



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

October 20, 2020

Mr. Peter Hurt
Arkansas Valley Ranch, LLC
8351 E Walker Springs Ln
Ste 302
Knoxville, TN 37923-3140

Re: Ordway Pit, Permit No. M-2006-054, Amendment Approval, Revision No. AM-1

Dear Mr. Hurt:

On October 20, 2020 the Division of Reclamation, Mining and Safety approved the Amendment application submitted to the Division on May 28, 2020, addressing the following:

To expand the permit boundary to the south and east by a total of 17.6 acres and update Mining and Reclamation Plans

The terms of the Amendment No. 1 approved by the Division are hereby incorporated into Permit No. M-2006-054. All other conditions and requirements of Permit No. M-2006-054 remain in full force and effect.

The estimated liability amount of \$68,828 for M-2006-054 exceeds the \$60,883 performance bond currently held. **In accordance with Rule 4.2.1(2), the permittee shall post the additional financial warranty of \$7,945 within 60 days, due on or before December 19, 2020.** Amendment No. 1 will not be finalized until the required financial warranty has been received.

Additionally, please complete a new Performance Warranty (enclosed) for M-2006-054.

If you have any questions, please contact me.

Sincerely,

Patrick Lennberg
Environmental Protection Specialist



Enclosure: Performance Warranty

cc: Jared Ebert; Division of Reclamation, Mining & Safety

ec: Peter Hurt, Arkansas Valley Ranch, LLC, peter@arkansasvalleyranch.com
Angela Bellantoni Ph.D., Environmental Alternatives, Inc., angela@envalternatives.com



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1313 Sherman Street, Room 215
Denver, CO 80203

PERFORMANCE WARRANTY

Permittee/Operator: _____

Operation known as: _____

Permit Number: _____

This form is approved by the Colorado Mined Land Reclamation Board (“Board”) pursuant to C.R.S. 34-32-117 of the Colorado Mined Land Reclamation Act and C.R.S. 34-32.5-117 of the Colorado Land Reclamation Act for the Extraction of Construction Materials.

All parties are on Notice from this Document that:

The above listed Operator provides this warranty to the Board in conjunction with a reclamation Permit to conduct the above described mining operation on certain lands in Colorado. The “Affected Lands” are described in the above listed reclamation Permit, and include any Permit Amendment(s) approved by the Division of Reclamation Mining and Safety (“Division”).

The Colorado Mined Land Reclamation Act, C.R.S. 34-32-101 *et seq.* (“Hard Rock Act”), and the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 *et seq.* (“Construction Materials Act”), both require a permit issued by the Board to include a written promise by the Operator to comply with all requirements of the Hard Rock and Construction Materials Acts (referred to herein together as “Acts”).

Through the terms and conditions of this performance warranty and Permit, the Operator agrees to be bound by all requirements of the Acts and all Mineral Rules and Regulations of the Board for Hard Rock, Metal, and Designated Mining Operations (2 C.C.R. 407-1) and all Mineral Rules and Regulations of the Board for the Extraction of Construction Materials (2 C.C.R. 407-4) (referred to herein together as “Rules”).

The Operator hereby provides the Board warranties of performance pursuant to C.R.S. 34-32-117(2), (3), and (4)/C.R.S. 34-32.5-117(2), (3), and (4), and promises the Board it will comply with all applicable requirements of the Acts and Rules.

The Operator hereby promises the Board it will comply with all of the terms of the reclamation Permit, including any Permit Amendment(s) approved by the Division. This performance warranty obligation of the Operator shall continue until the Operator’s liability is released by the Board.

The Operator promises to be responsible for reclamation costs up to the amount established by the Board and incorporates its financial warranty to this performance warranty. The Operator agrees to maintain a financial warranty (or warranties) in good standing for the reclamation costs for the entire life of the



Permit. The amount of the financial warranty shall be sufficient to assure the completion of reclamation of affected lands if the Division has to complete such reclamation due to forfeiture. If the Board determines the Operator is in default under this performance warranty and the Operator fails to cure such default, the Operator's financial warranty shall be subject to forfeiture pursuant to C.R.S. 34-32-118/34-32.5-118.

This performance warranty by the Operator is perpetual and shall remain in full force and effect until all obligations have been met and all associated financial warranty is released by the Board. Any release of liability in a succession of Operators shall comply with C.R.S. 34-32-119/34-32.5-119.

The provisions hereof shall bind and inure to the benefit of the parties hereto and their successors and assigns.

SIGNED, SEALED AND DATED this _____ day of _____, 20_____.

Operator: _____

Signature: _____

Name: _____

Title: _____

NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____
(Day) (Month) (Year)
by _____ as _____
(Name) (Title)
of _____.
(Operator)

NOTARY PUBLIC

My Commission expires: _____

APPROVED:
State of Colorado
Mined Land Reclamation Board
Division of Reclamation, Mining and Safety

By: _____ Date: _____
Division Director