



January 13, 2021

Jim Harrington
Colorado Legacy Land, LLC
12150 E Briarwood Ave - Suite 135
Centennial, CO 80112

RE: Schwartzwalder Mine, Permit No. M-1977-300, 112d-2 Amendment Approval (AM-05)

Mr. Harrington:

On January 13, 2021, the Division of Reclamation, Mining and Safety (Division) approved the Amendment application (AM-05) submitted to the Division on July 24, 2020, addressing the following:

Increase permit area by 3.98 acres to accommodate anticipated reclamation activities in former Black Forest Mine (0.38 acres) and North Waste Rock Pile - upland area (3.60 acres), for a total permit area of 76.22 acres. Revise reclamation plan to include disposal of radionuclide-impacted alluvial valley soils into the Black Forest Mine.

The terms of the Amendment No. 5 approved by the Division are hereby incorporated into Permit No. M-1977-300. All other conditions and requirements of Permit No. M-1977-300 remain in full force and effect.

If the revised liability amount exceeds the Financial Warranty amount currently held (see below), please submit the additional required Financial Warranty (Change in Liability amount). The revision will not be final until the Financial Warranty is received and approved by the Division. All Financial Warranty forms are available on our website at <https://www.colorado.gov/pacific/drms/minerals-program-forms>.

Bond Held:	\$8,900,000.00
Prior Liability:	\$8,900,000.00
Change in Liability:	\$15,880.00
Revised Liability:	\$8,915,880.00

Additionally, please provide an updated Performance Warranty for the amended reclamation permit (see enclosed form).

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.



For questions specifically regarding the Financial Warranty, please contact our Financial Warranty Specialist, Sara Stevenson-Benn by telephone at 303-866-3567, ext. 8148, or by email at sara.stevenson-benn@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Amy Eschberger". The signature is written in a cursive, flowing style.

Amy Eschberger
Environmental Protection Specialist

Encl: Performance Warranty form

Cc: Elizabeth Busby, Ensero Solutions US, Inc.
Billy Ray, Ensero Solutions US, Inc.
Paul Newman, Colorado Legacy Land, LLC
Eric Williams, Colorado Legacy Land, LLC
Nicole Poncelet-Johnson, Denver Water
Sharon Israel, City of Arvada
Sara Stevenson-Benn, DRMS
Michael Cunningham, DRMS



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

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