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December 5, 2022

Mr. Timothy A. Cazier, P.E.
Colorado Division of Reclamation, Mining & Safety
1001 East 62nd Avenue, Room 215
Denver, CO 80216

Subject: M-1987-171 / Fountain Colony Pit : TR-5 Preliminary Adequacy Review Letter

Dear Mr. Cazier,

With this letter, I will address the three issues raised in your November 23, 2022 letter and will also provide some next step information for our closing out of the mining permit and completion of reclamation.

Mining Status. Kiewit has no intent to continue with any mining of the property. Kiewit sold the property to Copart last Tuesday (Note: I have asked Paul White to send you a copy of the access agreement between Kiewit and Copart which provides for continued Kiewit access to the property for completion of final reclamation and permit close-out). Copart will not mine the property. Their use is an industrial/commercial use of the property and they will not mine the land. To be more specific, they will initially develop about 88 acres for their intended use. Kiewit will lease back about 12.5 acres for our equipment storage but this 12.5-acre use could eventually become Copart's "expansion" area. Finally, both Kiewit and Copart will continue to use the 12.5-acres of driveway land that connects Charter Oak Ranch Road with the other two parcels.

Field Delineation. Kimley Horn has prepared legal descriptions for each of the three component parcels of the 113-acre industrial/commercial parcel. Paul White has sent along these legal descriptions including illustrations by separate email. If you require it, we could flag the Copart development area (i.e. 88 acres) and the Kiewit leaseback area (12.5 acres). The driveway is paved from Charter Oak Ranch Road to the interior of the site and is easily identifiable. We could mark the corners and place flags periodically along the boundaries to illustrate the industrial/commercial areas if this is necessary. I would not expect these flags to be apparent for too long as I believe Copart will begin site development activity on the 88-acre parcel in early 2023. Please advise on what you want us to do on this flagging exercise. Would you consider waiving the flagging exercise if we submit our release of acres from the mining permit January 10, 2023?



Reclamation Details. Since our October 12, 2022 site visit, Kiewit has removed about 100 of the "mafia" blocks and delivered them to the Hastings Recycle yard in Colorado Springs. This leaves about 15 to 20 of the blocks in place. These were left because there was heavy vegetation around them and removal would have seriously impacted the vegetation. That is, we made the decision to not disturb heavily vegetated areas. The black pipe protruding from the earth near the pond (in the area near the boundary of Phases 1 and 2) was removed and sent for recycling. The white pipe protruding from the earth was cut-off at ground level. We left the buried portion of this pipe in place as it was at the very end of our water delivery system from Fountain Creek. I doubt if this system will ever again connect with Fountain Creek but for now, it is considered retired in place.

As for next steps, we have a proposal from our consultant to immediately prepare and submit a proposal to complete reclamation and remove nearly all the land (except the Phase V area) from the mining permit. I will authorize going forward on preparation of the submittal this week and we expect to submit it immediately following the TR approval. The report could be completed and submitted no later than January 10, 2023.

With the above information, I would ask that you please approve the Technical Revision. As always, thanks for your help on this matter. Please don't hesitate to call me if you have any questions.

Sincerely,

Alan Lincoln, Director of Real Estate

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