

**Exhibits
to accompany**

**Construction Materials Regular (112) Operation
Reclamation Permit Application**

from

**Butala Construction Co.
Salida, Colorado**

**November 2023
Revised 1/24/2024**

EXHIBIT A Legal Description

Butala Construction Company 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).

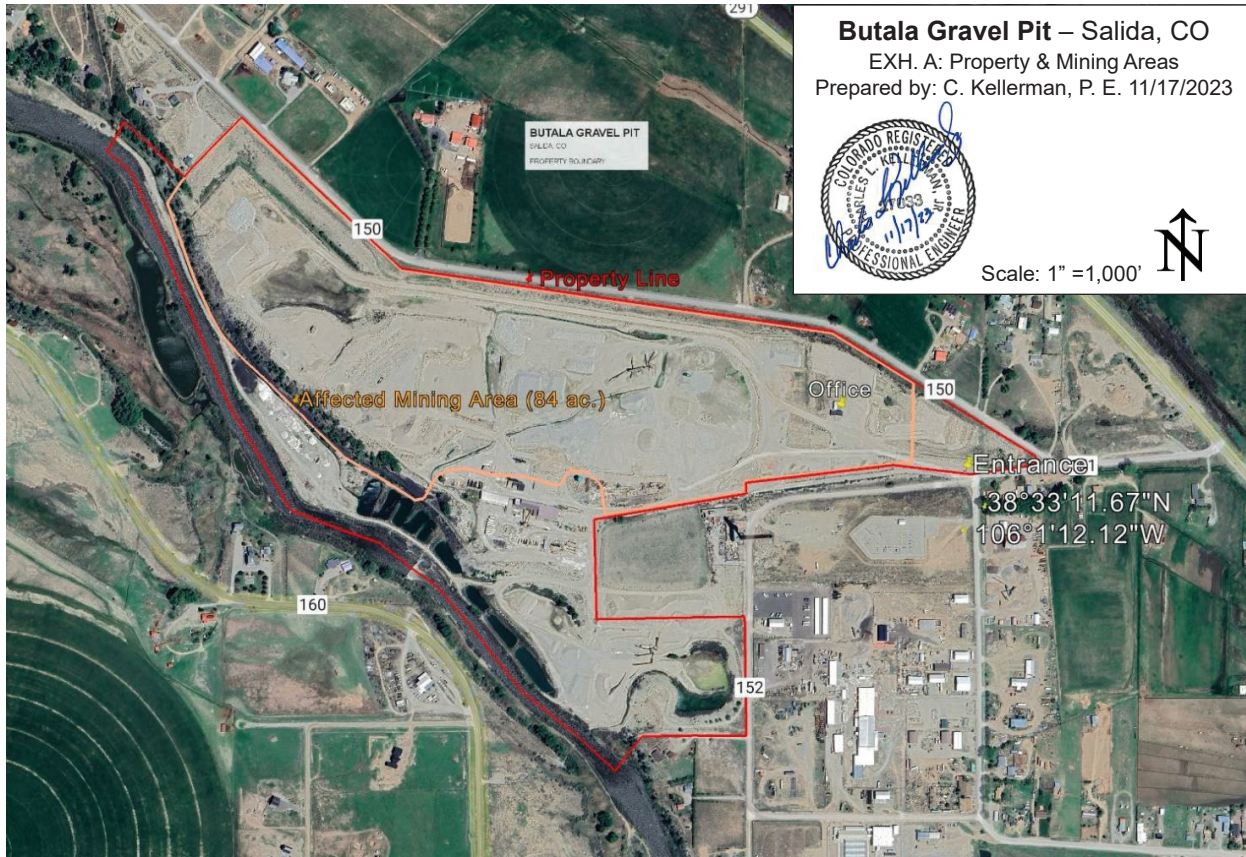
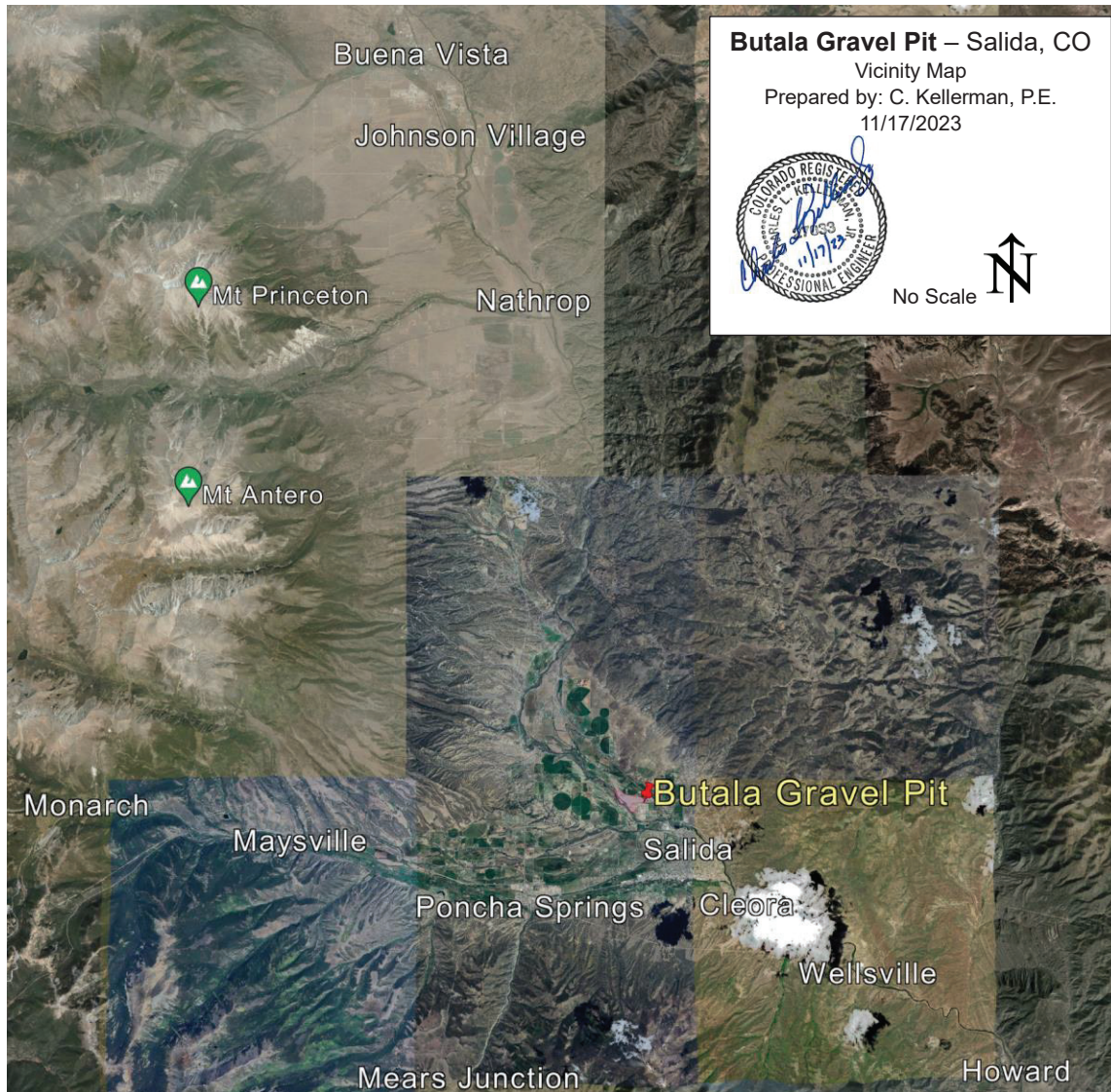


EXHIBIT B Index Map

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

Regional Location



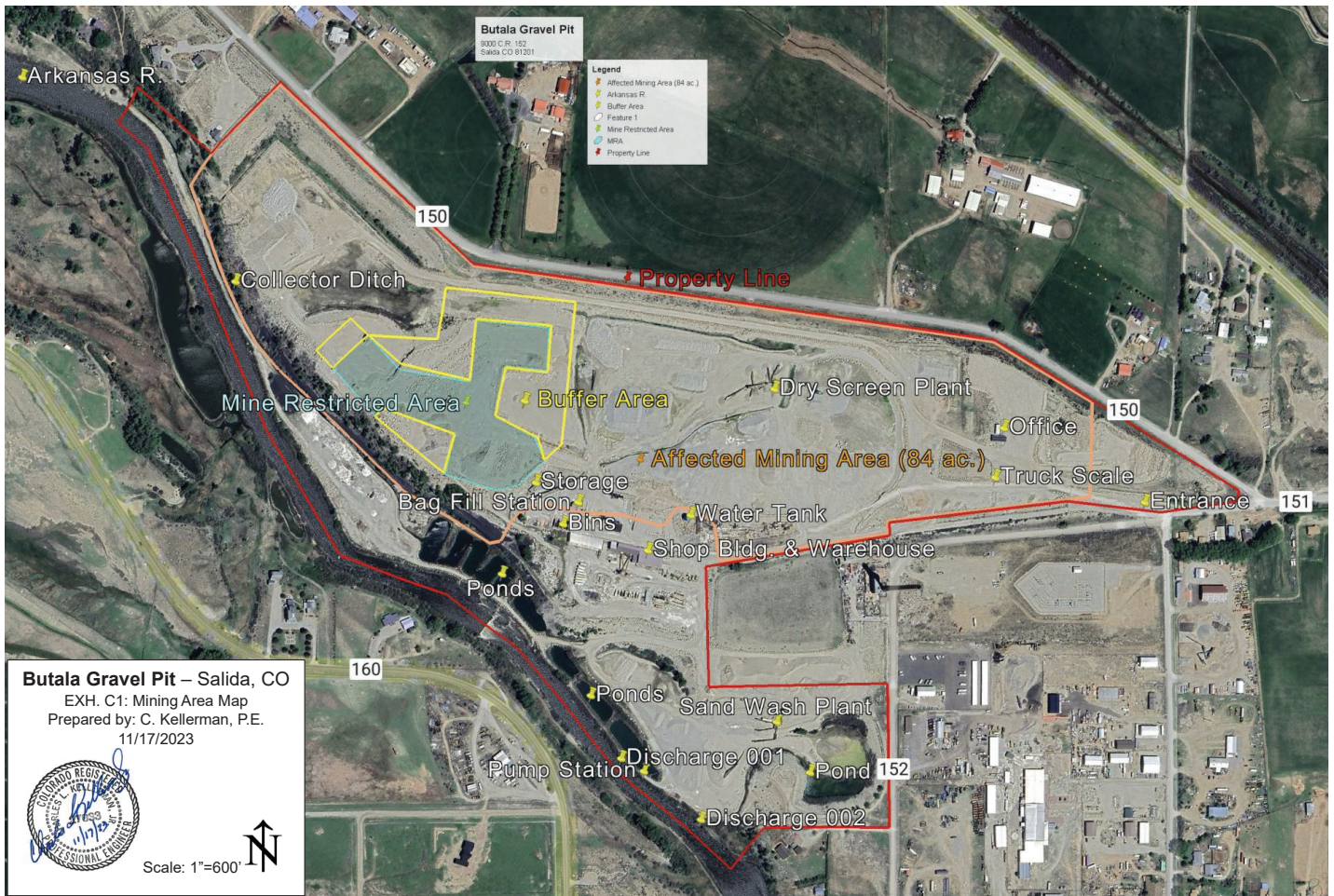
Local Location:

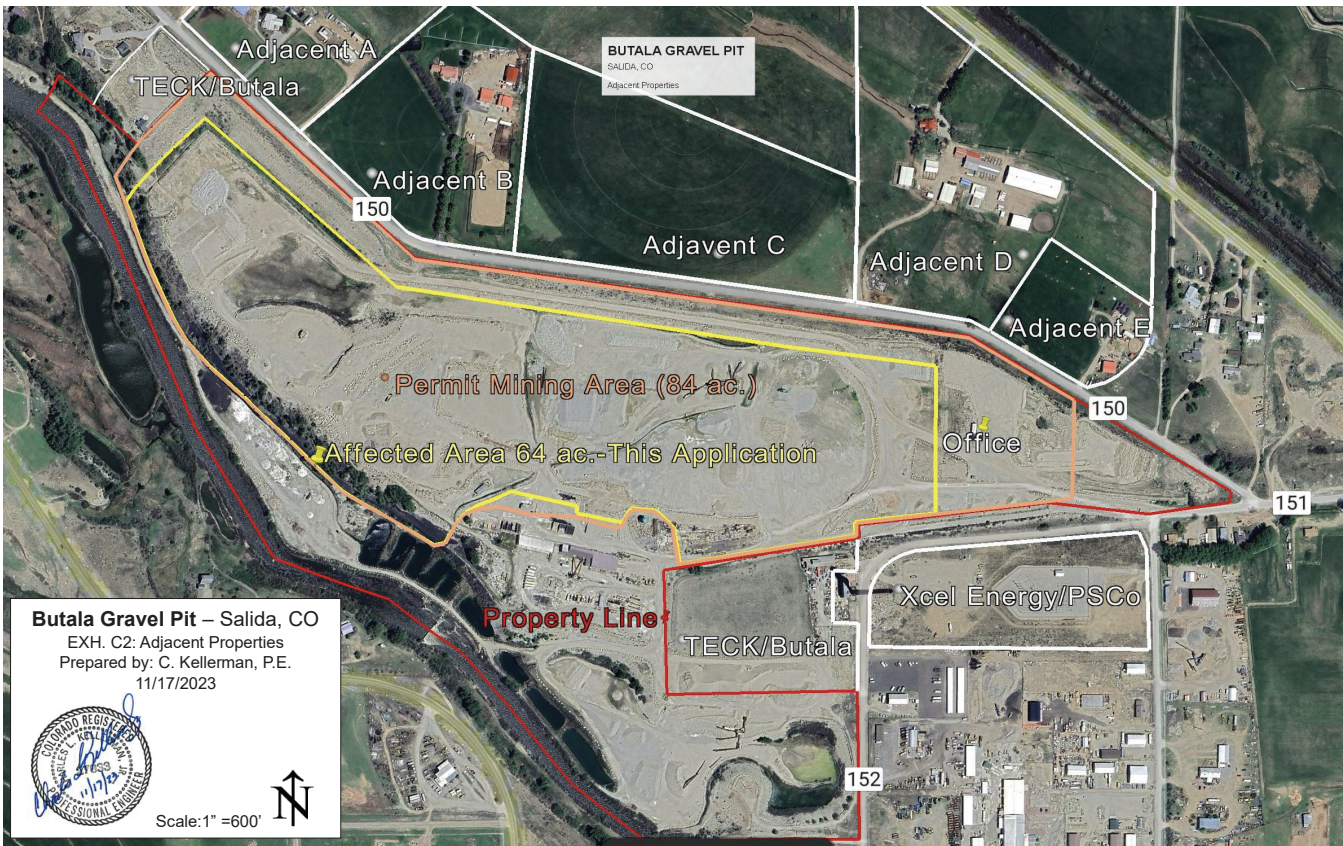


EXHIBIT C Pre-Mining and Mining Plan Map(s) of Affected Lands

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 EPA and CDPHE.

There are 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

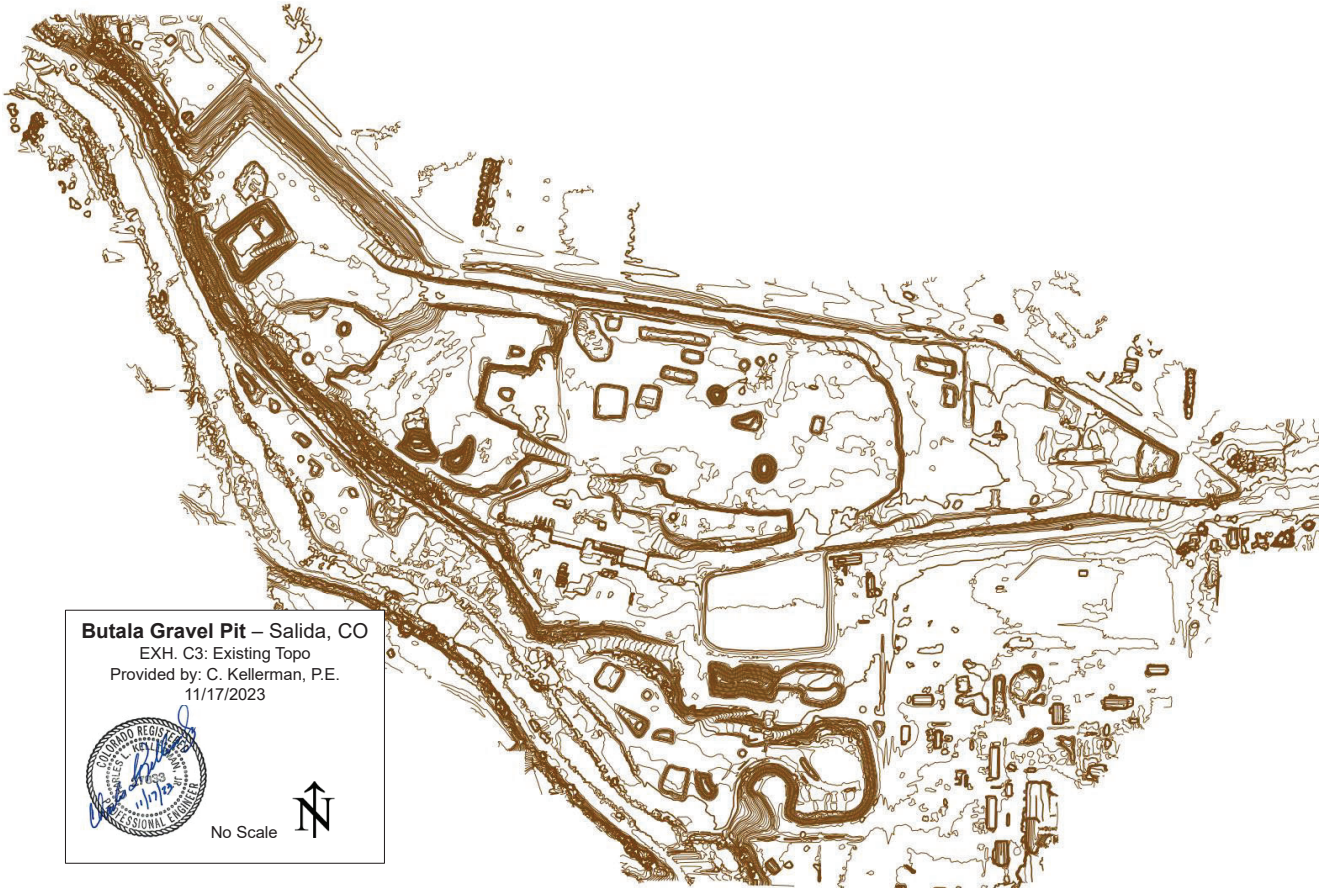
B. Jeff A. & Katy Post
 8803 County Rd. 150
 Salida, CO 81201

C. Bradley & Jaya Lewis
 5165 Single Tree Dr
 Loveland, CO 80537

D. Jane Lavene
 8950 W Jefferson Ave
 Denver, CO 80235

E. Wayne 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).



Butala Gravel Pit – Salida, CO
EXH. C3: Existing Topo
Provided by: C. Kellerman, P.E.
11/17/2023



No Scale



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 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. Typically, once each year, a subcontractor is brought in with crushing equipment 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 40% sand which is sold for numerous purposes. Dry screened sand ($<1/2''$) is sold for bedding, fill, concrete mix, etc. Some sand is rescreened 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 stockpiles takes place outside the permit area.

Previously, two pits 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 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 govern mining limitations under this permit application.

Future Mining

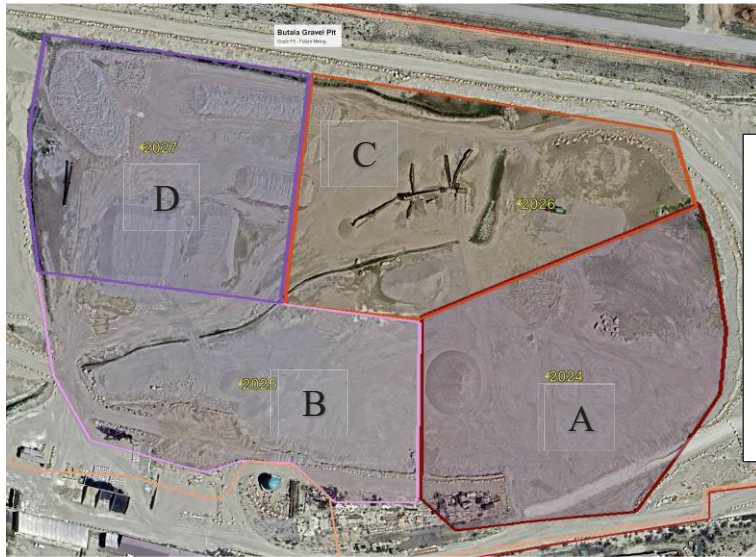
Future mining per this application for permit amendment will continue in each pit with another 25-foot depth of excavation. The South pit will be mined first by continuing the excavation from the current pit floor. The North pit floor is currently used for stockpiles and will not be mined immediately. 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	A. South Pit – SE Quarter	6.5 ac.	Side slopes- 2028; Floor- TBD
2025	B. South Pit – SW Quarter	5.5 ac.	Side slopes- 2028; Floor- TBD
2026	C. South Pit – NE Quarter	6.0 ac.	Side slopes- 2028; Floor- TBD
2027	D. South Pit - NW Quarter	5.5 ac.	Side slopes- 2028; Floor- TBD
2028	E. North Pit – East Side	5.3 ac.	Side slopes- 2030; Floor- TBD
2029	F. North Pit – West Side	5.1 ac.	Side slopes- 2030; Floor- TBD

* Future mining depths will determine reclamation schedule for pit floor.



Butala Gravel Pit – Salida, CO

EXH. D1: South Pit Mining Plan

Prepared by: C. Kellerman, P.E.

11/17/2023



Scale: 1" =400'



Butala Gravel Pit – Salida, CO

EXH. D2: North Pit Mining Plan

Prepared by: C. Kellerman, P.E.

11/17/2023



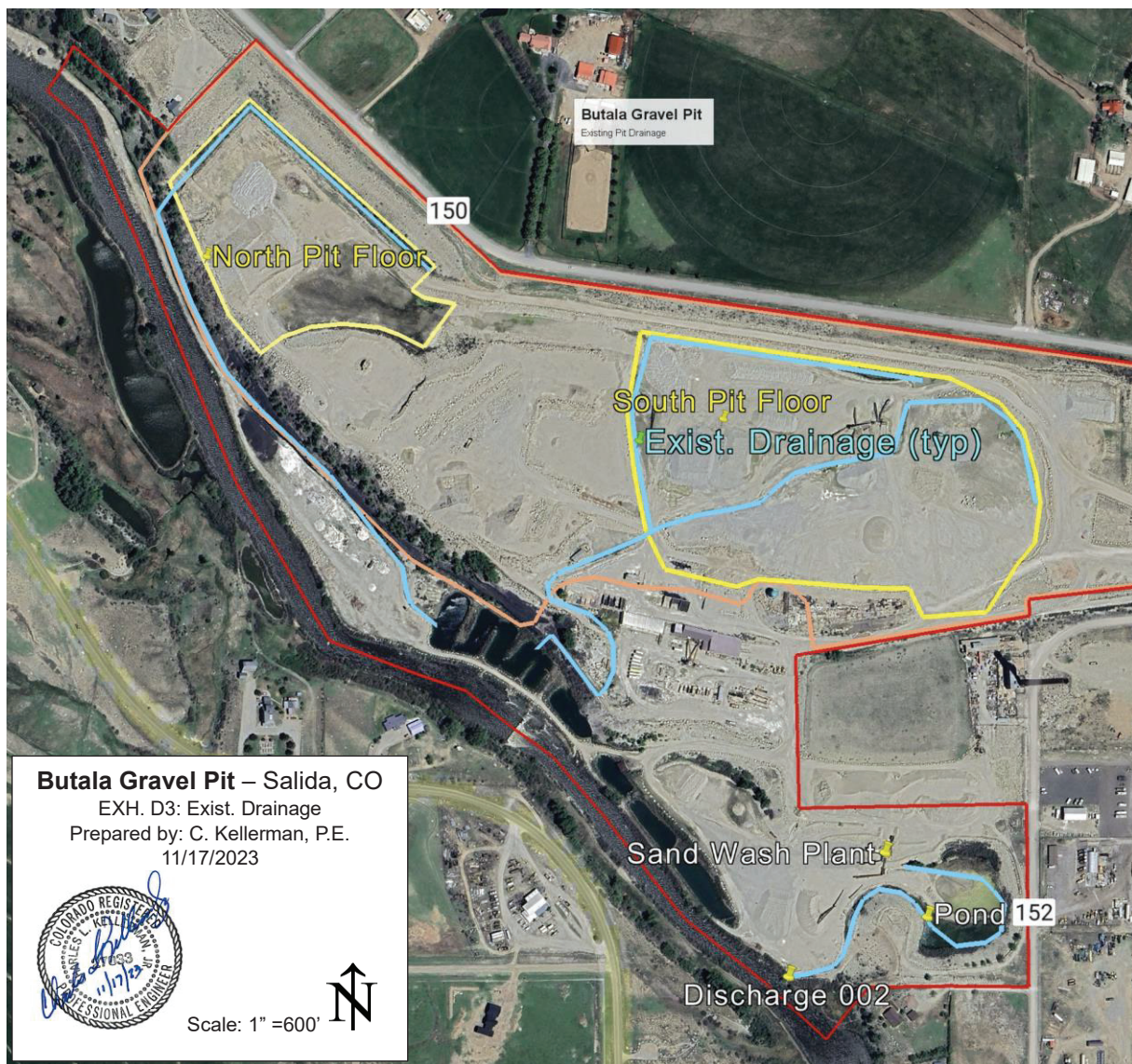
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Drainage

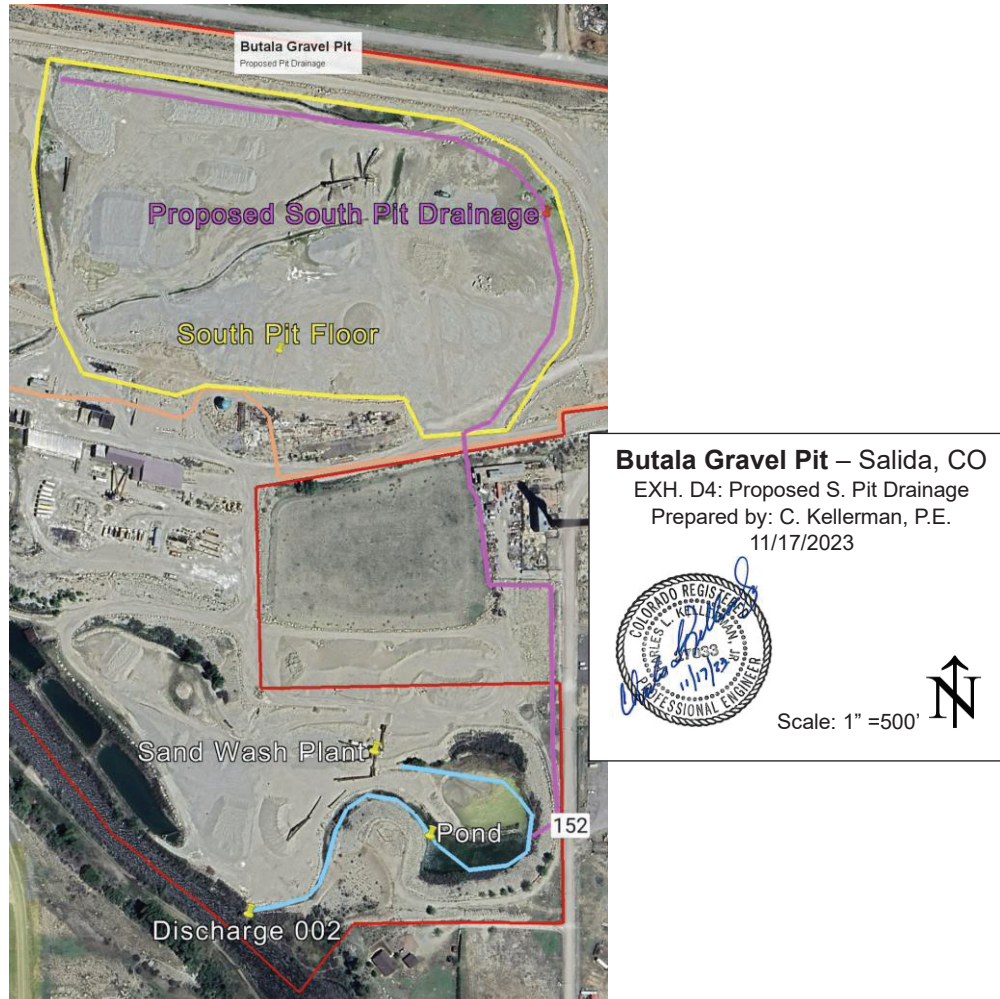
Drainage from the pits is caused by seepage of groundwaters along the base of eastern slopes. Normal rainfall and snow melt percolate into the cobble surfaces in lieu of runoff. Seepage is contained in toe-of-slope cutoff ditches which direct the drainage by gravity through ditches to settling ponds before discharge to the Arkansas River. Butala has CDPHE permits for two discharge points to the Arkansas River. 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, lowered 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 from original ground level, estimated 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: ¼"-1/2" pebbles, ½"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 7% of tons shipped. Pit run is also crushed to make road base which represents about 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 be of 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. Stiped overburden is stockpiles 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 approximately 1% to allow surface drainage and will be covered with at least 3" of fine grained material with 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 will suffice. 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 (As per mining plan maps and schedules, Exhibit D)

Timetables.

Year	Location	Area	Reclamation*
2024	A. South Pit – SE Quarter	6.5 ac.	Side slopes- 2028; Floor- TBD
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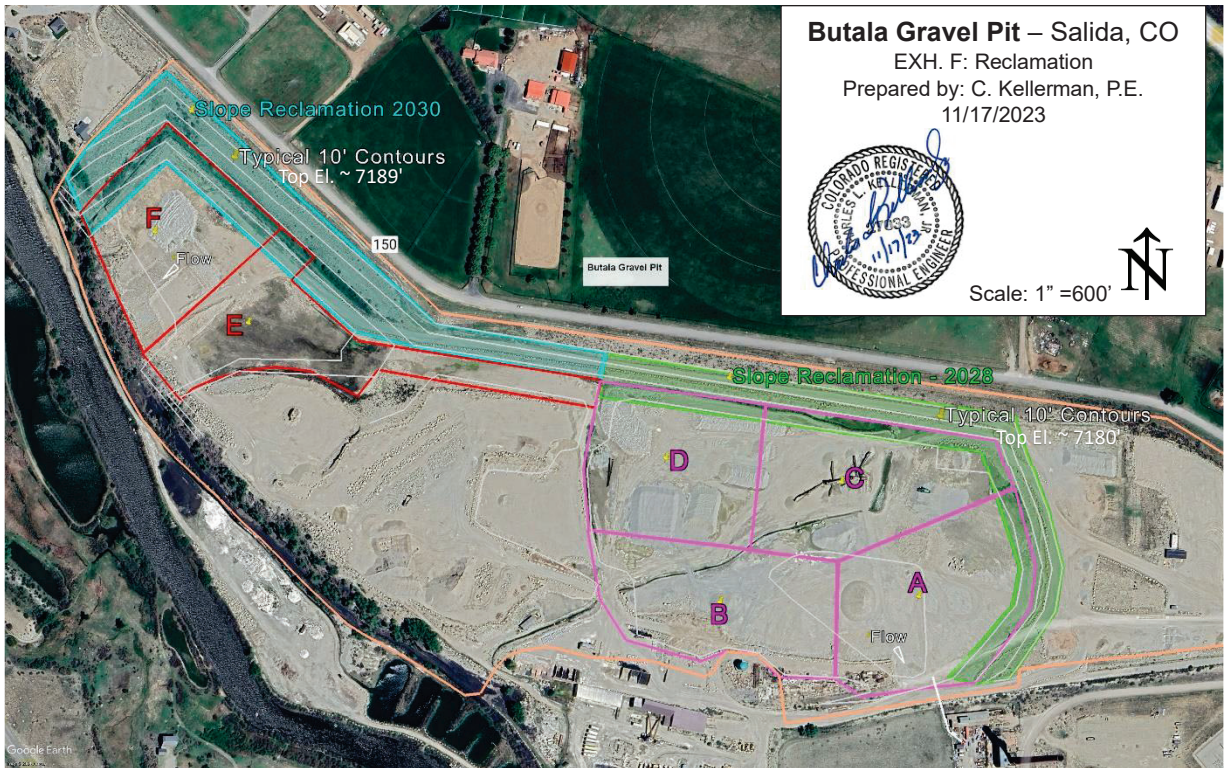


EXHIBIT G Water Information

See existing and proposed pit drainage discussion and maps in Exhibit D, *Drainage*.

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.

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 typically are 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.

Some kind of precipitation, on average, 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

Winds are 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. The recent estimate required a warranty of \$458,245 for the Butala Pit. Given that reclamation is many year from now, that estimate is sufficient only for the present and will undoubtedly escalate with time.

EXHIBIT M Other Permits and Licenses

Colorado Discharge Permit System (CDPS) COG500476

EXHIBIT N Source of Legal Right-To-Enter

Butala Construction Co. owns the property.

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 R Proof of Filing with County Clerk or Recorder

Attached separately.

EXHIBIT S Permanent Man-Made Structures

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

Package 9447.00 Butala Permit Amendment Application has been recorded and returned to Simplifile.

Package: 9447.00 Butala Permit Amendment Application

County: Chaffee County, CO

Submitter: Burns, Figa & Will, P.C.

Submitting User: Pam Brunson

Total Charges: \$418.00

Total Recording Fees: \$413.00

Total Simplifile Submission Fees: \$5.00

DRMS Permit Amendment Application (Other)

Recording Number: E 490591

Recording Date: 11/20/2023 4:49 PM MSTMT

Recording Fee: \$410.00

E-Recording Surcharge: \$3.00

Recorded by the Chaffee County Clerk at Reception No. 490591 on 11/20/2023 at 4:49PM.

Package 9447.00 Butala Revised Exhibits has been recorded and returned to Simplifile.

Package: 9447.00 Butala Revised Exhibits

County: Chaffee County, CO

Submitter: Burns, Figa & Will, P.C.

Submitting User: Pam Brunson

Total Charges: \$98.00

Total Recording Fees: \$93.00

Total Simplifile Submission Fees: \$5.00

Butala Revised Exhibits (Other)

Recording Number: E 491526

Recording Date: 01/29/2024 3:57 PM MSTMT

Recording Fee: \$90.00

E-Recording Surcharge: \$3.00

Recorded by the Chaffee County Clerk at Reception No. 491526 on
01/29/2024 at 3:57PM.