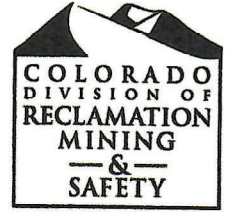


STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☒ There is a File Number Already Assigned to this Operation

Permit # M 19 77 170 (Please reference the file number currently assigned to this operation)

☐ New Application (Rule 1.4.5)

☒ Amendment Application (Rule 1.10)

☐ Conversion Application (Rule 1.11)

Permit # M 1977 170 - (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should NOT be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit):** Butala Construction Company
 - 1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** Butala Gravel Pit
3. **Permitted acreage (new or existing site):**

	<u>84</u>	permitted acres
3.1 Change in acreage (+)	<u>0</u>	acres
3.2 Total acreage in Permit area	<u>84</u>	acres
4. **Fees:**

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	<u>\$3,342.00</u>	quarry application
4.4 Amendment Fee	<u>\$2,229.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$2,696.00</u>	conversion fee
5. **Primary commodity(ies) to be mined:** Road Base Concrete aggregate
 - 5.1 Incidental commodity(ies) to be mined:

1. <u>Sands</u> <u>6,000</u> lbs/Tons/yr	2. <u>/</u> lbs/Tons/yr
3. <u>/</u> lbs/Tons/yr	4. <u>/</u> lbs/Tons/yr
5. <u>/</u> lbs/Tons/yr	

| 5.2 Anticipated end use of primary commodity(ies) to be mined: | Road Base and Concrete |
| 5.3 Anticipated end use of incidental commodity(ies) to be mined: | Masonry & Leach Fields/ Asphalt Mix |

6. **Name of owner of subsurface rights of affected land:** Butala Construction Company
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** Butala Construction Company

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: Chaffee

PRINCIPAL MERIDIAN (check one): ☐ 6th (Colorado) ☒ 10th (New Mexico) ☐ Utc

SECTION (write number): S 25

TOWNSHIP (write number and check direction): T 50 ☒ North ☐ South

RANGE (write number and check direction): R 8 ☒ East ☐ West

QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☒ NE ☐ NW ☐ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): Approximately 2 miles northeast of Salida, Colorado

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude OR UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg _____ min _____ sec _____ (2 decimal places)

Longitude (W): deg _____ min _____ sec _____ (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude(W) _____ (5 decimal places)

OR

Universal Tranverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13

Easting 411142.88

Northing 426788.54

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name:	<u>Tom Eve</u>	Title:	<u>President</u>
Company Name:	<u>Butala Construction Company</u>		
Street/P.O. Box:	<u>9000 Co Rd 152</u>	P.O. Box:	<u>907</u>
City:	<u>Salida</u>		
State:	<u>CO</u>	Zip Code:	<u>81201</u>
Telephone Number:	<u>(719) - 539-2521</u>		
Fax Number:	<u>() - </u>		

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name:	Charles Kellerman	Title:	Vice President
Company Name:	Butala Construction Company		
Street/P.O. Box:		P.O. Box:	907
City:	Salida		
State:	CO	Zip Code:	81201
Telephone Number:	(720) - 646-7760		
Fax Number:	() -		

INSPECTION CONTACT

Contact's Name:	Charles Kellerman	Title:	
Company Name:	Butala Construction Company		
Street/P.O. Box:	9000 Co Rd 152	P.O. Box:	907
City:	Salida		
State:	CO	Zip Code:	81201
Telephone Number:	(720) - 646-7760		
Fax Number:	() -		

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () - _____

12. **Primary future (Post-mining) land use (check one):**

- | | | |
|--|--|---|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input checked="" type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | <input type="checkbox"/> Solid Waste Disposal(WD) |

13. **Primary present land use (check one):**

- | | | |
|--|--|---|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input checked="" type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): _____
Backhoe excavation with loader and dump trucks.

15. **On Site Processing:** ☒ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): _____
Processing involves screening, sorting, and washing excavated materials.

List any designated chemicals or acid-producing materials to be used or stored within permit area: _____
None.

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

Butala Construction Company is filing this Permit Amendment pursuant to its Settlement Agreement with DRMS dated June 15, 2023, to reflect current conditions at the Butala Gravel Pit and to update the M-77-170 Permit file with documents created since Butala's previous permit amendment.

Maps and Exhibits:

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

- CLK 1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

- CLK 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- CLK 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- CLK 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- CLK 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- CLK 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
- a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
- CLK 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.
- CLK 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.
- CLK 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
- N/A 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.;
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 16th day of NOVEMBER, 2023.

BUTALA CONSTRUCTION CO.

Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: Charles L. Kellerman
CHARLES L. KELLERMAN

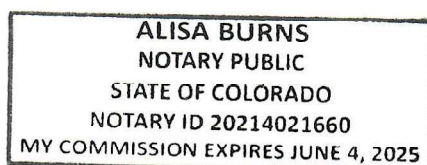
Title: VICE. PRES.

Signed: Synda S. Kellerman
Corporate Secretary or Equivalent

Town/City/County Clerk

State of Colorado)
) ss.
County of Chaffee)

The foregoing instrument was acknowledged before me this 16th day of November,
by Charles Kellerman as Vice Pres. of Butala Construction



Alisa B.
Notary Public

My Commission expires: June 4, 2025

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

proposed mining operation. The following is a sample of the Notice required for Rule 1.6.2(1)(b) that you may wish to use.

NOTICE

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) Butala Construction Company, whose address and phone number is (Address and Phone Number of the Applicant/Operator) 9000 Co Rd 152, Salida, CO 81201 (719) 5392521, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) Chaffee County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) 104 E Crestone Ave, Salida, CO 81201, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

Certification:

I, Charles Kellerman, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) Butala Gravel Pit, on (Date Posted) 11/17/23.

Charles Kellerman
SIGNATURE

11/17/23
DATE

Exhibits
to accompany

Construction Materials Regular (112) Operation
Reclamation Permit Application

from

Butala Construction Co.
Salida, Colorado

November 2023



EXHIBIT A Legal Description

Butala Construction Company ("Applicant" or "Butala") property associated with the Butala

Gravel Pit lies within:

SE 1/4 of the NW 1/4; and NE 1/4 of SW 1/4; and SW 1/4 of NE 1/4; and N 1/2 of SE 1/4; and SE 1/4 of SE 1/4 SECTION 25, TOWNSHIP 50 NORTH, RANGE 8 EAST N.M.P.M.

AND

NW 1/4 of SW 1/4 SECTION 30, TOWNSHIP 50 NORTH, RANGE 9 EAST N.M.P.M.

As depicted on following aerial map and 2020 plat (includes 5 lots sold since plat).



LOCATED WITHIN THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 50
NORTH, RANGE 9 EAST AND WITHIN SECTION 25,
TOWNSHIP 50 NORTH, RANGE 8 EAST OF THE NEW
MEXICO PRINCIPAL MERIDIAN,
CHAFFEE COUNTY COLORADO

LEGEND

2023Bwbf-ropefly Line



GENERAL NOTES
 DBASHI, JOPPE, BULLI, FORTI, HUSUR, GHI, CHOCNOCHI, COLO, DOOSTAT, HAHSHI, INI?
 50HIM, NTH, ALZONC, -DONG, F. 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829

[illegible][illegible]

THE AT-TWENTY FIFTH JUDICIAL CIRCUIT CLERK OF THE CLERK OF THE DISTRICT COURT OF COLORADO
2020 UCCITION NUMBER

L. DUBAY, 9011 = GfHtReL ANO LIChCOCOTe *CTIOIHTICITATOCOLOMOOO
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or OHUHVTTNOLITHRIANOCOCCOTTOHCIRIIFONAr .

11 1111 1111 1111 1111
CC 8.04. CD 1.11. 2.20



-----LEAZER EAST, INC. BUTA-
LESEA AND CO.D.P.H.E
LAND SURVEY PLAT
LOCATED WITHIN THE NORTHWEST QUARTER
OF THE SOUTHWEST QUARTER OF SECTION
16, TOWNSHIP 36 NORTH AND RANGE
12 EAST, 10TH PRINCIPAL MERIDIAN
FULTON COUNTY, KENTUCKY

JUN 9 2041
DATE: MARCH 25, 2020
SHEET 1 OF 1


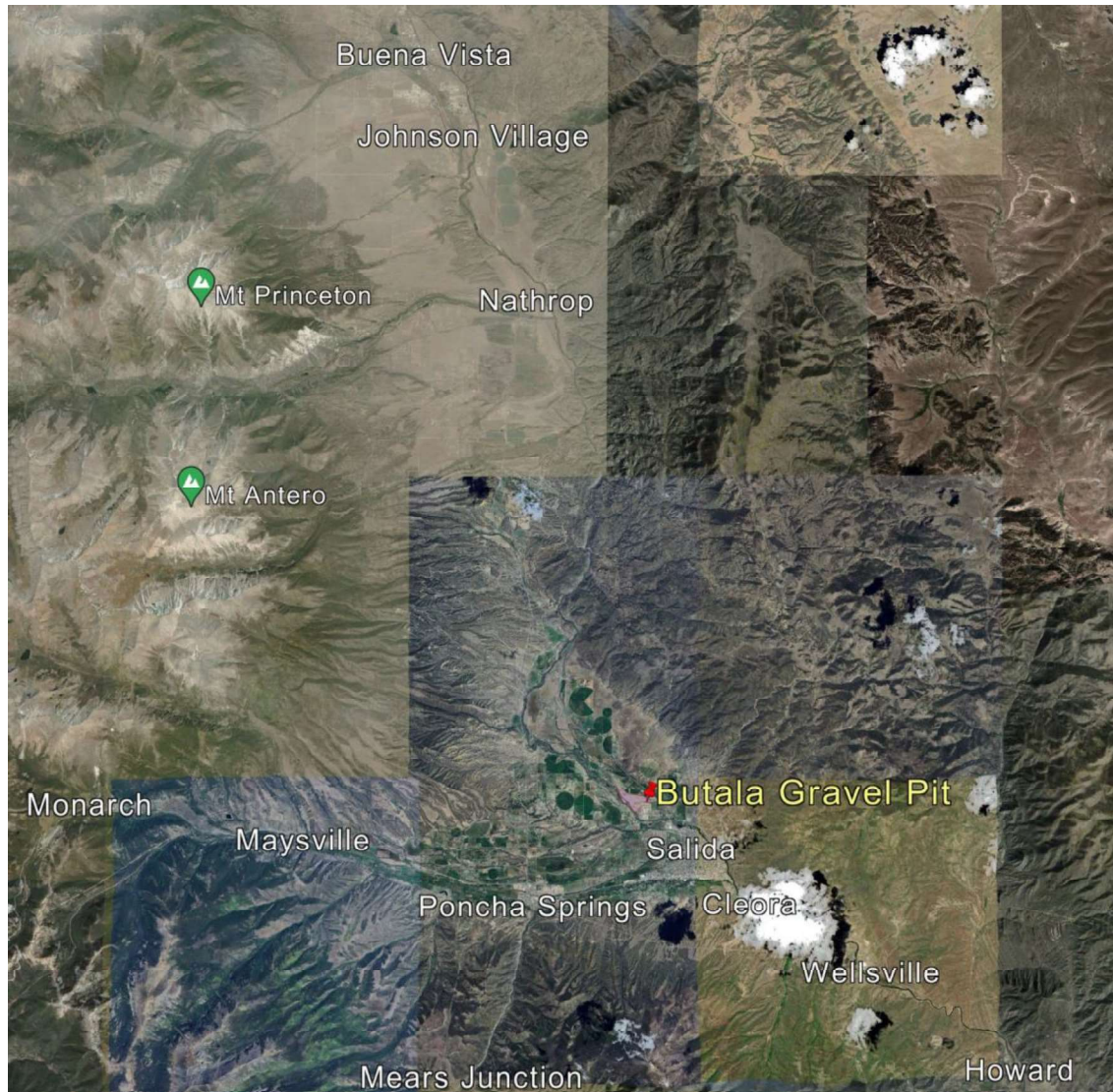
**LANDMARK**
SURVEYING & MAPPING
P.O. BOX 665 SHELBY, KY 40161
TEL: 502-261-3333 FAX: 502-261-3335

EXHIBIT B Index Map

Location: Approximately 1-mile North of the town of Salida, Colorado.

Regional Location



Local Location:

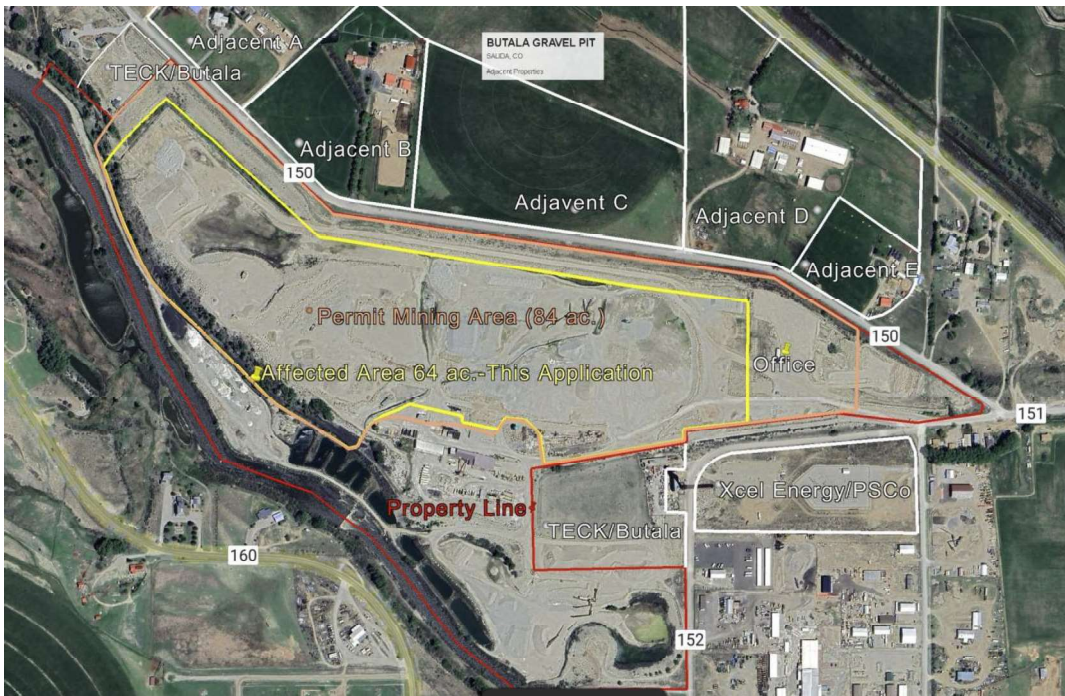


EXHIBIT C Pre-Mining and Mining Plan Map(s) of Affected Lands

The following pages include Butala property and mine layout with facilities. All structures and facilities within the property lines are owned and operated by Butala. The Mine Restricted Area and Buffer Area are under the supervision of the Environmental Protection Agency and the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division.

There are eight (8) properties adjacent to the mine permit area. Two are within 200' of the affected Area and both are owned by Butala's owners as TECK, LLP. One is a Xcel/PSCo electrical substation outside the 200'. The remaining 5 are outside the 200' and are on the opposite side of County Rd. 150.





- A. Jane E. & James
Levene 8950 W
Jefferson Ave Denver,
CO 80235
- B. Jeff A. & Katy Post
8803 County Rd. 150
Salida, CO 81201
- C. Bradley & Jaya
Lewis 5165 Single
Tree Dr Loveland,
CO 80537

- D. Jane Lavene
8950 W Jefferson Ave
Denver, CO 80235
- E. Wayde P. & Denise M.
Forrester 7893 County Rd. 150
Salida, CO 81201

LIDAR contour schematic, August 2023. Note: the entire property drains towards the Arkansas River (lower left).



EXHIBIT D Mining Plan

Methods

Mining activities will be a continuation of the methods used for the past two decades at this location. Open pit mine excavation will be done by excavators and front-end loaders. Boulders larger than three (3) feet are visually separated before the bank run material is fed to a dry screening plant. Through a combination of grizzlies and screens, products are segregated to surge piles before transport by loader and/or truck to stockpiles. No blasting is used.

The majority of products are sold as cobble rock for landscaping cover. Generally, Butala contracts with a subcontractor on an annual basis to bring crushing equipment onto Butala's property to produce crushed rock and road base for construction applications. Crusher fines are a by-product that is sold for asphalt mixes.

The pit run material contains approximately forty percent (40%) sand which is sold for a variety of uses. Dry screened sand ($<1/2''$) is sold for bedding, fill, concrete mix, etc. Some sand is re-screened and washed to produce specification concrete sand ($<3/8''$) and masonry sand ($<1/4''$). Pea pebbles are a by-product of this screening. This wash screening and stockpiling takes place outside the permitted acreage.

The areas of active operations consist of two pits have that have been excavated to approximately 25 feet by first removing 1-3 feet of overburden, then proceeding across the pits with high, side wall excavation. The North Pit has been fully mined to the first 25-foot level with a pit floor of approximately 10 acres. The South Pit is currently nearing completion of the first 25-foot level and will have a pit floor of approximately 23 acres.

Restrictions

Between the two pits, a 6.6-acre Mine Restriction Area ("MRA") bordered by Buffer Area ("BA") exists in accordance with the 2000 US District Court Consent Decree "Remedial Design/Remedial Action for Operable Unit 2 Smeltertown Superfund Site" which implemented restrictive covenants on the use of the property. The "Declaration of Restrictive Covenants and Restrictions Against the Use of Real Property" detailing the restrictions is attached to this Permit Amendment. The BA has been excavated to a depth of 20 feet per the covenants. Additionally, approximately one acre was excavated to a depth of 20 feet within the MRA but was discontinued when creosote was encountered. Covenant allowance of this MRA excavation became a matter of contention with Butala, EPA and CDPHE and has led to a pending reevaluation of the contamination of OU2. Butala's MRA excavation was found to be in violation of their 1998 Reclamation Permit and a settlement was reached and so ordered by the Mined Land Reclamation Board (August 2023). Butala is committed to restrictions, current and future, as required by the EPA and CDPHE concerning the MRA and BA. The MRA and BA will continue to be used for stockpiling of products. These agency restrictions will further govern mining limitations under this Permit Amendment.

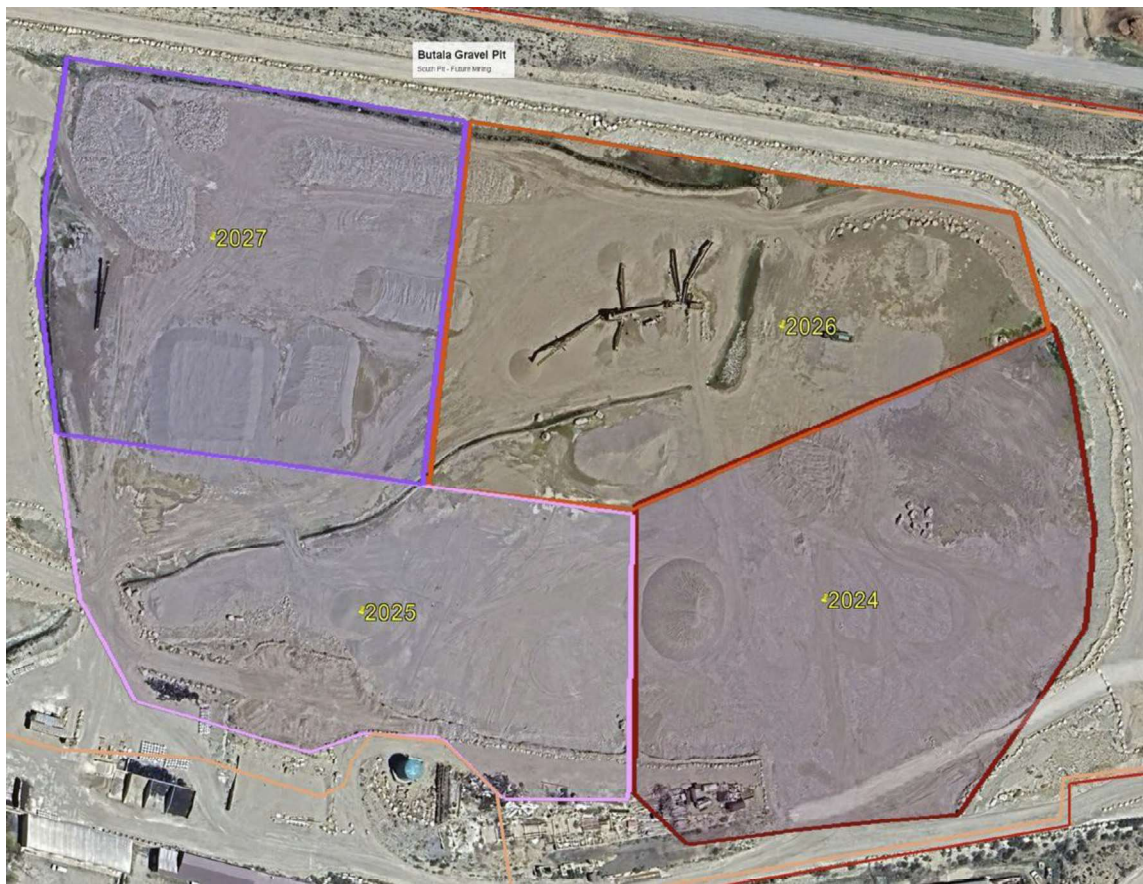
Future Mining

Future mining per this Permit Amendment will continue in each pit with another 25-foot depth of excavation. The South Pit will be mined first by continuing the excavation from the current pit floor. The North pit floor is currently used for stockpiles and will not be mined immediately. No overburden removal will be necessary for either pit.

Mining will affect up to the full pit floor area with excavation, processing and stockpiling. Actual excavation typically involves two acres at a time with digging, hauling and surge stacking. Excavation will start at the lower (SW) end of the South pit due to drainage and proceed across the area. For the North pit, excavation will start on the west side and proceed across the area.

Timetable

Year	Location	Area	Reclamation*
2024	South Pit – SW Quarter	6.5 ac.	Side slopes- 2028; Floor- TBD
2025	South Pit – NW Quarter	5.5 ac.	Side slopes- 2028; Floor- TBD
2026	South Pit – NE Quarter	6.0 ac.	Side slopes- 2028; Floor- TBD
2027	South Pit - NW Quarter	5.5 ac.	Side slopes- 2028; Floor- TBD
2028	North Pit – East Side	5.3 ac.	Side slopes- 2030; Floor- TBD
2029	North Pit – West Side	5.1 ac.	Side slopes- 2030; Floor- TBD
* Future mining depths will determine reclamation schedule for pit floor.			

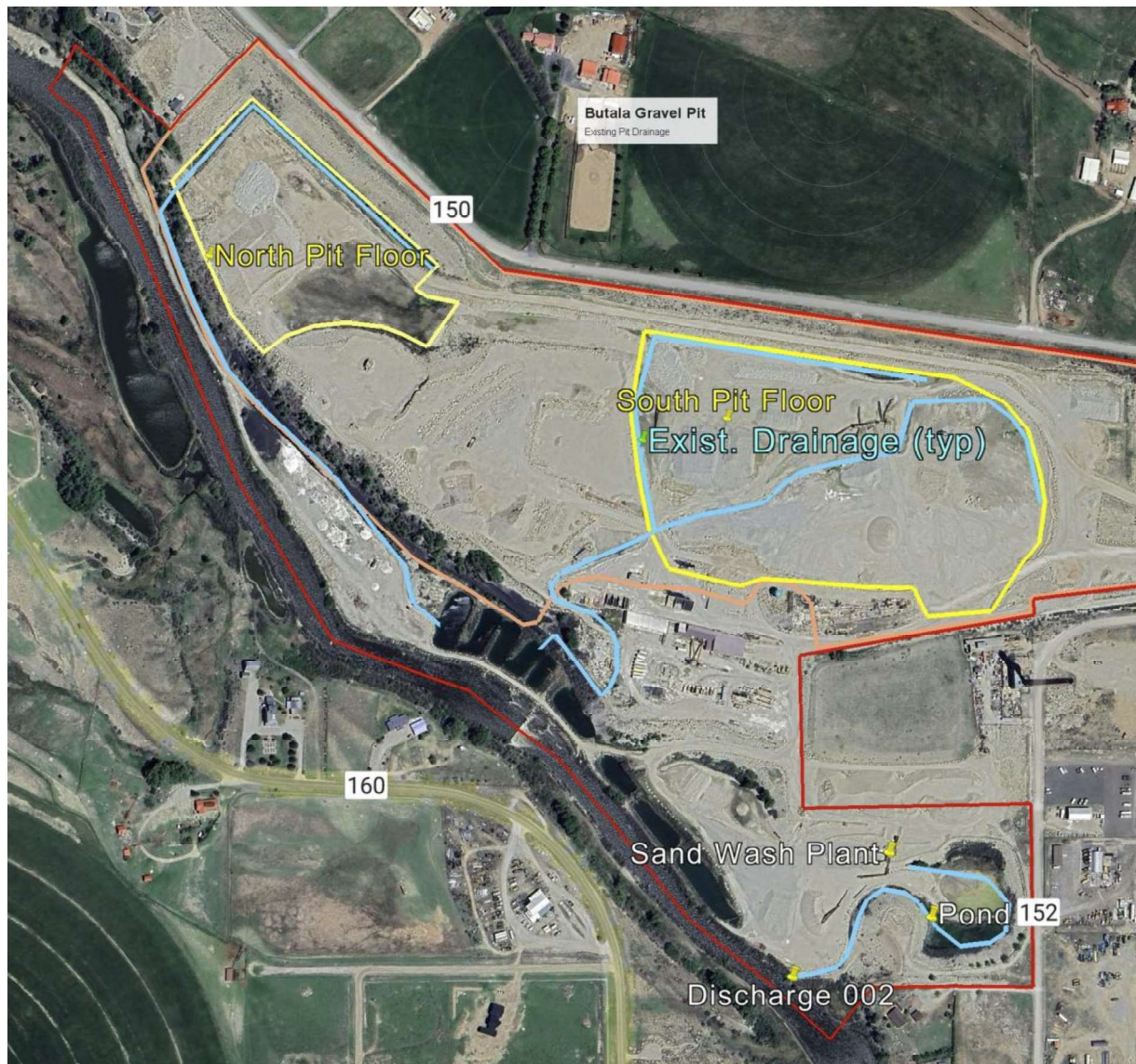




Drainage

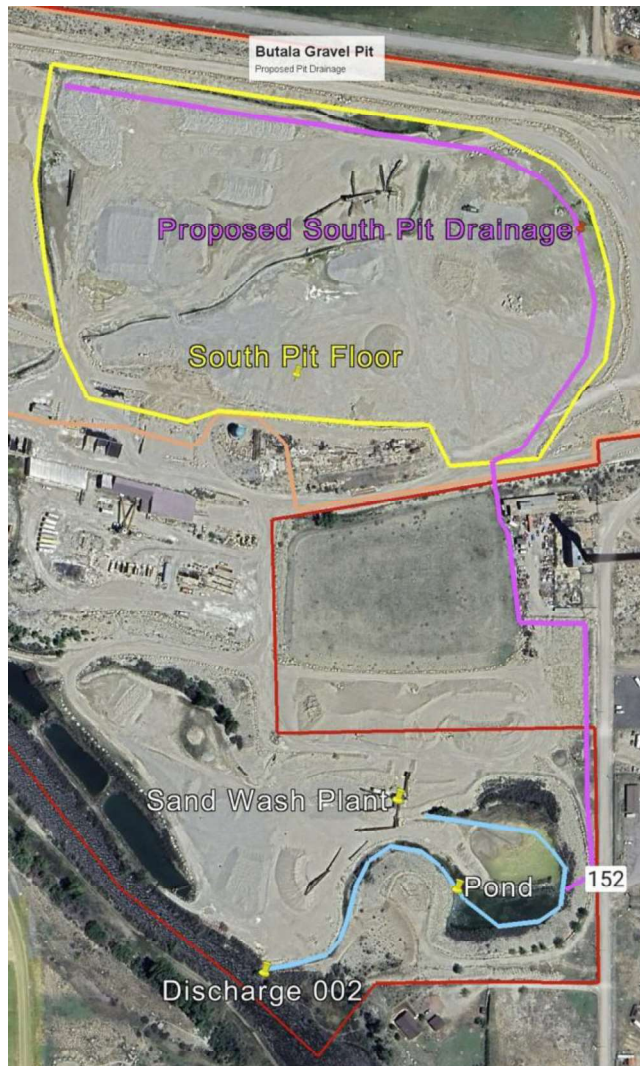
Drainage from the pits is caused by seepage of groundwater along the base of eastern slopes. Normal rainfall and snowmelt percolate into the cobble surfaces in lieu of runoff. Seepage is contained in toe-of-slope cutoff ditches which direct the drainage by gravity through ditches to settling ponds before discharge to the Arkansas River. Butala has CDPHE permits for two discharge points to the Arkansas. One discharge contains pit drainage along with other upstream runoff and the other discharge contains wash plant settling pond drainage and some localized groundwater seepage. Both discharge points are sampled and tested twice monthly with results submitted to CDPHE.

Existing Drainage



For continued mine depth in the North Pit, ditches and gravity flow will continue. The South Pit will require drainageway improvements for outflow from the landlocked pit. Hydrology study and drainage design is underway to provide outfall from the South Pit towards the SW corner. At full 50-

foot depth, estimate scenarios for peak flow are up to 5,000 gpm which will be removed by a combination for detention, pipes and ditches. The drainage will be directed through adjacent land owned by the Butala's owners to the wash plant settling pond and to river Discharge 002.



Products

Shipments for 2021 totaled 167,320 tons and for 2022 the total was 175,030 tons. As stated above, the majority of products are cobble for landscape cover. These include various sizes: 1/4"-1/2" pebbles, 1/2"x1", 1"x2", 2"x4", 4"x8", 8"x20", and various size boulders up to 10'. Cobble is mostly grey colored granite which has been smoothed by several geological events which transported and deposited the material from the upper Arkansas Valley areas. A lesser mix of other rock, mostly metamorphic, can be found. A distinctive trait of this formation is the lack of fine (<#400) or soluble material. The sands are clean of clays and have very little silt. Sands are produced by dry screening for bedding, fill and leach fields. To meet ASTM specifications, some sands are washed for concrete and masonry mixes.

In addition to landscape cover and sands, construction angular aggregate is produced by crushing cobble rock. This is typically sized to $<3/4''$ and accounts for about seven percent (7%) of tons shipped. Pit run is also crushed to make road base which represents about twelve percent (12%) of tons shipped. A crushing by-product is crusher fines ($<1/4''$) which are sold for bedding material and asphalt mixes.

Roads

Within the pit, roads are provided for mining equipment to haul and distribute products and for trucks to ship products. Most products are stockpiled on the pit floor for loading shipments. Roads and ramps are at least 30' wide with slopes less than 10% and are kept graded for smoothness. Water is applied to prevent excess dust. Signage is in place for truck drivers. Radios are used by all equipment operators to coordinate traffic. CB radio contact is used for truckers. Customers with small vehicles or trailers are usually not directed to the pit but are loaded from small stockpile bins near the office.

EXHIBIT E Reclamation Plan

Reclamation will involve two methods: one for high wall slopes and one for low sloping pit floors. Both will be to promote revegetation to at least the native cover provided before mining.

Slopes will be finished at 2:1 maximum. Stripped overburden is stockpiled in berms above property perimeter slopes. This stored overburden along with added manure will be spread at a minimum of 4" on finished slopes to provide a growth medium. In low sloping areas, the slopes will be at graded approximately to one percent (1%) to allow surface drainage and will be covered with at least 3" of fine grained material and manure for growth.

All areas will be treated with commercial fertilizer and seeded. Fertilizer and seed blend will be as recommended by CSU Extension Agent at the time. It is anticipated that a mixture of Western Wheatgrass, Arizona Fescue, Crested Wheatgrass and Indian Ricegrass is appropriate. Fertilizer will be compatible with grass blend selected.

Ponds will remain in place. At this time, no buildings are intended to be removed. After reclamation, the site is meant to be used for industrial purposes.

EXHIBIT F Reclamation Plan Map

See mining plan maps and schedules for each pit in Exhibit D, *Timetables*.

EXHIBIT G Water Information

See existing and proposed pit drainage discussion and maps in Exhibit D, *Drainage*. Known aquifers include the Arkansas River alluvial aquifer and the "upper terrace" aquifer perched above the alluvial aquifer and fed from the sources described in Exhibit D.

Butala maintains Colorado Discharge Permit System (CDPS) COG500476 water discharge permit with CDPHE for two discharge points to the Arkansas River. Both have flows recorded and are sampled tested twice monthly with all results submitted to CDPHE/Water Quality Division. All surface outflow from the property passes through those discharge points. Butala is in the process of realigning its surface and groundwater drainage ditches located on the property to divert water away from slag remaining on the property from historic smelter operations. Once the ditches are realigned, Butala anticipates that there will be no further water quality issues and no need for water quality treatment. Therefore, water quality treatment will end simultaneously with the end of mining operations.

Water use in Butala's operation is as follows:

1. Dust control on roads with a 3,500 gal water truck equip with sprayers, used on an as needed basis.
2. Wash plant – The wash plant for washing mined materials uses approximately 600 gph. Butala estimates approximately 180,000 gal per year.

No water will be used for reclamation phases of the property.

EXHIBIT H Wildlife Information

Wildlife species: Mule deer, coyote, fox, rabbit, Richardson ground squirrel, deer mouse, skunk, bushytail wood rat, magpie, raven, crow, Stellar's Jay, sparrows, Nitehawk, Hairy woodpecker, mountain bluebird.

Wildlife conditions are relatively unchanged since 1977 application:

“This area is mostly biologically sterile because of past smelter activity. Because of this, wildlife impacts will be negligible.” (Jack Vayhinger & Willy Travnicek)

Reclamation shall promote wildlife through revegetation.

EXHIBIT I Soils Information

The soils in non-mined areas are shallow non-irrigated Dominson series over cobbles and sand. The top 1-3 feet contain fine grain topsoil and some root debris. The uppermost 3" is neutral with mild alkalinity below. Permeability is rapid. All surface areas have been almost completely disturbed by mining or ancillary activities.

Mining is in cobbles and sand. Rock is primarily granite with a lesser mix of metamorphic rock. Classification GW/GP.

EXHIBIT J Vegetation Information

The mine permit site is mostly void of vegetation due to activity. There are a few scattered cottonwood trees and some separated areas of sage brush with sparse dry-land grasses. Native grasses and weeds have migrated into the North Pit where mining activity has been limited in recent years. Including the high wall slopes and part of the pit floor, approximately 9 acres have some amount of secondary vegetation. Along cutoff ditches in both pits, green grasses and more succulent weeds appear in the summer on approximately 0.5 acres.

EXHIBIT K Climate Information

Summers in the region are typically warm with temperatures averaging in the mid 70s to low 80s, while winter temperatures dip into the teens and 20s at night. The area receives an abundance of sunshine year-round. Snowfall usually comes intermittently from late October or early November until March or April. On average, there are 262 sunny days per year.

There is precipitation, on average, approximately 62 days per year. In order for precipitation to be counted you have to get at least .01 inches on the ground to measure.

Summer High: the July high is around 83 degrees

Winter Low: the January low is 10

Rain: averages 10 inches of rain a year

Snow: averages 39 inches of snow a year

The wind is unusually strong in the open pits of the mine.

EXHIBIT L Reclamation Costs

Estimated costs for reclamation are calculated by DRMS for the assessment of financial warranty requirements. DRMS recently calculated the required a reclamation warranty be updated to \$458,245 for the Butala Pit.

EXHIBIT M Other Permits and Licenses

Butala currently has a Colorado Discharge Permit System (CDPS) COG500476 for the Butala Gravel Pit.

EXHIBIT N Source of Legal Right-To-Enter
Butala owns the entire property. See attached deed.

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224206

FILED FOR RECORD // 00 O'CLOCK / 11 OCT 7 1983

MARY ELLEN BELMAR
CHAFFEE COUNTY RECORDER

BOOK 460 PAGE 343

WARRANTY DEED

THIS DEED, mad this 5th day of October, 1983, between
C. L. KELLERMAN, of the County of Chaffee and State of
Colorado, of the first part, and BUTALA CONSTRUCTION CO., whose
legal address is 7625 U.S. Highway 50, Salida, Chaffee County,
Colorado, of the second part:

WITNESSETH, that the said party of the first part, for
and in consideration of the sum of Ten and no/100 Dollars (\$10.00)
to the said party of the first part in hand paid by the said party
of the second part, the receipt whereof is hereby confessed and
acknowledged, has granted, bargained, sold and conveyed, and by
these presents does grant, bargain, sell, convey and confirm unto
the said party of the second part, its assigns forever, all the
following described lots or parcels of land, situate, lying and being
in the County of Chaffee and State of Colorado, to-wit:

1000 Contiguous

A tract of land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 30, Township 50 North,
Range 9 East, N.M.P.M., and in the E $\frac{1}{2}$ SE $\frac{1}{4}$, the SE $\frac{1}{4}$ NE $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the
NW $\frac{1}{4}$ SE $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 50 North,
Range 8 East, N.M.P.M., Chaffee County, Colorado, described as follows:
Beginning at a point on the common section line between said Sections
25 and 30 from whence the SE corner (brass capped) of said Section 25
bears due South 1316.76 feet; thence due North along the section line
60.04 feet to the N'y boundary of the Smelter Switch right-of-way of
the Denver and Rio Grande Western Railroad Company; thence along said
N'y boundary North 87°06' East 320.50 feet; thence on a curve to the
left 234.63 feet, said curve having a radius of 5680.38 feet and a
chord which bears North 85°55'00" East 234.62 feet; thence North 84°
44'00" East 456.9 feet; thence on a curve to the left 219.10 feet to
the east line of the said W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 30 as fenced, said curve
having a radius of 1859.80 feet and a chord which bears North 81°21'30"
East 218.98 feet; thence North 1°11'42" East along the above said east
line as fenced 212.0 feet; thence North 58°42'08" West 1439.47 feet to
a point on the west line of Section 30, said point being 2444.3 feet
due North of the SW corner of said Section 30; thence due North along
the said section line 208.07 feet to the common $\frac{1}{4}$ corner (brass capped)
between said Sections 25 and 30; thence North 0°01'36" East along the
section line 1038.60 feet to the S'y right-of-way boundary of Colorado
Highway No. 291; thence North 51°01'30" West along said highway bound-
ary 25.72 feet; thence South 0°01'36" West leaving said highway bound-
ary 1054.74 feet; thence due South 208.11 feet; thence North 81°47'00"
West 2791.88 feet to the E'y right-of-way fence of Chaffee County
Road No. 150; thence North 45°16'12" West 255.10 feet to the W'y
boundary line of Chaffee County Road No. 150; thence along the said
W'y county road boundary North 34°52' West 364.3 feet; thence North
20°34' West 729.3 feet; thence North 87°58'00" West leaving said W'y
county road boundary 543.1 feet to a 3 inch diameter pipe at a fence
corner marking the NW corner of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25; thence

State Documentary Fee

Date OCT 7 1983

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224206

BOOK 460 PAGE 344

Page Two

South 00°32'00" East along the W'ly boundary as fenced of the said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 672.7 feet to the centerline of the Arkansas River as located on July 22, 1983; thence SE'ly along said Arkansas River centerline as located on July 22, 1983, the following: first South 64°27'04" East 582.35 feet; thence South 51°20'25" East 256.13 feet; thence South 26°33'54" East 894.43 feet; thence South 12°31'44" East 368.78 feet; thence South 33°41'24" East 195.31 feet; thence leaving said Arkansas River centerline South 79°10' East 1826.03 feet; thence North 87°10' East 859.23 feet to the point of beginning, containing 117.19 acres. Subject to a 5.72 acre parcel of land for the right-of-way of Chaffee County Road No. 150 as presently traveled over and across the 117.19 acre tract, said parcel being described as follows: Beginning at a point from whence the SE corner of said Section 25 bears South 1°22'51" East 1765.96 feet; thence proceeding around the parcel South 67°49'00" West 748.91 feet; thence South 62°50'37" East 118.91 feet; thence North 84°44'00" East 111.91 feet; thence North 62°50'37" West 215.98 feet; thence North 67°49'00" West 758.89 feet; thence North 81°49'04" West 2092.01 feet; thence North 43°32'06" West 995.63 feet; thence North 45°16'12" West 255.10 feet; thence South 31°56'56" East 260.29 feet; thence South 43°32'06" East 1016.45 feet; thence South 81°49'04" East 2105.47 feet to the point of beginning. Directions are based on a bearing of North 00°00'00" East between government brass capped pipe monuments marking the SE corner and the E $\frac{1}{4}$ corner of Section 25, Township 50 North, Range 8 East, N.M.P.M.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its heirs and assigns forever. The said party of the first part, for himself does covenant, grant, bargain and agree to and with the said party of the second part, its heirs and assigns, that the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature, soever; and the above bargained premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall

3-3

224206

BOOK 460 PAGE 345

Page Three

and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said party of the first part has
hereunto set his hand and seal the day and year first above written.

C. L. Kellerman
C. L. KELLERMAN

STATE OF COLORADO)

COUNTY OF CHAFFEE) ss



The foregoing instrument was acknowledged before me

this day of October, 1983, by C. L. Kellerman.

Witness my hand and official seal.

My commission expires: Oct. 10, 1984

[Signature]

Notary Public
Address:

**EXHIBIT O Owners of Record of Affected Land (Surface Area) and Owners of
Substance to be Mined**
Butala Construction Co.

EXHIBIT P Municipalities Within Two Miles

City of Salida

448 East First St.

Salida, Colorado 81201

**EXHIBIT Q Proof of Mailing of Notices to County Commissioners and
Conservation District**

EXHIBIT Q

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Chaffee County Board of County Commissioners P.O. Box 699 104 Crestone Avenue Salida, CO 81201		B. Received by (<i>Printed Name</i>)	C. Date of Delivery
2. Article Number (<i>Transfer from service label</i>) 7022 1670 0001 3598 1787		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	

Burns, Figa & Will, PC
c/o Scott Clark & Peter Jaacks
6400 S Fiddlers Green Cir
Suite 1000
Greenwood Village, CO 80111

EXHIBIT Q



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US POSTAGE and meter



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Chaffee County Board of County
Commissioners
P.O. Box 699
104 Crestone Avenue
Salida, CO 81201

EXHIBIT Q

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
1. Article Addressed to:		B. Received by (<i>Printed Name</i>)	C. Date of Delivery
Upper Arkansas Conservation District 5575 Cleora Road Salida, CO 81201		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (<i>Transfer from service label</i>)		3. Service Type	
 9590 9402 8037 2349 6153 32		<input type="checkbox"/> Adult Signature <input checked="" type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Registered Mail <input type="checkbox"/> Registered Mail Restricted Delivery (\$500)	
7022 1670 0001 3598 1770		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	

Burns, Figa & Will, PC
c/o Scott Clark & Peter Jaacks
6400 S Fiddlers Green Cir
Suite 1000
Greenwood Village, CO 80111

EXHIBIT Q



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Upper Arkansas Conservation District
5575 Cleora Road
Salida, CO 81201

EXHIBIT R Proof of Filing with County Clerk or Recorder

Package Summary Status Report

Report generated: Mon, 20 Nov 2023 04:50 PM MST

Package: 9447.00 Butala Permit Amendment Application - 97CD210C-1C3F-449E-D2E4-1EB6B9D900EB

Status: Received

Submitter: Burns, Figa & Will, P.C. (COT8W8)

Recipient: Chaffee County, CO

Documents

Document Name	Document Type	# of Pages	Status	Fees
DRMS Permit Amendment Application	Other	81	Sent	413.00

Estimated Fees

Fee Type	Payment Account Name	Fee Amount
Recording Fees	BFW Operating ([REDACTED])	413.00
Submission Fees	BFW Operating ([REDACTED])	5.00
Total Fees:		418.00

Fees on this report are preliminary estimates and should not be considered final.

Questions Contact:

Simplifile Support 800.460.5657, option 3
5072 North 300 West
Provo, UT 84604

EXHIBIT S Permanent Man-Made Structures

No structures exist within 200 feet of the mining affected area that are not owned and controlled by Butala.

Package Summary Status Report

Report generated: Mon, 20 Nov 2023 04:50 PM MST

Package: 9447.00 Butala Permit Amendment Application - 97CD210C-1C3F-449E-D2E4-1EB6B9D900EB

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Total Fees:		418.00

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Questions Contact:

Simplifile Support 800.460.5657, option 3
5072 North 300 West
Provo, UT 84604

Additional Exhibits Per Butala-DRMS Settlement Agreement dated June 15, 2023

Exhibit T- MRA Excavation Image and Volume Calculations

Exhibit U - Stockpile Sampling Report

Exhibit V- Surface Water Control Plan

Exhibit W- Declaration of Restrictive Covenants

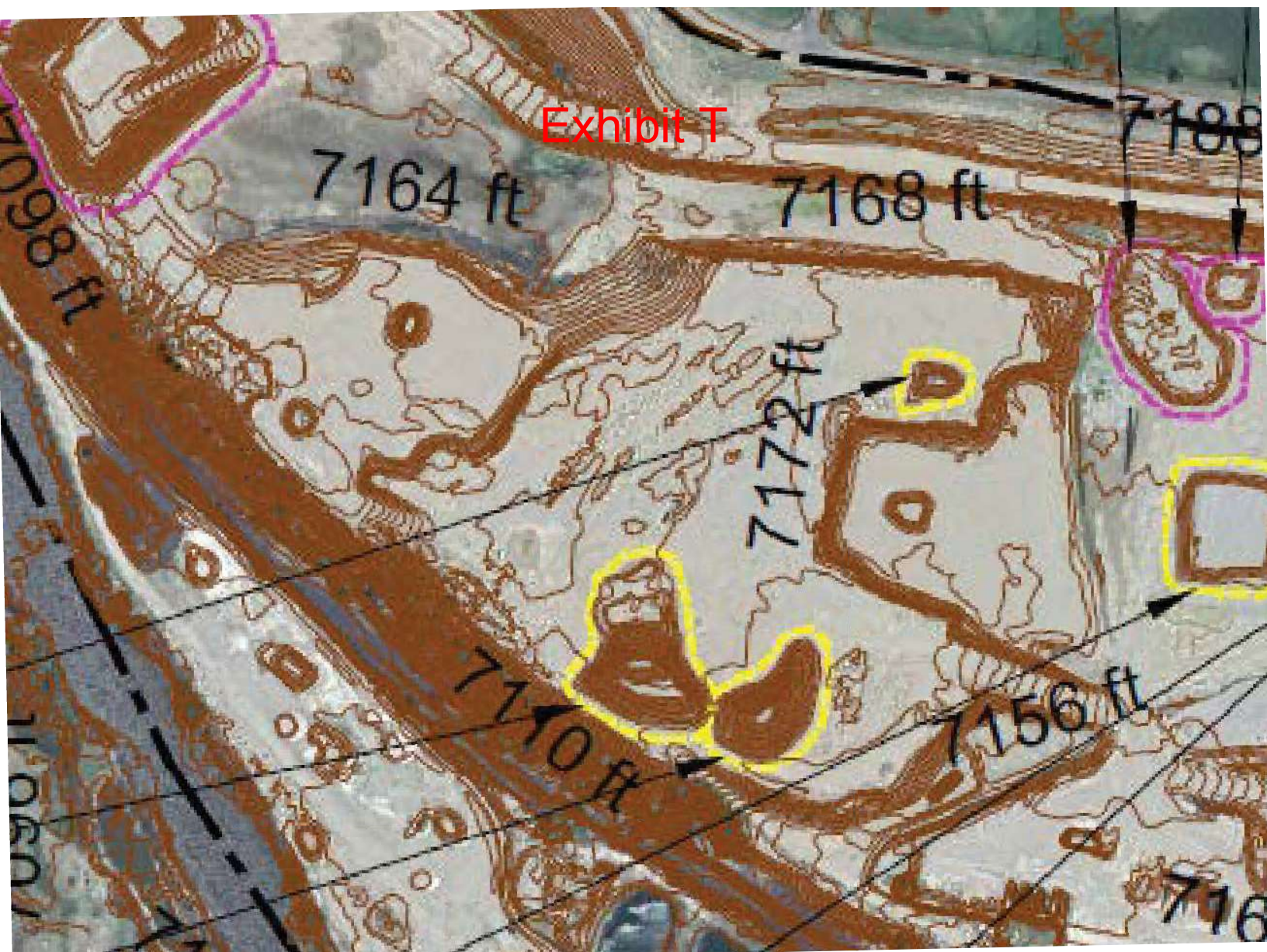




Exhibit T

Butala Sand & Gravel
MRA Excavation Estimate
5/8/2023

	<u>Area (s.f.)</u>	<u>Depth (ft.)</u>	<u>Volume (c.f.)</u>	<u>Volume (c.y.)</u>	
Total	34,500	20.0	690,000	25,556	
Butte #1	(140)	20.0	(2,800)	(104)	
Butte #2	(100)	20.0	(2,000)	(74)	
				<u>25,378</u>	
Overburden	34,500	1.5	51,750	1,917	On site in large pile to N
Boulders				45	On side to W of excavation
Waste pile				750	On site on MRA
Ary product				<u>22,666</u>	Removed from site 2021
				<u>25,378</u>	

Atkinson
5/8/23

Exhibit U



Corporate Headquarters
3222 South Vance Street, Suite 200, Lakewood, CO 80227
T: 303.980.5200 F: 303.980.0089
www.pinyon-env.com

September 6, 2023

Mr. Lucas West
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
lucas.west@state.co.us

Subject: Stockpile Sampling Report, Butala Sand and Gravel, 9000 CR 152, Salida, Colorado 81201

Dear Mr. West:

In accordance with the Colorado Division of Reclamation, Mining, and Safety (DRMS) request, please accept this document as Butala Sand and Gravel's (Butala's) Stockpile Sampling Report (the Report). The Report documents the sampling program, which evaluated stockpiles for constituents of concern (COCs) originating from the Smeltertown Superfund Site, Operable Unit 2, Former Koppers Wood Treatment Facility, Salida Colorado (OU2). *Revision 1 to Stockpile Sampling Plan*, Butala Sand and Gravel, 9000 CR 152, Salida, Colorado 81201 (the Plan), dated July 28, 2023, was approved by DRMS on August 4, 2023. Throughout the remainder of this document, the Butala Sand and Gravel Mine, located at the address provided above, is referenced as "the Mine."

Introduction

As part of the Superfund action, and in accordance with the Record of Decision (ROD) for OU2, the COCs for soil included the following polycyclic aromatic hydrocarbons (PAHs):

- Benzo(a)anthracene – B(a)a
- Benzo(a)pyrene – B(a)p
- Benzo(b)fluoranthene – B(b)f
- Dibenzo(a,h)anthracene – D(a,h)a
- Indeno(1,2,3-cd)pyrene – I(1,2,3-cd)p
- Pentachlorophenol – PCP

The following dioxin compounds were also included as COCs:

- Dibenzo-p-dioxin (HpCDD)
- Hexachlorodibenzo-p-dioxin (HxCDD)
- Hexachlorodibenzofuran (HxCDF)
- Octachlorodibenzodioxin (OCDD).

The dioxin compounds were evaluated during the OU2 remedial investigation and were analyzed in samples that contained detectable concentrations of PCP. The results were then evaluated as part of the Smeltertown sitewide Human Health Baseline Risk Assessment (RA) prepared by CH2M Hill, dated April 1995. The RA evaluated a long list of potential COCs including 17 PAH compounds, PCP, 7 dioxin compounds, 22 polychlorinated biphenyl (PCB)/pesticide compounds, and 23 different metals. The potential ingestion of the PAH compound B(a)p was shown to contribute to the overall surface soil cancer risk. Arsenic was also a major contributor to the risk and hazard indices in the exposure pathways evaluated; however, studies conducted by

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Pinyon since this RA have suggested that the arsenic in soil at and near the Mine is naturally occurring, is within common background levels in Colorado, and is not associated with spills or releases that occurred on OU2.

As part of other ongoing soil sampling programs being conducted by Butala on the adjacent Vista Del Rio Subdivision (VDR), the Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE) required analysis of the above referenced PAH compounds and PCP but did not require analysis of the dioxin compounds. That study, and a study of drainage ditches on the Butala property found no significant or wide-spread metals concentrations in near surface soil and sediment. For these reasons, the dioxin compounds and metals were not included as part of the DRMS-approved Plan.

Project Objectives and Problem Definition

The data collected was used to evaluate the concentrations of COCs in stockpiles located at the Mine, and only from material that was produced on-Mine and not imported from an outside source. The laboratory measured COC concentrations were compared against residential screening levels (RSLs) that were approved by EPA and CDPHE (the Agencies) as part of the VDR Soil Sampling and Analysis Plan. The COCs and RSLs are listed below in Table I.

Table I. Constituents of Concern and Residential Soil Screening Levels

Chemical of Concern	RSL Residential (mg/kg)	MDL (mg/kg)	RDL (mg/kg)	Lab Method
Pentachlorophenol	1.0	0.0186	0.330	8270D
Benzo(a)anthracene	1.1	0.000493	0.00067	8270D SIM
Benzo(a)pyrene	0.11	0.000468	0.00067	
Benzo(b)fluoranthene	1.1	0.000585	0.00067	
Benzo(k)fluoranthene	11	0.000437	0.00067	
Chrysene	110	0.000624	0.00067	
Dibenzo(a,h)anthracene	0.11	0.000614	0.00067	
Indeno(1,2,3-c,d)pyrene	1.1	0.000627	0.00067	
Naphthalene	2.0	0.000484	0.00067	

Notes: RSL = Environmental Protection Agency Regional Screening Level, based on target hazard quotient (THQ) of 1.0 and a cancer risk of 1×10^{-6} for applicable constituents. If a cancer risk RSL is not provided, the most conservative/lowest non-cancer child index concentration was used.

MDL = Minimum detection limit

RDL = Reliable detection limit

mg/kg = milligrams per kilogram

The overall decision to be made based on the data obtained is to evaluate whether any stockpiled material that was mined, screened and/or crushed, and prepared for sale at the Mine, is impacted by COCs. Impact is defined as:

- Material with particle sizes 1-inch or smaller, where representative sampling and appropriate laboratory analyses indicated one or more COC concentrations exceeded an RSL.
- Material with particle sizes 1-inch or larger, that would not fit in a 4-ounce wide mouth glass sample jar, and was visually inspected and observed to contain black tar like staining and a typical creosote type odor.

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A representative sample is defined as a composite, collected using the 5-point sampling method described below, of material with a particle size less than 1-inch. The visual inspection process, for material with a particle size greater than 1-inch, is also described in the next section.

Sampling Program Description

The stockpile locations, identification numbers, and approximate volumes, for material produced at the Mine, are identified on Figure 1. In addition, there are various small piles of materials such as surge piles from the processing plant, materials staged to top off trucks, and materials that have been washed to remove fines. These piles are depicted on Figure 2. The material volumes were estimated using aerial photogrammetry and LiDAR imagery that was collected on May 28, 2023. These piles were managed as follows:

- Surge piles contain materials dropping off of conveyers from the plant. These materials are collected and moved to stockpiles. The materials in the surge piles are typically 1 inch or greater. Therefore, the current surge piles were inspected to evaluate whether creosote is present, but samples were not collected.
- Small piles maintained for topping off trucks were visually inspected if the materials were greater than 1 inch. For materials 1 inch or smaller, one composite sample was collected from each pile or bin.
- The crushed slag piles have been in place for 25 or more years, are consistent in size to historical satellite imagery, and visibly are distinctly different material than the gravels and sands. Therefore, it is clear that Mine Restricted Area materials were not moved to these locations and no samples were collected from these piles.
- There are several material stockpiles that have been imported from outside sources. Those material locations and volumes are depicted on Figure 2. These imported materials are assumed to be free of creosote and were not sampled.
- A small amount of sediment removed from settling ponds is also located at the Mine (Figure 2). This material was not sampled.

Visual Observation

Examples of visually identified impacted materials are provided in the following photographs:



Boulder in photo is greater than 20-inches long



Boulder in the photo is 8 to 20-inch category

The two examples provided above were observed on the west side of the Mine Restricted Area (MRA) and were used as visual and olfactory reference under the “Looks Bad, Smells Bad” (LBSB) protocol. The staining observed on the rocks provides a good example of the color, texture, and odor related to the creosote impacts encountered in the MRA.

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Initially at each stockpile, using the LBSB protocol, Pinyon field staff visually observed the material for obvious signs of impact. If no signs of impact were observed, the stockpiles gradation and approximate volume was field checked against the information presented on Figure 1 and Figure 2. After positive identification of each stockpile, and verification of particle size(s), stockpiles containing materials greater than 1-inch were visually inspected and photo documented. This included stockpiles 13, 14, 15, 16, 18, 19, 23, and 24 (Figure 1); and stockpiles 110, 111, 112, and 115 (Figure 2).

Stockpiles 13, 14, 15, and 19 were visually evaluated on June 20, 2023; while stockpiles 6, 18, 23, 24, 109d, 109e, 109f, 110, 111, 112, and 115 were evaluated on August 10, 2023. The June 20, 2023 results were presented in the *Submittal of Observations and Findings, Inspection of Stockpiles with Material Larger than 1-Inch Diameter*, Butala Sand and Gravel, 9000 CR 152, Salida, Colorado 81201, dated June 23, 2023. The June 20, 2023 results are also summarized in Table 1. Photographs and field documentation for the visual inspection of stockpiles 6, 18, 23, 24, 109d, 109e, 109f, 110, 111, 112, and 115 are provided on the photo logs presented in Attachment 1. For convenience, photographs presented in the June 20, 2023 letter report are also presented in Attachment 1.

Stockpile Sampling – 5-Point Composite Samples

The following stockpiles were sampled using the methods outlined below: 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 17, 20, 21, 22 (Figure 1); 113 and smaller gradation materials (less than 1 inch) in 109 (Figure 2). The number of composite samples collected from an individual stockpile was determined based on volume as follows:

- Up to 1,000 cubic yards (yd³) – 1 composite sample. This included stockpiles 2, 20, and 113; and bins 109a, 109b, and 109c.
- 1,000 yd³ to 10,000 yd³ – 2 composite samples. This included stockpiles 3, 4, 6, 7, 8, 9, 10, 11, 12, 16, 17, and 21.
- 10,000 yd³ to 100,000 yd³ – 3 composite samples. This included stockpiles 1 and 22.

Each composite sample included five aliquots. For the small stockpiles (less than 1,000 yd³), four of the aliquots were collected from the top to the bottom of each side of the stockpile. For the larger stockpiles (greater than 1,000 yd³), where more than one composite sample was collected, the stockpile was segregated into equally sized sections. For example, a 20,000 yd³ stockpile (in the 10,000 yd³ to 100,000 yd³ category) was divided into three equally sized sections. The sections began from the base of the stockpile and extend to the top. In each section, four aliquot samples were collected from the bottom to the top of the stockpile. These four aliquot samples were collected from 0 to 12-inches below the stockpile surface.

The fifth aliquot for each composite sample was collected with the assistance of an excavator. The excavator dug into the stockpile/section as far as practical, without creating caving or collapse safety concerns, or without affecting the integrity of other stockpile sections being sampled. The fifth aliquot sample was then collected from the material that was removed from the interior of the pile.

Field judgement was used to select the five aliquot sample locations, due to variations in stockpile sizes and shapes. The intent was to include all portions of the stockpile or stockpile section in the composite sample. Additionally, all sample collection, decontamination, handling, transportation, and documentation procedures described in the Plan were followed.

At each aliquot location, one soil sample was collected. The sample was placed in a 4-ounce wide mouth glass sample jar and sealed. The jars were labeled and temporarily held in cold storage. Once all five aliquots were collected, the jars were dumped into a decontaminated metal mixing bowl and thoroughly mixed/homogenized. From this mixture, the composite sample for that stockpile or stockpile section was collected using new/clean additional sample jars.

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Field data collected at the time of sample collection are presented on the individual soil sampling forms presented in Attachment 2.

Sample Labeling

Individual aliquot sample naming protocols were as follows:

- Project Indicator: BSP – Butala Stockpile
- Sample Type: SS = Soil; BD = Blind Duplicate; RB = Rinse Water Blank
- Sample Location/Sequence: Stockpile number (e.g., 1, 2, 3, etc.); ## = Sequential number of specific QA/QC type (e.g., BD01)
- Sample Date: YYYYMMDD
- Aliquot sample in sequence (1 through 5)

For example, an aliquot sample collected on July 1, 2023, from Stockpile 6 for aliquot sample 2 of 5 would be labeled as BSP-SS-06-20230701-2. A blind duplicate sample collected from stockpile 8 for aliquot sample 1 out of 5 would be documented as such in the field logbook, then labeled as BSP-BD01-20230701.

The composite samples were labeled as follows:

- Project Indicator: BSP
- Sample Type: SS = Soil and BD = Blind Duplicate
- Sample Location/Sequence: Stockpile number (e.g., 1,2,3, etc.); ## = sequential number of specific QA/QC sample type (e.g., BD01)
- Sample Date: YYYYMMDD
- Stockpile Section Number: (e.g., 1, 2, or 3) pending the size and overall stockpile volume and the number of sections/samples required.

For example, a composite sample collected on July 1, 2023, stockpile 6 (20,000 yd³, translating into 3 stockpile sections and 3 separate composite samples), section 2, would be labeled as follows: BSP-SS-06-20230701-02. Following collection, the composites were maintained in cold storage and under chain of custody documentation while in transit to the project laboratory.

Laboratory Analysis and Quality Assurance/Quality Control Sampling

The project laboratory is Origins Laboratory, Inc., located in Denver, Colorado. The laboratory analyzed each composite sample for PAH/PCP COCs using the analytical methods summarized in Table I. The samples were submitted and analyzed within allowable holding times. Laboratory reports and chain of custody documentation is presented in Attachment 3.

Quality Assurance/Quality Control (QA/QC) sampling included one blind duplicate sample. Additionally, 1 rinse water blank sample was collected each day of stockpile sampling. The blind duplicate and rinse water samples were analyzed for the same COCs as summarized in Table I.

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Data Validation

Pinyon performed Tier II data validation, in accordance with EPA guidance. This process indicates that the data contained in this report is valid and usable. The Data Validation Memo is presented in Attachment 4.

A total of one field duplicate sample (BSP-BD-01-20230809) was collected and analyzed. This is a duplicate of primary sample BSP-SS-11-20230809-1. The approved Sampling and Analysis Plan states one blind duplicate will be collected for every 20 primary samples. The field team collected one duplicate sample for the first 20 samples and then did not collect an additional duplicate sample because less than 40 primary samples were collected. This does not affect the usability or validity of the data.

Disposal Of Residual Materials

Residual stockpile material remaining after all sample containers were filled was placed back onto the sampled stockpile.

Visual Observation and Composite Sample Results

The visual inspection and composite sample laboratory results are summarized in Table I.

The visual inspections for stockpiles 13, 14, 15, 16, 18, 19, 23, 24, 109d, 109e, 109f, 110, 111, 112, and 115 did not identify impact; therefore, these stockpiles are considered suitable for sale and unrestricted use.

COCs were not detected at concentrations exceeding the applicable screening levels in stockpiles 1, 2, 3, 4, 6, 7, 8, 10, 11, 12, 17, 109a, 109b, 109c, and 113; therefore, these stockpiles are considered suitable for sale and unrestricted use.

The laboratory analysis for stockpiles 9 (composite sample 2), 20, 21 (composites 1 and 2), and 22 (composites 1, 2, and 3) each contained concentrations of at least one PAH compound exceeding an RSL. These data suggest that the stockpiles are considered impacted as defined in the Plan. The following is noted about these specific stockpiles:

- Stockpile 9 is topsoil, removed from the land surface prior to mining. Benzo(a)pyrene was detected at 0.114 milligrams per kilogram (mg/kg), which is 0.004 mg/kg over the RSL. The soil has been stored for reclamation following mining cessation. It is probable that the PAH impact was present prior to the soil's original removal and stockpiling and is the result of on-property historic wood treatment and/or smelter operations.
- Stockpile 20 is contaminated material from the 2022 mining activities in the Mine Restricted Area. Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, and indeno(1,2,3-c,d)pyrene were detected above the RSLs.
- Stockpiles 21 and 22 are both roadbase. Benzo(a)pyrene was detected above the RSL in all composite samples. Concentrations ranged from 0.185 to 0.765 mg/kg. The RSL is 0.11 mg/kg.

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Please contact the undersigned if you have questions or require additional information.

Sincerely,

Pinyon Environmental, Inc.



Darin Worden
Senior Hydrologist

cc: Scott Clark, Burns, Figa & Will, P.C.
Charles Kellerman, Butala

File Location: <https://pinyonenvl.sharepoint.com/sites/VistaDelRioTeam/Shared Documents/Butala S and G/Stockpile Sampling/Stockpile Sampling Report/Butala Stockpile Sampling Report - 20230823.docx>

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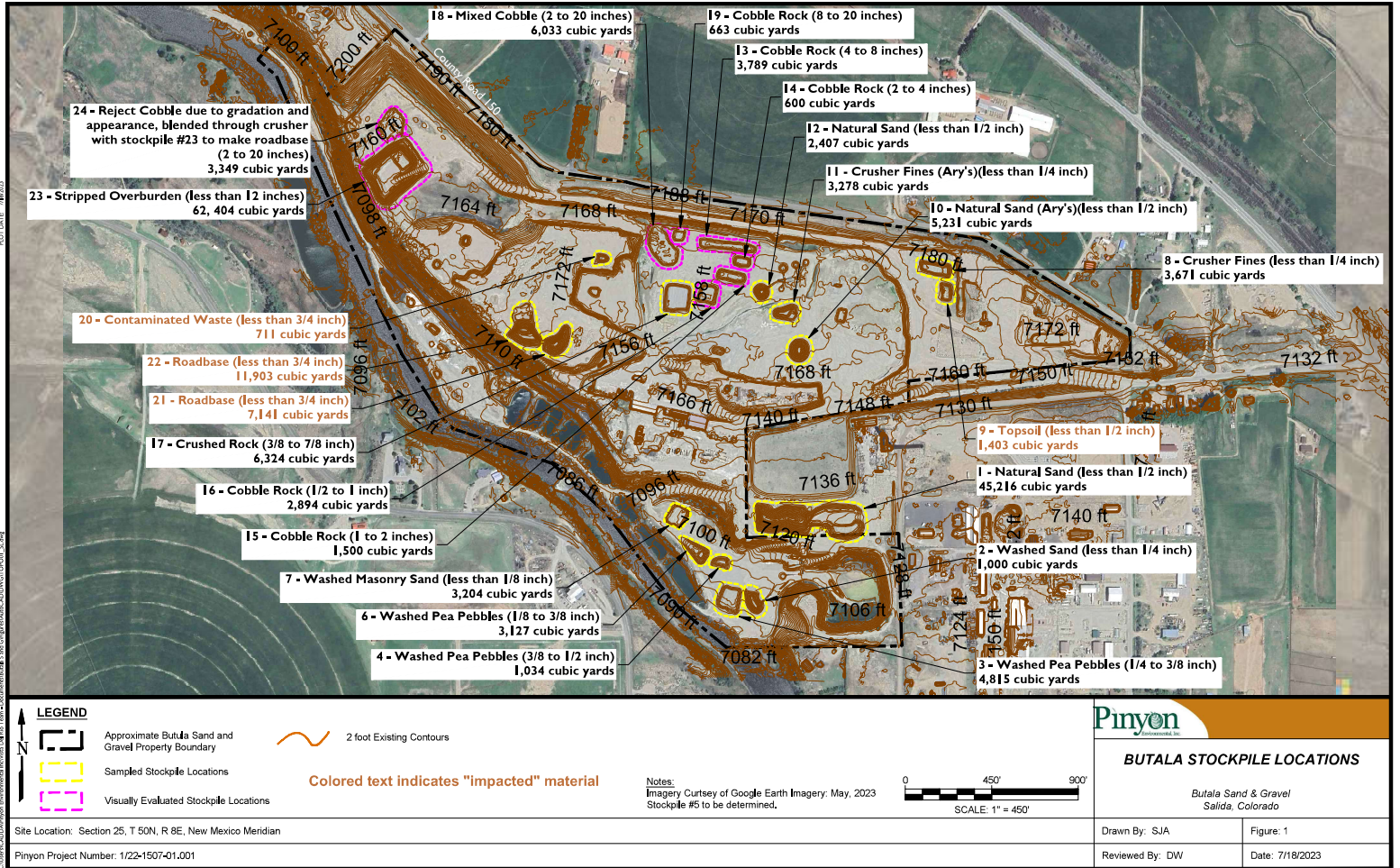


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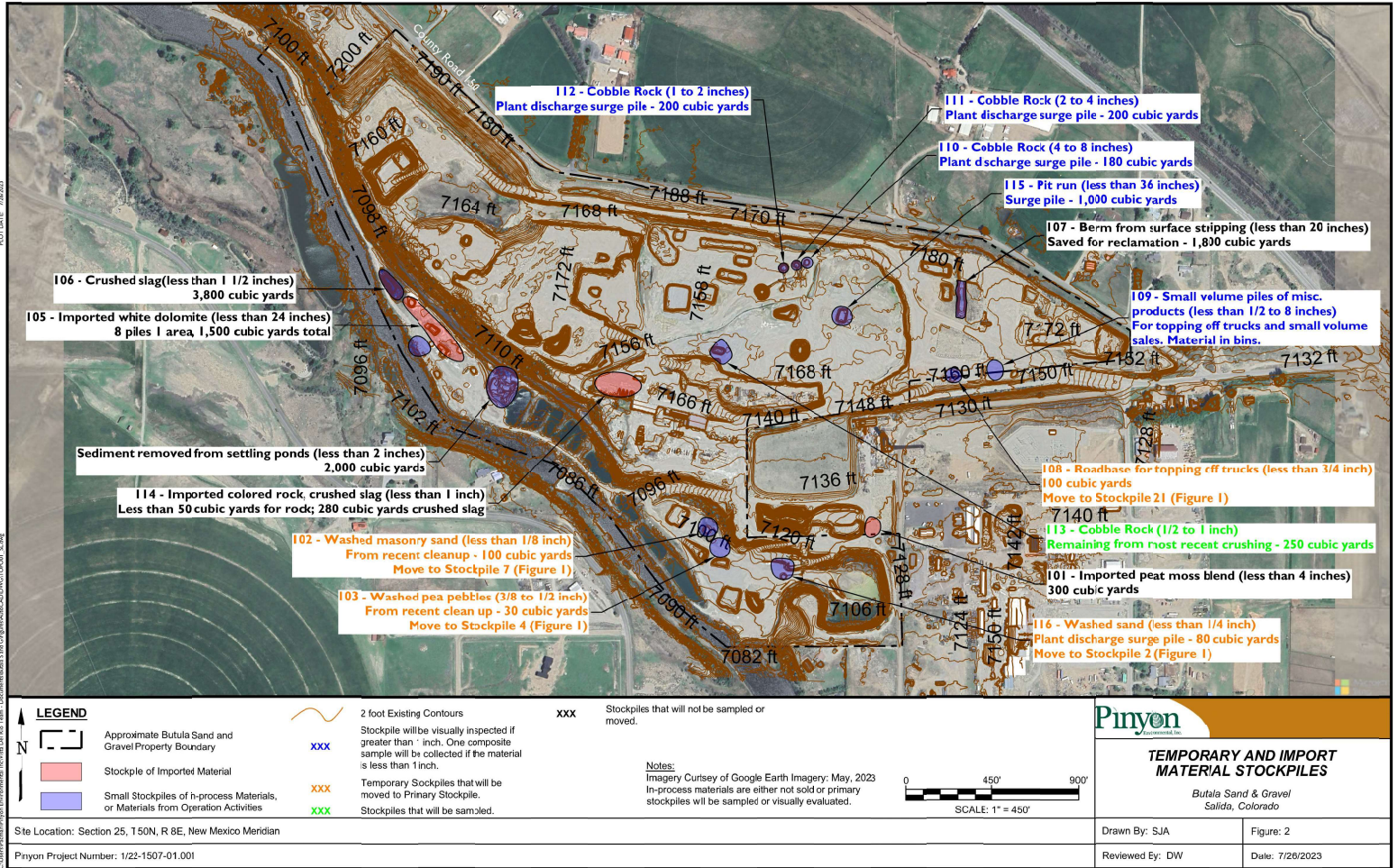


Exhibit U
TABLE I - Summary of Stockpile Visual Inspection and Sampling
Butala Sand and Gravel, Salida, Colorado

Stockpile Number	Material Description (inches)	Approximate Volume (cubic yards)	Visual Inspection (V), Sampled (S), Imported (I), Not Sampled (NS), or Surge Pile (SP)	Sample Identification	Sample or Visual Inspection Date	Polyaromatic Hydrocarbons (mg/kg)								PCP (mg/kg)
						Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(k)fluoranthene	Chrysene	Dibenz(a,h)anthracene	Indeno(1,2,3-c,d)pyrene	Naphthalene	Pentachlorophenol (mg/kg)
						Method 8270D SIM								
Residential Screening Level (mg/kg):						I.1	0.1I	I.1	II	II.0	0.1I	I.1	2	I.0
1	Natural Sand (<0.50)	45,216	S	BSP-SS-01-20230809-1	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
				BSP-SS-01-20230809-2	08/09/23	<0.0003	<0.001	0.006 J	0.003 J	0.008 J	0.003 J	0.005 J	<0.0008	<0.018
				BSP-SS-01-20230809-3	08/09/23	<0.0003	0.002 J	<0.0003	<0.0004	0.004 J	<0.0008	0.003 J	<0.0008	<0.018
2	Washed Sand (<0.25)	1,000	S	BSP-SS-02-20230809-1	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
3	Washed Pea Pebbles (0.25 to 0.375)	4,815	S	BSP-SS-03-20230809-1	08/09/23	<0.0007	<0.001	<0.0003	<0.0004	<0.0002	<0.002	<0.002	<0.0008	<0.018
				BSP-SS-03-20230809-2	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
4	Washed Pea Pebbles (0.375 to 0.50)	1,034	S	BSP-SS-04-20230809-1	08/09/23	<0.0003	0.006 J	<0.0003	<0.0004	0.003 J	<0.0008	0.003 J	<0.0008	<0.018
				BSP-SS-04-20230809-2	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
6	Washed Pea Pebbles (0.125 to 0.375)	3,127	S	BSP-SS-06-20230809-1	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
				BSP-SS-06-20230809-2	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
7	Washed Masonry Sand (< 0.125)	3,204	S	BSP-SS-07-20230809-1	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
				BSP-SS-07-20230809-2	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
8	Crusher Fines (<0.25)	3,671	S	BSP-SS-08-20230809-1	08/09/23	0.001 J	<0.001	<0.0003	<0.0004	0.003 J	<0.0008	<0.001	<0.0008	<0.018
				BSP-SS-08-20230809-2	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
9	Top Soil (<0.50)	1,403	S	BSP-SS-09-20230809-1	08/09/23	0.028	0.059	0.082	0.034	0.087	0.014 J	0.057	0.006	<0.018
				BSP-SS-09-20230809-2	08/09/23	0.068	0.114	0.146	0.058	0.168	0.022	0.114	0.011	<0.018
10	Natural Sand (<0.50)	5,231	S	BSP-SS-10-20230809-1	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	0.004 J	<0.0008	0.014 J	<0.0008	<0.018
				BSP-SS-10-20230809-2	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
11	Crusher Fines (<0.25)	3,278	S	BSP-SS-11-20230809-1	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	0.002 J	<0.002	<0.002	<0.0008	<0.018
				BSP-BD-01-20230809	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	0.0002 J	<0.0008	<0.001	<0.0008	<0.018
				BSP-SS-11-20230809-2	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	0.0008 J	<0.0008	<0.001	<0.0008	<0.018
12	Natural Sand (<0.50)	2,407	S	BSP-SS-12-20230809-1	08/09/23	<0.0003	<0.002	<0.0003	<0.0004	<0.0002	<0.002	<0.002	<0.0008	<0.018
				BSP-SS-12-20230809-2	08/09/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
13	Cobble Rock (4 to 8)	3,789	V	Stockpile 13	06/20/23	No visual or olfactory indication of impact was identified								

**TABLE I - Summary of Stockpile Visual Inspection and Sampling
Butala Sand and Gravel, Salida, Colorado**

Stockpile Number	Material Description (inches)	Approximate Volume (cubic yards)	Visual Inspection (V), Sampled (S), Imported (I), Not Sampled (NS), or Surge Pile (SP)	Sample Identification	Sample or Visual Inspection Date	Polyaromatic Hydrocarbons (mg/kg)								PCP (mg/kg)	
						Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(k)fluoranthene	Chrysene	Dibenz(a,h)anthracene	Indeno(1,2,3-c,d)pyrene	Naphthalene	Pentachlorophenol (mg/kg)	
						Method 8270D SIM								Method 8270D	
Residential Screening Level (mg/kg):						1.1	0.11	1.1	11	110	0.11	1.1	2	1.0	
I4	Cobble Rock (2 to 4)	600	V	Stockpile I4	06/20/23	No visual or olfactory indication of impact was identified									
I5	Cobble Rock (1 to 2)	1,500	V	Stockpile I5	06/20/23	No visual or olfactory indication of impact was identified									
I6	Cobble Rock (0.50 to 1)	2,894	V	Stockpile I6	08/10/23	No visual or olfactory indication of impact was identified									
I7	Crushed Rock (0.375 to 0.875)	6,324	S	BSP-SS-17-20230810-1	08/10/23	<0.0003	<0.001	<0.0003	<0.0004	0.002 J	<0.0008	<0.001	<0.0008	<0.018	
				BSP-SS-17-20230810-2	08/10/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018	
I8	Mixed Cobble (2 to 20)	6,033	V	Stockpile I8	08/10/23	No visual or olfactory indication of impact was identified									
I9	Cobble Rock (8 to 20)	663	V	Stockpile I9	06/20/23	No visual or olfactory indication of impact was identified									
I20	Contaminated Waste (<0.75)	711	S	BSP-SS-20-20230810-1	08/10/23	9.90	10.2	9.65	4.67	16.6	1.26	5.15	0.022	<0.186	
I21	Roadbase (<0.75)	7,141	S	BSP-SS-21-20230810-1	08/10/23	0.119	0.185	0.159	0.071	0.217	0.027	0.134	0.004	<0.018	
				BSP-SS-21-20230810-2	08/10/23	0.636	0.765	0.628	0.323	0.930	0.099	0.407	0.012	<0.018	
I22	Roadbase (<0.75)	11,903	S	BSP-SS-22-20230810-1	08/10/23	0.545	0.461	0.394	0.203	1.51	0.065	0.277	0.011	<0.018	
				BSP-SS-22-20230810-2	08/10/23	0.825	0.683	0.571	0.295	2.90	0.090	0.345	0.016	<0.018	
				BSP-SS-22-20230810-3	08/10/23	0.456	0.580	0.399	0.192	1.72	0.058	0.303	0.016	<0.018	
I23	Stripped Overburden (<12)	62,404	V	Stockpile I23	08/10/23	No visual or olfactory indication of impact was identified									
I24	Reject Cobble (2 to 20)	3,349	V	Stockpile I24	08/10/23	No visual or olfactory indication of impact was identified									
I01	Peat Moss Blend	300	I - NS	Material imported from off-site and was not subject to inspection or sampling											
I02	Washed Masonry Sand (< 0.125)	100	S	Material produced from recent cleanup and was moved to Stockpile 7 prior to its sampling											
I03	Washed Pea Pebbles (0.375 to 0.50)	30	S	Material produced from recent cleanup and was moved to Stockpile 4 prior to its sampling											
I05	White Dolomite (<24)	1,500	I - NS	Material imported from off-site and was not subject to inspection or sampling											
I06	Crushed Slag (<1.50)	3,800	NS	Remnant of former smelting operations and was not subject to inspection or sampling											

Exhibit U
TABLE I - Summary of Stockpile Visual Inspection and Sampling
Butala Sand and Gravel, Salida, Colorado

Stockpile Number	Material Description (inches)	Approximate Volume (cubic yards)	Visual Inspection (V), Sampled (S), Imported (I), Not Sampled (NS), or Surge Pile (SP)	Sample Identification	Sample or Visual Inspection Date	Polyaromatic Hydrocarbons (mg/kg)								PCP (mg/kg)
						Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(k)fluoranthene	Chrysene	Dibenz(a,h)anthracene	Indeno(1,2,3-c,d)pyrene	Naphthalene	Pentachlorophenol (mg/kg)
						Method 8270D SIM								Method 8270D
Residential Screening Level (mg/kg):						1.1	0.11	1.1	11	110	0.11	1.1	2	1.0
I07	Stripped Surface Soil (<20)	1,800	NS	Material not produced from Mine Restricted Area and was not identified for inspection or sampling										
I08	Roadbase (<0.75)	100	S	Material staged to top off trucks and was moved to Stockpile 21 prior to its sampling										
I09a	Crushed Rock (<1)	100	S	BSP-SS-109a-2023010-I	08/10/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
I09b	Natural Sand (<0.50)	100	S	BSP-SS-109b-2023010-I	08/10/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
I09c	Crushed Rock (<0.50)	100	S	BSP-SS-109c-2023010-I	08/10/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
I09d	Cobble Rock (>1)	100	V	Stockpile I09d	08/10/23	No visual or olfactory indication of impact was identified								
I09e	Cobble Rock (>1)	100	V	Stockpile I09e	08/10/23	No visual or olfactory indication of impact was identified								
I09f	Cobble Rock (>1)	100	V	Stockpile I09f	08/10/23	No visual or olfactory indication of impact was identified								
I10	Cobble Rock (4 to 8)	180	V - SP	Stockpile I10	08/10/23	No visual or olfactory indication of impact was identified								
I11	Cobble Rock (2 to 4)	200	V - SP	Stockpile I11	08/10/23	No visual or olfactory indication of impact was identified								
I12	Cobble Rock (1 to 2)	200	V - SP	Stockpile I12	08/10/23	No visual or olfactory indication of impact was identified								
I13	Cobble Rock (0.50 to 1)	250	S	BSP-SS-113-20230810-I	08/10/23	<0.0003	<0.001	<0.0003	<0.0004	<0.0002	<0.0008	<0.001	<0.0008	<0.018
I14	Imported Rock and Crushed Slag	50 - Rock 280 - Slag	NS	Material imported from off-site, or remnants of former smelting operations were not subject to inspection or sampling										
I15	Pit Run (<36)	1,000	V	Stockpile I15	08/10/23	No visual or olfactory indication of impact was identified								
I16	Washed Sand (<0.25)	80	S - SP	Surge Pile moved to Stockpile 2 prior to its sampling										

Exhibit U
TABLE I - Summary of Stockpile Visual Inspection and Sampling
Butala Sand and Gravel, Salida, Colorado

Stockpile Number	Material Description (inches)	Approximate Volume (cubic yards)	Visual Inspection (V), Sampled (S), Imported (I), Not Sampled (NS), or Surge Pile (SP)	Sample Identification	Sample or Visual Inspection Date	Polyaromatic Hydrocarbons (mg/kg)								PCP (mg/kg)
						Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(k)fluoranthene	Chrysene	Dibenz(a,h)anthracene	Indeno(1,2,3-c,d)pyrene	Naphthalene	Pentachlorophenol (mg/kg)
						Method 8270D SIM								Method 8270D
Residential Screening Level (mg/kg):						1.1	0.11	1.1	11	110	0.11	1.1	2	1.0
Quality Assurance/Quality Control Samples (ug/l)														
Rinse Water Blank		NA	NA	BSP-RB-01-20230809	08/09/23	<0.0113	<0.0124	<0.0083	<0.0165	<0.0082	<0.0066	<0.0144	<0.0196	<2.45
		NA	NA	BSP-RB-02-20230810	08/10/23	<0.0113	<0.0124	<0.0083	<0.0165	<0.0082	<0.0066	<0.0144	<0.0196	<2.45

Notes:

<	less than	>	greater than	BOLD	concentration exceeds residential screening level
V	visually inspected	SP	surge pile	J	Qualifier - Sample result was found between the MDL and RL
S	sampled	mg/kg	milligrams per kilogram	MDL	- Minimum detection limit
I	import material	ug/l	micrograms per liter	RL	- Reporting limit
NS	not sampled	NA	not applicable		

Exhibit V- Surface Water Control Plan

The following figures were prepared by Pinyon Environmental, Inc. for a U.S. Army Corps of Engineers Section 404 permit application. The figures demonstrate Butala's revised surface water control plan, depicting realignment of Butala's drainage ditches on its property. The alignment of the new Outfall 001A feeder ditch has been slightly amended to move it several feet further away from the Arkansas River. Approval by the U.S. Army Corps of Engineers for the 404 permit is currently pending.



Exhibit V

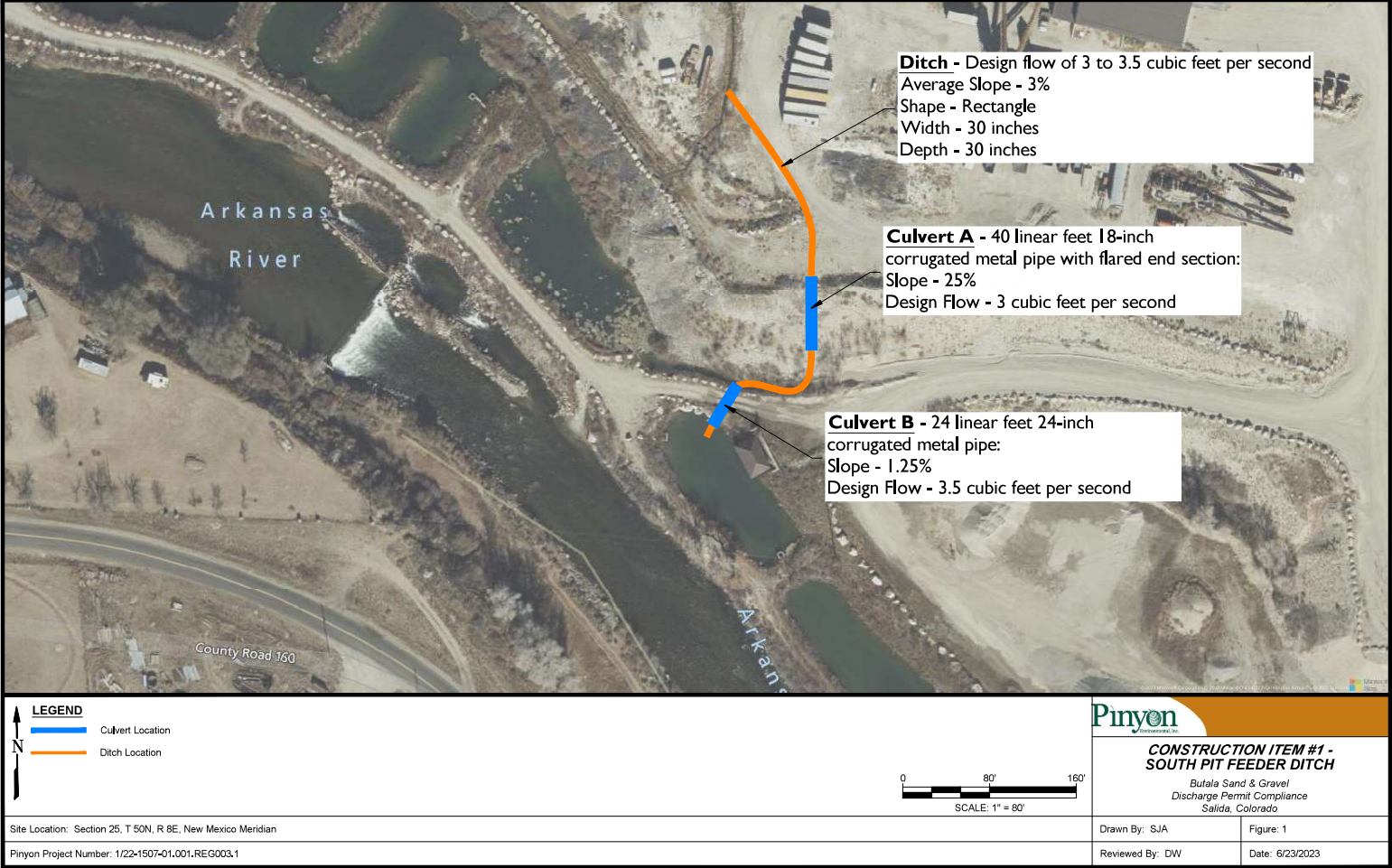


Exhibit V

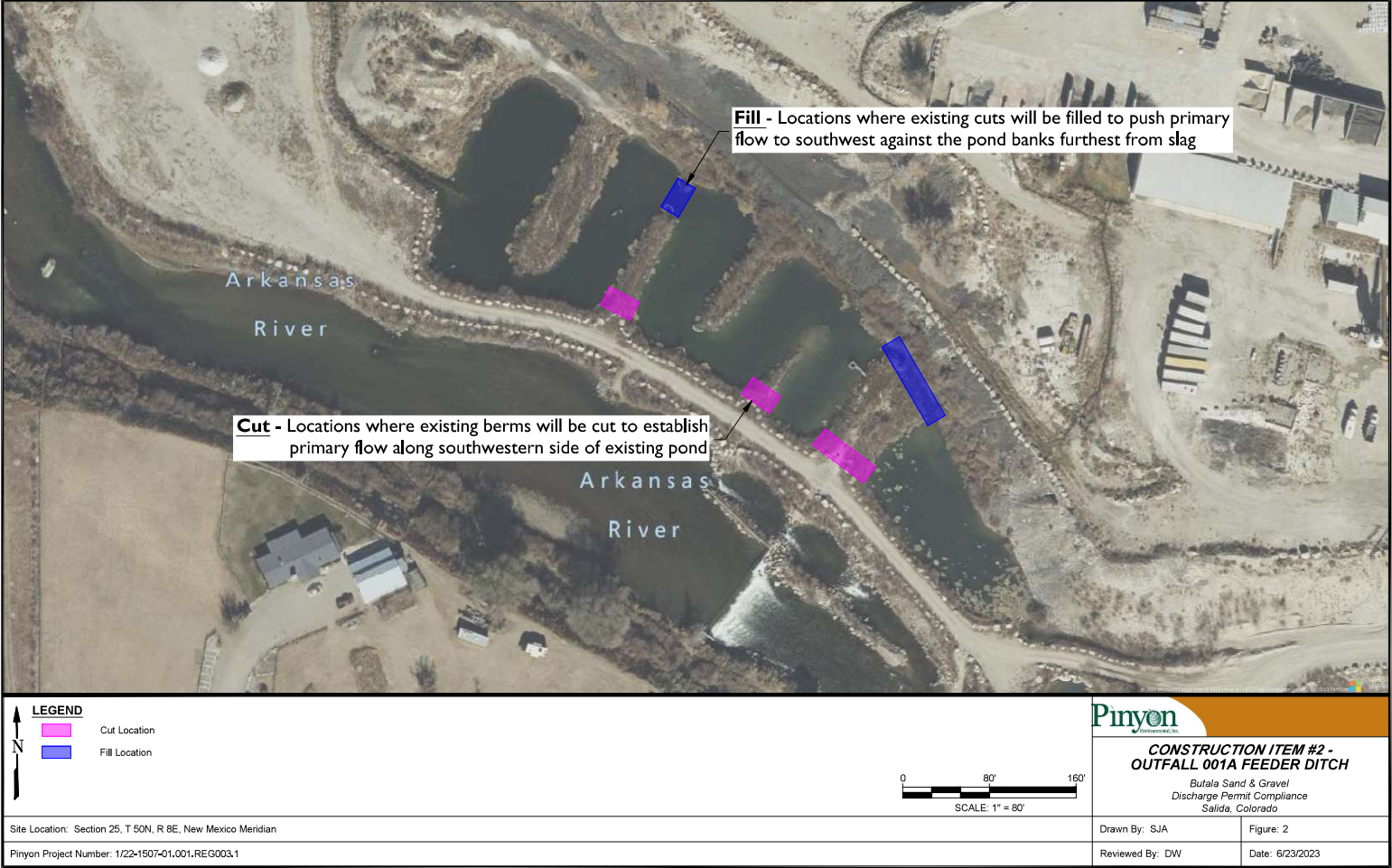


Exhibit V

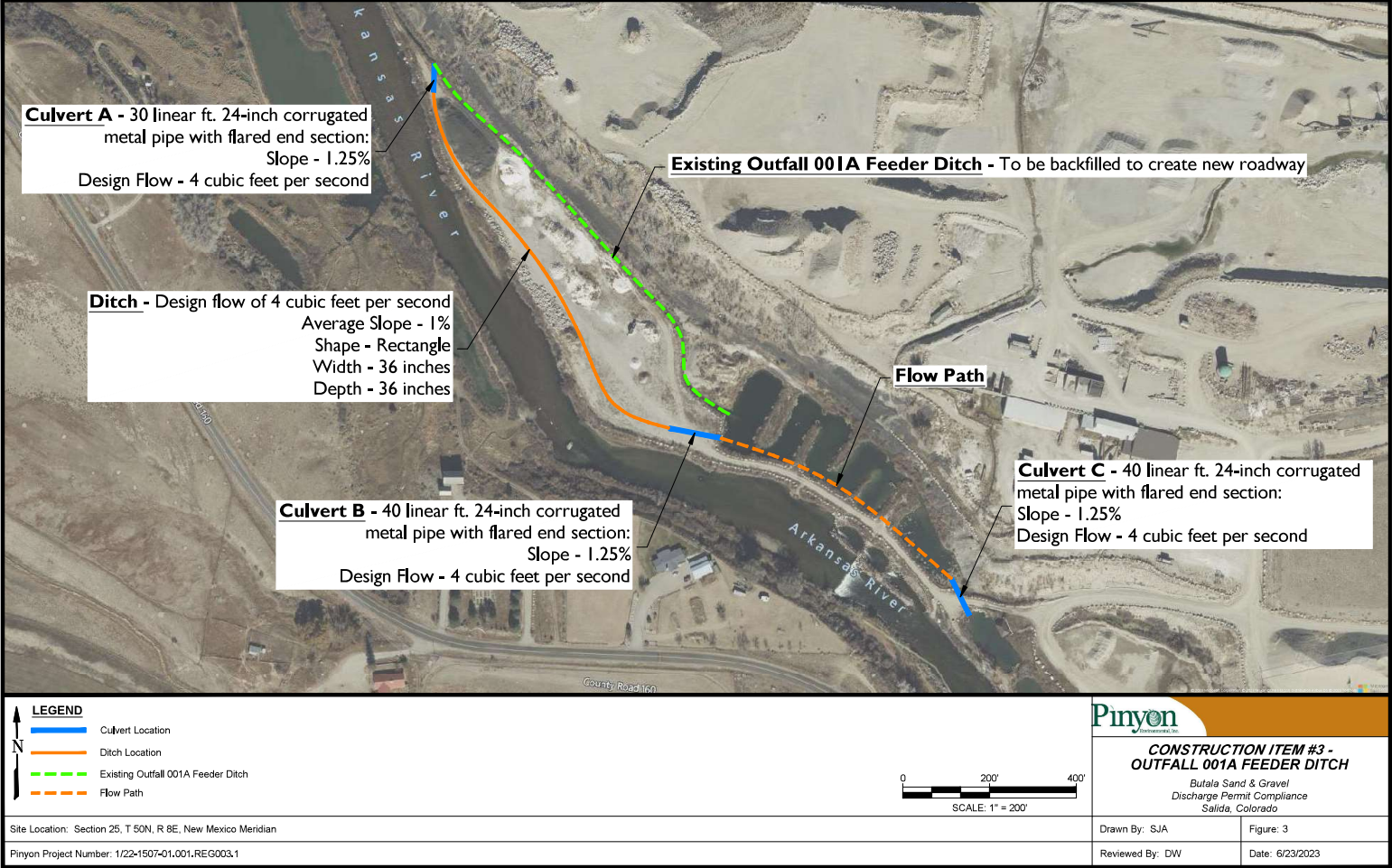
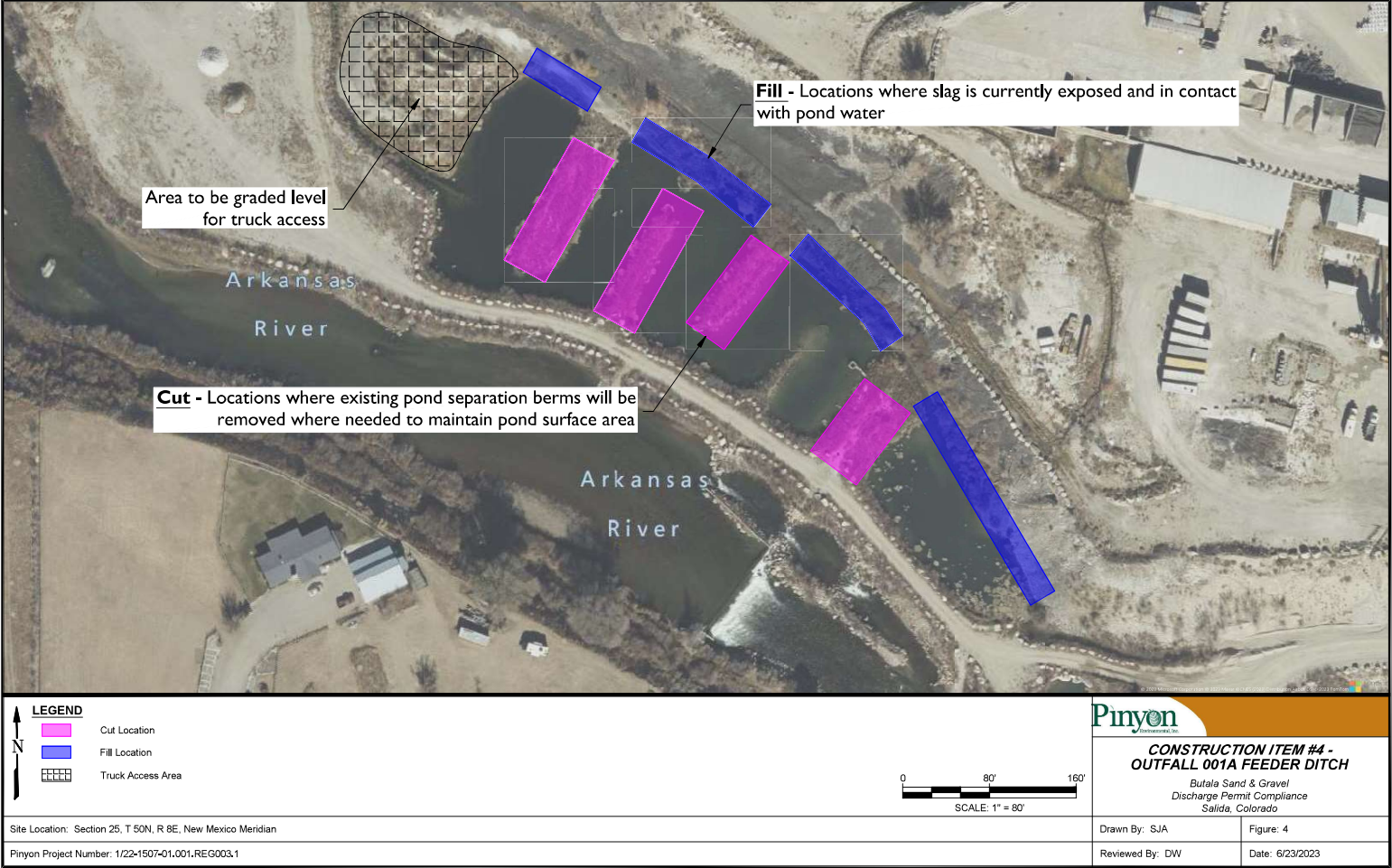


Exhibit V



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CHAFFEE COUNTY, CO, JOYCE M RENO - CLERK & RECORDER REC #: 311970 **

DECLARATION OF RESTRICTIVE COVENANTS AND RESTRICTIONS

AGAINST THE USE OF REAL PROPERTY

THIS DECLARATION OF RESTRICTIVE COVENANTS AND RESTRICTIONS AGAINST THE USE OF REAL PROPERTY (this "Declaration") is made this 29th day of June, 2000, by BUTALA CONSTRUCTION COMPANY, a Colorado corporation (hereinafter "Butala") for the benefit of Butala, the Butala Property and the Third Party Beneficiaries (as defined below).

W I T N E S S E T H:

WHEREAS, Butala is the owner of certain property, located in Salida, Colorado, more particularly described in Attachment A, attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to as the "Butala Property"), and

WHEREAS, pursuant to a Consent Decree entered into by Butala, Beazer East, Inc. ("Beazer"), the U.S. Environmental Protection Agency ("USEPA") and the Colorado Department of Public Health and the Environment ("CoDPHE"), portions of the Butala Property are the subject of a remedial action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601, *et seq.* ("CERCLA"); and

WHEREAS, pursuant to the Consent Decree, Butala is required and has agreed to subject the Property to certain covenants and restrictions, which covenants and restrictions shall burden the Butala Property and bind Butala, its heirs, successors, assigns, and any grantees of the Butala Property, their heirs, successors, assigns and grantees for the benefit of the Third Party Beneficiaries; and

WHEREAS, Butala has entered into an Agreement with Beazer, resolving certain matters between them and agreeing to impose upon the Butala Property the covenants and restrictions more particularly described herein in order to best effectuate the implementation of the Record of Decision regarding Operable Unit 2 of the Smeltertown Superfund Site "(ROD)".

NOW, THEREFORE, Butala hereby declares that the Butala Property described in Attachment A shall hereinafter be bound by, held, sold, and conveyed subject to the following covenants and restrictions which shall run with the Butala Property and be binding on all parties having any right, title or interest in the described Butala Property, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of Butala, the Butala Property and the Third Party Beneficiaries.

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CHAFFEE COUNTY, CO, JOYCE M RENO - CLERK & RECORDER REC #: 311970

I. USE COVENANTS AND RESTRICTIONS

1.1 The Covenants. The following Covenants shall burden the Butala Property and are intended to be and shall be construed as covenants of Butala and its successors, assigns and transferees which run with the Butala Property:

A. No residential development of the Butala Property described in Attachment A shall be permitted or allowed, without the express prior written consent of the USEPA, the CoDPHE, and Beazer ("the Third Party Beneficiaries") which consent may be granted or withheld with or without cause or made subject to any conditions whatsoever, whether reasonable or not.

B. No mining or excavation shall be permitted in the area of the Butala Property known as the Mining Restricted Area ("MRA") and no mining or excavation shall be permitted below twenty (20) feet beneath the surface in the area known as the Buffer Area ("BA") (collectively referred to as the "MRA/BA"), without the express written consent of the Third Party Beneficiaries, which consent may be granted or withheld with or without cause or made subject to any conditions whatsoever, whether reasonable or not. This Covenant shall not prohibit any excavation necessary for or incidental to any non-residential development which occurs on the MRA/BA, provided no excavation below twenty (20) feet below the surface of the MRA/BA shall occur. The MRA is identified on Attachment B attached hereto and incorporated by reference as though fully set forth, and the BA is identified on Attachment C, attached hereto and incorporated by reference as though fully set forth.

C. No wells or drilling whatsoever shall be permitted or allowed in any groundwater or aquifer within the MRA/BA, with the exception of monitoring or remedial wells to be installed by USEPA and/or Beazer, without the express written consent of USEPA, the CoDPHE and Beazer which consent may be granted or withheld with or without cause or made subject to any conditions whatsoever, whether reasonable or not.

D. No wells or drilling whatsoever shall be permitted or allowed in the area identified on Attachment D attached hereto and incorporated herein by this reference as though fully set forth and referred to as the Groundwater Buffer Area ("GBA"), with the exception of monitoring or remedial wells to be installed by USEPA and/or Beazer, without the express written consent of USEPA, the CoDPHE and Beazer which consent may be granted or withheld with or without cause or made subject to any conditions whatsoever, whether reasonable or not.

E. Use of the groundwater within the Upper Terrace Aquifer and the Lower Terrace Aquifer as a drinking water supply shall be prohibited, without the express written consent of USEPA.

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1.2 Covenants/Equitable Servitudes. All of the Covenants contained herein are made for the direct, mutual, and reciprocal benefit of each and every portion of the Butala Property and create an equitable servitude thereon. Each of these Covenants shall operate as a covenant running with the land for the benefit of each lot or parcel of the Butala Property, and shall inure to the benefit of Butala, the Butala Property and the Third Party Beneficiaries, and any successors, assigns or transferees thereof. No partial invalidity of any Covenant or other restriction in this Declaration shall affect the validity or enforceability of the remaining provisions hereof.

1.3 Third Party Beneficiaries. Beazer, the CoDPHE and the EPA shall be third party beneficiaries of this Declaration to the extent provided in this Declaration.

1.4 Benefits. Butala and the Third Party Beneficiaries acknowledge that the benefits to Butala, the Butala Property and the Third Party Beneficiaries by reason of the Covenants include without limitation the following:

(a) The reduction or minimization of potential risk to human health and the environment from the release of Hazardous Materials from the Property on, or in the vicinity of, the Butala Properties; and

(b) The maintenance, use and potential development of the Butala Property in such a manner as to allow economic benefits to accrue to adjacent property owners and other property owners located in the general vicinity of the Property while protecting human health and the environment.

1.5 Modification of Covenants. The Covenants may be modified as follows:

(a) Required Approvals. Any proposed modification must be approved in writing executed by (i) USEPA, the CoDPHE and Beazer, and (ii) the owner of the parcel burdened by the Covenant to be modified. Such written approval may be evidenced by execution of a written instrument created to amend the Covenants.

(b) Recordation of Modification. In order to be effective, any modification of the Covenants must be (i) in writing, (ii) dated after the date of this Declaration, (iii) executed by each of the persons described in Section 1.5 above, with each signature duly notarized (to the extent required by Colorado law), and (iv) duly recorded in the real property records of the county in which the Butala Property is located (the "County").

Any modification which complies with the foregoing requirements shall be deemed duly created and enforceable from and after the effective date thereof. For purposes of these provisions, a modification of the Covenants may include (i) the imposition of new covenants, or (ii) the termination of all or part of the existing Covenants.

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II. PERMITTED USES

2.1 Permitted Uses. All uses not prohibited by the Covenants or applicable law shall be permitted on the Butala Property.

III. ENFORCEMENT RIGHTS

3.1 Enforcement of Covenants. The Third Party Beneficiaries shall have the right, but not the obligation, to enforce the Covenants. Each Covenant shall be enforceable, in perpetuity, to the fullest extent permitted by Colorado law.

3.2 Specific Performance. Butala hereby specifically agrees that in addition to all other remedies available under the Declaration, at law or in equity, the remedy of "specific performance" shall be available to any party (the "Enforcing Party") entitled to enforce the Covenants. Butala hereby waives, to the fullest extent permitted by Colorado law, any rights it may have to argue that specific performance is an inappropriate remedy.

3.3 No Waiver. A delay or failure to enforce in any specific instance any Covenant or any violation of any Covenant, shall not preclude or waive the right of any Enforcing Party to enforce such Covenant, or the violation thereof in that or in any other instance.

3.4 Waiver. An Enforcing Party may waive, in a writing executed by the Enforcing Party, one or more violation of the Covenants. Such waiver shall relate only to the specific Covenants, described in the waiver and shall not be effective to waive any other Covenants or any prior or subsequent violation, whether of the same or different nature. A waiver by one Enforcing Party shall not be effective against or constitute a waiver by any other Enforcing Party.

IV. CONVEYANCE/SUBSEQUENT OWNERS

4.1 General. The Covenants, releases, covenants not to sue and indemnities set forth in this Declaration are intended to be covenants which run with the land and shall be binding upon all subsequent owners of all or any part of the Butala Property as covenants or agreements made for the benefit of Butala.

4.2 Provisions of Subsequent Conveyance Instruments. Butala hereby agrees that in any subsequent conveyance of all or any part of the Butala Property, or any interest in the Butala Property (including without limitation grant of an easement burdening the Property or grant of a lease of all or any part of the Butala Property), Butala shall include the following provisions in the deed or other conveyance instrument (completed appropriately to refer to this Declaration and modified only so as to fit appropriately in the context of the conveyance instrument):

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 CHAFFEE COUNTY, CO, JOYCE M RENO - CLERK & RECORDER REC #: 311970

Grantee hereby agrees to: (i) accept the Property subject to the covenants set forth in that certain Declaration dated _____, and recorded on _____ in Book _____, at Page _____ of the _____ County real property records (the "Covenant"), (ii) abide by and enforce the covenants as owner of the Property, and (iii) be bound by the release, covenant not to sue and indemnity provisions of the Covenant as if the Grantee hereunder were the grantee under the Covenant.

Grantee hereby also agrees that in any subsequent deed or other conveyance instrument, it shall require the grantee in such deed or conveyance instrument to either (a) execute the deed or conveyance instrument which contains the agreements set forth in the immediately preceding paragraph, or (b) execute a separate acknowledgment attached to the deed or conveyance instrument which contains the agreements set forth in the immediately preceding paragraph.

4.3 Notice of Conveyance. At least thirty (30) days prior to any grant, transfer or conveyance of any interest in all or any part of the Butala Property, the owner of the Butala Property intending to make the grant, transfer or conveyance shall notify USEPA, the CoDPHE and Beazer or each of their designees in writing by certified mail or personal delivery of such intent, and of provisions to be made to ensure the subsequent owner of the Butala Property will abide by the covenants.

4.4 Binding Effect. Notwithstanding the foregoing, any person or entity who acquires any right, title or interest in all or any part of the Butala Property shall be conclusively deemed to have consented and agreed to the provisions of Section 4.2, whether or not any reference to this Declaration or these provisions is contained in the deed or other conveyance instruments by which such person or entity acquires an interest in the Butala Property.

V. MISCELLANEOUS

5.1 No Admission of Liability. Neither this Declaration nor any of the terms, recitals, provisions or statements contained herein shall be construed as an admission of liability by Butala in any proceeding, action or dispute under CERCLA or any other federal, state or local law or regulation or under any common law theory.

5.2 No Merger. The Covenants granted and imposed on the Butala Property by this Declaration shall not merge with any other interest of Butala in or to the Butala Property, but shall at all times be and remain a separate and distinct interest and shall remain as Covenants running with the land, enforceable against the Butala Property unless modified in accordance with the terms hereof.

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5.3 Designation of Rights. EPA, the CoDPHE and Beazer may designate any person or entity to exercise the approval, enforcement or waiver rights granted in this Declaration or to receive notices under this Declaration. Such designation shall be in writing, refer to the relevant provision of this Declaration and be recorded in the County real property records.

IN WITNESS WHEREOF, BUTALA CONSTRUCTION COMPANY, a Colorado corporation, has caused this instrument to be executed this 29th day of June, 2000.

BUTALA CONSTRUCTION COMPANY

By: Frank Butala
 Frank Butala
 President

STATE OF Colorado)
) ss:
 COUNTY OF Chaffee)

The foregoing instrument was acknowledged before me this 29th day of June, 2000 by Frank Butala on behalf of Butala Construction Company, a Colorado Corporation, on behalf of the corporation



Terri Bashton
 Notary Public

240 West 5th Street
 Address

Salida, CO 81201

My commission expires: 2-21-2003

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 CHAFFEE COUNTY, CO, JOYCE M RENO - CLERK & RECORDER REC #: 311970

A tract of land located within the Northwest 1/4 of the Southwest 1/4 of Section 30 of Township 50 North, Range 9 East and within Section 25 of Township 50 North, Range 8 East of the NMPM, Chaffee County, Colorado, described as follows:

Beginning at a point on the southwesterly boundary of Chaffee County Road No. 150 from whence the East 1/4 corner (Government brass capped pipe) of said Section 25 bears South 87°20'27" East 2153.93 feet;
 thence proceeding around the tract herein described, first North 81°47'00" West 636.14 feet;
 thence North 45°16'21" West 255.1 feet;
 thence North 34°52'00" West 364.30 feet;
 thence North 20°34'00" West 729.30 feet to the North boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 25 as fenced;
 thence North 87°58'00" West 543.10 feet to the Northwest corner of the said Southeast 1/4 of the Northwest 1/4;
 thence South 00°32'00" East along the West boundary of the said Southeast 1/4 of the Northwest 1/4 as fenced 672 feet more or less to the centerline of the Arkansas River;
 thence southeasterly along the said River centerline for a distance of 2297 feet more or less to the southerly boundary of that Parcel of land described in Book 460 at Page 343 of the Chaffee County Records;
 thence South 79°10'00" East along said southerly Parcel boundary 1826.03 feet to an existing aluminum capped rebar corner monument;
 thence North 87°10'00" East 859.23 feet to the East line of said Section 25;
 thence North 00°07' East along said East Section line 60.04 feet;
 thence North 87°06' East 320.50 feet;
 thence on a curve to the left an arc distance of 234.63 feet, said curve having a radius of 5680.38 feet and a chord which bears North 85°55'00" East 234.62 feet;
 thence North 84°44'00" East 456.9 feet;
 thence on a curve to the left an arc distance of 219.10 feet to the East line of the said Northwest 1/4 of the Southwest 1/4 of Section 30 as fenced, said curve having a radius of 1859.80 feet, and a chord which bears North 81°21'30" East 218.98 feet;
 thence along said East line as fenced North 01°11'42" East 142.65 feet to the southwesterly boundary of Chaffee County road No. 150;
 thence along said road boundary, first North 58°42'08" West for a distance of 929.11 feet;
 thence North 81°47'00" West 2282.16 feet;
 thence North 46°09'52" West 456.83 feet to the point of beginning.

ATTACHMENT A

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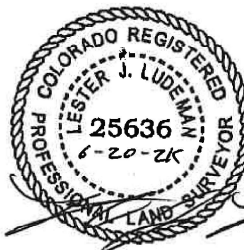
EXHIBIT**MINING RESTRICTED AREA - STATE PLANE**

A parcel of land located in the Southeast Quarter of Section 25, Township 50 North, Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado, more particularly described in relation to the Colorado Coordinate System of 1983, Central Zone, as follows:

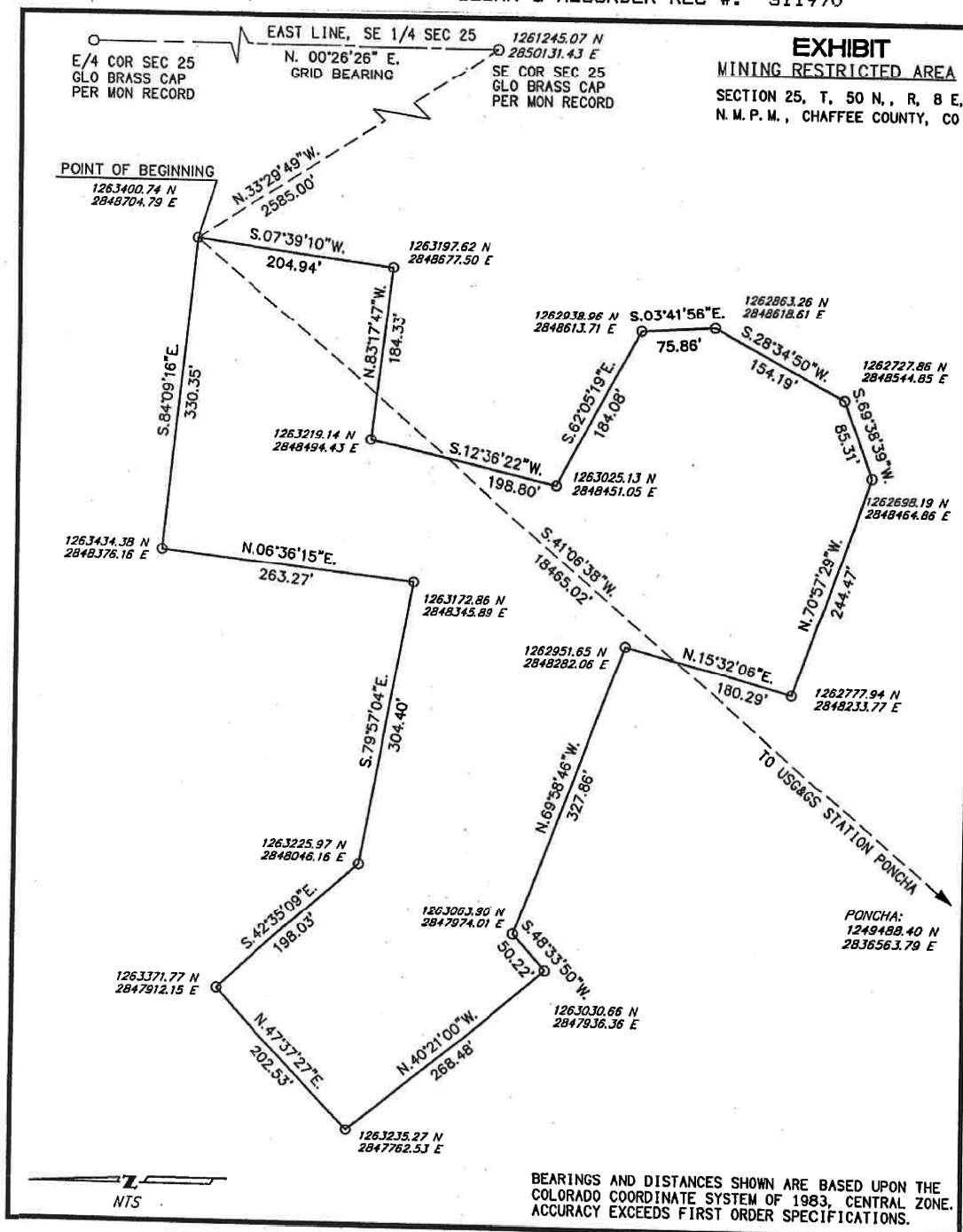
Commencing at the Southeast corner of said Southeast Quarter of Section 25 and considering the East line of said Southeast Quarter to bear North 00°26'26" East with all grid bearings contained herein relative thereto (the East line of said Southeast Quarter is evidenced by USGLO monuments placed in 1939);

Thence North 33°29'49" West, a distance of 2585.00 grid feet to the Point of Beginning;
 Thence South 07°39'10" West, a distance of 204.94 grid feet;
 Thence North 83°17'47" West, a distance of 184.33 grid feet;
 Thence South 12°36'22" West, a distance of 198.80 grid feet;
 Thence South 62°05'19" East, a distance of 184.08 grid feet;
 Thence South 03°41'56" East, a distance of 75.86 grid feet;
 Thence South 28°34'50" West, a distance of 154.19 grid feet;
 Thence South 69°38'39" West, a distance of 85.31 grid feet;
 Thence North 70°57'29" West, a distance of 244.47 grid feet;
 Thence North 15°32'06" East, a distance of 180.29 grid feet;
 Thence North 69°58'46" West, a distance of 327.86 grid feet;
 Thence South 48°33'50" West, a distance of 50.22 grid feet;
 Thence North 40°21'00" West, a distance of 268.48 grid feet;
 Thence North 47°37'27" East, a distance of 202.53 grid feet;
 Thence South 42°35'09" East, a distance of 198.03 grid feet;
 Thence South 79°57'04" East, a distance of 304.40 grid feet;
 Thence North 06°36'15" East, a distance of 263.27 grid feet;
 Thence South 84°09'16" East, a distance of 330.35 grid feet to the Point of Beginning,
 containing 6.9188 acres, more or less.

Prepared June 19, 2000 by LJ Ludeman, PLS
 4100 E. Mississippi Ave. Glendale, CO 80246



ATTACHMENT B



06/29/2000 02:50 RECORD FEE: \$65.00 PAGE #: 0010 OF 0013
CHAFFEE COUNTY, CO, JOYCE M RENO - CLERK & RECORDER REC #: 311970

EXHIBIT
MINING BUFFER ZONE - STATE PLANE

A parcel of land located in the Southeast Quarter of Section 25, Township 50 North, Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado, more particularly described in relation to the Colorado Coordinate System of 1983, Central Zone, as follows:

Commencing at the Southeast corner of said Southeast Quarter of Section 25 and considering the East line of said Southeast Quarter to bear North 00°26'26" East with all grid bearings contained herein relative thereto (the East line of said Southeast Quarter is evidenced by USGLO monuments placed in 1939);

Thence North 29°41'41" West, a distance of 2605.34 grid feet to the Point of Beginning;
Thence South 07°22'40" West, a distance of 587.94 grid feet;
Thence South 67°06'42" West, a distance of 159.24 grid feet;
Thence South 28°34'50" West, a distance of 154.19 grid feet;
Thence South 69°38'39" West, a distance of 85.31 grid feet;
Thence North 70°57'29" West, a distance of 244.47 grid feet;
Thence North 49°38'43" West, a distance of 390.28 grid feet;
Thence North 40°21'00" West, a distance of 347.26 grid feet;
Thence North 47°46'50" East, a distance of 201.16 grid feet;
Thence South 41°20'30" East, a distance of 78.19 grid feet;
Thence South 84°40'49" East, a distance of 333.85 grid feet;
Thence North 06°21'24" East, a distance of 226.47 grid feet;
Thence South 84°14'17" East, a distance of 574.08 grid feet to the Point of Beginning,
containing 13.7945 acres, more or less.

Prepared June 20, 2000 by LJ Ludeman, PLS
4100 E. Mississippi Ave. Glendale, CO 80246



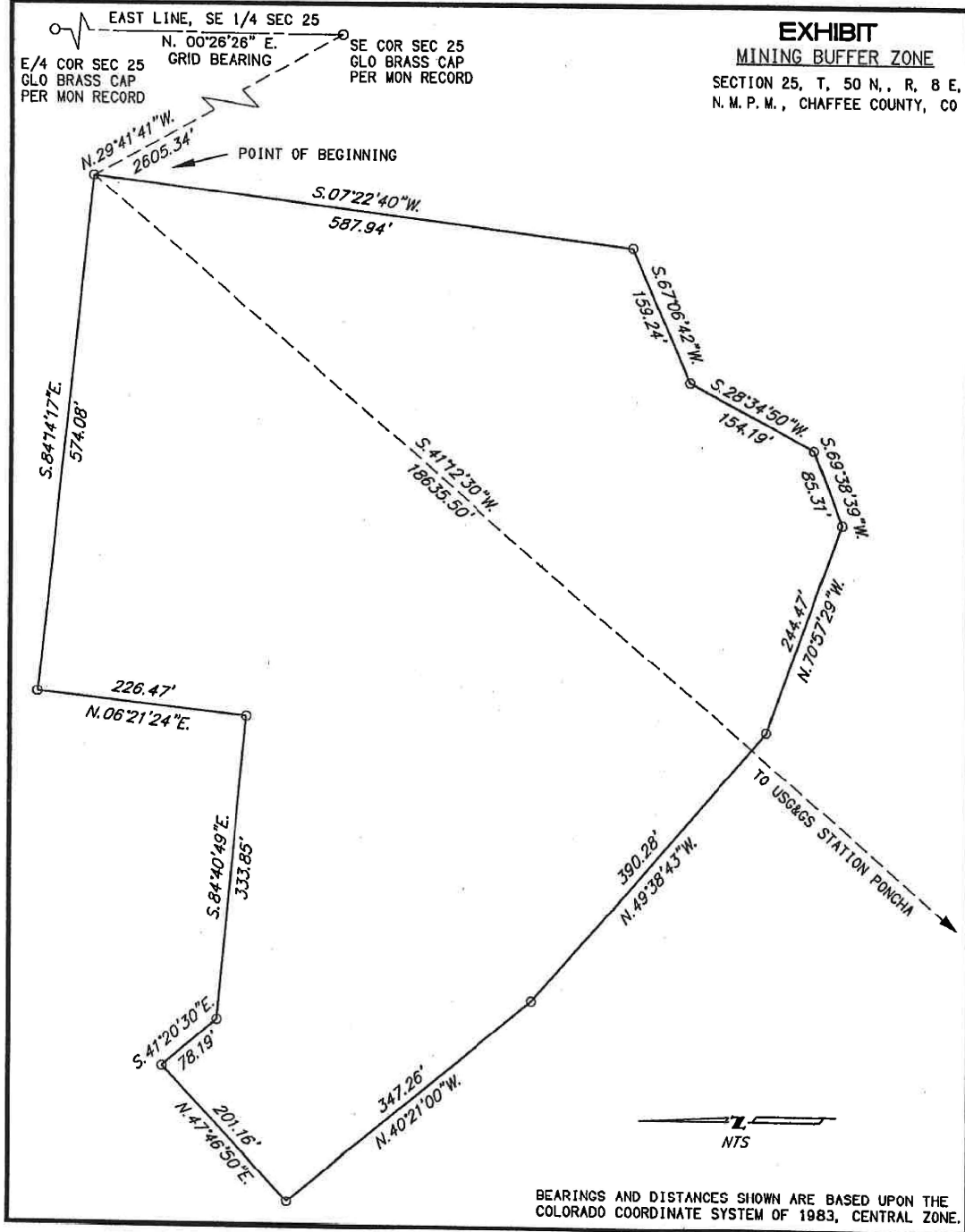
ATTACHMENT C

Exhibit W

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EXHIBIT

GROUND WATER BUFFER ZONE - STATE PLANE

A parcel of land located in the South Half of Section 25, Township 50 North, Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado, more particularly described in relation to the Colorado Coordinate System of 1983, Central Zone, as follows:

Commencing at the Southeast corner of said South Half of Section 25 and considering the East line of said South Half to bear North 00°26'26" East with all grid bearings contained herein relative thereto (the East line of said Southeast Quarter is evidenced by USGLO monuments placed in 1939);

Thence North 00°25'56" West, a distance of 1824.32 grid feet to the Point of Beginning;
Thence South 00°39'32" West, a distance of 482.34 grid feet;
Thence South 87°21'16" West, a distance of 877.96 grid feet;
Thence North 78°51'37" West, a distance of 1762.05 grid feet;
Thence North 35°21'59" West, a distance of 202.39 grid feet;
Thence North 13°56'34" West, a distance of 405.57 grid feet;
Thence North 76°37'53" East, a distance of 1066.14 grid feet;
Thence South 81°33'16" East, a distance of 445.20 grid feet;
Thence South 52°37'08" East, a distance of 731.26 grid feet;
Thence South 81°35'37" East, a distance of 775.93 grid feet to the Point of Beginning;
containing 47.3439 acres, more or less.

Prepared June 20, 2000 by LJ Ludeman, PLS
4100 E. Mississippi Ave. Glendale, CO 80246



ATTACHMENT D

06/29/2000 02:50 RECORD FEE: \$65.00 PAGE #: 0013 OF 0013
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