

19.0 RULE 6.4.19: EXHIBIT S – PERMANENT MAN-MADE STRUCTURES

Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:

Figure 19-1 illustrates the location of all man-made structures.

(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

See **Appendix 19-1 through Appendix 19-3** for Structural Agreements.

(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

See **Appendix 19-5** for Engineering Reports.

(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.

See **Appendix 19-4** for utility letter.



- | | |
|------------------------|------------|
| — AFFECTED LAND | — FOWLER |
| — 200FT PERIMETER | — WOOD |
| — BENSON | — PHILLIPS |
| — CJK MILLING | — XCEL |
| — LEADVILLE SANITATION | |



FIGURE 19-1
FEATURES & STRUCTURES
WITHIN 200FT

APPENDIX 19-1

PERMANENT MAN-MADE STRUCTURES

LEADVILLE SANITATION



CJK Milling Company, LLC

PO Box 620490
Littleton, CO 80162
+1.720.413.5943

Certified Mail -

February 1, 2023

Mr. Stephen Bain
Welborn Sullivan Meck & Tooley
1401 Lawrence St., Suite 1800
Denver, CO 80202
303-830-2500
sbain@wsmtlaw.com

Joseph A. Fattor
405 Harrison Ave.
Leadville, CO 80461
719-486-2686
fattorlaw@outlook.com

On behalf of
Leadville Sanitation

RE: Mill Permit Update & Structure Agreement

Dear Mr. Bain, Mr. Fattor, and Leadville Sanitation Team,

Mill Permit Update

CJK has completed revisions to its mill permit (M1990-057), and plans to re-submit the 112(d) Amendment application in the next few days. A complete version of this document will be provided to you (in electronic PDF format) as soon as the permit is submitted and accepted by CDRMS. In the meantime, we have included 2 Figures from the permit document highlighting the updated layout. These are Figure 3-4, General Arrangement, and Figure 19-1 Features & Structures within 200 feet of the Affected Land. The primary focus of this re-submission is to address public concerns, including those from Leadville Sanitation. These concerns and adjustments include:

- Zero-Discharge. The facility remains at zero-discharge as in the previous submission.
- Process Water Management. CJK received public concern with respect to cyanide contamination risk of surface- and groundwater from process spillage and tailings storage. The design includes:
 - Double-Lined Sump. The originally proposed and constructed tailings facility will now serve as an emergency containment sump (ECS). The ECS will contain a minimum amount of fresh water that will be used for processing. However, it will maintain a volume below grade that is at a minimum 110% of all liquids in the Mill. Therefore, in the highly unlikely event of 100% mill containment breach, all liquids will be captured in the double-lined sump preventing downstream spills. The sump is downgradient allowing all liquids to flow into the sump via gravity so there is no risk of pump failure resulting in a catastrophic spill. Should such an event occur: (a) the existing fresh water will immediately dilute the cyanide concentration, (b) mill operations will immediately stop, (c) containment breach(es) will

- be repaired, and (d) the sump contents will be pumped to the cyanide detoxification circuit for detoxification. Once detoxified, the water will be reused in the operation.
 - Filtered Tailings Deposit (FTD). Tailings will be filtered prior to deposition. Unlike the previous tailings slurry design, tailings will now be filtered and deposited at a new double-lined tailings facility. Moisture content of the tailings will be in the order of 25%. Tailings will retain this level of moisture. Nevertheless, any seepage from the tailings as well as rain and snow runoff from the tailings will be captured in a down-gradient catchment pond and reclaimed in the process plant.
 - Stormwater Management. The design basis to divert all storm water in affected land into the process plant reclaim system or the ECS remains as previous. However, the design is extended to include the new (proposed) FTD. Non-contact water will be diverted via existing natural drainages.
- Proximity to Existing Structures. Concern, especially by Mr. and Mrs. Benson given the proximity of their home to the Affected Land has been addressed by:
 - FTD Proximity. The FTD will be constructed on the northeast corner of the property. This is northwest of the sanitation facility. No portion of the FTD is directly North, or up-gradient of the sanitation facility. Per the Lake County CUP requirement this facility will be no closer than 250 feet from the sanitation property line.
- Hazardous Tailings.
 - Factor of Safety. The FTD will have a high factor of safety given its relatively shallow (4V:1H) overall slope and maximum 35-foot height.
 - Non-Hazardous. RCRA metals and TCLP testing has shown the detoxified material is well below hazardous material levels.
 - No groundwater affect. The FTD is not up-gradient of sanitation facility groundwater.
- Mill Access. CJK propose to retain the existing access drive for employee, supplier and general site access. It is proposed that haul trucks enter the property via the AVS access off Highway 24 and enter the mill project site on the North of the Sanitation property. The slag entrance will be constructed directly North of County Road 23 entrance off Highway 24. In this configuration, the road crosses the sewer line at the AVS access and remains to the north of the sewer line from there on. This can be an advantage as it will provide easy access to Sanitation for sewer line maintenance within most of the mill site property.
- Sewer Line. CJK has located and surveyed the sewer line location. Sanitation has received this information.
- Water Line. Despite our best efforts, CJK was unable to definitively locate the sanitation waterline. We reached out to Colorado-local and out of state underground pipeline service providers. Unfortunately, none were able to assist us. One locator tried a couple of techniques but was unsuccessful. The locator was able to trace the water line from its origin at the Stringtown hydrant West to approximately the County Road 23 intersection. It is believed that the water line is constructed of PVC so could not be traced using conventional electric current locating. Also, locating difficulties were exacerbated given that communication cabling was placed above the water line. CJK was informed by our contractor that the water line likely lies on the South side of US highway 24 and is away from the Arkansas Valley Slag entrance.
- Cyanide in sewer water. CJK considered this concern during this process. CJK is planning extremely strict access controls to all on-site cyanide.
- Negligible Seismicity. The crusher is very small and seismicity during operation will be confined to a small radius around the crusher building.

Structure Agreements

Union Milling Contractors, LLC (UMC), operator of the Leadville Mill, 13815 Hwy 24, Leadville, CO, is preparing permit filings on behalf of the owner CJK Milling Company, LLC (CJK) for inclusion in a 112(d) Designated Mining Regular Operations permit in accordance with the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board. This filing requires CJK to contact owners of structures

within 200 feet of the Mill Affected Land. Structures within 200 feet of Affected Land are shown in Figure 19-1.

Leadville Sanitation District has a sewer line, a finishing pond and embankment, and a fence located within the 200ft disturbance area.

CJK requests that you provide a notarized agreement between the applicant (CJK) and the person(s) having an interest (yourselves) in the structures, that CJK is to provide compensation for any damage to the structures should they occur. CJK has provided a Structure Agreement, approved by the Colorado Mined Land Reclamation Board for this use.

If you have any questions, I can be reached at 720-413-5943 or sveith@unionmilling.com.

Sincerely,

Stephanie Veith
Union Milling Contractors, LLC
Manager

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 affected area:

1. Sewer Line North of Mill Building
2. Finishing Pond and Embankment to the East
3. Fence on the West Boundary of Leadville Sanitation Property

CERTIFICATION

The Applicant **CJK Milling Company, LLC**, By **Stephanie Veith**, as **Manager, Union Milling Contractors, LLC**, does hereby certify that **Leadville Sanitation District** shall be compensated for any damage from the proposed mining operation to the above listed structures located on or within 200 feet of the proposed affected area described within Exhibit A of the Reclamation Permit Application for **Leadville Mill**, File Number **M1990 - 057**.

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:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

Notary Public

My Commission Expires: _____

NOTARY FOR PERMIT STRUCTURE OWNER

ACKNOWLEDGED BY:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

APPENDIX 19-2

PERMANENT MAN-MADE STRUCTURES

CONCERNED CITIZENS

BENSON

FOWLER

WOODS



CJK Milling Company, LLC

*PO Box 620490
Littleton, CO 80162
+1.720.413.5943*

Certified Mail -

February 1, 2023

Mr. Scott Clark
Burns Figa & Will
6400 S. Fiddler's Green Circle, Suite 1000
Greenwood Village, CO 80111

On behalf of the Concerned Citizens:

George and Elizabeth Benson
PO Box 1607
Leadville, CO 80461

Justin and Anne Marie Fowler
758 Fillmore St
Denver, CO 80206

Derrick & Christina Wood
PO Box 920
Leadville, CO 80461

RE: Mill Permit Update & Structure Agreement

Dear Mr. Clark, and Concerned Citizens George and Elizabeth Benson, Justin and Anne Marie Fowler, and Derrick and Christina Wood.

It is our understanding that all correspondence with respect to the permitting process for the Leadville Mill is to be directed to Mr. Clark on behalf of the Concerned Citizens. Please let me know if this is incorrect and we will direct our request individually to the attention of each Concerned Citizen member.

Mill Permit Update

CJK has completed revisions to its Mill permit (M1990-057), and plans to re-submit the 112(d) Amendment application in the next few days. A complete version of this document will be provided to you (in electronic PDF format) as soon as the permit is submitted and accepted by CDRMS. In the meantime, we have included 2 Figures from the permit document highlighting the updated layout. These are Figure 3-4, General Arrangement, and Figure 19-1 Features & Structures within 200 feet of the Affected Land. The primary focus of this re-submission is to address public concerns, including those from the Concerned Citizens. These concerns and adjustments include:

- Zero-Discharge. The facility remains at zero-discharge as in the previous submission.
- Process Water Management. CJK received public concern with respect to cyanide contamination risk of surface and groundwater from process spillage and tailings storage. The design includes:

- Double-Lined Sump. The originally proposed and constructed tailings facility will now serve as an emergency containment sump (ECS). The ECS will contain a minimum amount of fresh water that will be used for processing. However, it will maintain a volume below grade that is at a minimum 110% of all liquids in the Mill. Therefore, in the highly unlikely event of 100% Mill containment breach, all liquids will be captured in the double-lined sump preventing downstream spills. The sump is downgradient allowing all liquids to flow into the sump via gravity so there is no risk of pump failure resulting in a catastrophic spill. Should such an event occur: (a) the existing fresh water will immediately dilute the cyanide concentration, (b) Mill operations will immediately stop, (c) containment breach(es) will be repaired, and (d) the sump contents will be pumped to the cyanide detoxification circuit for detoxification. Once detoxified, the water will be reused in the operation.
- Filtered Tailings Deposit (FTD). Tailings will be filtered prior to deposition. Unlike the previous tailings slurry design, tailings will now be filtered and deposited at a new double-lined tailings facility. Moisture content of the tailings will be in the order of 25%. Tailings will retain this level of moisture. Nevertheless, any seepage from the tailings as well as rain and snow runoff from the tailings will be captured in a down-gradient catchment pond and reclaimed in the process plant.
- Stormwater Management. The design basis to divert all storm water in affected land into the process plant reclaim system or the ECS remains as previous. However, the design is extended to include the new (proposed) FTD. Non-contact water will be diverted via existing natural drainages.
- Proximity to Existing Structures. Concern, especially by Mr. and Mrs. Benson given the proximity of their home to the Affected Land has been addressed by:
 - Affected Land Size Reduction. See Figures 19-1 and 3-4. CJK reduced the size of the Affected Land proximate to the Benson home as much as possible. At this point, the access road is the only structure within 200ft of the Affected Land. The FTD will remain no closer than 500 feet from the home. Access roads are now the only structures within 200 feet of the Affected Land.
 - Visual Impact. The FTD height is capped at 35 feet above existing grade. This is the approximate height of the existing trees. The FTD will not be visible to any neighbors through the tree barrier.
 - Noise. Lake County CUP mandates 70dB noise at the property line. The operation is obligated to meet this requirement. Primary noise will likely be daytime truck unloading at the facility. Unloading will be about 330 feet from the Fowler property (1,100 feet from the Fowler home) and 400 feet from the Benson Property (560 feet from the Benson home). CJK believe that noise mitigation (e.g. sound insulated crusher building, truck mufflers, speed limit requirement, etc.) will be sufficient to meet this requirement. Noise will be monitored. If noise limits are not achievable, CJK will apply for Technical Revision (TR) to construct a noise barrier wall.
- Hazardous Tailings. A FTD will be constructed as far as possible from the neighbors. The FTD will have a high factor of safety given its relatively shallow (4V:1H) overall slope and maximum 35-foot height. RCRA metals and TCLP testing has shown the detoxified material is well below hazardous material levels.

Structure Agreements

Union Milling Contractors, LLC (UMC), operator of the Leadville Mill, 13815 Hwy 24, Leadville, CO, is preparing permit filings on behalf of the owner CJK Milling Company, LLC (CJK) for inclusion in a 112(d) Designated Mining Regular Operations permit in accordance with the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board. This filing requires CJK to contact owners of structures within 200 feet of the Mill Affected Land. Structures within 200 feet of Affected Land are shown in Figure 19-1.

Benson

Mr. and Mrs. Benson maintain a general access road to the West of the Mill that is within the 200ft disturbance area. However, the portion of the road that is 200 feet from the affected Land is on the Fowler Property. It is not clear if this road is owned by Benson or if it is an easement granted by Fowler. There is no identified Mill activity that can impact the access road.

Fowler

Mr. and Mrs. Fowler maintain a general access road to the West of the Mill within the 200ft disturbance area. As discussed above, it is not clear if the drive from the Fowler road to the Benson property is also owned by the Fowlers. There is no identified Mill activity that can impact the access road.

Wood

Mr. and Mrs. Wood maintain a general access road to the West of the Mill within the 200ft disturbance area. There is no identified Mill activity that can impact the access road.

CJK requests that you provide individual notarized agreements between the applicant (CJK) and the persons having an interest (Benson's, Fowler's and Wood's) in the structures, that CJK is to provide compensation for any damage to the structures should they occur. CJK has provided a Structure Agreement, approved by the Colorado Mined Land Reclamation Board for this use.

If you have any questions, I can be reached at 720-413-5943 or sveith@unionmilling.com.

Sincerely,

Stephanie Veith
Union Milling Contractors, LLC
Manager

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 affected area:

1. Driveways West of Mill

CERTIFICATION

The Applicant **CJK Milling Company, LLC**, By **Stephanie Veith**, as **Manager, Union Milling Contractors, LLC**, does hereby certify that **George and Elizabeth Benson** shall be compensated for any damage from the proposed mining operation to the above listed structures located on or within 200 feet of the proposed affected area described within Exhibit A of the Reclamation Permit Application for **Leadville Mill**, File Number **M1990 - 057**.

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:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by

as _____ of _____.

Notary Public

My Commission Expires: _____

Notary Public

My Commission Expires: _____

NOTARY FOR PERMIT STRUCTURE OWNER

ACKNOWLEDGED BY:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

CERTIFICATION

The Applicant **CJK Milling Company, LLC**, By **Stephanie Veith**, as **Manager, Union Milling Contractors, LLC**, does hereby certify that **Justin and Anne Marie Fowler** shall be compensated for any damage from the proposed mining operation to the above listed structures located on or within 200 feet of the proposed affected area described within Exhibit A of the Reclamation Permit Application for **Leadville Mill**, File Number **M1990 - 057**.

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:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

Notary Public

My Commission Expires: _____

NOTARY FOR PERMIT STRUCTURE OWNER

ACKNOWLEDGED BY:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

CERTIFICATION

The Applicant **CJK Milling Company, LLC**, By **Stephanie Veith**, as **Manager, Union Milling Contractors, LLC**, does hereby certify that **Derrick & Christina Wood** shall be compensated for any damage from the proposed mining operation to the above listed structures located on or within 200 feet of the proposed affected area described within Exhibit A of the Reclamation Permit Application for **Leadville Mill**, File Number **M1990 - 057**.

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:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

Notary Public

My Commission Expires: _____

NOTARY FOR PERMIT STRUCTURE OWNER

ACKNOWLEDGED BY:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

APPENDIX 19-3

PERMANENT MAN-MADE STRUCTURES

PHILLIPS



PO Box 620490
Littleton, CO 80162
+1.720.413.5943

Certified Mail -

February 1, 2023

Allen K & Barbara J Phillips
7780 North Paseo Monserrat
Tucson, AZ 85704

Dear Al and Barbara,

Union Milling Contractors, LLC (UMC), operator of the Leadville Mill, 13815 Hwy 24, Leadville, CO, is preparing permit filings on behalf of the owner CJK Milling Company, LLC (CJK) for inclusion in a 112(d) Designated Mining Regular Operations permit in accordance with the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board. This filing requires CJK to contact owners of structures within 200 feet of the Mill Affected Land, as shown in red on the attached figure.

You maintain a general access road and concrete foundation to the South of the Mill within the 200ft disturbance area. Mill activities within 200ft of the general access road involve Mill operations and Emergency Containment Sump. The general access road and concrete foundation are located within 200ft of the affected lands and are shown in pink.

CJK requests that you provide a notarized agreement between the applicant (CJK) and the person(s) having an interest (yourselves) in the structures, that CJK is to provide compensation for any damage to the structures should they occur. CJK has provided a Structure Agreement, approved by the Colorado Mined Land Reclamation Board for this use.

If you have any questions, I can be reached at 720-413-5943 or sveith@unionmilling.com.

Sincerely,

Stephanie Veith
Union Milling Contractors, LLC
Manager

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 affected area:

- 1. Roads South of Mill
- 2. Concrete Foundation South of Mill

CERTIFICATION

The Applicant **CJK Milling Company, LLC**, By **Stephanie Veith**, as **Manager, Union Milling Contractors, LLC**, does hereby certify that **Allen K & Barbara J Phillips** shall be compensated for any damage from the proposed mining operation to the above listed structures located on or within 200 feet of the proposed affected area described within Exhibit A of the Reclamation Permit Application for **Leadville Mill**, File Number **M1990 - 057**.

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:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

Notary Public

My Commission Expires: _____

NOTARY FOR PERMIT STRUCTURE OWNER

ACKNOWLEDGED BY:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

APPENDIX 19-4

UTILITY LETTER

XCEL



CJK Milling Company, LLC

*PO Box 620490
Littleton, CO 80162
+1.720.413.5943*

Certified Mail -

February 1, 2023

Xcel Energy
1123 W 3rd Ave
Denver, CO 80223

Dear Excel,

Union Milling Contractors, LLC (UMC), operator of the Leadville Mill, 13815 Hwy 24, Leadville, CO, is preparing permit filings on behalf of the owner CJK Milling Company, LLC (CJK) for inclusion in a 112(d) Designated Mining Regular Operations permit in accordance with the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board. This filing requires CJK to contact owners of structures within 200ft of the mill disturbance area (purple outline). The Mill general facilities arrangement is attached. The red line indicates the disturbance area and the green lines indicates your permanent structure, namely a power line, transformer and a gas line.

Xcel Energy supplies electrical power to the Leadville Mill facility with an overhead power line located within the 200ft disturbance area. This power line has been in existence for over 20 years (the transformer was recently upgraded by your company) and any additional disturbance conforms to normal building construction and maintenance. The power line closest to the Mill facility generally runs East-West over a length of approximately 870ft and is within the disturbance area. The natural gas line is located on the East boundary of the property and generally runs North-South. There is also an overhead powerline powering the residence to the Northwest of permitted area. CJK plans to construct a small (about 10-acre) filtered tailings deposit on the northern-most portion of the (red) disturbance area. The facility will be constructed no less than 25-feet from the gas line.

CJK requests that you provide a notarized agreement between the applicant (CJK) and the person(s) having an interest (Xcel) in the structures, that CJK is to provide compensation for any damage to the structures. CJK has provided a Structure Agreement, approved by the Colorado Mined Land Reclamation Board for this use.

If you have any questions, I can be reached at 720-413-5943 or sveith@unionmilling.com.

Sincerely,

Stephanie Veith
Union Milling Contractors, LLC
Manager

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 affected area:

- 1. Gas Line on East Side of CJK Property
- 2. Overhead Powerline Providing Power to Mill
- 3. Overhead Powerline West of CJK Property Powering 13769 Highway 24

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant **CJK Milling Company, LLC**, By **Stephanie Veith**, as **Manager, Union Milling Contractors, LLC**, does hereby certify that **Xcel Energy** shall be compensated for any damage from the proposed mining operation to the above listed structures located on or within 200 feet of the proposed affected area described within Exhibit A of the Reclamation Permit Application for **Leadville Mill**, File Number **M1990 - 057**.

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:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

Notary Public

My Commission Expires: _____

NOTARY FOR PERMIT STRUCTURE OWNER

ACKNOWLEDGED BY:

Applicant _____

Representative Name _____

Date _____

Title _____

STATE OF _____)

)ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by

_____ as _____ of _____.

Notary Public

My Commission Expires: _____

APPENDIX 19-5

ENGINEERING REPORT

Engineering Report(s) will be submitted applicably after structural agreement responses have been received.