

WHITEWATER BUILDING MATERIALS CORPORATION

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August 7, 2023

Division of Reclamation, Mining and Safety
Room 215, c/o: Ms. Amy Yeldell
1001 E 62nd Ave
Denver, CO 80216

Dear Ms. Yeldell:

RE: Whitewater 500 Pit - Technical Revision
Adequacy response 01
Permit - M-1977-129

I will respond to your July 20, 2023 adequacy review letter in the order and number format presented in that document. I have provided your review comments in this packet.

Maximum Sloping:

1. Based on the Division's May 10, 2023 Draft estimate, the site currently has 2,700 LF of 1H: 1V slopes and 3,700 LF of 3H: 1V slopes. This is more than the currently proposed maximum of 2,000 LF of 1H: 1V. Slopes will either need to be reclaimed or the maximum 1H: 1V slopes increased to match site conditions.

We assume when you list 3h:1V slope you really mean is 2H:1V, since 3H:1V slopes will need no work other than soiling above the water line and seeding. We agree with your analysis in the May 10, 2023 letter where you show the current exposure for bonding purposes. There was

2,700 l-ft needing 1:1 Backfill sloping, but since May 2023 sloping in Stage 4 - Part A has been completed to 3:1, so there is only 1,600 l-ft of 1:1 backfill sloping and 3,700 lft of 2:1 cut/fill sloping needed on the mine at this time , including the stockpile sloping in Stage 6. We request you visit the mine to confirm that all sloping is complete in Phase 4.

Permit Acreage

2. A difference between the Division=s permit acreage (491.70 ac) and the Operators (430.68 ac) has been identified. The Division cannot release acreage, even administratively, under the Technical Revision process. Please submit a separate request with all supporting documentation which tracks the changes in permit acreage.

This was information was not to request an acreage release, it was to point out to the Division that they had a mistake in the permitted acreages stemming from missed releases going back to January 2012. We will prepare a letter explaining where we find the discrepancy and submit it to the Division under separate cover. This is the Division mistake not the operators.

3. The acreages in Option 2 do not add up. Water, Road, reveg, RV parking, and undisturbed is more than 430.68 ac. Specifically Phase S B Option 2.

Thank you for catching this and we apologize for the mistake and confusion it caused'.. We found that we forgot to removed the west lake and road area from the Revegetated total. Attached is a revised timetable sheet with the corrected Option 2 timetable that now balances to 430.68 acres and Stage S option to totals to 71.62 acres.

4. The total affected lands has been revised from 50 acres to 250 acres. Based on the acreage table more than 250 acres will be affected, approximately 415 acres over life of mine. Clarify the total affected lands.

Our intention was to increase the maximum disturbed area at any-on-time from 50 too 250 acres. This 250 acres was not the affected lands but an area within the total affected lands that would have two uses the first 250 acres being the disturbed working area, that included operations areas like the mining area, stockpile areas and staging areas. Also, partially reclaimed areas like, dry lake areas that have been mined with slopes completed; areas that are resoiled ready for seeding and seeded areas where we are waiting for grass

to grow. The remaining 180+ acres would be undisturbed by mining activities but would become mined later or totally reclaimed ready for release. The total Affected Lands over the life of the mine would be approximately 416.47 acres based on the current permitted acreage of 430.68 acres ∇.

Noxious Weeds

5. A single survey in April for noxious weeds is inadequate. Species germinate throughout the growing season. The site should be surveyed and treated for weeds on an as needed basis.

Attached is a revised Weed Control Plan for the Whitewater 500 Pit. It addresses each point you make in the following section.

a. Please commit to a minimum of two surveys during the growing season.

Whitewater Building Materials Corp. Will commit to performing two weed surveys during the growing season.

b. Please clarify if Mesa County or someone will else doing the survey.

The survey will be done by Whitewater Building Materials Corp. staff member that is qualified to do weed control at the mine. We will take advantage of services offered by the Mesa County Weed Control agent or the local NRCS office if needed.

6. The Noxious Weed Management Plan submitted is too general. Please provide a list of the weeds currently on site and other species anticipated/likely to also need treatment in the future. By species explain management efforts, which include timing and methods used.

a. Note that management efforts should be based on the Counties Management Plan (Suppress, Contain, Eliminate).

The Mesa Weed Control plan was consulted when preparing this Weed Control Plan.

7. Leafy spurge is specifically mentioned in your plan however a very limited amount is located in Mesa County. Has Leafy Spurge been found onsite?

This was a mistake as we used another Weed Control plan for a site that referenced Leafy Spurge. We do not know of any on this mine.

Revised Reclamation Plan and Map

8. The plan states that area S is 71.62 acres. However there are two lakes contained within this phase that have not yet been released and must be accounted for. Based on the acreages identified in the annual report this area should be 90.04 ac.

Review of the May 9, 2013 Area Release 6 request, shows the total remaining area including the lakes was 71.62 acres, The total left in each stage that makes up the combined Stage S was broken down as Stage W - 41.26 ac., Stage Z - 10.02 ac. and Stage 2 - 20.34 ac. The Annual Report numbers were/are wrong for the Stage S area and will be corrected this year.

9. Please explicitly state within the Reclamation Plan narrative the number of acres within Stage S (Old Stage W and Phase 2E) that will remain for use as recreation (RV) parking and not revegetated.

That will depend on what option is chosen when mining return to Stage S. If Option 1 is chosen then approximately 5.00 acres ∇ around the north, east and parts of the South side will be RV parking. If on the other hand it is decided to just grade and shape the current Plant Site it will be 30.90 acres ∇. For bonding purposes we propose to use the 30.90 acres for now since this was a pre-law area and no topsoil/growth medium was saved when stripped in the late 1940's.

10. Clarify for Option 1, what is the width of the slope area anticipated to be revegetated? Will all other reclamation treatments remain the same for this area with regards to revegetation?

The average ground water table in this area is 8 feet below the surface so the width from the top of the slope to the water line would be approximately 24 feet and cover approximately 17.95 acre around the east, north and south side to where it meets the existing southern pond. The reclamation treatments for the flat area along the west area will remain unchanged.

11. Within Phase 3, during the inspection it was stated that a road or other means of access to the electrical line that

bisects Phase 3 would remain. However the revised Reclamation Plan map depicts all of Phase 3 as a lake. This may result in a need to update the map post reclamation prior to release.

Thank you for this reminder. We understand that if the powerline will be left a revision to the map will be needed.

12. The revised Reclamation Plan states up to 250 ac for the maximum disturbance, which includes areas to become lakes. Clarify the maximum number of acres to be topsoil and seeded (maximum liability). This is specifically to address the inspection problem.

We request that the max seeding be set as 60 acres, the maximum acres for top soiling be set at 60 acres, and the maximum RV parking be 35 acres. Since the resoiling area is in the seeding area then the remaining 155 ac.∇ would be lake and roads since they would need no reclamation activities.

At the current time taking into the as built configuration of Phase 4 and the disturbance in Stage S, 3-Part A, 3-Part B, Stage 6 and Phase 4 there is 47.27 acres needing seeding, 40.5 acres of resoil, 33.17 RV parking, leaving 107.32 ac. of lake area, for a total disturbed area of 187.76 ac.∇. For bonding purposes we would propose 50.0 ac seeding, 50 ac resoil, 35 ac RV grading plus the grading to rebuild slopes in the mining areas. This will give us a little cushion to operate but still leave room for future expansion. If we exceed the bonded amount we would ask for a bond revaluation to let us to disturbed up to the maximum allowed.

If you have any questions or need more information please call me.

Items attached
Revised Reclamation Plan
Revise Reclamation Timetables,
Exhibit F - Reclamation Plan Map - revised
Weed Control Plan

Respectfully submitted,



Mark Gardner
Vice President

enclosure
cc Environment, Inc. - Steve O'Brian
File