Newmont
NORTH AMERICA

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May 22, 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; Technical Revision 137 – WHEX Clay Borrow Source

Dear Mr. Russell:

Newmont Corporation's Cripple Creek and Victor Gold Mining Company (CC&V) hereby requests Technical Revision (TR) 137 proposing to excavate a clay borrow source on the northern perimeter of the WHEX Pit.

Initially, CC&V submitted TR133 on February 2, 2023, and received adequacy review comments from DRMS on February 17, 2023. At that time, CC&V elected to submit a scaled down version of the original submittal with the intent to later submit an addendum for the full scope to meet construction needs of the operation. CC&V hereby submits the full scope of the original submittal along with the first Adequacy review comments and responses.

Background:
Additional clay is needed for the completion of the VLF-2, Phase 3 project, approved in December 2020 with Amendment 13. A total of 12.9 acres will be disturbed for the clay borrow area.

Attached please find Figure 1 – WHEX pit clay excavation, WHEX pit clay excavation and Technical Memo - WHEX Sediment Pond Basis of Design.

Stormwater Controls:
Stormwater management for the area will be in accordance with CC&V's Stormwater Management Plan, utilizing best management practices and inspections to ensure compliance. During clay excavation, EMP-18 will be eliminated and eventually replaced once the project is complete, in alignment with TR 101, approved in November 2018.

Schedule:
Excavation of the clay borrow source will begin immediately pending DRMS and Teller County approval. Active mining of the clay will continue from 2023-2027, as needed and weather permitting.

Reclamation:
The reclamation for the WHEX clay borrow source will coincide with the current timeline for the WHEX/ECOSA reclamation which is anticipated to begin in 2032.

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Financial Warranty:

Table 1 presents a summary of direct costs for reclamation of the additional WHEX Clay Borrow Area. Estimated reclamation costs of $18,036.26 were included in TR-133 for the scaled down version of the WHEX Clay Borrow area. The estimated additional reclamation costs for mining the expanded clay source is $31,285.15. This brings the total reclamation costs for the full scope of the WHEX Clay Borrow to $49,321.41

INITIAL ADEQUACY REVIEW – February 17, 2023. Below are DRMS comments in bold and CC&V's responses in *italics*.

1. **TR133 states that during clay excavation, EMP-18 will be eliminated and eventually replaced once the project is complete. TR133 also provides a schedule indicating clay mining will occur in 2023-2027 with reclamation to begin in 2023, please provide details on when the approximately EMP-18 will be eliminated and when it will be replaced with the EMP. If there is a time lapse between the removal of EMP-18 and the construction of the EMP, please discuss temporary and adequate stormwater controls during this time to minimize erosion.**

   EMP-18 is scheduled to be mined out in June 2023, the clay excavation activities will be conducted as needed from 2023 through 2027. The new EMP-18b is anticipated to be constructed Q3 2027.

   Erosion control such as sumps, turnouts and trenching will be installed and will be adjusted accordingly throughout the project and updated in the Stormwater Management Plan. Inspections will also be conducted during and after the clay excavation until the area is revegetated according to CC&V's closure plan and EMP-18b is established.

2. **Please propose a name for the EMP which will replace EMP-18. The Division suggests differentiation the new EMP from Emp-18 (e.g. EMP-18-2, EMP-18b, etc.) to reduce any confusion moving forward as the design size and location will change.**

   The new EMP is now identified as EMP-18b.

3. **Please provide details regarding the design storm event, storm depth, volume calculation, and other appropriate factors that were utilized for the new EMP and demonstrate these are consistent with those provided in TR131.**

   See attached design calculations.

4. **Please provide details on how the new EMP will be incorporated in the stormwater closure design for WHEX Pit backfill area. Please discuss if a spillway will be constructed which will report to an additional channel within the backfill, leading to a proposed bench or draindown channel as depicted on Figure 3 – WHEX Pit Backfill Closure Plan in TR 131.**

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The WHEX Pit is going to be backfill higher than the rim proposed floor of the WHEX Clay Excavation. When the pit is backfilled, the backfill will extend into the excavation area. As a result, EMP-18b will act as an infiltration pond, the bottom of the EMP will be lower than the finished ground at closure. EMP-18b has been sized to hold the volume of the 500yr-24hr storm event, to meet the Newmont Standard requirement. If the EMP should overflow, the water will flow down towards the draindown channel depicted in Figure 3 – WHEX Pit Backfill Closure Plan in TR 131.

5. **Diversion Channels DC-EMP-18W and DC-EMP-18N currently convey stormwater to EMP-18 as documented in TR101. TR133 does not address how these channels will extend to the location of the new EMP. Please provide designs and details of these diversion channel extensions. Furthermore, please discuss if an additional watershed boundary, as depicted on Figure 2 – WHEX Pit Clay Excavation Reclamation, to the new EMP.**

Please see Attachment X, which is a technical memo addressing these requirements.

6. **The NewFields January 25 letter states: "Before being abandoned, the side slopes of any borrow area outside the Work are shall be brought to stable slopes (not steeper than 3H:1V)". TR133 doesn't specifically provide the maximum slope gradient of the borrow area during mining, however, as there is not a line item for a backfilling/grading task within the reclamation cost estimate summary table, the proposal indicates the final reclamation slope gradient will be maintained. Please clarify the borrow area will be mined at a slope no steeper than 3H:1V or provide details of the active clay mining and update the cost estimate summary table as appropriate. Please also discuss the sequence and how clay mining will occur during the provided timeframe 2023-2027.**

All slopes are now graded at 3(h):1(V), as detailed in figure 1 enclosed as Attachment 2.

7. **Figure 1 – WHEX Pit Clay Excavation and 2 – WHEX Pit Clay Excavation Reclamation are missing a date or signature. As required by Rule 6.2.1(2)(b) and (c), please provide revised figures with dates and signatures**.

N/A - This comment was addressed in TR133, which was originally submitted on February 1, 2023 and approved on March 6, 2023.

8. **Figure 2 – WHEX Pit Clay Excavation Reclamation depicts a "grass" hatch, however this is not included in the legend. Additionally, this hatch only covers a portion of TR133 disturbance area, suggesting revegetation will not occur in the entire area. Please either remove the "grass" hatch and simply clarify the disturbed land will be revegetated in accordance with the approved Exhibit E – Reclamation Plan or revise the hatch are to include all disturbance of TR133 and update the legend.**

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Please refer to response #7, above.

9. **Figure 2 – WHEX Pit Clay Excavation includes *Note 1* identifying the volume of the new EMP at 358,888 ft^3. TR101 lists the as built volume of EMP-18 at 199,631 ft^3. As all EMPs on-site get backfilled at closure after the establishment of vegetation, please update the TR133 reclamation cost estimate to account for the hauling of an additional 5,898 CY to the larger new EMP. Please note, the site's reclamation cost estimate lists the average haul distance for backfilling all EMP's at 4,600 feet.**

Please refer to response #7, above.

10. **Figure 2 – WHEX Pit Excavation Reclamation includes *Note 3* identifying a total topsoil volume at 20,573 CY based on replacing 12 inches. This volume/depth is inconsistent with the volume provided in the TR133 cost estimate summary table. Please update TR133 accordingly.**

Please refer to response #7, above.

11. **The Division will calculate a reclamation bond cost estimate based on the responses to this adequacy letter and will then evaluate the TR133 cost estimate for sufficiency. You will be proved a copy of that reclamation cost estimate for review before the decision date of the Division's estimate is more than the TR133 cost estimate.**

Please refer to response #7, above.

The technical revision fee payment in the amount of $1,006 will made electronically via the DRMS webpage and confirmation will be submitted to your office via email.

Should you require further information, please do not hesitate to contact Johnna Gonzalez at 719-313-0447 or Johnna.Gonzalez@Newmont.com or myself at Katie.Blake@Newmont.com.

Sincerely,

DocuSigned by:
Katie Blake
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

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N. Townley – CC&V

KG/jg

Attachment 1 - Technical Memo WHEX Sediment Pond Basis of Design
Attachment 2 - Figure (1) WHEX Pit Clay Excavation
Attachment 3 – Figure (2) WHEX Pit
Attachment 4 - Table (1) Reclamation Costs

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