



STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

Preliminary Adequacy Review - SPN Pit M2020-006

1 message

Jodi Schreiber <jodi@arycorp.com>

Tue, Apr 28, 2020 at 3:05 PM

To: "Lennberg - DNR, Patrick" <patrick.lennberg@state.co.us>

Patrick,

Please see the attached response to the preliminary adequacy review. I will not send a hard copy unless it is requested.

Thank you,



Jodi Schreiber

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"Success is not final, failure is not fatal; it is the courage to continue that counts."

-Winston Churchill



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4096K



April 28th, 2020

Colorado Division of Reclamation, Mining and Safety
Attn: Patrick Lennberg, Environmental Protection Specialist
1313 Sherman Street, Room 215
Denver, CO 80203

RE: SPN Pit M-2020-006 Preliminary Adequacy Response

Mr. Lennberg,

Please see the number responses below that correspond with the Preliminary Adequacy Review.

1. The introduction page has been updated to the correct acreage of 36.8 acres.
2. The landowner north of the site has been updated. Attached is a copy of the notice sent to the Huerfano County Water Conservancy.
3. Upon further review of the site, the powerlines are 493' away from the nearest point of the boundary. As such, no structure agreement or map notation are needed.
4. The haul road will be field fit as conditions on site allow. During planning for the site we anticipated appropriate widths from the county road entrance that will move past the stockpile areas. There is enough area for trucks to enter and exit the site as needed.
5. The slope of the highwall working face has been added to the mining map.
6. The stockpile locations have been refined with contrasting colors.
7. The blue line has been eliminated.
8. The stockpile locations are along the perimeters, as we normally do at other locations. The stockpiles help to ensure containment of stormwater and are monitored continually to ensure that they remain within permit boundaries. Fremont commits to ensuring that the stockpiles remain within permit boundaries through all mining and reclamation activities.
9. Topsoil and overburden piles will always be segregated. Please refer to Exhibit E paragraph 4.
10. The application has been updated to reflect no secondary commodity.
11. Fremont commits to planting native species as cover crop for topsoil stockpile stabilization. The seed mixture contained within the original permit application will be utilized.
12. Fremont has applied for a Special Use Permit with Huerfano County. The hearing for permit was scheduled for April, but with the government shut down it has been pushed off until normal business hours have resumed. The portable asphalt plant maintains its own APEN.
13. The approximate average height of the high wall is 15 feet, depending upon conditions.
14. The narrative was incorrect with regard to hazardous materials and has been updated.
15. Any sediment build up will be monitored regularly. If sediment inhibits infiltration, it will be removed from the pit floor and used to berm the perimeter of the site.
16. Topsoil will be replaced at a depth of 6 inches and has been corrected in the narrative.
17. The disturbed acreage has been updated in the narrative.
18. Fremont commits to planting native seed mix as cover crop for the topsoil piles for stabilization.
19. Fremont commits to utilizing two tons per acre of mulch, as stated in Exhibit E, Section 3.
20. Fremont commits to providing the Division with a copy of the soil tests if fertilizer is utilized.

ARY CORPORATION

A&S Construction Co.
Fremont Paving and Redi-Mix, Inc.
Ary Brothers Trucking, Inc.
All-Rite Paving & Redi-Mix, Inc.
Hard Rock Paving and Redi-Mix, Inc.

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21. The narrative has been updated to remove the heavy furrows.
 22. The maps and narrative now both indicate topsoil replacement at 6 inches.
 23. The narrative has been updated to reference Appendix 1.
 24. The map has been updated to include vegetation information.
 25. Through 27. The narrative has been corrected.
 28. The maximum affected/disturbed acreage will be 36.8.
 29. Please see the cost estimate below.
 30. Fremont commits to providing all permits once approved.
 31. The end date of the lease is May 2029
 32. The location of the cattle guard has been noted on the map.
 33. As stated previously, the powerline is outside the 200' limit. The county road structure agreement is attached.
 34. The updated responses will be filed with the County Clerk and Recorder's Office.
- Included below is a table showing the estimated reclamation costs of the two phases being open at any given time.

Direct Tasks	Unit	Quantity	Cost	Total Cost
Placing Topsoil/Fines				
Bull Dozer	Hours	40	\$145.00	\$5,800.00
Loader	Hours	40	\$145.00	\$5,800.00
Seeding				
Broadcasting	Hours	10	\$300.00	\$3,000.00
Seed Mix	Acre	37	\$350.00	\$12,950.00
Mulch	Acre	37	\$187.50	\$6,937.50
Tracking seed/mulch				
Dozer	Hours	40	\$154.00	\$6,160.00
Area Reclaimed	Acre	37		\$40,647.50
Mobilization Fee	Hours	1	\$100	\$1,000.00
Indirect Tasks				
Liability Insurance			0.0155	\$645.53
Performance Bond			0.015	\$624.71
Profit			0.1	\$4,164.75
Job Superintendent	Hours	40	\$88.00	\$3,520.00
Miscellaneous Indirect			0.0925	\$3,852.39
Total Bond				\$50,970.08

If additional information is necessary to complete this request, please feel free to contact me directly.

Sincerely,



Jodi Schreiber
 Chief of Operations
 719-275-3264
 719-529-0916
 jodi@arycorp.com

ARY CORPORATION

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SPN Pit

January 27, 2020

**112c Application to the Colorado Division of
Reclamation, Mining, and Safety**

Fremont Paving and Redi-Mix, Inc.

Introduction

The SPN Pit is located approximately 11.3 miles northwest of Walsenburg, CO and 4 miles east of Badito, CO both in Huerfano County at an elevation of 6270 feet. The property and mineral rights are owned by Barbara P. Razey and Louise Arlene Pino. A lease to mine and sell the gravel resource is secured with Fremont Paving and Redi-Mix, Inc. The SPN Pit will be operated by Fremont Paving and Redi-Mix, Inc.

The permit area will include 36.8 acres.

EXHIBIT A

LEGAL DESCRIPTION

The site is approximately 11.3 miles northwest of Walsenburg, CO and 4 miles east of Badito, CO. The property is bounded by dry rangeland in each cardinal direction. A dry arroyo exists to the north and the property owner will retain their structures in the northwest corner of the parcel. The main site access is located at the northwestern corner of the site and runs just north of the property owner's structures and is shown on Maps in Exhibit C. A general location map is enclosed as Map B.

The total permit area is 36.8 acres.

1. Legal Description

A tract of land located within the north half of both the NW and NE quarter-quarters of the NW quarter of Section 6, Township 27 South, Range 67 West of the 6th Principal Meridian of the County of Huerfano, State of Colorado and having an area of 1,603,008 square feet, 36.8 acres.

The pit can also be described as being located at with a mine entry location of:

Latitude 37.735441

Longitude -104.939718

EXHIBIT B

LOCATION MAP

EXHIBIT C

PREMINE AND MINE PLAN MAPS

EXHIBIT D

MINING PLAN

1. General Mining Plan

Exhibit C maps show the current conditions of the SPN Pit. Mine access is via County Road 614 and runs directly north of the property owner's housing structures. The site is bound by 4 or 5 strand barbed wire fence along all sides. A small scrap yard is located near the northwest corner of the site and along the northern border of the site. All scrap and vehicle material will be removed prior to initiating mining and disposed of at the wish of the property owner and in a certified and lawful way. All soils contaminated by equipment within the scrap yard will be collected and disposed of in a lawful way.

The geologic unit to be mined is a gravel deposit of roughly 10-foot thickness with the thickest portions of the deposit found in the northern extents of the site. Underlying the gravel is Cretaceous Pierre Shale to a depth >100 feet. Actual mining depth will reach approximately 15 feet below the current ground surface and includes the full depth of the 10-foot gravel deposit and overlying variably thick overburden and topsoil. Mining will occur as one phase that advances from west to east. Exhibit C shows the Mining plan and F features the Reclamation plan.

In general, the site will be mined by first excavating 4-6 inches of topsoil and underlying variably thick overburden. Excavation will occur via front-end loaders, excavators and bulldozers. Overburden is believed to range in thickness from 3 to 5 feet thick with a minimum average thickness of 3 feet across the site. Overburden consists of variable compositions of poorly graded fine to coarse grained sand and loam.

Topsoil and overburden will be carefully segregated during excavation and will be stockpiled in two main areas as mining progresses through the site. As mining progresses forward, stockpiled overburden and topsoil will be used to reclaim the previous mined areas of the site. Therefore, reclamation will occur concurrently with mining and will be completed to create a final 3H:1V slope as shown on Exhibit F. Stockpiles will be minimal in duration and if possible.

After overburden is removed, the gravel resource will be mined by the 'dozer push down' style which inherently results in 3H:1V slopes. Therefore, the maximum active highwall will be ~400 feet long and bound on either side by 3H:1V slopes.

Excavated gravel will be loaded into a portable crusher/screen plant where various sizes of product will be created and sorted into separate size-dependent stockpiles. Maximum processing is approximately 5,000 tons per day. The crushing operation and processed stockpile locations may change during the mine's life as mining proceeds across the mining area

Normal groundwater levels are known to be greater than 30 feet below the current pit floor. No water will be encountered in the operation as mining depths will not exceed 15 feet below the current ground surface. However, in the unlikely event that water is encountered during mining, excavation will immediately stop and the area will be backfilled with at least 2 feet of overburden to cover any exposed water. No pit dewatering will take place as the groundwater table is below the bottom of the pit elevation.

Mining activities are expected to occur all months of the year and processing operations that include screening and crushing of gravel will occur concurrently. Mining of the deposit will occur to the limits shown in Exhibit C. Expected annual average production is <70,000 tons. Actual production rates will fluctuate based on market conditions. Raw material will be processed and sold as various products: crushed rock, chips, road base, concrete, and asphalt. "Naturals" or sandy fines from the screening operation will be mixed into overburden and are expected to make up approximately 10% of the raw material mined. No dump will be necessary or utilized as no waste beyond crusher fines will be generated.

Topsoil and overburden from newly disturbed areas will be used to reclaim mined out areas; therefore, total site disturbance will be minimized as reclamation will occur concurrently with mining. This will reduce material moving as well as reduce the maximum area to be reclaimed; maximum disturbance is discussed in Exhibit L.

2. Mining Timetable

Projected average annual production for the SPN Pit is <70,000 tons per year. It is currently estimated that 503,500 CY of gravel are available to be mined within the SPN Pit. Mining will be completed based on market conditions; therefore, with an average estimate of 503,500 CY of gravel available mined at a rate of 69,000 tons per year, mining of the SPN Pit resource will occur over 10 years and will be projected to be completed by 2030 with final reclamation to be completed by 2031. However, the site has potential to exist over a longer time frame if mining occurs at a rate much lower than 70,000 tons per year and will be dictated by market conditions.

The mining schedule is planned to minimize disturbance by reclaiming mined-out areas as new mining areas become active to the east. Note: If large contracts are awarded to the site, production could increase and reduce the life of the pit. On the other hand, if contracts are less than anticipated, the life of the pit could be extended.

3. Mine Facilities and Operation

It is extremely unlikely that any toxic or acid-producing materials will be encountered during the mining operation as the site was historically rangeland. However, in the event that such materials are encountered, they will be covered with subsoil and topsoil from onsite stockpiles to the same depths outlined in the reclamation plan and no more mining will occur in the area.

An approximately 1.5-acre processing area will begin in the northwest corner of the site directly east of the property owner's structures. Aggregate processing equipment is portable, and the processing area may move and follow active mining throughout the site. 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. A summary of equipment and related tanks that may exist on site at any given time is listed below.

- A portable asphalt plant with associated tanks
- A portable concrete plant with associated tanks
- Truck scales
- A portable office trailer
- Equipment parking and maintenance
- Overflow resource stockpiling
- A portable crusher with associated tanks
- Active pit serving as a stormwater settling pond
- 250 gallon diesel fuel tank in secondary containment (110% of tank capacity)
- 1,000 gallon water tank used for dust suppression
- Portable lights with a generator for emergency after hours maintenance support

The following list is the best estimate of equipment that will be used onsite throughout the mine life:

- 1-2 Front end loaders
- crushing and screening plant
- 1-2 D-10 Bulldozer
- 1 4000 gallon water truck
- off-highway road haul trucks (number will depend upon production needs)
- 15 and 24 ton on-road haul trucks (number will depend upon production needs)

A portable asphalt plant may be erected on the site periodically. Material crushed and stockpiled on site may be used for asphalt production. Asphalt production may occur only during the warm season months of April through October. Components associated with the portable asphalt plant include:

- Liquid asphalt storage
- Aggregate feed bins
- Mixer
- Conveyors
- Lime silo
- Truck loading equipment
- Power supply and distribution

All fuel tanks will have secondary containment. Some are double walled; others will be located within bermed or lined areas that have over 110% of the volume of the largest stored tank. Fuel tanks will be in the processing area. No hazardous materials will be stored onsite throughout the project.

Existing 4 or 5-strand barbed wire fences border the entire site. Fencing will be installed clearly segregating the mining area from the property owner's un-mineable portions of the site. The Operator commits to clearly marking the permit boundary on all sides. Speed limits and other traffic control signs will be found throughout the site and around the operation area. No problems are expected with vandalism.

The site will use existing county roads to access the site and deliver processed material to the market. Unimproved on-site roads are temporary and will change as mining progresses to the east. An onsite access road will border the northern edge of the property when mining reaches the eastern more portions of the site. This will allow for maximum acreage reclamation concurrent to mining in the western and southern portions of the site. The onsite haul road will be watered, as needed, to minimize dust from hauling. Stormwater drainage on the onsite haul road will be manipulated to direct all stormwater to the active working area by berms and furrows that border the southern edge of the east-west oriented haul road

After passing the property owner's structures, haul trucks will turn south along County Road 614. Transport south will follow County Road 614 until it reaches State Highway 69. The onsite road will move and is currently an unimproved road that will be graveled prior to hauling; County Road 614 is a gravel road without shoulders; and Colorado State Highway 69 is a paved road without shoulders. No sidewalks are adjacent to any roads. The onsite haul road will not remain post- mining and will be reclaimed to the same standard as the rest of the site.

No formal sediment settling pond or sump will be located on site; however, the nature of

mining leads to a depressed mined basin surrounded by site perimeter and pit specific isolation berms. Therefore, no stormwater or process water will leave the site and all runoff from a 100 year 24- hour rain event will be trapped on site and waters will infiltrate the pit floor within 72 hours.

Onsite drainages will not be directed off any highwall into the pit. Excepting the highwall, slopes in the area of drainages will be maintained at or shallower than 3H:1V; easily achievable due to the slope's resultant of the dozer push-down mining style. As no stormwater will leave or is anticipated to leave the site, a CDPHE Storm Water Discharge permit is not required. Additional calculations for stormwater are presented in Exhibit G - Water Information.

4. Topsoil and Overburden Handling

Topsoil ranges from 4 to 6 inches thick on site, 5 inches is the anticipated average and 6 inches will be applied in reclamation. Both topsoil and overburden are used on site for reclamation of mined out areas. If the SPN Pit needs to store topsoil, overburden, or waste fines in a berm, material piles will be either within the footprint of the current pit or along the western perimeter of the site. Topsoil stockpiles will be constructed to 3H:1V slopes and overburden piles will have 3H:1V slopes.

Anticipated topsoil to be removed and stockpiled in undisturbed future mining areas amounts to 16,785 CY and is equal to the amount required during reclamation of all disturbed areas with a topsoil application of 6 inches. Anticipated overburden in all unmined areas to be removed and stockpiled totals to 151,065 CY and is equal to the required volume needed for reclamation of all disturbed areas with a replaced overburden depth of 3 feet. These are estimates based on the NRCS soils report and average known topsoil and overburden depths.

5. Schedule of Operations

Mining, screening and processing will be conducted with portable equipment at various times of the year. Product will be sold throughout the year. Night mining will not occur; although minor truck activity or repairs may occur after daylight hours.

6. Huerfano County Impacts and Environmental Impacts

The impacts to Huerfano County will be limited. No dust is expected from the operation as the pit and roads are watered as needed. If airborne dust is observable, immediate action to mitigate dust via roadway wetting and a slowdown of production will be initiated and sustained until airborne dust is mitigated. Water used is purchased and brought on site and applied on an as-needed basis to control dust on haul roads and within the mine area.

EXHIBIT E

RECLAMATION PLAN

1. General Reclamation Plan

The total disturbed area to be reclaimed under this permit will be up to 38.6 acres. Post-mining land use will return the entire disturbed site back to dry rangeland with native grasses on all slopes and is consistent with existing land use in the area. All slopes will be reclaimed to 3H:1V or shallower. As described in the mining plan, reclamation will occur concurrently with mining. Overburden will be pushed at a 3H:1V slope to the adjacent phase in reclamation resulting in only 15 vertical feet of active 3H:1V dozer pushed down highwall at any given time. No more than 400 lateral feet of highwall will remain in need of knockdown at any time.

Topsoil and overburden from the current mining phase will be used to reclaim the previous mined out phase. A front-end loader and dozer will be used to place and distribute overburden and topsoil throughout the site.

By using onsite stockpiled materials and completing reclamation of mined areas concurrent with active mining, the distance that topsoil and overburden is transported, as well as the amount of material to be rehandled, will be minimized. Additionally, mined and unreclaimed acreage will be minimized and will make the worst-case reclamation area smaller thus decreasing the required bond. The internal haul road will be reclaimed at the end of the mine life.

2. Reclamation Timetable

Reclamation will take place concurrently with mining with an additional estimated 6 months of reclamation commencing after mining is completed. Mining is projected to be completed by 2030. Therefore, final reclamation and bond release is expected to be completed by 2031 or within 11 years. However, as stated above, mine life will be dictated by market conditions.

3. Revegetation Plan

For each area of reclamation, soil may be disked to loosen surficial soils. Due to the mild grade, seed can be drilled in most areas, but broadcast seeding will be utilized where reclaimed perimeter slopes do not allow drilling. The seed mix listed below will be used to revegetate the site with a native grass mix on all surfaces. Certified weed free mulch may be crimped into the surface at two tons per acre. Fertilizer may be added as determined by a soil test at the time of seeding. Seeding will take place during the fall following retopsoiling of slopes. Slopes will be regraded, backfilled, and retopsoiled as soon as they are able to be reclaimed and as additional mining areas become active.

3.1 Native Grass Seed Mix

<u>Species</u>	<u>Pounds of pure live seed per acre (drilled)</u>
Blue grama	1.8
Western wheatgrass	9.6
Sideoats grama	1.8
Needle and thread	2.2
Indian ricegrass	1.2
Little bluestem	0.7
Galleta grass	0.4
Green needlegrass	1.0
Total	18.7

Broadcast seeding will be done at double the drill rate.

4. Post-Reclamation Site Drainage

Exhibit F Map shows arrows indicating the approximate direction of drainage throughout the site. Final reclamation surfaces will be graded such that drainage waters flow in a similar path to the original path; however, the majority of surface water will infiltrate the porous and dry landscape within 72 hours.

5. Weed Control

Measures will be employed for the control of any noxious weed species. The objective of this weed management plan is to control undesirable plants on the SPN Pit site. Plants identified through the Colorado Noxious Weed Act (C.R.S. 35-5.5) and the Huerfano County Noxious

Weed List as undesirable and designated for management within the County will be removed. Plants identified as noxious weeds will be managed by control measures. A Weed Control Plan will be utilized as follows:

- 1) A yearly weed survey will be taken of the permit area.
- 2) If any weedy patches or noxious plants are identified, mechanical methods of removal approved for use by the weed control staff of Huerfano County will be used.

All areas of the mining operation will be monitored closely throughout the year allowing the Operator to determine if any additional weeds become present. If any new weed species are found, Huerfano County and the Division will be consulted to formulate the best plan to mitigate the new infestation.

3 Revegetation Success Criteria

Areas will be deemed adequate when vegetation is established to control erosion and noxious weeds are not present in any significant amounts and all the conditions of Rule 3.1.10 are met.

4 Monitoring Reclamation Success

Monitoring reclamation on an ongoing basis will allow minor revisions to assure efficient and successful reclamation. The Operator plans to use the local Natural Resources Conservation Service (NRCS) office to assist in determining the ability of the reclaimed land to control erosion.

EXHIBIT F

RECLAMATION MAPS

EXHIBIT G

WATER INFORMATION

1. General

Pre-mining current conditions of the site include dry rangeland and native grass vegetation. No known canals or ditches occur adjacent to the site; however, a dry arroyo runs east-west to northeast along >150 feet north of the permit boundary. The Pino Ditch runs east-west approximately 650 feet north of the site and the Dog Springs Arroyo runs southwest-northeast 250 feet south of the southeast corner of the site. Due to the orientation of the Dog Springs Arroyo relative to the permit boundary, the Arroyo is within 1,600 feet of the southwestern corner of the permit area.

The closest major water of the U.S. is the Huerfano River, <0.4 miles to the north of the site. The site is outside of FEMA identified floodplains. Additionally, the site is >40 feet higher in elevation than the Huerfano River valley and as mining depths will not exceed 15 feet below the present surface, the Huerfano River will never enter the mine site. Surface water flows will be limited, and surface waters are expected to infiltrate prior to accumulating and leaving the site. The 3H:1V mining slopes will capture stormwater and will ensure that no surface flows may exit the disturbed areas of the site.

Due to the coarse soil textures found at the sight, permeability is moderate to high and most precipitation and runoff percolates quickly into the ground. Surface water is temporarily captured on site where infiltration into the porous ground surface will occur within 72 hours. Surface flows that do not occur within the active mining area will be diverted around the disturbed area via two-foot-tall berms and/or small ditches. No sediment will be allowed to leave the site and cloud any downstream waters.

NRCS Custom Soil Resource Report Details Group D soils for the area of the SPN Pit site. The runoff coefficient for Group D soils that cover open space with grass cover <50% is 0.89. The runoff coefficient for disturbed dump soils with <50% grass cover is approximately 0.75. The storage volume to prevent discharge is calculated as the volume of the drainage area

above the water table. No offsite surface water flows will be permitted to enter the site and will be deterred by perimeter berms and furrows that will be installed prior to mining. The water table lies greater than 40 feet below the surrounding surface.

A 100-year 24-hour rain event will produce 4.6 inches of rain located near Walsenburg, Colorado. The available storage volume in the mined pit that captures the entire processing area and mining area will be at least 5 acres x 10 feet = 50 acre-feet which will be more than enough storage volume to capture a 100-year 24-hour rain event. There is no threat of discharge from the site during a 100-year 24-hour flood event, the anticipated worst-case scenario.

The site will not affect existing water rights. The pit will not expose groundwater and will not store stormwater for more than 72 hours. After reclamation, stormwater encountered in the mining area will continue to infiltrate or evaporate.

Two principal ways that gravel pit mining could affect the water quality of the area downstream are through poor sediment controls within the site causing increased sedimentation downstream and by fuel leakage from a ruptured tank. Water encountered in the pit will not be released from the site. The only water that will be found within the disturbed area is stormwater runoff and purchased water from offsite sources used for processing and for dust control. Once excavation of new areas begins, all water from the disturbed area will drain to the bermed active mine area or the processing area and will not leave the site. Fuel leakage will not be a problem because all fuel tanks on site have secondary containment as well as strict SPCC Plan procedures for spill prevention and control.

According to searches on the Division of Water Resources database, there are no wells within 600 feet of the SPN Pit permit boundary. However, one residential well is within 700 feet of the SPN Pit and was spotted from section lines; therefore, its actual location is unknown. This well #278326 was completed in 2009 to a depth of 98 feet.

2. Water Consumption for the Operation and Water Rights

Groundwater is unlikely to be encountered during any phase of mining at the SPN Pit; therefore, a Substitute Water Supply Plan (SWSP) is not required. Because the alluvial gravel to be mined is dry, no water losses will occur from the gravel resource during mining.

Dust will be controlled by water. Water will be used as needed to spot eliminate any problem dust areas. 0.5 acre-feet per year will be allocated to dust control, or 0.04 acre-feet per month. Any water required for dust mitigation will be purchased and brought on site by an independent operator. Therefore, total annual depletions for the gravel mining operations are estimated to not exceed 0.5 acre-feet per year.

EXHIBIT H

WILDLIFE INFORMATION

1. Significant Game Resources on Affected Lands

Mule deer and elk are the most critical game resource in the area. The current landscape offers very little ground cover that is useful for deer and other small mammals.

2. Significant Non-Game Resources on Affected Lands

Pronghorn, fox, coyote, cottontail rabbit, jack rabbit, and various nongame birds and rodents are the most critical non-game resource in the area. Due to the sparse ground cover and no water available, the value of the site for mammals is extremely limited. There are no known raptor nests on the permit area or in the vicinity.

3. Seasonal Use of Affected Lands

No important seasonal use exists beyond seasonal agricultural development.

4. Presence and Estimated Population of Threatened or Endangered Species in the Area.

No known or observed presence.

5. Fish Resources

None.

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

Resource extraction and crushing activities will no doubt create some disturbance to animals near the site. However, resident wildlife will quickly become habituated to these activities, as is observed in other similar operations in rangeland communities throughout Colorado.

Migrating animals will likely avoid the site and the proposed pit does not block any known migratory routes. Wildlife should be able to move through the area unimpeded. Due to the possibility for animal/vehicle collisions, hauling activities will pose the biggest threat to

wildlife. Haul trucks should keep to posted speeds and drivers need to remain aware of the potential for collisions.

EXHIBIT I

SOILS INFORMATION

Please see appendix 1 for soils information.

EXHIBIT J

VEGETATION INFORMATION

1. Existing Vegetation Community

The pre-mine vegetation community at the SPN Pit is sage brush steppe, cholla, and rangeland grasses.



Figure 1. Rangeland of unmined land surrounding the SPN Pit permit area shown outlined in red. Google Earth image from September 24, 2013, north to the top.

The plant community on site consists of but is not limited to native grasses, forbs, and shrubs. Grasses on site may include but are not limited to: little bluestem, blue grama, western wheatgrass, side oats grama, Indian ricegrass, sand dropseed, prairie junegrass, needle and thread, green needlegrass, galleta, and bottlebrush squirreltail. Shrubs and other species may include but are not limited to: slimflower scurfpea, dotted gayfeather, scarlet globemallow, broom snakeweed, winterfat, Indian paintbrush, hairy gold aster, purple prairie, yucca, chollas and other forbs. Grasses make up 85-90% of present species while shrubs and other forbs make up the remaining vegetation on site.

EXHIBIT K**CLIMATE INFORMATION****1. General Information**

The following Period of Monthly Climate Summary climate information is presented for Walsenburg, Colorado and is sourced from the Western Regional Climate Center of the Desert Research Institute with affiliation to NOAA - <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?co8781>. Walsenburg's elevation is approximately 6,170 feet above sea level. The SPN Pit is approximately 11.3 miles northwest of Walsenburg and the entrance to the site is located at 6270 feet.

Table K-1. Climate Data

	Average Temperature (F)		Average Precipitation (in)	
	Maximum	Minimum	Total precip.	Total snow
January	47.1	21.1	0.66	10.3
February	49.6	22.6	0.83	11.4
March	55.7	27.2	1.56	16.9
April	64.3	34.2	1.92	11.9
May	73.2	42.7	1.94	2.1
June	83.3	51.0	1.23	0.0
July	87.5	56.9	1.98	0.0
August	84.9	55.8	1.93	0.0
September	78.6	48.1	0.95	0.7
October	69.0	38.0	1.09	5.1
November	55.7	28.2	0.98	10.7
December	47.8	22.5	0.81	12.6
Yearly	66.4 (avg.)	37.4 (avg.)	15.87 (sum)	81.8 (sum)

EXHIBIT L

WORST CASE RECLAMATION SCENARIO

Mining at the SPN Pit will mine and disturb a total of 36.8 acres. Given the length of time it will take to mine this entire site (~10 years) and the small disturbed area acreage, the Operator will not phase the mining plan.

Due to the type of mining, dozer push-down, no backfilling is necessary to create 3H:1V reclamation slopes. The maximum 400-foot active highwall will be knocked down to create a 3H:1V slope, where needed.

EXHIBIT M

OTHER PERMITS REQUIRED

The following permits are necessary for the full operation of the SPN Pit:

1. Huerfano County Conditional Use Permit
Special Use
2. APEN –Colorado Department of Public
Health and Environment.
3. SHPO – The State Historic Preservation
Office shall provide a response
regarding knowledge of known historic
properties on site.

EXHIBIT N

RIGHT OF ENTRY

The surface owners of the property which will be mined are Barbara P. Razey and Louise Arlene Pino. The Operator is Fremont Paving and Redi-Mix, Inc.

EXHIBIT O OWNERS OF AFFECTED LAND AND MINERAL TO BE MINED

Barbara P. Razy and Louise Arlene Pino
9400 Abbey Road
Pueblo, CO 81004

EXHIBIT P

MUNICIPALITIES WITHIN TWO MILES

There are no municipalities within 2 miles of the site.

EXHIBIT Q

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

EXHIBIT R

PROOF OF FILING WITH COUNTY CLERK

EXHIBIT S

PERMANENT MAN-MADE STRUCTURES

The following is an inventory of man-made structures within 200 feet of the disturbed area. All structures are shown on the Exhibit C map. Structure agreements are attached to this exhibit.

1. Barbed wire fences and Residential Structure– Barbara Razy and Louise Pino
2. Huerfano County Road

APPENDIX 1 – SOIL REPORT

SPN Pit
January 27, 2020

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



CONSTRUCTION MATERIAL REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION PACKAGE

APPLICABILITY:

This application package is for a construction materials operation which affects 10 acres or more. If you plan to conduct a construction materials extraction operation which meets these criteria, please follow the instructions provided in this package, in the Rules and Regulations, and in the Colorado Land Reclamation Act for the Extraction of Construction Materials, as required.

RECOMMENDATIONS PRIOR TO FILING:

The Construction Material Rules and Regulations (the Colorado Land Reclamation Act for the Extraction of Construction Materials, Section 34-32.5-101, *et seq.*, C.R.S., and 2 CCR 407-1) and the Colorado Mined Land Reclamation Board (the "Board") regulate the permitting, operational and reclamation requirements for all construction material extraction operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available for \$8.00 from the Division of Reclamation, Mining, and Safety (the "Office"). In order to submit your application properly, it is recommended that you review the Act and:

- Rule 1.1 Definitions;
- Rule 1.4.1 Application Review and Consideration Process;
- Rule 1.4.5 Specific Requirements for Regular 112 Operations;
- Rule 1.6 Public Notice Procedures;
- Rule 3.1 Reclamation Performance Standards;
- Rule 3.3.1 Operating without a Permit - Penalty;
- Rule 4 Performance Warranties and Financial Warranties;
- Rule 6 Permit Application Exhibit Requirements;
- Rule 6.2 General Requirements of Exhibits;
- Rule 6.4 Specific Permit Application Exhibit Requirements; and
- Rule 6.5 Geotechnical Stability Exhibit.

It is recommended that you contact the agencies listed in the application section titled "Compliance With Other Laws" prior to submitting the application to the Office .

FILING REQUIREMENTS:

In order to apply for a Reclamation Permit for a Regular 112 Operation, please provide:

- ___ ◦ One (1) signed and notarized completed **ORIGINAL** and one (1) copy of the completed original Regular 112 Operation Application Form. **ORIGINAL SIGNATURES MUST BE DONE IN BLUE INK.**
- ___ ◦ Two (2) copies of Exhibits A-S (required sections described in Rule 6).
- ___ ◦ Two (2) copies of Addendum 1 - Notice requirements (described in Rule 1.6.2(1)(b)). A sample of this notice is attached for your use.
- ___ ◦ The Geotechnical Stability Exhibit when required by the Division.
- ___ ◦ The application fee.

The ninety (90) day period for review of the application and exhibits will **NOT** begin until all required information and fee are submitted. The Office will then review the submitted information for adequacy.

NOTICE REQUIREMENTS:

- ___ 1. You **MUST** send a notice, on a form approved by the Board, to the local board of county commissioners. A copy of this "Notice of Filing Application" form is attached for your use.
- ___ 2. If the mining operation is within the boundaries of a conservation district, send a notice to the board of supervisors of the conservation district, **PRIOR** to filing the application. A copy of this "Notice of Filing Application" form is attached for your use.
- ___ 3. You **MUST** include proof of notice #1 and #2 above with the application at the time the application is submitted to the Office for filing (Rule 1.6.2(1)(g)).
- ___ 4. **PRIOR** to filing the application, place for public review a copy of the application, less confidential items, with the clerk or recorder of the county or counties in which the affected land is located.
- ___ 5. You **MUST** include an affidavit or receipt demonstrating that the application was filed with the county clerk or recorder at the time the application is submitted to the Office for filing.
- ___ 6. Any changes or additions made to an application submittal **MUST** be filed with the county clerk or recorder. You **MUST** also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk or recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1(2)).
- ___ 7. Within ten (10) days after your application is considered filed, you must publish four times in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.2(1)(d).
- ___ 8. In addition, after the first publication you must mail or personally serve a copy of the notice described in Rule 1.6.2(1)(d) to all owners of record of surface rights to the affected land and all owners of record of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(e)). A copy of a form which includes all required information for the notice is attached for your use.

9. Prior to the Office making a decision (consideration of the application), you MUST submit a copy of the proof of publication from the newspaper and proof of all required notices. Proof of the notices may be by submitting copies of return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c), 1.6.2(1)(a)(ii), and 1.6.2(1)(g)).

The copy of the application and any changes or additions placed at the office of the county clerk or recorder shall NOT be recorded, but shall be retained there for at least sixty (60) days after a decision on the application by the Office and be available for inspection during this period. At the end of this period, the application may be reclaimed by the applicant or destroyed (Rule 1.6.2(2)).

APPLICATION REVIEW PROCEDURES:

The Office shall approve or deny the application within ninety (90) days of filing unless the date for consideration by the Office is extended pursuant to Rule 1.8. The time for consideration shall not be extended beyond ninety (90) days after the last such change submitted. For complex applications, the review period may be extended an additional sixty (60) days. Please see Rule 1.1(10) for the definition of what constitutes a complex application.

APPLICATION APPROVAL/DENIAL:

If the requirements of the Act and Mineral Rules have been satisfied, the Office will approve the application. The Act also provides for automatic approval if no action is taken by the Office by the end of the review period.

If the Act and Regulation requirements have not been satisfied, the Office will deny the application. If the Office denies the application, you may appeal to the Board for a final determination by submitting a written request for administrative appeal to the Board within 60 days of the decision date (Rule 1.4.7).

PERFORMANCE AND FINANCIAL WARRANTIES:

A performance warranty, and a financial warranty dollar amount determined during the application review process, must be submitted and approved by the Office PRIOR to permit issuance. A financial warranty should NOT be submitted until a decision on the application has been made. If the applicant is a unit of state or county government, then ONLY a performance warranty is required.

Several different types of financial warranties are allowed by the law. Please review Rule 4.0 to determine which type of financial warranty you desire to use. You may obtain the appropriate warranty forms from the Office during the application review period.

Please note that an application approval DOES NOT convey a right to begin operations. You MUST submit, and have approval of your performance and financial warranties, and receive your copy of the signed permit document PRIOR to beginning on-site mining activity.

AUTOMATIC PERMIT APPROVAL:

An automatic approval will occur where the Office fails to notify the applicant/operator that the application has been denied. This decision must be made ninety (90) calendar days from the date the application was determined to have been filed. However, the performance and financial warranties must be submitted and approved by the Office before the permit will be issued even if you receive an automatic approval. **NO MINING OPERATIONS SHALL BEGIN UNTIL A PERMIT IS ISSUED** (Section 34-32.5-109(1), C.R.S.).

COMPLIANCE WITH OTHER LAWS:

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board **DOES NOT** relieve you of your responsibility to comply with all other applicable state and federal laws. We recommend that you contact the following agencies to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources with regard to water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the State waters;
- Colorado Department of Health, Air Pollution Control Division, with regard to the need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands;
- U. S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which your proposed operation is located. Section 34-32.5-109(3), C.R.S, requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.

COMPLETION OF MINING:

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and 4.16 for details on how to request a reclamation responsibility release from the Board.

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



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):** Fremont Paving and Redi Mix, Inc.
 - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** SPN Pit
3. **Permitted acreage (new or existing site):** 36.8 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(ies) to be mined:** Gravel
 - 5.1 Incidental commodity(ies) to be mined: 1. _____ lbs/Tons/yr 2. _____ / _____ lbs/Tons/yr
3. _____ / _____ lbs/Tons/yr 4. _____ / _____ lbs/Tons/yr 5. _____ / _____ lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: Construction Aggregate Material
 - 5.3 Anticipated end use of incidental commodity(ies) to be mined: _____

6. **Name of owner of subsurface rights of affected land:** Barbara Razey and Louise Pino
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** Barbara Razey and Louise Pino

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

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

COUNTY: Huerfano

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

SECTION (write number):

S 6

TOWNSHIP (write number and check direction): T 27 North South

RANGE (write number and check direction): R 67 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): _____
11.3 Miles Northwest of Walsenburg

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 _____ min _____ sec _____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____ (2 decimal places)

OR

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

Latitude (N) 37 .73561 (5 decimal places)

Longitude (W) -104 .93969 (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) 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: Jodi Schreiber Title: Chief of Operations
Company Name: Fremont Paving and Redi Mix, Inc.
Street/P.O. Box: 839 Mackenzie Ave. P.O. Box: 841
City: Canon City
State: Colorado Zip Code: 81215
Telephone Number: (719) - 275-3264
Fax Number: (719) - 275-8897

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

INSPECTION CONTACT

Contact's Name: _____ Title: _____
Company Name: _____
Street/P.O. Box: _____ P.O. Box: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____
Fax Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
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 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): _____
Heavy equipment will be used to extract material and load it into a crushing spread for further processing.

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

13.1 Briefly explain mining method (e.g. truck/shovel): _____
Heavy equipment will be used to extract material and load it into a crushing spread for further processing.

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).

Not applicable

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;

- _____ 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- _____ 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- _____ 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- _____ 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- _____ 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
- a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
- _____ 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.
- _____ 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.
- _____ 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
- _____ 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

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.

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) Fremont Paving and Redi Mix, Inc., whose address and phone number is (Address and Phone Number of the Applicant/Operator) PO Box 841, Canon City, CO 81215, 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) Huerfano County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 401 Main Street, Suite 204, Walsenburg, CO, 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, _____, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) _____, on (Date Posted) _____.

SIGNATURE

DATE

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

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

Huerfano COUNTY

Fremont Paving and Redi Mix, Inc. (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 Huerfano 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 Rangeland 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
Upper Huerfano DISTRICT

Fremont Paving and Redi Mix, Inc. (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 Huerfano 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 Rangeland 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) Fremont Paving and Redi Mix, Inc.; (Address and Phone Number) PO Box 841, Canon City, CO 81215 719-275-3264, 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) SPN Pit, and is located at or near Section 6, Township 27, Range 67, 6th Prime Meridian.

The proposed date of commencement is March, 2020, and the proposed date of completion is March, 2030. The proposed future use of the land is (Future Landuse) Rangeland. 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) Huerfano County Clerk and Recorder's office; (Clerk and Recorder's Address) 401 Main Street, Suite 204, Walsenburg, CO 81089, 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. Barb Wire Fence _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Fremont Paving and Redi Mix, Inc. (print applicant/company name),
by Jodi Schreiber (print representative's name), as Chief of Operations (print
representative's title), does hereby certify that Barbara Razey and Louise Pino (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 SPN 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 _____ Representative Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by
_____ as _____ of _____.

_____ My Commission Expires: _____
Notary Public

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

_____ My Commission Expires: _____
Notary Public



April 10, 2020

Huerfano County Water Conservancy
PO Box 442
La Veta, CO 81055

RE: Public Notice Regarding SPN Pit

Fremont Paving and Redi Mix, Inc., 839 Mackenzie Ave., Canon City, CO 81212, 719-275-3264, 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 SPN Pit and is located at or near Section 6, Township 27 South, Range 67 West, 6th Prime Meridian.

The proposed date of commencement is March 2020 and the proposed date of completion is March 2040. The proposed future use of the land is Rangeland. Additional Information and tentative decision date may be obtained from the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, (303) 866-3567, or at the Huerfano County Clerk and Recorder's Office, 401 Main Street, Walsenburg, CO 81089 or the above-named applicant.

Comments must be in writing and must be received by the Division or Reclamation, Mining and Safety by 4:00 p.m. on April 1st, 2020.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jodi Schreiber', written over a light blue horizontal line.

Jodi Schreiber
Chief of Operations
719-275-3264
719-529-0916
jodi@arycorp.com

ARY CORPORATION

A&S Construction Co.
Fremont Paving and Redi-Mix, Inc.
Ary Brothers Trucking, Inc.
All-Rite Paving & Redi-Mix, Inc.
Hard Rock Paving and Redi-Mix, Inc.

839 Mackenzie Ave.
Cañon City, CO 81212
719.275.3264

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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.

1. Article Addressed to:

Huerfano County
Water Conservancy
PO Box 440
La Veta, CO 81055



9590 9402 4134 8092 8229 91

2. Article Number (Transfer from service label)

7014 2120 0001 6700 9450

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

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. County Road 1614
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Fremont Paving & Redi Mix, Inc. (print applicant/company name), by John P. Ary (print representative's name), as President (print representative's title), does hereby certify that County Road 614 (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 SPN Pit (operation name), File Number M-~~2020~~-006.

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 Fremont Paving & Redi-Mix Inc. Representative Name [Signature]
Date 4/13/2020 Title President

STATE OF Colorado)
) ss.
COUNTY OF Fremont)

The foregoing was acknowledged before me this 13th day of April, 2020, by John P. Ary as President of Fremont Paving & Redi Mix, Inc.

[Signature] My Commission Expires: 10/6/22
Notary Public

JODI D SCHREIBER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064001792
MY COMMISSION EXPIRES OCTOBER 6, 2022

NOTARY FOR STRUCTURE OWNER

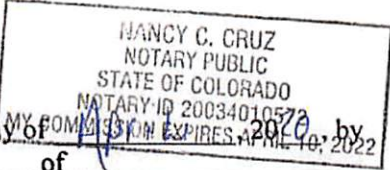
ACKNOWLEDGED BY:

Structure Owner Fremont Paving + Redi Mix, Inc Name Edward R. Garcia

Date 4-28-2020 Title Chairman

STATE OF Colorado)

COUNTY OF Huerfano) ss.



The foregoing was acknowledged before me this 28th day of April, 2020, by _____ as _____ of _____.

Nancy C. Cruz My Commission Expires: 4-10-22
Notary Public

SPN Pit

Barbara Razey
Louise Pino
9400 Abbey RD
Pueblo Colorado
81004

Pre-Mining Map

Power Lines

Landowner
Huerfano
County Water
Conservancy

House and Outbuilding
Owner: Barbara Razey &
Louise Pino

Landowner
Huerfano
County Water
Conservancy

Permit Boundries
36.8 Acres

Barbwire Fence
Owner: Barbara
Razey & Louise Pino

6000

6000

Landowner
Barbara Razey &
Louise Pino

6010

6010

6020

Approximate Pit
Entrance
(Cattle Guard to be
installed in the future)

Landowner
Edward Pino

Landowner
Rick Smith

Contours are in 1' Intervals

Landowner
Vernon Carrigan

Barbwire Fence
Owner: Barbara
Razey & Louise Pino

Existing Vegetation:

- Juniperus osteosperma
- Yucca angustissima
- Cylindropuntia acanthocarpa
- Blue Grama
- Buffalo Grass
- Indian Ricegrass
- Western Wheatgrass



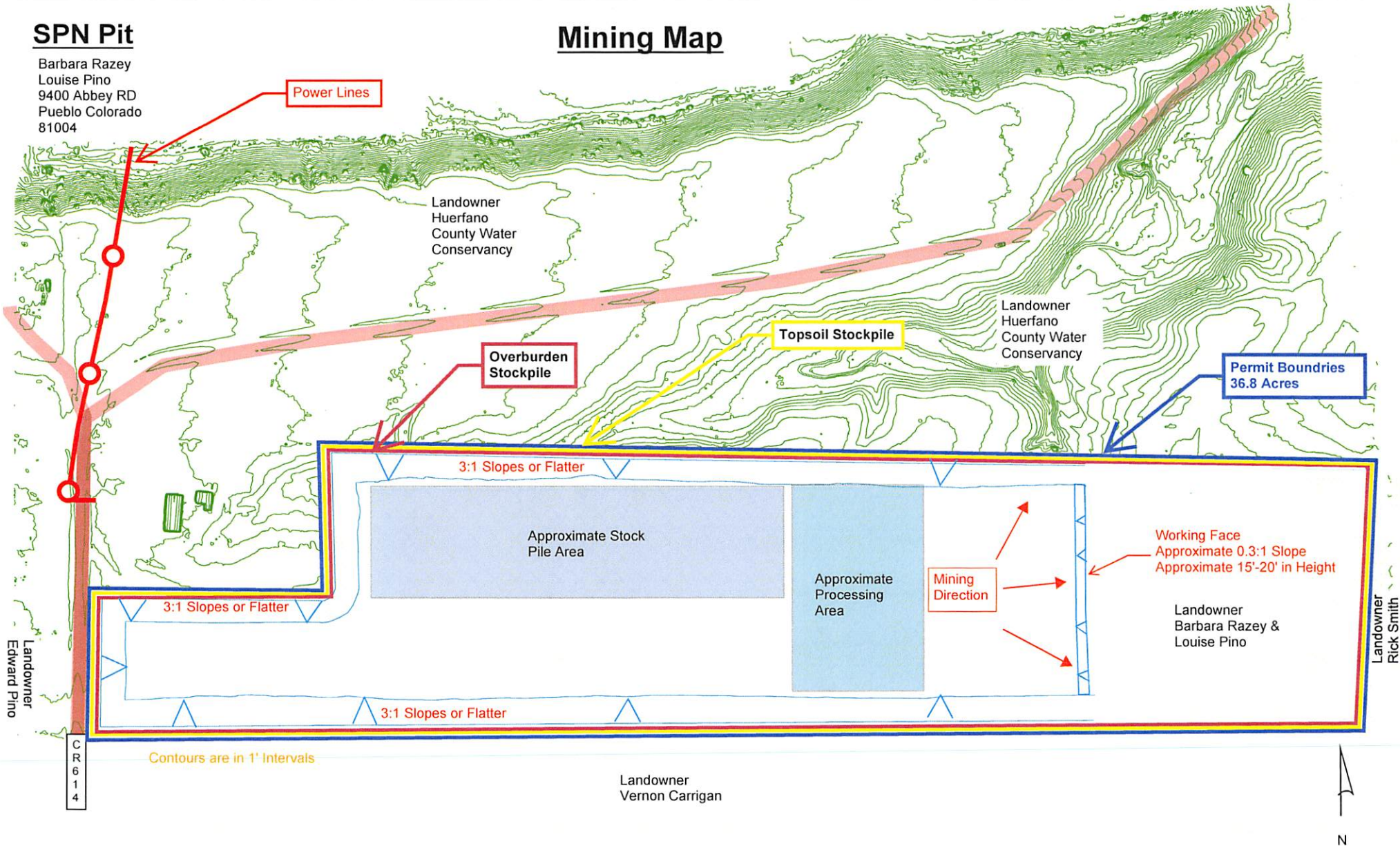
Map By James Higgs, Fremont Paving & Ready Mlx

6/27/19

SPN Pit

Barbara Razey
Louise Pino
9400 Abbey RD
Pueblo Colorado
81004

Mining Map



Map By James Higgs, Fremont Paving & Ready Mix

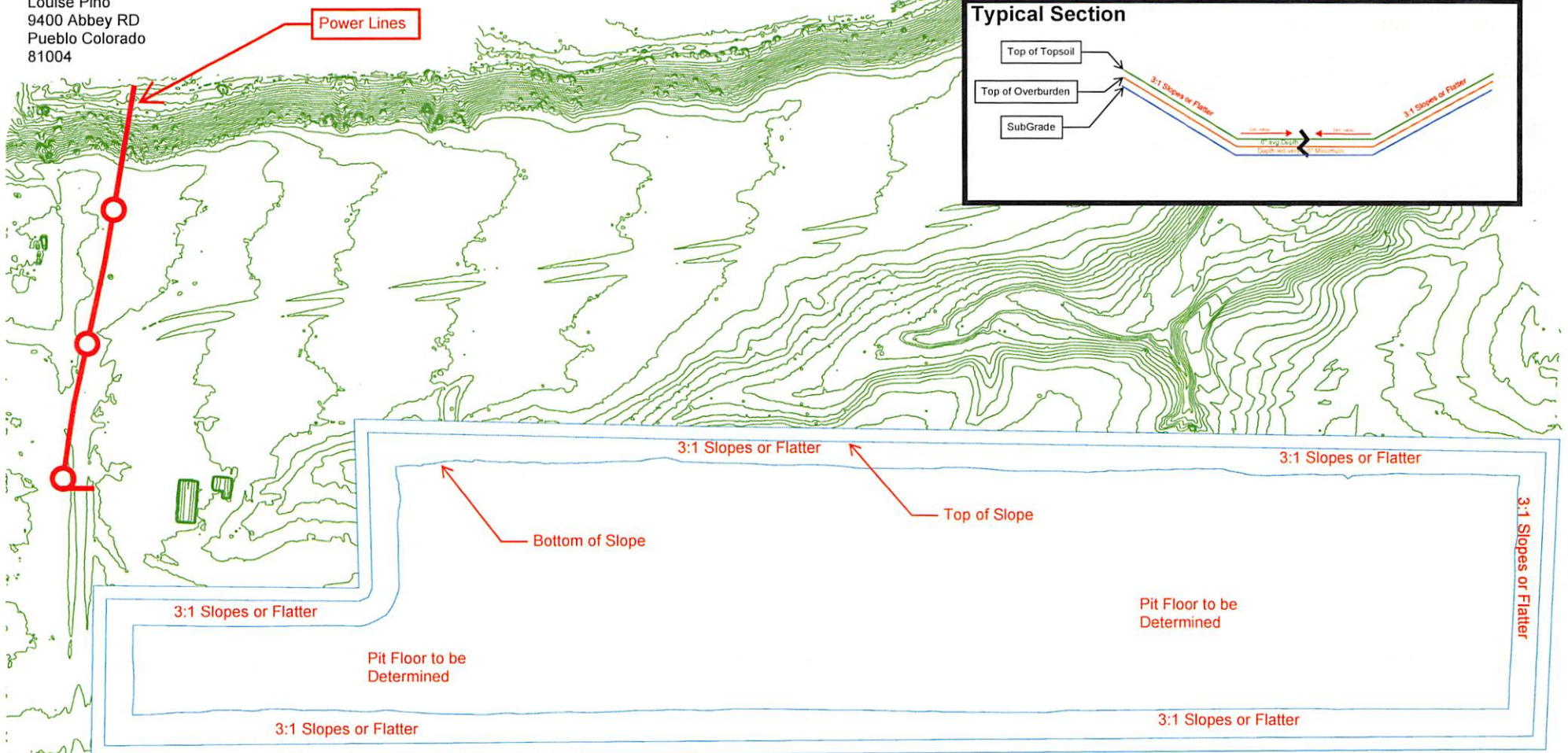
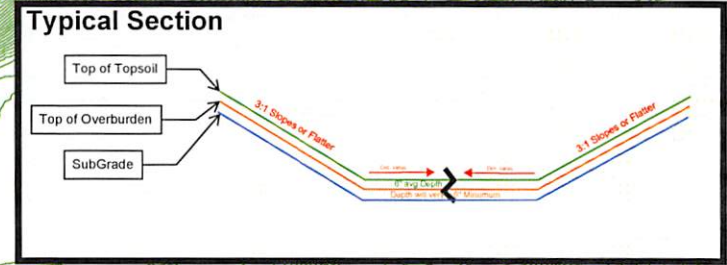
6/27/19

SPN Pit

Barbara Razez
Louise Pino
9400 Abbey RD
Pueblo Colorado
81004

Reclamation Map

Power Lines



Contours are in 1' Intervals



Map By James Higgs, Fremont Paving & Ready Mix

6/27/19