



January 25, 2023

ELECTRONIC DELIVERY

Mr. Elliott Russell  
Environmental Protection Specialist  
Colorado Department of Natural Resources  
Division of Reclamation, Mining and Safety  
Office of Mined Land Reclamation  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

**Re: Permit No. M-1980-244; Cripple Creek & Victor Gold Mining Company; Cresson Project; Acreage Release Request (AR6) Notice of Incomplete Submittal Response**

Dear Mr. Russell:

On December 29, 2022, Newmont Corporation's Cripple Creek and Victor Gold Mining Company (CC&V) received the Division of Reclamation, Mining and Safety (DRMS) Notice of Incomplete Submittal, regarding the Acreage Release Request (AR6) Cresson Project, Permit No. M-1980-244. Below are DRMS comments in bold and CC&V's response in *italics*.

- 1. Maps provided in the AR6 submittal reference an Exhibit B and C of access agreement for the portion of the remaining permit boundary on James R Chapman, Jr.'s property. Upon a review of the permit file, the Division is unable to locate the access agreement with the exhibits. Please provide the access agreement with the referenced exhibits.**

*CC&V hereby submits the following copy of the Grant of Easement (attached rec.#704823) that include Exhibit B and C.*

Should you require further information, please do not hesitate to contact Johnna Gonzalez at (719) 313-0447, [Johnna.Gonzalez@Newmont.com](mailto:Johnna.Gonzalez@Newmont.com), or myself at (719) 851-4042 or [Katie.Blake@Newmont.com](mailto:Katie.Blake@Newmont.com).

Sincerely,

DocuSigned by:  
  
5A3D013B629844B...

Katie Blake  
Sustainability & External Relations Manager  
Cripple Creek & Victor Gold Mining Co



EC:

M. Cunningham – DRMS  
E. Russell - DRMS  
M. Crepeau – Teller County  
J. Gonzalez – CC&V  
K. Blake – CC&V  
N. Townley – CC&V

Attachments: Grant of Easement Rec.#704823

File: S:\CrippleCreek\na.cc.admin\Environmental\New File Structure\2-Correspondence\DNR\DRMS\2023\Jan\Outgoing

**After Recording Return To:**

Cripple Creek &amp; Victor Gold Mining Company LLC 6363

South Fiddler's Green Circle

Suite 800

Greenwood Village, Colorado 80111 ATTN:

Land Dept.

**GRANT OF EASEMENT**

THIS EASEMENT, is made and entered into on this 5<sup>th</sup> day of February, 2018 by and between JAMES RICHARD CHAPMAN, JR., as the Personal Representative of the Estate of Marlene Chapman, as an heir to James Chapman Sr. and Marlene Chapman, and individually, and MARK WAYNE CHAPMAN, <sup>sr</sup> <sup>mc</sup> as an heir to James Chapman Sr. and Marlene Chapman, and individually, (hereinafter referred to as "Grantor") and (CRIPPLE CREEK & VICTOR GOLD MINING COMPANY LLC, a Colorado limited liability company, whose legal address is 6363 South Fiddler's Green Circle, Suite 800, Greenwood Village, Colorado 80111, (hereinafter referred to as "Grantee").

**WITNESSETH:**

WHEREAS, Grantor is the owner of that certain land situated in the County of Teller, State of Colorado, as described on Exhibit A, attached hereto (the "Property"); and

WHEREAS, WILLIAM J. PALMER PARKS FOUNDATION, INC., dba PALMER LAND TRUST, a charitable nonprofit Colorado corporation, having an address at P.O. Box 1281, Colorado Springs, Colorado 80901, has an interest in the Property through a Deed of Conservation Easement, which was recorded in Teller County on November 21, 2013 at Reception #668052.

WHEREAS, CRIPPLE CREEK & VICTOR GOLD MINING COMPANY LLC, a Colorado limited liability company, having an address at 6363 S. Fiddlers Green Circle, Greenwood Village, Colorado 80111, has an interest in the Property through reservations in a Deed, which was recorded in Teller County on May 7, 1991, at Reception #386351.

GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Grantee, its successors, and assigns, a nonexclusive right for ingress and egress across the Property for the sole purpose of accessing and working upon the adjacent parcel, owned by Grantee and identified as Teller County Parcel number R0004375 (this grant is hereinafter the "Easement"). The bounds of the Easement are described in Exhibit B and depicted on Exhibit C, attached hereto.



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IT IS FURTHER AGREED:

1. The area of the Easement that is off of the existing road maybe be used only for vehicle turnaround and temporary parking of vehicles.
2. The purpose of the Easement may not be expanded by Grantee without the written permission of both Grantor and Palmer Land Trust.
3. The Easement shall in no way diminish the rights of Grantee as the owner of the minerals under the Property, nor the rights conferred through such ownership by the laws of the State of Colorado and the United States.
4. All work conducted by Grantee on the Easement shall be done at Grantee's sole cost and expense and only after first obtaining the written approval of Grantor.
5. In its use of the Easement, Grantee agrees to comply with the applicable restrictions contained in the Deed of Conservation Easement, held by Palmer Land Trust and referenced above, subject to all existing property rights.
6. Grantee will at all times save and hold harmless Grantor with respect to any and all loss, damage or liability suffered or sustained by reason of any injury or damage to any person or property caused by the use of the Easement by Grantee or Grantee's agents.
7. Grantor, with reasonable written notice, may relocate the Easement or the roadway within it to a suitable location, the suitability of which will be determined solely by Grantor, provided that Grantor furnishes the necessary right-of-way at no cost to Grantee and that Grantor bears all costs of relocation.
8. All exhibits referred to herein and attached hereto shall be deemed part of the Easement.
9. The Easement shall be governed by and interpreted in accordance with the laws of the State of Colorado.
10. The Easement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute one and the same instrument.

THIS GRANT OF EASEMENT and the terms contained herein shall be binding upon the successors, agents and assigns of Grantor and Grantee, and all rights herein granted may be assigned.

TO HAVE AND TO HOLD all and singular the said premises, granted together with the appurtenances, unto said Grantee, its successors, agents and assigns forever.

[Remainder of page intentionally left blank; signatures appear on the following page]



IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first above written.

GRANTORS:

GRANTEE:

CRIPPLE CREEK & VICTOR GOLD  
MINING COMPANY, LLC, a  
Colorado limited liability company

By: James Richard Chapman Jr.  
JAMES RICHARD CHAPMAN JR.,  
as the Personal representative of the  
Estate of Marlene Chapman, as an heir  
to James Chapman Sr. and Marlene  
Chapman, and individually

By: \_\_\_\_\_

By: Mark Wayne Chapman SR  
MARK WAYNE CHAPMAN, SR MC  
as an heir to James Chapman Sr. and  
Marlene Chapman, and individually

COUNTY OF Teller

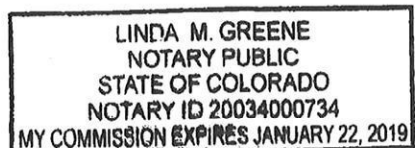
) ss.

STATE OF COLORADO )

The foregoing Grant of Easement was acknowledged before me this 6<sup>th</sup> day of  
February, 2018 by James Richard Chapman, Jr., as the Personal Representative of the Estate of  
Marlene Chapman, as an heir to James Chapman Sr. and Marlene Chapman, and individually.

Witness my hand and official seal

Linda M. Greene



Notary Public in and for State of COLORADO

My commission expires: 1-22-2019

[SEAL]

COUNTY OF Teller) ss.

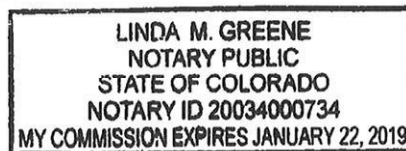
STATE OF COLORADO )

The foregoing Grant of Easement was acknowledged before me this 09 day of February, 2018 by Mark Wayne Chapman, as an heir to James Chapman Sr. and Marlene Chapman, and individually.

Witness my hand and official seal

Gail M. Greene  
Notary Public in and for State of COLORADO

My commission expires: 1-22-2019



[SEAL]

COUNTY OF \_\_\_\_\_)  
 ) ss.

STATE OF COLORADO )

The foregoing Grant of Easement was acknowledged before me this \_\_\_\_\_ day of February, 2018 by \_\_\_\_\_, as the \_\_\_\_\_ of Cripple Creek & Victor Gold Mining Company, LLC, a Colorado limited liability company.



Notary Public in and for State of COLORADO

My commission expires: \_\_\_\_\_

[SEAL]

COUNTY OF \_\_\_\_\_)

) ss.

STATE OF COLORADO )

The foregoing Grant of Easement was acknowledged before me this \_\_\_\_\_ day of February, 2018 by Mark Wayne Chapman, as an heir to James Chapman Sr. and Marlene Chapman, and individually.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public in and for State of COLORADO

My commission expires: \_\_\_\_\_

[SEAL]

COUNTY OF Teller)

) ss.

STATE OF COLORADO )

The foregoing Grant of Easement was acknowledged before me this 14th day of February, 2018 by Mike Schaffner the General Manager of Cripple Creek & Victor Gold Mining Company, LLC, a Colorado limited liability company.

Witness my hand and official seal

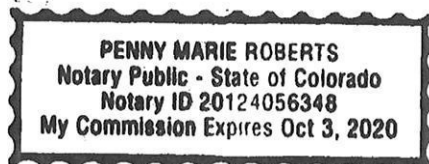
Witness my hand and official seal

*Delly Marie Roberts*

\_\_\_\_\_  
Notary Public in and for State of COLORADO

My commission expires: 10/03/2020

[SEAL]



The Palmer Land Trust consents to the grant of this Easement under the terms of the Conservation Easement described above.

The Palmer Land Trust,  
a charitable nonprofit Colorado corporation

By: \_\_\_\_\_  
Rebecca Jewett, Executive Director

STATE OF COLORADO )  
 ) ss.  
COUNTY OF EL PASO )

The foregoing document was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by REBECCA JEWETT as Executive Director of the William J. Palmer Parks Foundation, INC., dba Palmer Land Trust.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

Notary Public



**EXHIBIT "A"****LEGAL DESCRIPTION OF PROPERTY BURDENED BY THIS EASEMENT**

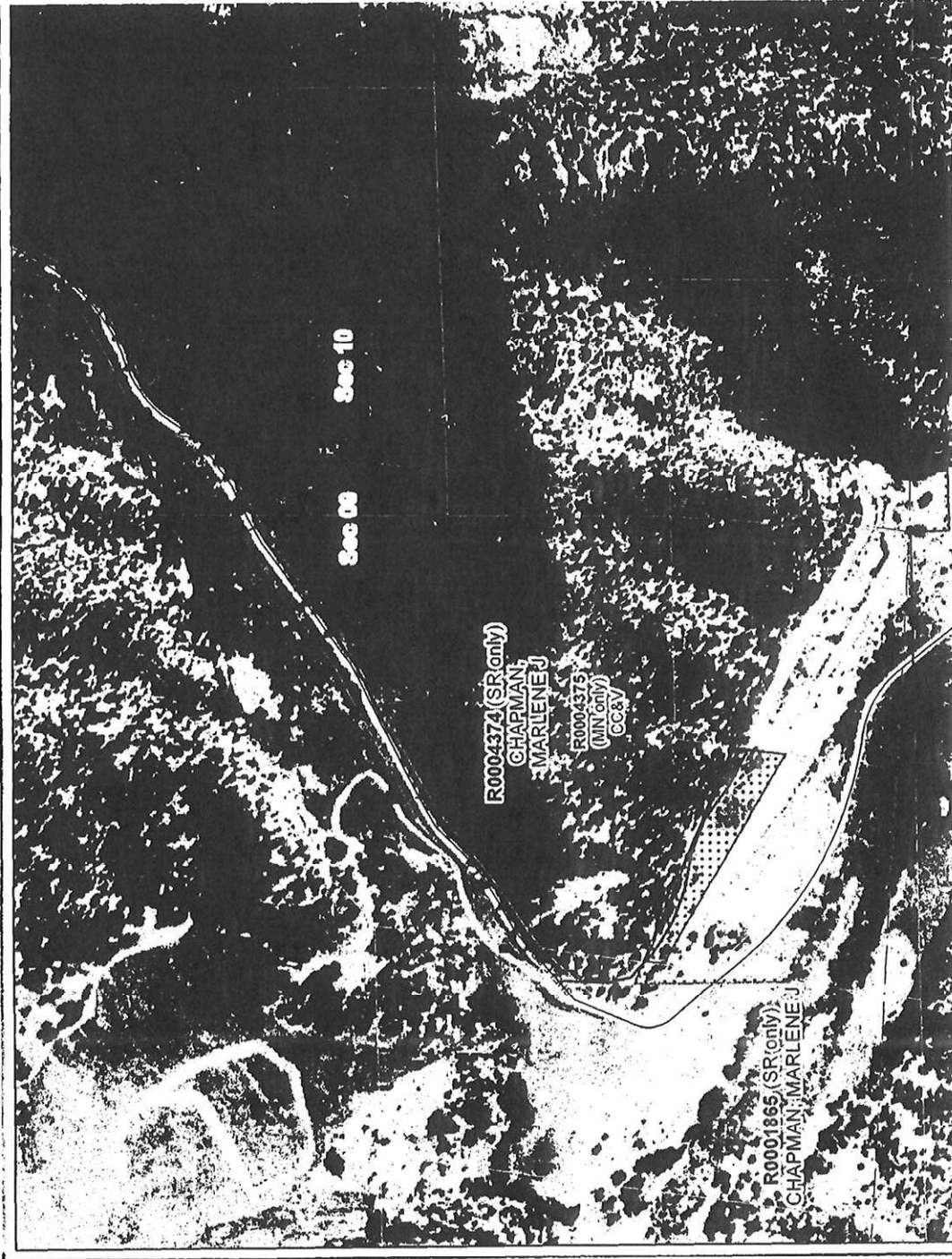
R0001865	9-16-70 3257 HOME PLACER OR (E2SW4SE4)
R0004374	9-16-70 W2SE4SE4, NE4SE4SE4, PT NE4SE4 AS DESC AT 386351

**EXHIBIT "B"****LEGAL DESCRIPTION OF ACCESS EASEMENT**

R0001865	9-16-70 3257 HOME PLACER OR (E2SW4SE4), but only as to the existing road lying East of County Road 88, aka Shelf Rd.
aR0004374	9-16-70 W2SE4SE4, NE4SE4SE4, PT NE4SE4 AS DESC AT 386351 but only as to the portion delineated on the attached Exhibit C

**EXHIBIT C**  
**MAP OF ACCESS EASEMENT**

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## AR6 Notice of Incomplete Submittal Response

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**Norma Townley** <Norma.Townley2@newmont.com>

Wed, Jan 25, 2023 at 3:58 PM

To: Elliott Russell - DNR <elliott.russell@state.co.us>

Cc: "Cunningham - DNR, Michael" <Michaela.Cunningham@state.co.us>, "Crepeau, Michael" <CrepeauM@co.teller.co.us>, Johnna Gonzalez <Johnna.Gonzalez@newmont.com>, Katie Blake <Katie.Blake@newmont.com>, Norma Townley <Norma.Townley2@newmont.com>

Elliott, attached please find our response regarding the AR6 Notice of Incomplete Submittal along with a Grant of Easement attachment. If you have any questions or concerns, please reach out to [Johnna.Gonzalez@Newmont.com](mailto:Johnna.Gonzalez@Newmont.com) or [Katie.Blake@Newmont.com](mailto:Katie.Blake@Newmont.com). Thank you.



### *Norma Townley*

Business Assistant | Newmont | T 719-851-4255

Newmont

Cripple Creek & Victor Gold Mine

PO Box 191

100 N.3<sup>rd</sup> Street

Victor CO 80860

[www.newmont.com](http://www.newmont.com)

Email: [Norma.Townley2@Newmont.com](mailto:Norma.Townley2@Newmont.com)

Please consider the environment before printing this e-mail

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### 2 attachments



**25JAN2023\_TR124 - Acreage\_ReductionAR6\_Notice\_of\_Incomplete\_Submittal\_Response-Final.docx.pdf**  
606K



**3 Grant of Easement- Rec.#704823.pdf**  
3819K