



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

October 20, 2022

Jim Harrington  
Colorado Legacy Land, LLC  
333 W. Hampden Ave., Suite 935  
Englewood, CO 80110

**RE: Schwartzwalder Mine, Permit No. M-1977-300**  
**Approval of a 112d-2 Permit Amendment Application (AM-6)**

Mr. Harrington:

On October 19, 2022, the Mined Land Reclamation Board (MLRB) approved your 112d-2 permit amendment application (AM-6) for the Schwartzwalder Mine filed with our office on July 29, 2021, addressing the following:

*Provide a conceptual site model, a plan addressing the physical and chemical stabilization of the mine pool, specifically addressing the concentrations of dissolved uranium and other constituents as required under the conditions of the permit, and updated reclamation and environmental protection plans. Also provide a plan addressing the long term cost of operating the water treatment plant and managing the mine pool, based on a minimum of 3 consecutive years of data which verify the physical and chemical stabilization of the mine pool.*

The information provided in this application satisfied Conditions No. 2 and 3 of the Division's approval of the Succession of Operators (SO-1) from Cotter Corporation to Colorado Legacy Land, LLC, as outlined in its approval letter dated February 20, 2018.

The terms of the Amendment No. 6 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.

Please submit an updated Performance Warranty for the amended permit (see enclosed form). If you have any questions regarding the Performance Warranty, please contact Sara Stevenson-Benn by telephone at 303-866-3567, ext. 8148, or by email at [sara.stevenson-benn@state.co.us](mailto:sara.stevenson-benn@state.co.us).

For any other questions, you may contact me by telephone at 303-866-3567, ext. 8129 or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,

Amy Eschberger  
Environmental Protection Specialist



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Jim Harrington  
Colorado Legacy Land, LLC  
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Encl: Performance Warranty form

Cc: Paul Newman, Colorado Legacy Land, LLC  
Eric Williams, Colorado Legacy Land, LLC  
Elizabeth Busby, Ensero Solutions US, Inc.  
Billy Ray, Ensero Solutions US, Inc.  
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