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September 30, 2021

Division of Reclamation, Mining and Safety Dept. of Natural Resources 1313 Sherman St., Room 215 Denver, CO 80203

RE: Succession of Operators Franciscotti Pit, M-2018-058.

Patrick Lennberg,

Regarding your letter dated August 13, 2021 and September 29, 20021. We are enclosing with this letter the executed Structured Agreements required to complete the transfer of Mineral Permit and Succession of Operators from APC Southern Construction Co. to Oldcastle SW Group, Inc. for Franciscotti Pit, M-2018-058. With this submittal and the submittal sent to DRMS dated September 17, 2021 we believe all items requested by DRMS have been supplied.

Please feel free to contact me if you have any have any other questions, <u>clint.allen@na.crh.com</u> or (515) 537-3696. If scheduling a site visit, please contact the Jim MacDonald, <u>jmacdonald@apc.us.com</u> or (719)250-1998.

Sincerely,

E Ala

Clint Allen Sr. Environmental Manager Oldcastle SW Group, Inc.

APC Southern Construction Co. 14802 W. 44<sup>th</sup> Avenue Golden, CO 80403

September 3, 2021

RE: Franciscotti Pit # 2, M-2018-058

Ted Franciscotti Ben Fransciscotti Cindy Franciscotti 2455 CR 613 Walsenburg, CO 81089

Dear Ted, Ben and Cindy Fransciscotti,

We are pleased to notify you that *APC Southern Construction Co*. and *Oldcastle SW Group, Inc.* have entered a merger. This change will not impact you or the way you do business with us in any significant way. The purpose is simply to help better align the internal divisions of our group with our corporate organization. You will continue to work with the same people you always have, and we will continue to provide the same dependability and excellent customer service that you are accustomed to. Following the merger, our new legal entity will be *Oldcastle SW Group, Inc. DBA APC Southern Construction Co.* 

As a result of the change to our legal entity The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that we attempt to attain **new** agreements between parties regarding the protection of your structures that are within 200 feet of the proposed disturbed area.

This agreement is a guarantee of protection of the structure for you as the owner. Please sign and notarize the enclosed letter and send it back to APC Southern Construction Co. If you are not authorized to sign this, please present it to the proper person who is authorized. If there are any questions you can contact Clint Allen at 515-266-9928 or clint.allen@na.crh.com.

Sincerely

Chuit-all

Clint Allen Sr. Environmental Manager Oldcastle SW Group, Inc. DBA APC Southern Construction Co.

## 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 disturbed area:

1. Family Cemetery

2.	Dan Mahon Ditch	
3.		
4.		
5	and have the second	

(Please list additional structures on a separate page)

#### **CERTIFICATION**

The applicant, <u>Oldcastle SW Group, Inc.</u>, represented by <u>Rich Umbel</u> as, <u>President</u> does herby certify that Ted Franciscotti, Ben Franciscotti and Cindy Fransciscotti (structure owners) 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 the Reclamation Permit for Franciscotti Pit, File Number <u>M-2018-058</u>.

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 FO	OR PERMIT A	Marian C TresTRAN
ACKNOWLEDGED BY:	land _	OUGUS YEATOW OCASOLOGIC TATE COMPLETE (Signature of Officer)
Applicant <u>Oldcastle SW Group, Inc.</u>	Representati	ve Name: <u>Rich Umbel</u>
Date: 9-17-2021	Title: <u>Pre</u>	sident
STATE OF <u>A</u> ) COUNTY OF <u>Palk</u> )ss.		
The foregoing was acknowledged before Rich Unkel as Fr		y of <u>Sept</u> , 2021, by of <u>Oldcastle SW Group</u>
Notary Public	Marian C Tress Marian C Tress Motaty Pusuo STATE OF COLORM MOTARY ID& 137 CB	January 14, 2024

## **NOTARY FOR STRUCTURE OWNERS**

Structure Owner: Ted Fransciscotti Ted France MAR
Date: $9 - 78 - 21$ Title: Owner
STATE OF <u>Colorado</u> ) COUNTY OF <u>Huenfano</u> )ss.
The foregoing was acknowledged before me this $\frac{\partial \mathcal{E}^{H}}{\partial \mathcal{E}}$ day of $\mathcal{E}_{\mathcal{E}}$ , 2021, by
TED FRANCISCOTTI as OWNER of
Marian C. Kiesel My Commission Expires: 6-18-2024
Notary Public Marian C Tressell
STATE OF COLORADO NOTARY ID# 19874205621 MY COMMISSION EXPIRES 06/18/2024
Structure Owner : Ben Franciscotti
Date: <u>7/28/2021</u> Title: <u>NOWE</u>
STATE OF brada )
STATE OF <u>Averbann</u> ) COUNTY OF <u>Nuerfann</u> ) SS.
The foregoing was acknowledged before me this $\frac{28^{74}}{28}$ day of $\frac{1}{2021}$ , by
BENFRANCISCOTTi as OWNER of
Marian L. Herrill My Commission Expires: 6-18-2024
Marian C Tressell Marian C Tressell NMy Commission Mumber 701199 My Commission Mumber 701192 NMy Commission Express NOTABY 14, 2024 NOTABY 19874205621
MY COMMISSION EXPIRES 06/18/2024

Structure Owner: Cindy Fransciscotti CINdy FA446156671
Date: 9-28-21 Title: 60-0WM2R
STATE OF <u>(blarado)</u> ) COUNTY OF <u>Nurfano</u> )
COUNTY OF Murfand)
The foregoing was acknowledged before me this $\frac{28}{28}$ day of $\frac{5251}{29}$ , 2021, by
<u>CINDY FRANCISCOTTI as OWNER</u> of
Maxian C. Trosell My Commission Expires: 6-18-2024 Notary Public
Marian C Tressell NOTARY PUBLIC STATE OF COLORADO NOTARY ID# 19874205621
MY COMMISSION EXPIRES 06/18/2024

Helselt CorbineM Martan Corbist Vaviox Vaviox Pates Patos Patos Micomarston CXPRES ORNARA APC Southern Construction Co. 14802 W. 44<sup>th</sup> Avenue Golden, CO 80403

September 3, 2021

RE: Franciscotti Pit # 2, M-2018-058

San Isabel Electric Association, Inc. 781 E. Industrial Blvd. Pueblo West, CO 81007

Dear Sir or Madam,

We are pleased to notify you that APC Southern and Oldcastle SW Group, Inc. have entered a merger. This change will not impact you or the way you do business with us in any significant way. The purpose is simply to help better align the internal divisions of our group with our corporate organization. You will continue to work with the same people you always have, and we will continue to provide the same dependability and excellent customer service that you are accustomed to. Following the merger, our new legal entity will be Oldcastle SW Group, Inc. DBA APC Southern Construction Co.

As a result of the change to our legal entity The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that we attempt to attain **new** agreements between parties regarding the protection of your structures that are within 200 feet of the proposed disturbed area.

This agreement is a guarantee of protection of the structure for you as the owner. Please sign and notarize the enclosed letter and send it back to APC Southern Construction Co. If you are not authorized to sign this, please present it to the proper person who is authorized. If there are any questions you can contact Clint Allen at 515-266-9928 or clint.allen@na.crh.com.

Sincerely

Clint Allen Sr. Environmental Manager Oldcastle SW Group, Inc. DBA APC Southern Construction Co.

## 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 disturbed area:

- 1. Power Lines and poles in accordance with the letter dated September 12, 2018, a copy of which is attached to this Structure Agreement, replacing APC Southern Construction Co, LLC with Oldcastle SW Group, Inc. DBA APC Southern Construction Co..
- 2. \_\_\_\_\_
- 3.
- 4.

(Please list additional structures on a separate page)

### **CERTIFICATION**

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The applicant, <u>Oldcastle SW Group, Inc.</u>, represented by <u>Rich Umbel</u> as, <u>President</u>, does herby certify that does herby certify that San Isabel Electric Association, Inc. (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 the Reclamation Permit for Fransciscotti Pit # 2, File Number M-2018-058.

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.

	이 이야한 입니 가지 않는 것 같아.
ACKNOWLEDGED BY: 7 C May	(Signature of Officer)
Applicant <u>Oldcastle SW Group, Inc.</u> Representative Name:	Rich Umbel
Date: <u>Q-17-2021</u> Title: <u>President</u>	
STATE OF)	
COUNTY OF Polk )ss.	
The foregoing was acknowledged before me this $17$ day of $26$	+, 20 <u>21</u> , by
Rich Umbel as President of C	Ideastle SW Group
Notary Public My Commission Expires:	HEIDI R. VEACH Commission Number 701199 My Commission Expires January 14, 2024

# NOTARY FOR STRUCTURE OWNER WITHIN 200 FT of 5 MILE PIT AFFECTED AREA

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ACKNOWLEDGED By regarding (Signature of Officer)
Structure Owner: San Isabel Electric Association Name: Rolle ANDERSON
Date: SEPT. 28,2021 Title: ROWSSAFETY MANAGER
STATE OF <u>Colorado</u> ) COUNTY OF <u>Pueblo</u> ) The foregoing was acknowledged before me this 28 day of <u>Sept</u> , 2021, by <u>Boyce Anderson</u> as <u>RUW &amp; Safety Mgr</u> of <u>SIEA</u> <u>Ausocumunti</u> My Commission Expires: <u>83</u> 25
VANESSA CLEMENTI

NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20214030902 MY COMMISSION EXPIRES AUGUST 03, 2025

A STREET, STREE	are and received the
HEIDI R. VEACH	2 3404
Commission Number 701199	1 45 2
My Commission Expires	M. Stan
January 14, 2024	0.00 r



# SAN ISABEL ELECTRIC ASSOCIATION, Inc.

781 E. INDUSTRIAL BLVD., PUEBLO WEST, COLORADO

Tel: (719) 547-2160 Fax (719) 547-0732

September 12, 2018

APC Southern Construction CO. LLC 14802 West 44<sup>th</sup> Ave. Golden, CO 80403

RE: Franciscotti Pit #2

File #

Pit Located: East ½ of Section 32 and the West ½ of Section 33, Township 26 South, Range 67 West of the 6<sup>th</sup> P.M. County of Huerfano County, Colorado

This letter is to advise you that San Isabel Electric Association, Inc. has no objection to the operation of said gravel pit under certain conditions.

- 1. That the operations of said pit do not interfere with the operations and maintenance of existing electrical facilities.
- 2. No equipment will be operated within ten feet (10') of any energized electrical facility.
- 3. No mining operation will operate within twenty-five feet (25' with a 3 to 1 slope) of any electrical facility. (Horizontal or Vertical)
- 4. The applicant will reimburse San Isabel Electric Association. Inc. for any and all costs arising from any damages to said facilities or disruption of electrical services.
- 5. Enclosed is a drawing showing the area to be left undisturbed and made part of the operation.
- San Isabel Electric Association, Inc. requests extreme caution be exercised when working around or near said facilities for the protection of property owners, contractors and the general public.

#### Please Note

If you have any questions, please contact the office at 719-547-2160.

San Isabel SAN ISABEL ELECTRIC ASSOCIATION, Inc. 781 E. INDUSTRIAL BLVD., PUEBLO WEST, COLORADO Tel: (719) 547-2160 Fax (719) 547-0732 APC Southern Construction CO. LLC State of County of The foregoing instrument was acknowledged before this 19 day of Stereby 2018 By Jan Notary Public My Commission Expires /2-9-202 My Address is 14802 W. 444 Swe Golden Co 8040 CAROL WRIGHT Notary Public State of Colorado Notary ID # 20094040322 My Commission Expires 12-09-2021 San Isabel Electric Association By ROW & Safety Manager State of Colorado County of Pueblo The foregoing instrument was acknowledged before this 15 day of Statember 2018 By Poure Anderson Notary Public My Commission Expires 13122 My Address is TRIE. Inclustrial Blud, Rue blo West, CO S1007 **BONNIE MYERS** NOTARY PUBLIC COLO TARY ID 20174 My Commission Expires 01-31-2021

An example Structure Agreement which meets the requirements of the Statutes is shown below.

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# 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:

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The following structures are located on or within 200 feet of the proposed affected area: County Roads

1.	
2.	Electrical Power Lines (San Isabel Electric)
3.	Cemetery (Ted Franciscotti)
١.	
5.	
	(Please list additional structures on a separate page)

#### **CERTIFICATION**

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The Applicant, APC SOUTHERN CONSTRUCTION CO. LLC (print applicant/company name), by James MacDonald (print representative's name), as Project Manager (print representative's title), does hereby certify that San Isabel Electric Assoc. (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 FRANCISCOTTI PIT #2 (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

ACKNOWLEGED BY:
Applicant APC Southern Const Co. Representative Name Im Margared
Date 9/28/2018 Title Vice President
STATE OF Comada)
COUNTY OF Puchlo ) ss.
The foregoing was acknowledged before me this 28th day of September, 2018, by Jan Mac Doneld as Vice President of ARC Southern Construction
Shauna Weefel My Commission Expires: November 1, 2021



## NOTARY FOR STRUCTURE OWNER

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ACKNOWLEGED BY:
Structure Owner San Isabel Electric Association Name
Date September 25, 2018 Title ROW & Safety Manager
STATE OF <u>Colorado</u> )
) ss. COUNTY OF <u>Puelolo</u> )
The foregoing was acknowledged before me this 25 day of <u>September</u> , 2018, by <u>Poyce Anderson</u> as <u>POW + Safety Manager</u> of <u>San Isabel Electric Association</u>
Domination My Commission Expires: 1/31/2021
EONNIE MYERS NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20174004804 My Commission Expires 01-31-2021



d . . . The

APC Southern Construction Co. 14802 W. 44<sup>th</sup> Avenue Golden, CO 80403

September 3, 2021

RE: Franciscotti Pit # 2, M-2018-058

Melanie Bounds Public Works Director 201 E. 5<sup>th</sup> St. Walsenburg, CO 81089

Dear Ms. Bounds,

We are pleased to notify you that *APC Southern Construction Co*. and *Oldcastle SW Group, Inc*. have entered a merger. This change will not impact you or the way you do business with us in any significant way. The purpose is simply to help better align the internal divisions of our group with our corporate organization. You will continue to work with the same people you always have, and we will continue to provide the same dependability and excellent customer service that you are accustomed to. Following the merger, our new legal entity will be *Oldcastle SW Group, Inc. DBA APC Southern Construction Co*.

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Sincerely

Chind all

Clint Allen Sr. Environmental Manager Oldcastle SW Group, Inc. DBA APC Southern Construction Co.

### Structure Agreement

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#### The following structures are located on or within 200 feet of the proposed disturbed area:

1.	County Road 611
2.	County Road 613
3.	
4.	
5.	
	(Please list additional structures on a separate page)

#### **CERTIFICATION**

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The applicant, <u>Oldcastle SW Group, Inc.</u>, represented by <u>Rich Umbel</u> as, <u>President</u> does herby certify that Huerfano County (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 the Reclamation Permit for Franciscotti Pit, File Number <u>M-2018-058</u>.

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: ACKNOWLEDGED BY: (Signature of Officer)
Applicant <u>Oldcastle SW Group, Inc.</u> Representative Name: <u>Rich Umbel</u>
Date: <u>9-17-2021</u> Title: <u>President</u>
STATE OF) COUNTY OF Polk)ss.
The foregoing was acknowledged before me this <u>17</u> day of <u>Sept</u> , 2021, by <u>Rich Umkel</u> as <u>Resident</u> of <u>Oldcastle SW Group</u> <u>HEIDI R. VEACH</u> Notary Public
Notary Public My Commission Expires January 14, 2024

#### **NOTARY FOR STRUCTURE OWNER**

Structure Owner: Huerfano County by Dusto Hindan (Supervisor)
Date: 9-28-2021 Title: Owner
STATE OF <u>Colorado</u> ) )ss. COUNTY OF <u>Kuufano</u> ) The foregoing was acknowledged before me this 28 day of <u>Lyo</u> , 2021, by
<u>DUSTIN HRIBAR</u> as <u>SUPERVISOR</u> of <u>HUERFAND</u> COUNTY <u>Marian C. Massell</u> My Commission Expires: <u>6-18-2024</u> Notary Public
Marian C Tressell NOTARY PUBLIC STATE OF COLORADO NOTARY ID# 19874205621 MY COMMISSION EXPIRES 06/18/2024

HEIDI R. VEACH
Commission Hendo
Ny Commission Hendo
Ny Commission Explore
January 14, 2024