable in the event of noncompliance of any terms, requirements, conditions, and specifications hereof upon written notice given to Permittee and for owner of record.

INDEMNIFICATION: Permittee covenants and agrees to at all times protect, indemnify, hold harmless, and defend Grantor, its officers, agents or employees, from any liability or expense, including attorneys' fees, arising from claims asserted by any person or persons for personal injuries, death or property damage including but not limited to employees of the Permittee or its contractors, subcontractors or their employees, arising from or growing out of the construction, existence, maintenance, operation or removal of the Permitted Facility.

ENVIRONMENTAL AND SAFETY LAWS: Permittee shall comply with all federal, state, and local laws, rules and regulations, agency policies, guidance documents or common law including, but not limited to, those related to safety or pollution or protection of the public health and the environment that govern the emission, discharge, release, manufacture, processing, distribution, use, treatment, handling, storage, disposal, or transportation of hazardous or non-hazardous substances, materials, pollutants, contaminants, chemicals, and/or waste.

COMPANY Colorado Interstate Gas Co.

By: [Signature]
GRANTOR

1/22/2007

I acknowledge that I am authorized to execute this Encroachment Permit for the above stated entity and that I have carefully read the requirements, terms and conditions of this Permit. I also understand the provisions and prescribed penalties as provided under the laws regarding excavation.

By: Frank L. Leoneff
PERMITTEE

ENCROACHMENT REQUIREMENT

Said company is an interstate transporter of natural gas and hazardous liquids and as such, is regulated by the Department of Transportation, Office of Pipeline Safety (OPS). In some cases state and local law may exceed the federal regulations. The general requirements listed below have been designed to comply with state and federal regulations as well as insuring the safety of the public and protecting the pipeline.

The following requirements have been developed to cover a wide variety of proposed uses that may run parallel with or encroach under, over or on the right-of-way easements or other property. These minimum requirements for most proposed encroachments are incorporated into this Permit to avoid conflict with existing easement rights. Additional requirements may be required depending upon the proposed encroachments. For a review of your individual situation, please contact the nearest _____ office at _____.

GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS

A. ☐ Many states have laws which require 48 hours notice be given to the operators of underground facilities prior to beginning excavation. This may be accomplished by contacting a One Call system (check your state).

B. ☐ Company's easement restricts the placement of a structure, or any part of a structure, within the right-of-way.

C. ☐ An authorized Company representative must be on site during any work performed on or across the right-of-way, and will remain as long as power equipment is utilized.

D. ☐ The Company representative will determine the amount of cover over the pipeline that may be required.

E. ☐ Any change in the amount of existing material (soil) on and over the right-of-way must be approved in advance.

I. FENCES

A. ☐ Fence posts shall not be installed within 5 feet of the center of the pipeline, and the first post either side of the pipe shall be set in hand dug holes.

B. ☐ To perform normal maintenance, access through or around fences crossing the right-of-way must be provided.

C. ☐ Installer shall adhere to provisions A & C of GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS

II. LANDSCAPING (plantings which require excavating beyond 1 foot in depth)

A. ☐ Flower beds and shrubs are permitted within the right-of-way after Company review and approval. Heavy maintenance may require total clearing of the right of way.

B. ☐ Lawns and vegetable gardens are acceptable uses. No trees are allowed on the right-of way.

C. ☐ Provisions A & C of the GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS pertain to this type of planting.

STREETS, ROADS AND DRIVEWAYS

A. ☐ Residential or driveways intended for light vehicle access to a single family dwelling must have a minimum of 4 feet of cover over the pipeline. If heavy vehicles, such as semi trucks or construction equipment, will use the road, refer to Item E under this Section for additional requirements.

B. ☐ Driveways or roads shall not run lengthwise within the right-of-way and must cross on an angle, which is not less than 45° degrees.

C. ☐ An opportunity for Company to make a pipe inspection must be given prior to the start of any construction.

D. ☐ Provisions A, C, D & E of the GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS pertain to driveway crossings.

E. ☐ Highway, residential street or road construction requires a special encroachment agreement from the Land Department, and plans for such crossings should be submitted 90 days prior to work commencement to allow time for project impact review by the local Company office.

IV. TEMPORARY EQUIPMENT CROSSINGS

A. ☐ Normal loads acceptable to the state highway department may cross the pipeline where a minimum of 5 feet of cover is provided. Equipment such as construction, logging, etc., must cross the pipeline only at approved crossing locations where the cover has been checked and determined adequate to meet bearing load requirements.

B. ☐ Contractor shall also be required to meet Provisions, A, C & D of the GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS.

V. OPEN WATERWAYS

A. ☐ Open waterways smaller than 3 feet wide at the bottom are defined as "ditches" and must have a minimum of 3.5 feet of cover from the top of the pipe to the bottom of the ditch, or the ditch must be lined using an approved method and material. Larger open waterways are defined as "canals" and are considered on an individual basis.

B. ☐ Anyone altering (clearing, regrading or changing alignment) a waterway must obtain approval from Company prior to making changes and shall meet Provisions A & C of the GENERAL REQUIREMENTS FOR SURFACE ALTERATIONS.

VI. EXCAVATION

A. ☐ Plans for any excavation on the right of way must be approved prior to commencing work. Excavating closer than 2 feet to the pipeline shall be done by hand until the pipeline is exposed and shall be done only under the supervision of an authorized Company representative.

B. ☐ When a backhoe is used, the bucket teeth should be curled under each time it's brought back into the ditch to reduce the chance of teeth contacting the pipe.

C. ☐ Any plowing or ripping of soil on the right-of-way, including agricultural, at depths greater than 1 foot will require specific authorization from the Company.

GENERAL REQUIREMENTS FOR BURIED LINE CROSSINGS

A. ☐ All buried lines crossing Company's right-of-way shall be installed adhering to all applicable codes and requirements governing such installations.

B. ☐ All buried lines crossing the right-of-way must cross on an angle at 90 degrees or as close to it as possible. This angle must be maintained across the entire width of the easement.

C. ☐ All buried lines should cross under the pipeline. However, when obstructions or unfavorable soil conditions are encountered, or when the Company's pipeline is located at a depth greater than 4 feet, approval to cross over the line may be granted by said Company..

D. ☐ To avoid unexpected service interruptions of buried lines, crossing over Company's pipeline, a minimum of 24 inches of cover (or local minimum required depth) must be provided.

GENERAL REQUIREMENTS FOR BURIED LINE CROSSINGS CONT.

- E. ☐ All buried lines crossing the pipeline shall maintain a minimum separation of 24 inches between the two lines, and shall remain level across the entire right-of-way.
- F. ☐ No foreign appurtenances (meters, poles, drop boxes, collection basins, etc.) shall be located on the right-of-way.
- G. ☐ A six inch wide vinyl burial warning tape shall be placed 12 to 18 inches above the crossing line and extend across the entire right-of-way, as a protective measure.
- H. ☐ A joint trench is the recommended method for utilities to cross, and under normal circumstances only requires that one permit be obtained by the excavating company.

I. COMMUNICATION LINES (TELEPHONE, TV, OTHER DATA LINES)

- A. ☐ Shall meet all provisions for GENERAL REQUIREMENTS - BURIED LINE CROSSINGS
- B. ☐ Shall be encased in a rigid nonmetallic conduit across the full width of the right-of-way and buried at constant depth across the right of way(s).
- C. ☐ Fiber optic lines must be encased in PVC or equal conduit and the conduit must be encased with a minimum 5 inch red dye concrete with minimum strength of 2,500 psi across the full width of the right-of-way.
- D. ☐ There will be no intentional grounding within 200 feet of the pipeline.

II. BURIED POWER LINES

- A. ☐ Shall meet all of the GENERAL REQUIREMENTS - BURIED LINE CROSSINGS, except for item E.
- B. ☐ Shall have minimum clearances between lines of 24 inches for 0 to 600 volts; 30 inches for 601 to 22,000 volts; 36 inches for 22,001 to 40,000 volts; and 42 inches for 40,001 volts and above.
- C. ☐ In the event an underground electric line crosses the pipeline, it will be necessary to install the crossing line in pvc or rigid heavy wall steel conduit with a minimum 5 inch red dye concrete with minimum strength of 2,500 psi across the full width of the right-of-way.
- D. ☐ Signs should be placed at each edge of the right-of-way to mark the underground cable angle and path of crossing. If the underground cable crosses above the pipeline, the signs shall so indicate. These signs are to be furnished by the power company or the encroaching party.

III. SEWER AND WATER LINES

- A. ☐ Shall meet all of the GENERAL REQUIREMENTS - BURIED LINE CROSSINGS.
- B. ☐ No manholes or other appurtenances shall be installed in the right of way.
- C. ☐ Septic tanks and drainfields are not permitted in the right of-way.

IV. SUBSURFACE DRAINAGE TILE (NON-METALLIC)

- A. ☐ Shall meet provisions A, B, E, G & H of GENERAL REQUIREMENTS - BURIED LINE CROSSINGS.

V. METALLIC PIPE CROSSINGS

- A. ☐ All 4 inch and larger metallic pipes crossing Company's pipeline or any metallic pipe transporting potential hazardous material (petroleum, natural gas, etc.) shall have two corrosion test leads installed on Company's pipeline and two on the crossing pipe at the point of intersection.
- B. ☐ Company personnel must install the leads on company's Pipeline(s) and, if requested, will also install the leads on the crossing pipe.
- C. ☐ Metallic pipe crossings shall have an electrical insulation coating for the full width of the right-of-way.

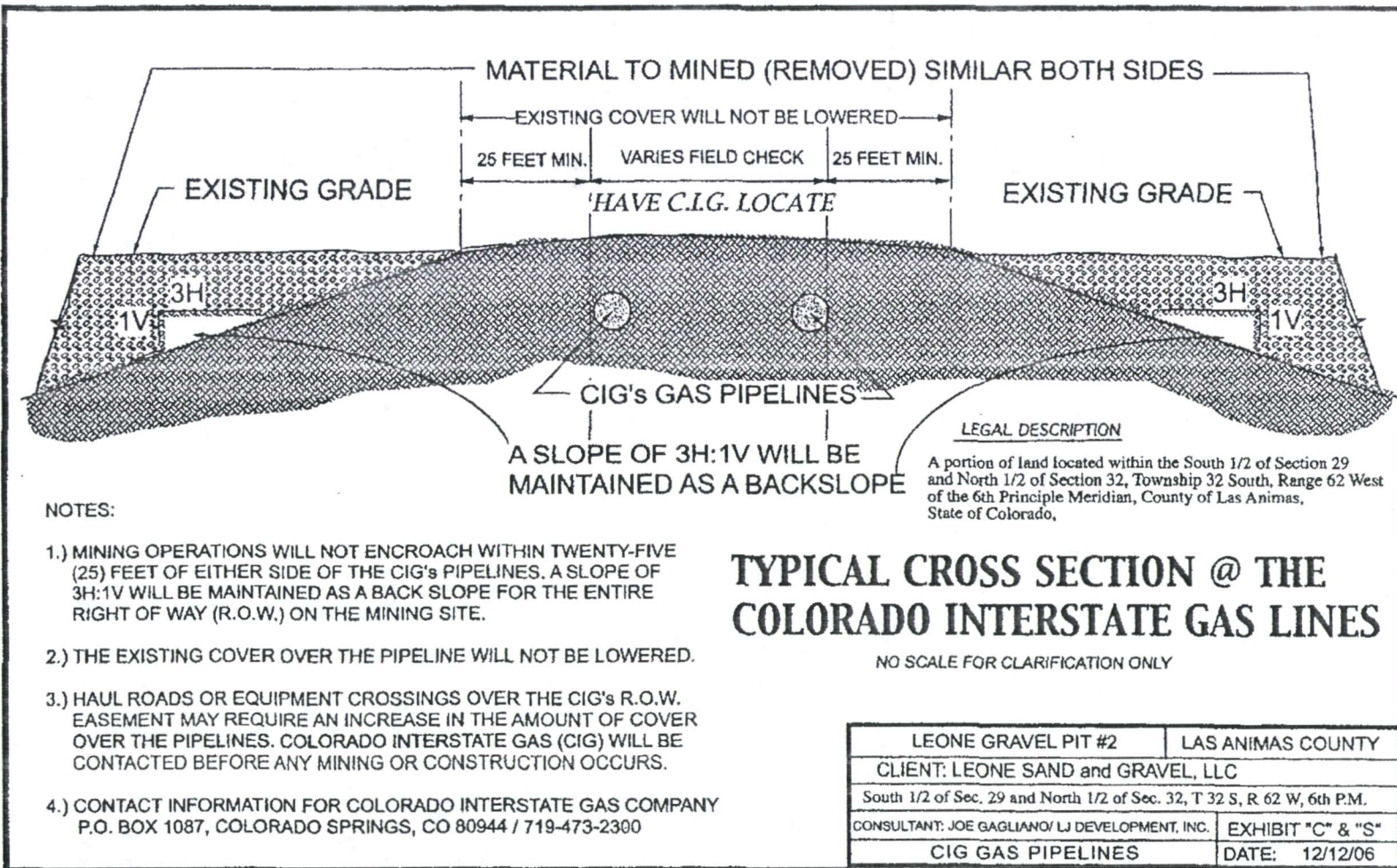
ABOVE GROUND UTILITY LINE CROSSINGS

- A. ☐ Power lines shall maintain a minimum height of 30 feet of clearance over the right-of-way grade.
- B. ☐ Shall have no poles or appurtenances located on the right-of-way.
- C. ☐ Above ground crossings shall not be above or closer than 200 feet horizontally to any gas escape vent (e.g., relief valve vent, station blowdown vent).
- D. ☐ Any pot hole (bell hole) request shall be made through a Company's representative.
- E. ☐ Any facilities laying on or just above the surface on the right of way that would impede the access of company vehicles shall have a vehicular ramp installed over the facilities.

Special provisions not addressed in this document shall be listed below or as an attachment labeled as (EXHIBIT "A") attached to this form and initiated by the Permittee.

State One Call Contacts

Arizona	(800) 782-5348	www.azbsinc.com
Maricopa County	(602) 283-1100	
California	(800) 227-2600	www.digalert.org
Colorado	(800) 922-1987	www.uncc2.org
Kansas	(800) 344-7233	www.kansasonecall.com
Nevada	(800) 227-2600	www.usanorth.org
New Mexico	(800) 321-25378 (ALERT)	www.nmonecall.org
Oklahoma	(800) 522-6543	www.callokla.com
Texas	Lone Star Notification (800) 689-8344 Texas Excavating Safety System (800) 344-8377 Texas One Call (800) 245-4545	
Utah	(800) 662-4111	
Wyoming	Wyoming One Call (800) 348-1030 Call Before You Dig of Wyoming (800) 849-2476	



January 8, 2007



L J Development, Inc.
Attn: Joe Gagliano
159 Tiffany Ct.
Pueblo, CO 81005

Re: Colorado Interstate Gas Company's comments regarding proposed Leone Gravel Pit # 2 in the S_ of Section 29 and N_ of Section 32, Township 32 South, Range 62 West.

Hi Joe,

Thank you for sending us the maps and other information regarding the proposed Pit # 2 which will affect our two 16 inch diameter high-pressure natural gas pipelines. Each pipeline has a 50 foot wide easement and a combined 75'± wide easement where the two pipelines parallel each other. Colorado Interstate Gas Company ("CIG") has no concerns regarding the proposed gravel pit as long as the following conditions are met:

- 1). Please contact Cecil Coffman (CIG Operations Representative) at (719) 520-4671 or on his cell phone at (719) 859-0635 at least 72 hours prior to any work being performed on our easements.
- 2). Based on the construction vehicle weights submitted to CIG, we will require a minimum 48 inches of over the pipelines where the construction equipment will cross the pipelines.
- 3). Leone Gravel will be responsible for mitigating any erosion problems which affects our easements.
- 4). CIG is agreeable to the grading plan affecting our easements as shown in Drawing **Exhibit "A."**
- 5). Leone Gravel will need to execute CIG's Standard Encroachment Permit prior to any work being done in our easements. Permit is attached to this letter for your review and signature.

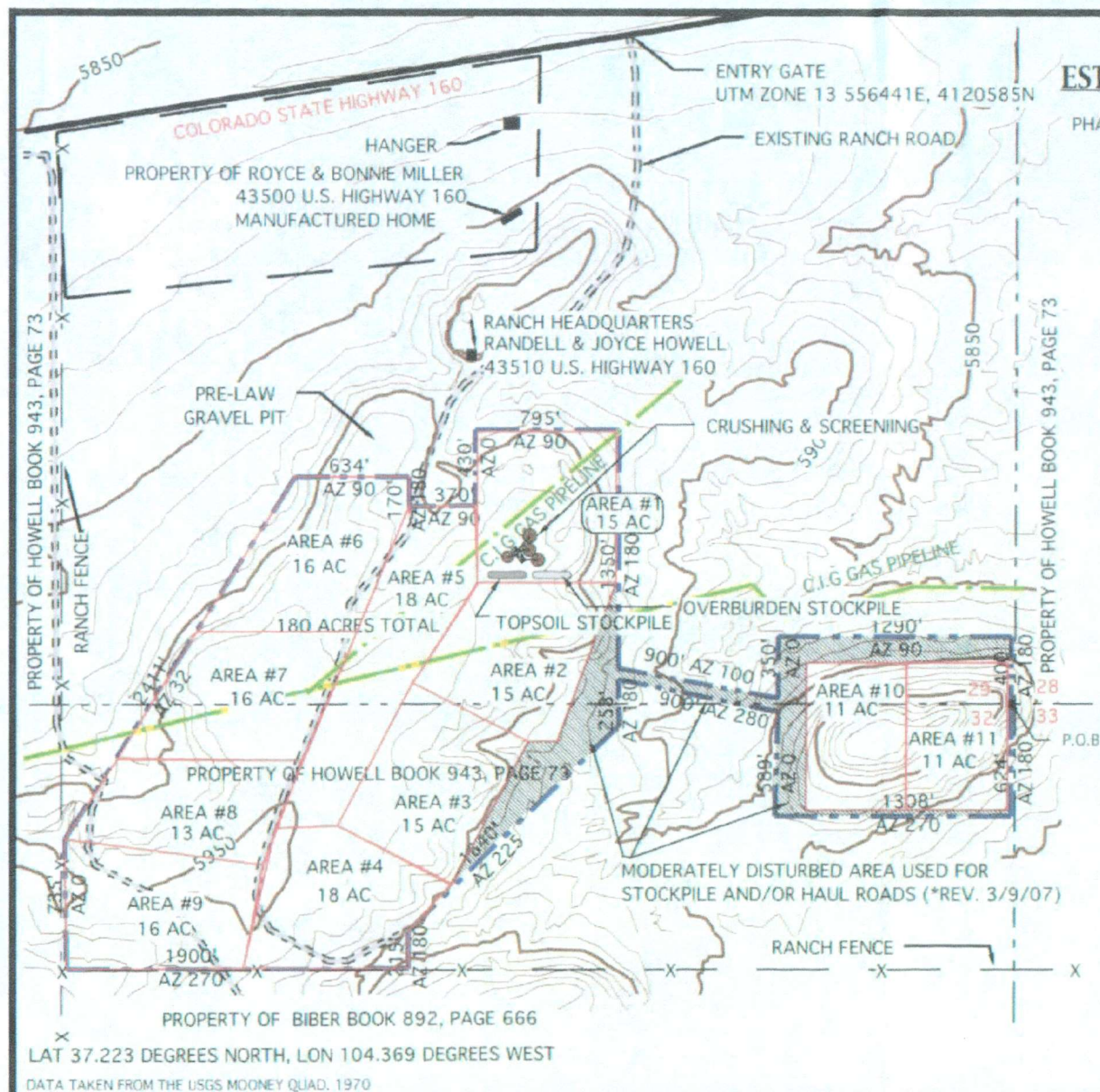
If you have any questions, please feel free to call me at (719) 520-4713 or on my cell at (719) 659-5936. You can also email me at steve.bacon@elpaso.com. Thanks.

Sincerely,

A handwritten signature in cursive script that reads "Stephen D. Bacon".

Stephen D. Bacon
Sr. Right of Way Analyst
Colorado Interstate Gas Company

Encl: Grading Profile Exhibit "A"
CIG Encroachment Permit



ESTIMATED MINING TIME TABLE

PHASE AREA NUMBER	ACRES	ESTIMATED MINING DATES
AREA #1	15	2006-2009
AREA #2	15	2009-2012
AREA #3	15	2012-2015
AREA #4	18	2015-2018
AREA #5	18	2018-2021
AREA #6	16	2021-2023
AREA #7	16	2023-2027
AREA #8	13	2027-2030
AREA #9	16	2030-2033
AREA #10	11	2033-2037
AREA #11	11	2037-2040
MODERATELY DISTURBED	16	DURING LIFE OF MINE

MAP LEGEND

- AREA # MINING AREA BY SEQUENCE & ACRES
- S.U.P. (SPECIAL USE PERMIT) BOUNDARY
- C.I.G. GAS PIPE LINES
- ===== RANCH ROADS
- X-X-X X-X-X RANCH FENCE
- MODERATELY DISTURBED AREA USED FOR STOCKPILE AND/OR HAUL ROADS (*REV. 3/9/07)

LEONE GRAVEL PIT #2 LAS ANIMAS COUNTY

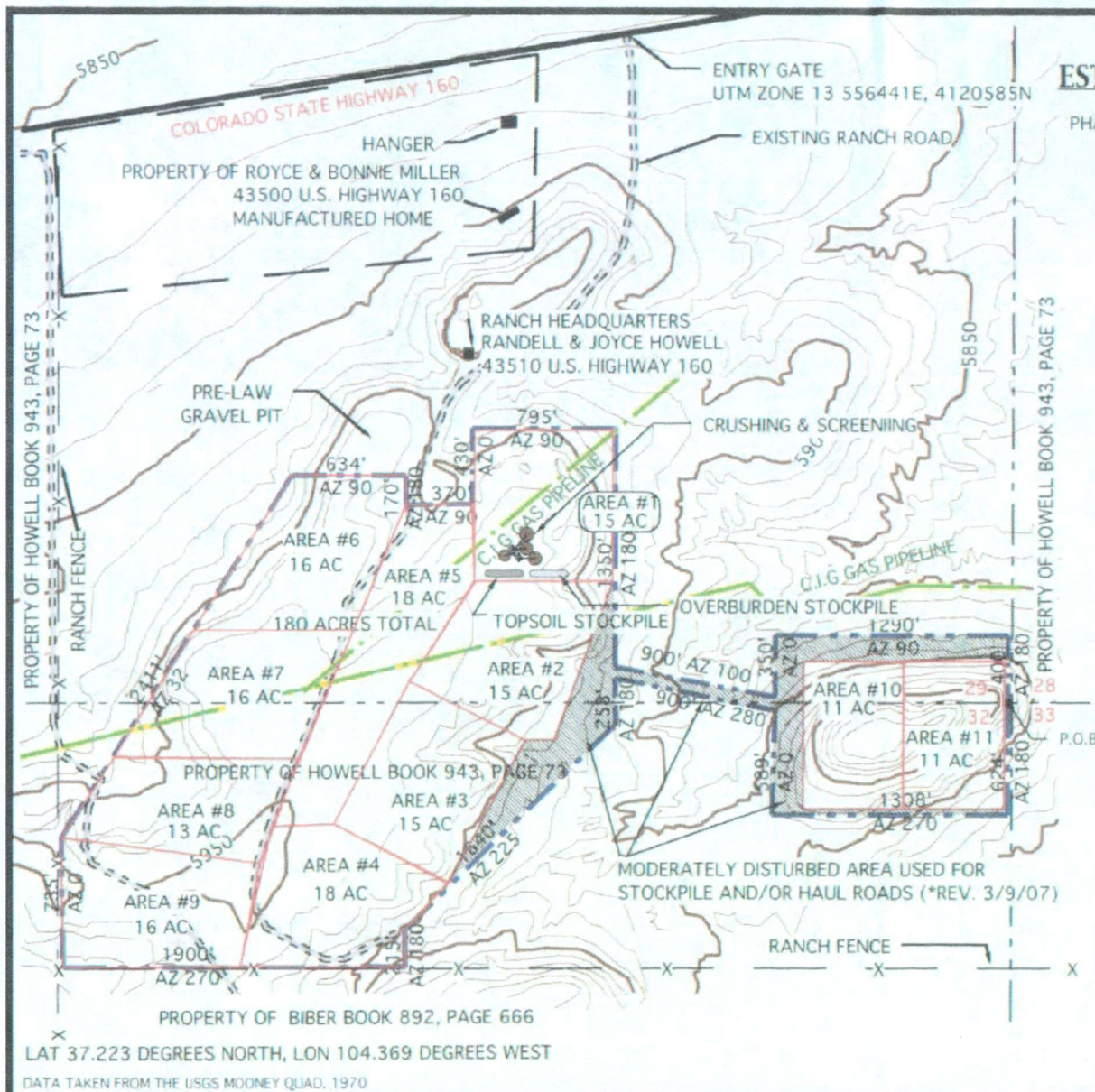
CLIENT: LEONE SAND AND GRAVEL, LLC

CONSULTANT: L J DEVELOPMENT, INC.

RECLAMATION PERMIT APPLICATION EXHIBIT "C"

PREPARED BY: J.P. GAGLIANO

MINING PLAN MAP REVISION 3/9/07 DATE: 12/08/06



ESTIMATED MINING TIME TABLE

PHASE AREA NUMBER	ACRES	ESTIMATED MINING DATES
AREA #1	15	2006-2009
AREA #2	15	2009-2012
AREA #3	15	2012-2015
AREA #4	18	2015-2018
AREA #5	18	2018-2021
AREA #6	16	2021-2023
AREA #7	16	2023-2027
AREA #8	13	2027-2030
AREA #9	16	2030-2033
AREA #10	11	2033-2037
AREA #11	11	2037-2040
MODERATELY DISTURBED	16	DURING LIFE OF MINE

MAP LEGEND

- AREA # MINING AREA BY SEQUENCE & ACRES
- S.U.P. (SPECIAL USE PERMIT) BOUNDARY
- C.I.G. GAS PIPE LINES
- RANCH ROADS
- X-X-X X-X-X RANCH FENCE
- MODERATELY DISTURBED AREA USED FOR STOCKPILE AND/OR HAUL ROADS (*REV. 3/9/07)

LEONE GRAVEL PIT #2 LAS ANIMAS COUNTY

CLIENT: LEONE SAND AND GRAVEL, LLC

CONSULTANT: L J DEVELOPMENT, INC.

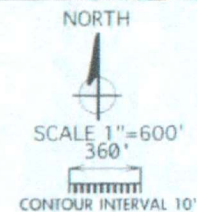
RECLAMATION PERMIT APPLICATION EXHIBIT "C"

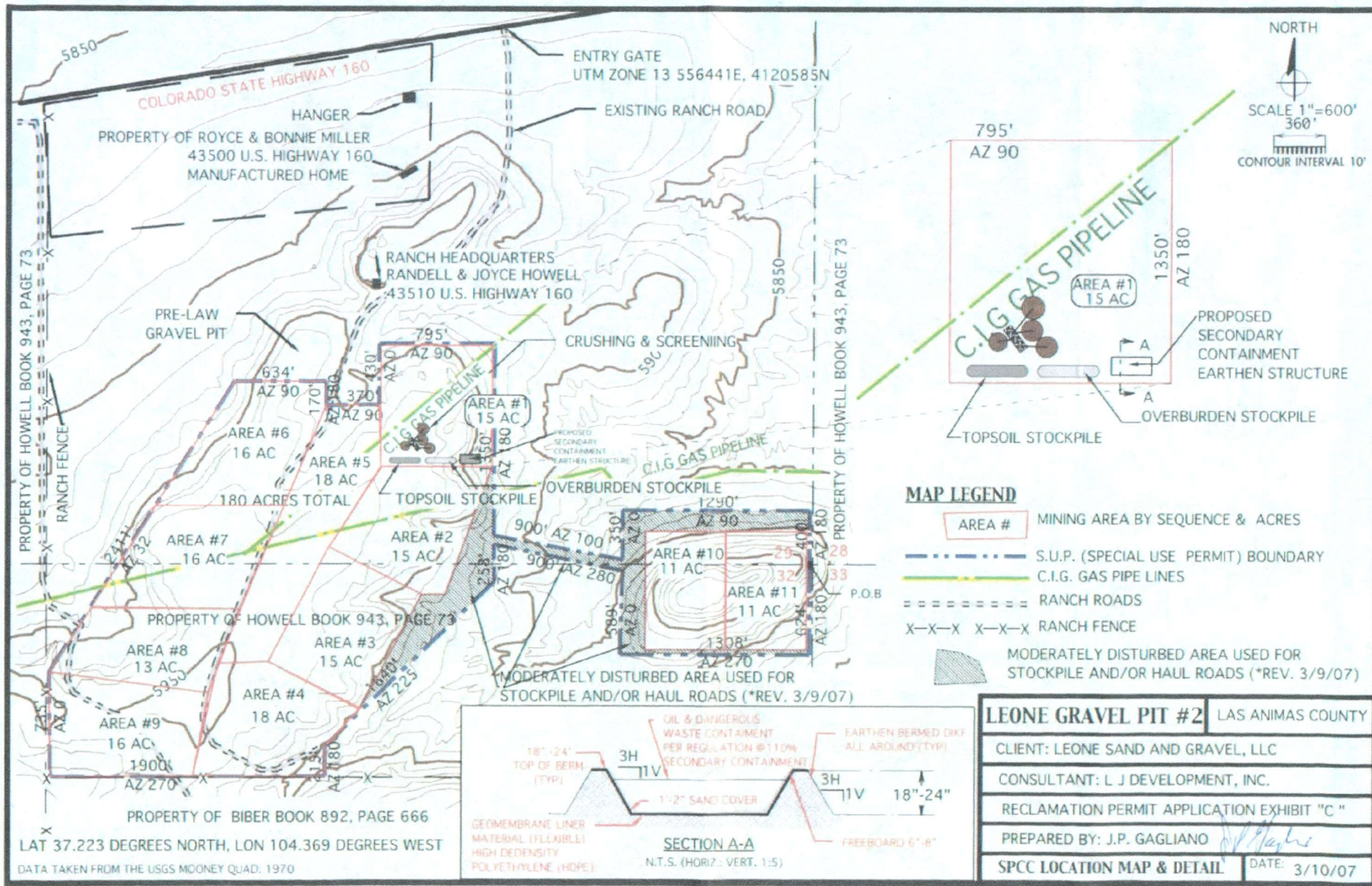
PREPARED BY: J.P. GAGLIANO

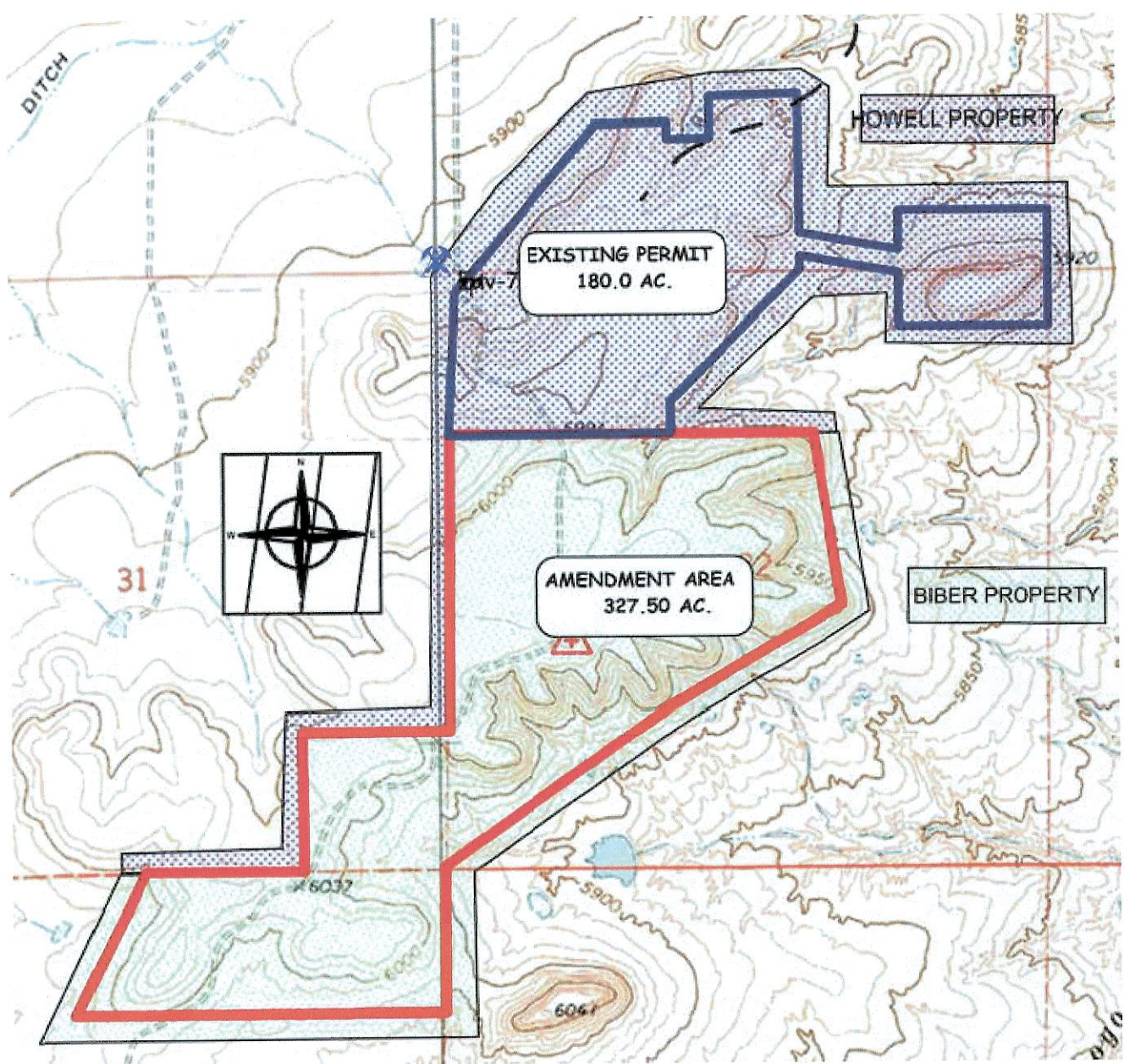
MINING PLAN MAP

REVISION 3/9/07

DATE: 12/08/06







OWNERS LIST (SURFACE & SUBSURFACE)

Randall & Joyce Howell
43510 US Highway 160
Trinidad, CO 81082

John & Terri Biber & The Stanley H.
Biber Family Trust, Ella Mae Biber Trustee
12012 Garfield,
Trinidad, CO 81082

PERMANENT MAN-MADE STRUCTURES
WITHIN 200 FEET OF MINING AREA

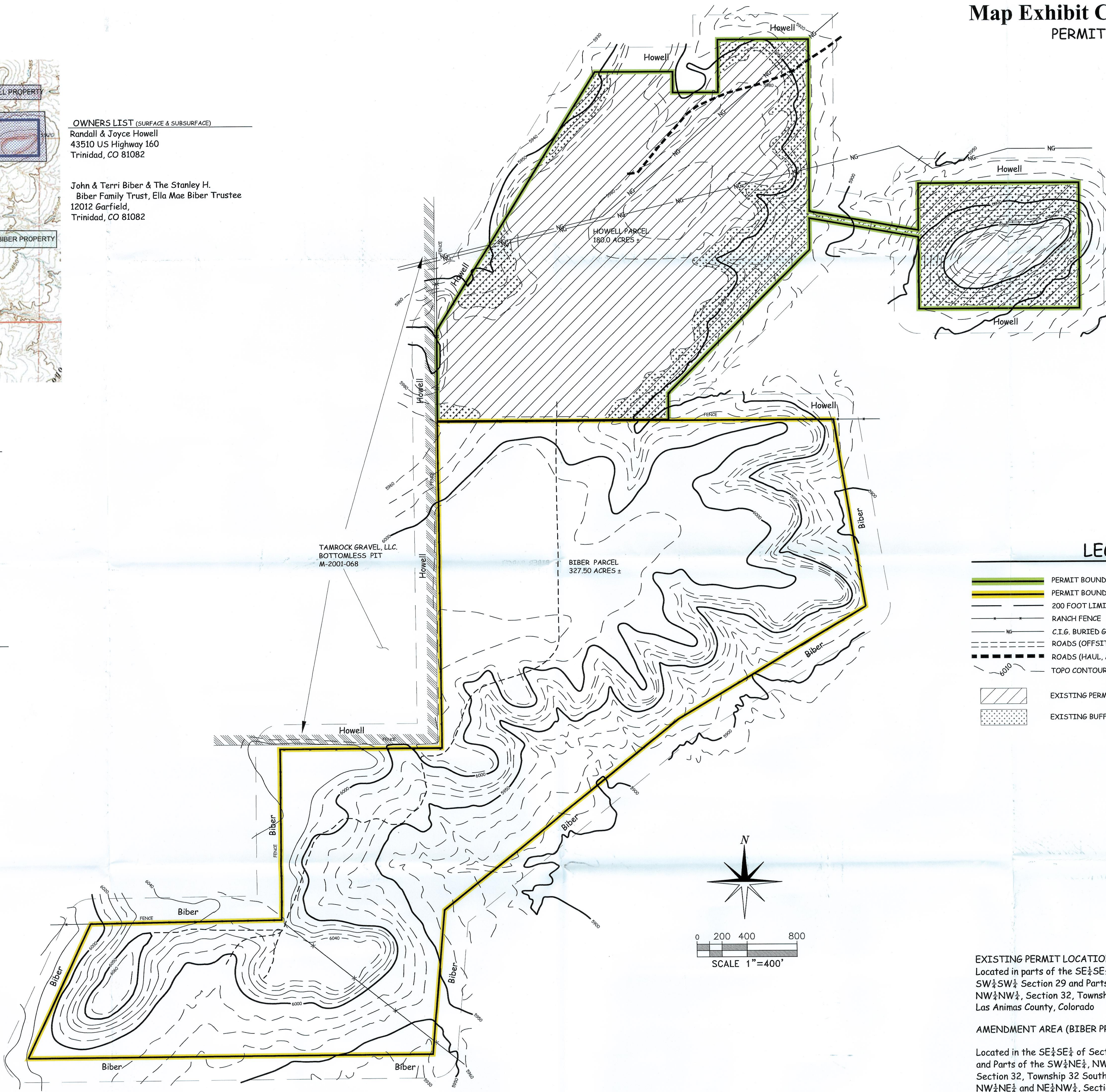
Biber Family
3 strand wire fences - covered by lease
ranch roads - covered by lease

Randall & Joyce Howell
3 strand wire fences - covered by lease
ranch roads - covered by lease

Colorado Interstate Gas
2- natural gas transmission pipelines - Agreement on file

VEGETATION SPECIES FOUND ON SITE

Alkali sacaton	Prairie sandreed
American vetch	Purple prairieclover
Blue grama	Rocky mountain juniper
Buffalo grass	Sand dropseed
Fourwing saltbush	Scarlet globemallow
Fringed sagewort	Sideoats grama
Galleta	Small soapweed
Green needlegrass	Sun sedge
Little bluestem	True mountain mahogany
Mountain muhly	Western wheatgrass
Needleandthread	Winterfat
Plains muhly	Miscellaneous perennial forbs



LEGEND

- PERMIT BOUNDARY/AFFECTED LANDS (EXISTING)
- PERMIT BOUNDARY/AFFECTED LANDS (AMENDMENT AREA)
- 200 FOOT LIMIT
- RANCH FENCE
- C.I.G. BURIED GAS LINE
- ROADS (OFFSITE)
- ROADS (HAUL, ACCESS) (TYP.)
- TOPO CONTOUR
- EXISTING PERMIT AREA
- EXISTING BUFFER AREA

Map Exhibit C Pre-Mining Map

PERMIT # M-2006-085

SHEET
1 OF 3

DATE:
04/14/2015
FILE NAME:
LSG-C-MAP
SCALE:
1"=400'
DRAWN BY:
ENV/SLO
CHECKED BY:
FL

LEONE SAND & GRAVEL, LLC
2400 East Main St. | Trinidad, Colorado 81082
phone: (719) 240-9424 | fax: (719) 583-0883

AMENDMENT OF A 112
MLRB PERMIT FOR
LEONE PIT #2

DATE:
12/28/2006
04/22/2015
07/08/2015
REVISIONS:
ORIGINAL PERMIT FILED
AMENDMENT FILED
ADEQUACY REVISIONS

PREPARED BY:
TAMROCK GRAVEL, LLC
2400 East Main St.
Trinidad, CO 81082
248-763-7637
trock@outdoors.net

EXISTING PERMIT LOCATION (HOWELL PROPERTY):

Located in parts of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 and Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 32 South, Range 62 West, 6th Prime Meridian, Las Animas County, Colorado

AMENDMENT AREA (BIBER PROPERTY):

Located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31. The NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 32 South, Range 62 West, and Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Township 33 South, Range 62 West, 6th Prime Meridian, Las Animas County, Colorado.

Map Exhibit C-1 Mining Plan Map
PERMIT # M-2006-085

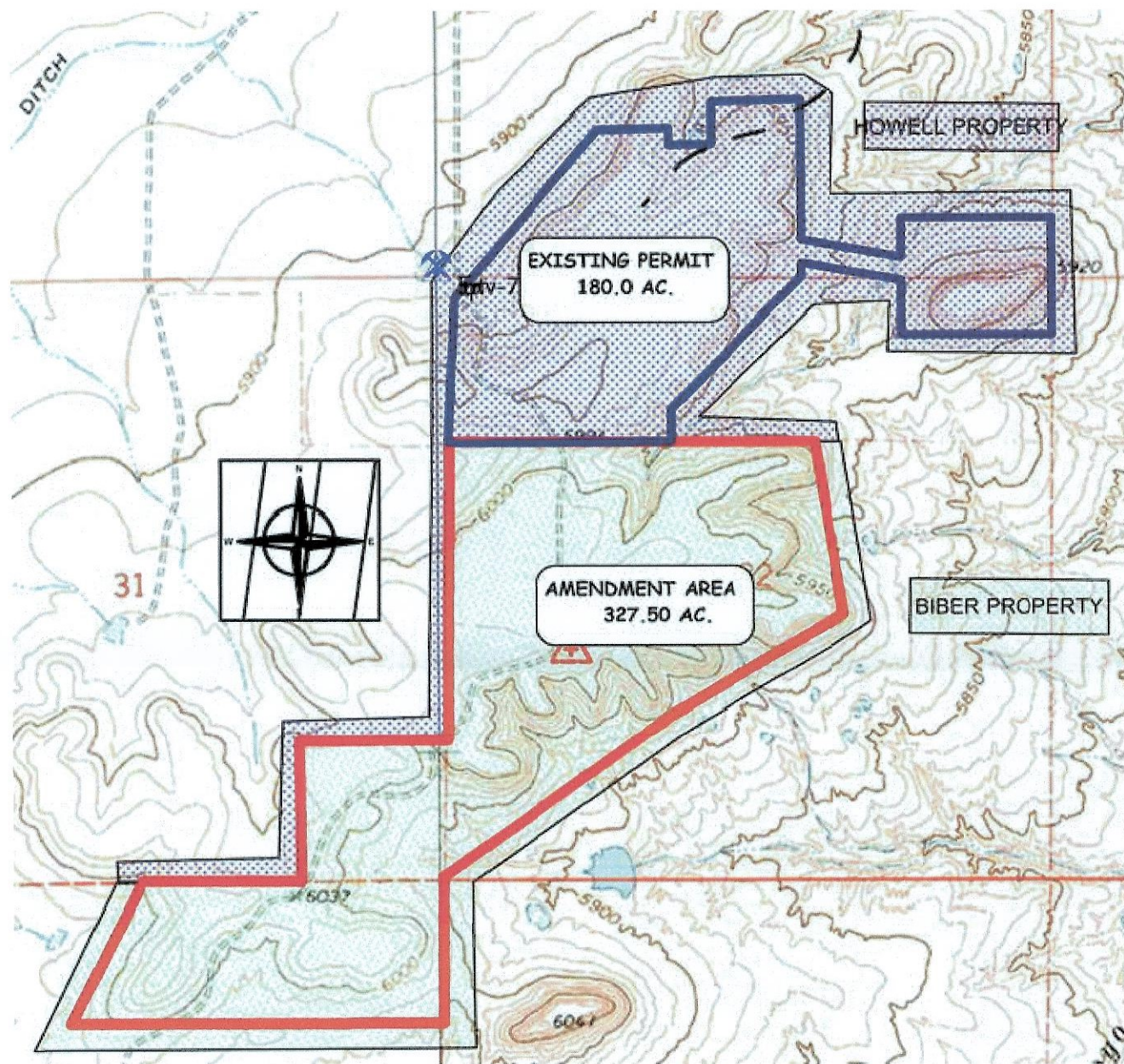
SHEET	2 OF 3
DATE:	04/14/2015
FILE NAME:	LSG-C-1-MAP
SCALE:	1"=400'
DRAWN BY:	ENV/SLO
CHECKED BY:	FL

LEONE SAND & GRAVEL, LLC
2400 East Main St. | Trinidad, Colorado 81082
phone: (719) 240-9424 | fax: (719) 583-0883

AMENDMENT OF A 112
MLRB PERMIT FOR
LEONE PIT #2

REVISIONS:	DATE:	12/28/2006
ORIGINAL PERMIT FILED	04/22/2015	
AMENDMENT FILED	07/08/2015	
ADEQUACY REVISIONS		

PREPARED BY: ENVIRONMENT, INC.
ARVADA, CO 80005
(303) 425-7597
Environment-Inc@outlook.net



OWNERS LIST (SURFACE & SUBSURFACE)
Randall & Joyce Howell
43510 US Highway 160
Trinidad, CO 81082

John & Terri Biber & The Stanley H.
Biber Family Trust, Ella Mae Biber Trustee
12012 Garfield,
Trinidad, CO 81082

PERMANENT MAN-MADE STRUCTURES
WITHIN 200 FEET OF MINING AREA

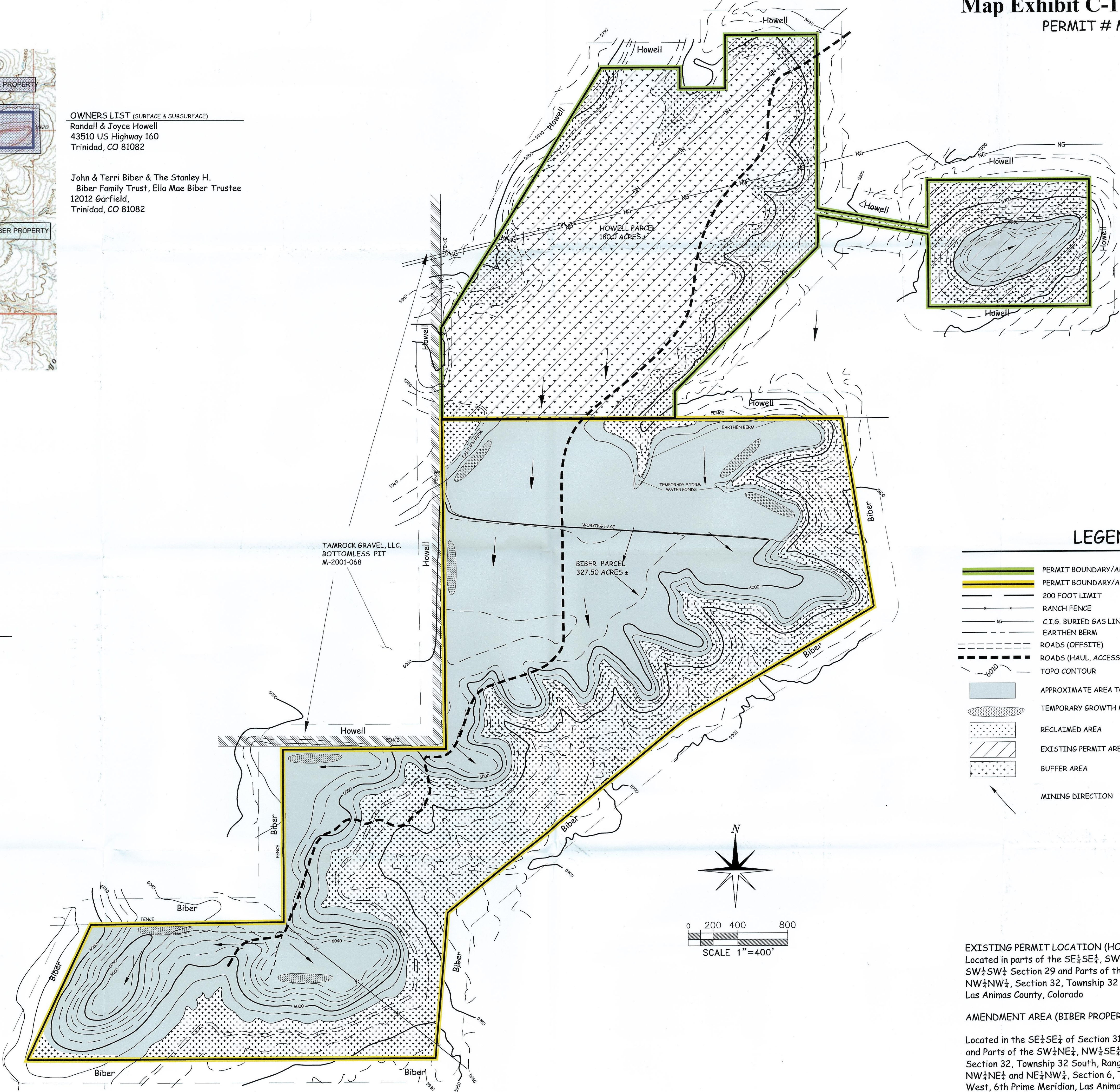
Biber Family
3 strand wire fences - covered by lease
ranch roads - covered by lease

Randall & Joyce Howell
3 strand wire fences - covered by lease
ranch roads - covered by lease

Colorado Interstate Gas
2- natural gas transmission pipelines - Agreement on file

Vegetation Species found on site

Alkali sycamore	Prairie sandreed
American vetch	Purple prairieclover
Blue grama	Rocky mountain juniper
Buffalo grass	Sand dropseed
Fourwing saltbush	Scarlet globemallow
Fringed sagewort	Sideoats grama
Galleta	Small soapweed
Green needlegrass	Sun sedge
Little bluestem	True mountain mahogany
Mountain muhly	Western wheatgrass
Needleandthread	Winterfat
Plains muhly	Miscellaneous perennial forbs



LEGEND

- PERMIT BOUNDARY/AFFECTED LANDS (EXISTING)
- PERMIT BOUNDARY/AFFECTED LANDS (AMENDMENT AREA)
- 200 FOOT LIMIT
- RANCH FENCE
- C.I.G. BURIED GAS LINE
- EARTHEN BERM
- ROADS (OFFSITE)
- ROADS (HAUL, ACCESS) (TYP.)
- TOPO CONTOUR
- APPROXIMATE AREA TO BE MINED
- TEMPORARY GROWTH MEDIUM STOCKPILE
- RECLAIMED AREA
- EXISTING PERMIT AREA
- BUFFER AREA
- MINING DIRECTION

EXISTING PERMIT LOCATION (HOWELL PROPERTY):
Located in parts of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 and Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 32 South, Range 62 West, 6th Prime Meridian, Las Animas County, Colorado

AMENDMENT AREA (BIBER PROPERTY):

Located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31. The NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 32 South, Range 62 West, and Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Township 33 South, Range 62 West, 6th Prime Meridian, Las Animas County, Colorado.

Map Exhibit F - Reclamation Plan Map
PERMIT # M-2006-085

SHEET
3 OF 3

DATE:
04/14/2015

FILE NAME:
LSG-FMAP

SCALE:
1"=400'

DRAWN BY:
ENV/SLO

CHECKED BY:
FL

LEONE SAND & GRAVEL, LLC
2400 East Main St. | Trinidad, Colorado 81082
phone: (719) 240-9424 | fax: (719) 583-0883

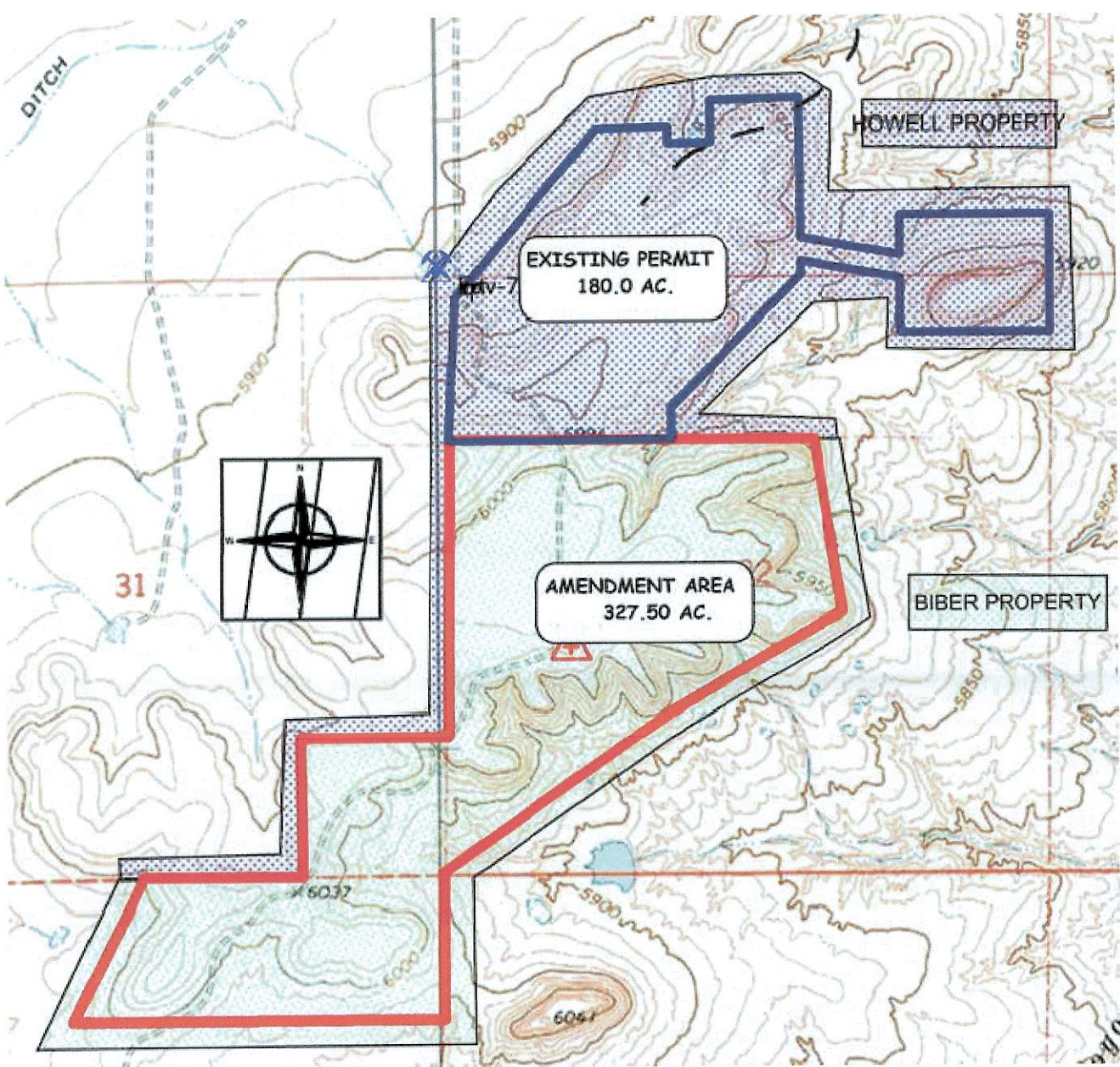
AMENDMENT OF A 112
MLRB PERMIT FOR
LEONE PIT #2

DATE:
12/28/2006
03/22/2015
07/08/2015

REVISIONS:
ORIGINAL PERMIT FILED
AMENDMENT FILED
ADEQUACY REVISIONS

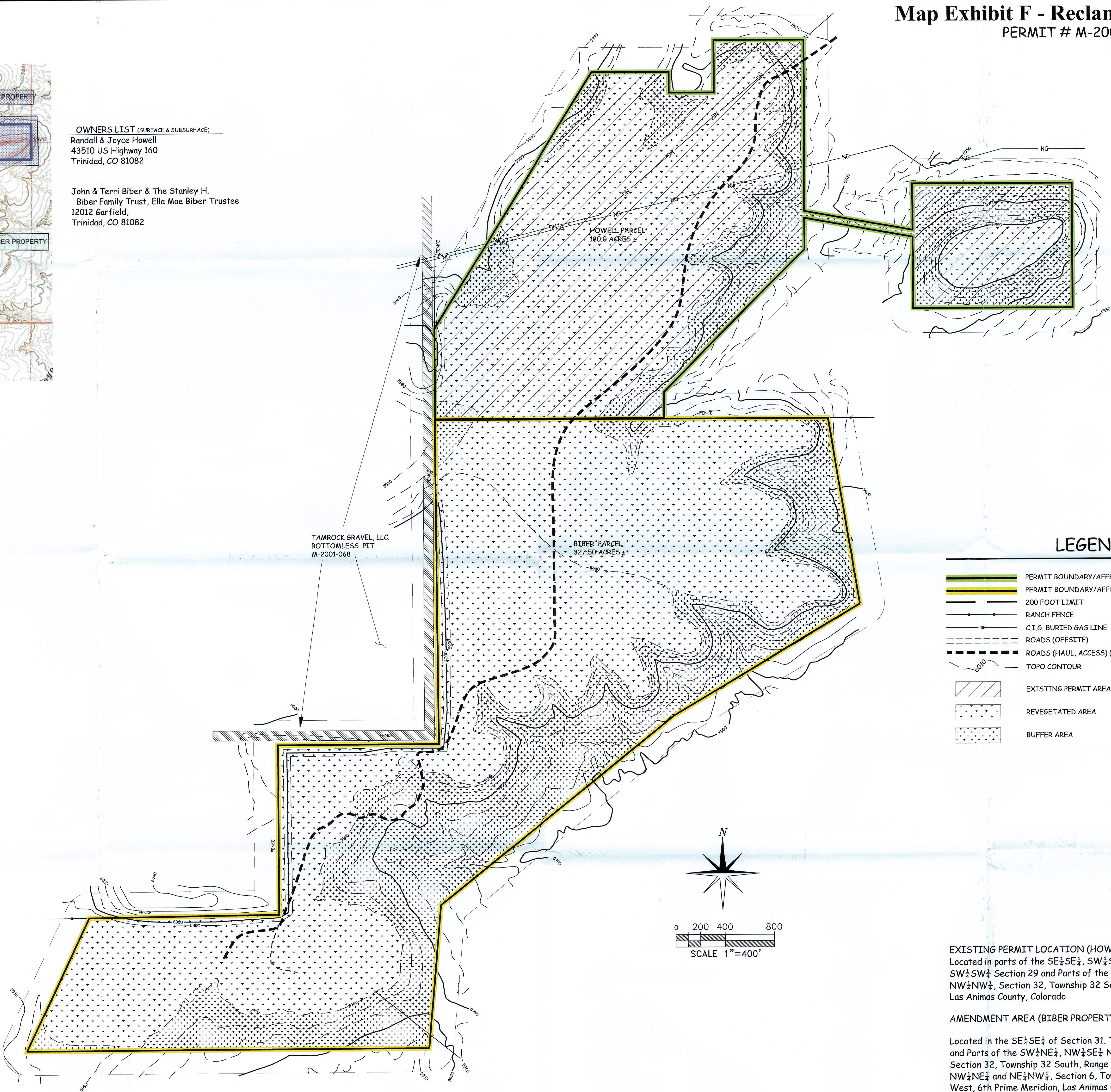
ENVIRONMENTAL, INC.
205A
LAS ANIMAS BLVD
TRINIDAD, CO 81083
(303) 423-7297
Environment-inc@outlook.net

PREPARED BY
[Signature]
[Signature]



OWNERS LIST (SURFACE & SUBSURFACE)
Randall & Joyce Howell
43510 US Highway 160
Trinidad, CO 81082

John & Terri Biber & The Stanley H.
Biber Family Trust, Ella Mae Biber Trustee
12012 Garfield,
Trinidad, CO 81082



LEGEND

- PERMIT BOUNDARY/AFFECTED LANDS (EXISTING)
- PERMIT BOUNDARY/AFFECTED LANDS (AMENDMENT AREA)
- 200 FOOT LIMIT
- RANCH FENCE
- C.I.G. BURIED GAS LINE
- ROADS (OFFSITE)
- ROADS (HAUL, ACCESS) (TYP.)
- TOPO CONTOUR
- EXISTING PERMIT AREA
- REVEGETATED AREA
- BUFFER AREA

EXISTING PERMIT LOCATION (HOWELL PROPERTY):
Located in parts of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 and Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 32 South, Range 62 West, 6th Prime Meridian, Las Animas County, Colorado

AMENDMENT AREA (BIBER PROPERTY):

Located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31. The NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 32 South, Range 62 West, and Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Township 33 South, Range 62 West, 6th Prime Meridian, Las Animas County, Colorado.


PROOF OF PUBLICATION

STATE OF COLORADO
COUNTY OF LAS ANIMAS} SS

Lauri A. Duran, of lawful age, being first duly sworn upon oath, deposes and says that she is the authorized agent of The Chronicle-News, daily newspaper of general circulation which is published and circulated in the City of Trinidad, Las Animas County, Colorado, that said newspaper is a newspaper of general circulation complying with all of the requirements of Articles I to VII, Chapter 130, 1935, Colorado Statutes Annotated, and all other laws of said State, and that said legal / notice has been so published for the period of time prescribed in said newspaper proper and not a supplement.


The attached Notice was published in said newspaper in its issue(s) dated

58031 May 15, 22, 29, 2015
 June 5, 2015



Lauri A. Duran

Subscribed and sworn to before me this
8 day of June,
A. D., 2015.


Allyson L. Sheumaker

My commission expires on August 26, 2015

PUBLIC NOTICE

PUBLISHED NOTICE OF APPLICATION AMENDMENT
FILING FOR
A REGULAR (112) CONSTRUCTION MATERIALS
RECLAMATION PERMIT

Leone Sand and Gravel LLC. has filed an application amendment to their Reclamation Permit with the Colorado Mined Land Reclamation Board under the provisions of the Colorado Mined Land Reclamation Act for the extraction of construction materials. The mine is known as the Leone Gravel Pit #2 (permit # M-2006-085) and is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31. The NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Parts of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 32 South, Range 62 West, and Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, Township 33 South, Range 62 West, 6th Prime Meridian, Las Animas County, Colorado.
The date of commencement for was mine was 2007 and the proposed date of completion December 2040. The proposed future use of the land is rangeland.
Additional information and the tentative decision date may be obtained from the Division of Reclamation, Mining & Safety, 1313 Sherman St., Suite 215, Denver, CO 80203 (303) 866-3567, at the Las Animas County Clerk and Records office, 200 East First St., #205, Trinidad, CO. 81082, or the above named applicant.
Comments must be in writing and must be received by the Division of Minerals and Geology by 4:00 p.m. on June 25, 2015.

Please note that 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 & Safety or the Mined Land Reclamation Board.

Leone Sand and Gravel LLC.
Trinidad, Colorado

PUBLISHED: May 15, 22, 29, 2015
June 5, 2015 58031



My Comm. Expires August 26, 2015

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>John Diber</u> C. Date of Delivery <u>5/18</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
1. Article Addressed to: <u>John & Tera Diber</u> <u>119 BLACK BEAR CT</u> <u>DRIPPING SPRINGS, TX</u> <u>78620</u>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<u>7011 1570 0002 1521 1419</u>			
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Daniel Howell</u> C. Date of Delivery <u>5/18/15</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
1. Article Addressed to: <u>RANDALL & JOYCE HOWELL</u> <u>43510 US HIGHWAY 160</u> <u>TRINIDAD, CO 81082</u>		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<u>7011 1570 0002 1521 1433</u>			
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

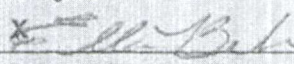
Leone Sand and Gravel LLC.

LEONE GRAVEL PIT #2

PERMIT # M-2006-085

PROOF OF DELIVERY - Adjoining owners

June 16, 2015

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: THE STANLEY Biber Trust ELLA M. Biber, Trustee 12012 GARFIELD, TRINIDAD, CO 81082		B. Received by (Printed Name) ELLA B. Biber	C. Date of Delivery
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7011 1570 0002 1521 1426	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SOURCE OF LEGAL RIGHT TO ENTER

STATE OF Texas

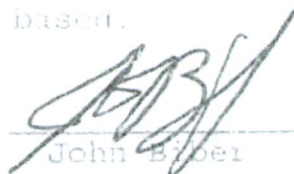
188

AFFIDAVIT

COUNTY OF Hays

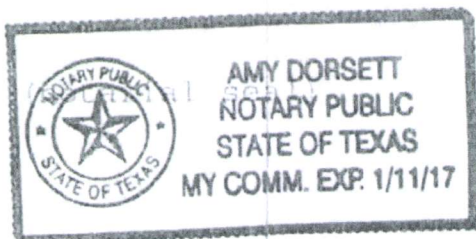
John Biber, being first duly sworn upon oath, deposes and says:

1. That the surface and mineral rights in and to the property shown on Exhibit A Legal Description attached and known as the southern parcel of Leone Gravel Pit #2 is owned one hundred percent in fee simple, by John Biber and Terri Thomas a.k.a. Terri Biber.
2. That Leone Sand and Gravel LLC., a Colorado Limited Liability Corporation, is empowered to obtain any permits with the Colorado Mined Land Reclamation Board necessary to mine the property.
3. That the Leone Sand and Gravel LLC., has the right to enter, mine, and process construction materials and used the property for auxiliary uses associated with the mining and processing of the material based.


John Biber

SUBSCRIBED and sworn to before me this 26th day of June, 2015 by John Biber.


Notary Public



My commission expires.

1/11/17

SOURCE OF LEGAL RIGHTS TO ENTER

City of Washington
County of Clatsop

AFFIDAVIT

Terri Thomas a.k.a. Terri Biber, being first duly sworn upon oath, deposes and says:

That the surface and mineral rights in and to the property shown on Exhibit A, Legal Description attached and known as the southern half of Section 34, T12N, R12E, is owned one hundred percent in fee simple, by John Biber and Terri Thomas.

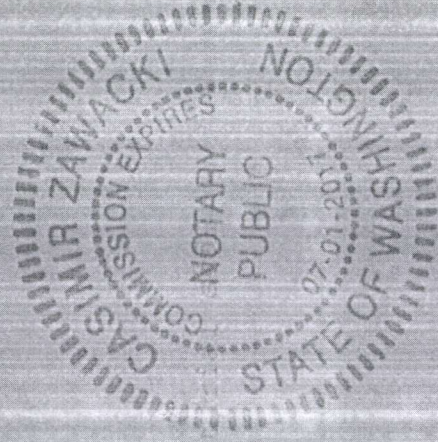
That Leone Sand and Gravel, LLC, a Colorado Limited Liability Corporation, is empowered to obtain any permits with the Colorado Mines and Reclamation Board necessary to mine the property.

That the Leone Sand and Gravel, LLC, has the right to enter the property and construct, install, maintain and use the property for all purposes associated with the mining and processing of the minerals based.

Terri Thomas a.k.a. Terri Biber
Terri Thomas a.k.a. Terri Biber

SUBSCRIBED and sworn to before me this 26th day of June
2015 by Terri Thomas a.k.a. Terri Biber.

Casimir Zawacki
Notary Public



My commission expires:

07/01/2017