

STATE OF
COLORADO

Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>

Two Rivers M1998-038 Amendment Adequacy Response #1

1 message

Jodi Schreiber <jodi@arycorp.com>

Thu, May 2, 2024 at 5:31 PM

To: "Carter - DNR, Jocelyn" <jocelyn.carter@state.co.us>

Jocelyn,

Please see the attached as the Response to Adequacy Review #1.

I would also like to request a one month extension on the decision date to allow for time to draft a groundwater monitoring plan.

If you need anything further to approve this extension request, please let me know.

Thank you!



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | Mobile (719) 529-0916

jodi@arycorp.com

"Success is not final, failure is not fatal; it is the courage to continue that counts. "**-Winston Churchill**

9 attachments

**Two Rivers Adequacy Review #1 5.2.2024.pdf**

472K

**Exhibit F r1.pdf**

325K

**Existing Conditions R1.pdf**

847K

**Legal r1.pdf**

1070K

**Exhibit C r1.pdf**

1482K

**Exhibit D r1.pdf**

362K

**DRMS Permit Narrative Updated Updated 5.2.2024.pdf**

585K

**Revised Report 4-25-2024.pdf**

3789K

**Phase Map R6.pdf**

435K

May 2, 2024

Colorado Division of Reclamation, Mining and Safety
Attn: Jocelyn Carter, Environmental Specialist
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Two Rivers Pit M1998038 Amendment Application, Adequacy Review #1

Jocelyn,

Please see the responses to your Adequacy Review below:

1. A portion of the property is currently used for Cropland and will continue to be used as such, until mining operations begin in that portion of the site. Agriculture is a broad term that encompasses Cropland as well and are used interchangeably. To clarify any confusion, since DRMS only offers "Cropland" as a reclamation option, this is what Fremont is requesting in this Amendment. Any previous permits and/or applications were incorrect in stating otherwise.

2 thru 9. Please see the enclosed, updated maps as requested.

10. Exhibit D has been updated to state "The highwall will be no greater than 1000' in length."

11. There are 10 phases within this permit application. An estimated timetable will take into account aggregate quality and local economic conditions. These are unknown at this time, so a timetable is only a rough estimation. With this knowledge, Fremont believes that each phase would take approximately 5-10 years to mine completely.

12. Please see the enclosed, updated map as requested.

13. Please see the enclosed design for the ditch as requested. Groundwater flow is unknown until mining will begin in Phase 2, which is approximately 5 years from now. Alterations to the ditch will need to be made in the field to handle onsite conditions as they warrant.

14. The temporary interior haul roads will be approximately 50' wide.

15. The plan has been updated.

16. Topsoil is a product that can be sold if not used for reclamation. The topsoil depths given are minimums and if additional topsoil is left that cannot be sold, it will be used in reclamation.

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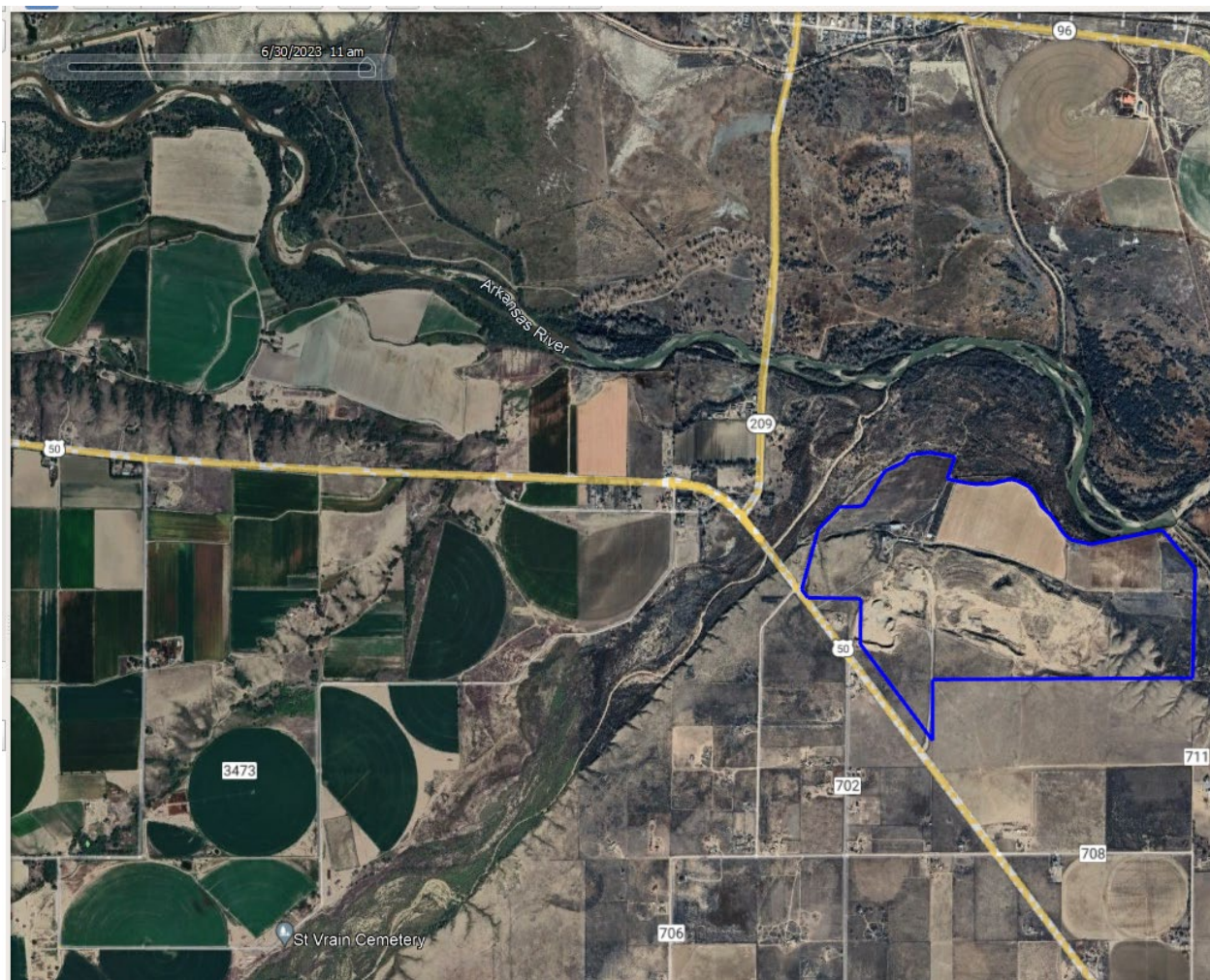
A&S Construction Co.
Fremont Paving and Redi-Mix, Inc.
Ary Brothers Trucking, Inc.
All-Rite Paving & Redi-Mix, Inc.
Hard Rock Paving and Redi-Mix, Inc.

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17. Onsite material to be used for backfill is waste material during processing. At a fairly conservative estimate of 30% waste, Fremont will have approximately 6,500,000 tons of material to backfill. Based on the lower portion of the site being approximately 132 acres, Fremont has calculated that backfill needed to cover groundwater is approximately 4,875,000 tons. These calculations verify that no material will need to be imported and can be used from onsite sources to cover any exposed groundwater. Waste material will be used to immediately backfill areas for reclamation in a progressive manner as mining progresses. There is no additional costs incurred for such activity in the original Exhibit L. At no time will greater than 100 acres be open for active mining.

18. As described above, the land will be used as cropland which is an agricultural use. This was chosen for post mining use, as this is the current use of the property and surrounding properties.

19. Please see a Google Earth picture of the site and surrounding landowners. This shows that this site is currently being used for agricultural purposes in the lowlands area, as are the surrounding landowners.



20. As stated in the original application, the landowner has MAGUA water shares that could be used. Additionally, if the landowner decides to lease the property to an outside farmer/rancher, the lease would include that the lessee supply water for their operation, as is a standard practice. Dryland farming would also require no additional irrigation and could be a possibility as well. As for the infrastructure question, the original application, and the state's adequacy question 21 (a)(ii), reference numerous wells onsite that are owned by the landowner. Thus, no new infrastructure will be needed by the owner. If the land is leased, again the lessee would need to bring in any additional infrastructure (i.e. pipes, pivots) for their operation.

21. Fremont has a Well Permit and will obtain a Substitute Water Supply Plan for this site. There are no wells within 600 feet of the affected area. A Groundwater Monitoring Plan is being developed and will be sent as soon as it is completed.

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Fremont Paving and Redi-Mix, Inc.
Ary Brothers Trucking, Inc.
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22. Stockpile material will be seeded with the following seed mix for stabilization.

Species-Variety
Western Wheatgrass
Sideoats Grama
Alkali Sacaton
Sand Dropseed
Yellow Sweetclover
Fourwing Saltbush

23. Seed rates would be 10-20 pounds per acre and would be drilled in during late May or early June. This seed is obtained in numerous places in agricultural communities. There is no concern that adequate seed mix would not be available.

24/25. These have been added to Exhibit E.

26. The updated map is enclosed for review.

27. MAGUA is a nonprofit association formed to provide well augmentation services for its members' wells. MAGUA has a plan for augmentation decreed in Case No. 07CW129 to use certain sources of fully consumable water to replace members' well depletions to Fountain Creek and the Arkansas River. The existing industrial well at the Two Rivers Pit site is a MAGUA member well and depletions from well pumping are replaced under the MAGUA augmentation plan.

28. Please see the requested map enclosed for review.

29/30. MAGUA water could be used for this site. Fremont could also, through the SWSP, receive annual allocations from AGRA. Similar sites operated by Fremont use anywhere from 20–50-acre feet per year.

31. Fremont commits to obtaining a discharge permit from the Colorado Department of Public Health and Environment prior to discharging water.

31-35. Exhibit H has been updated. Fremont reached out to CPW via letter requesting their comments, but have yet to receive any response.

36. Exhibit I has been updated.

37/38. Colorado grows over half of the millet in Colorado. It is anticipated that there would be 75% cover at a height of 1-4 feet. The production rate would be approximately 36 bushels per acre.

39. Reclamation will occur concurrent to mining with a maximum total disturbance of 100 acres. Of those 100 acres, two-thirds will have been backfilled and are awaiting vegetation establishment. Phase 1 will continue mining, while phase 2 will be stripped and stockpile of overburden and topsoil. Overburden/Waste from Phase 1 and 2 will then immediately be used to backfill Phase 2 and keep the need to dewater to a minimum. When Phase 1 is mined out and the dirt work has been completed, Phase 3 will be opened to continue to provide backfill material for Phase 2 until Phase 2 is mined out. This allows for Phase 1 to be reclaimed except for vegetation establishment, and then use Phase 3 and Phase 2 Overburden/Waste to backfill Phase 2 and continue to keep the need to dewater to a minimum. This same process will continue throughout the mine following the phase numbers on the Phase Map provided.

Since backfilling will be concurrent with mining, except for the highwall, active mine site, and processing areas, dirt work needed for reclamation will not exceed 60 acres. The only open water that will need to be backfilled at any time will be the dewatering trench and the potential settling pond. There is enough material onsite to accommodate all backfill needs.

Millet is seeded at a rate of 15-25 pounds per acre and costs approximately \$15.00 per pound. If 100 acres needs seeded at the highest approximate rate of 20 pounds per acre, then 2000 pounds of seed would be needed at a cost of \$37,500. The reclamation estimate in April 2023 calculates a revegetation cost of \$186,464 which would cover the cost of the millet and the cost of spreading the seed. Fremont still believes that the current bond would cover the cost of the backfill for the dewatering trench, potential settling pond and mine area, as well as the topsoiling and revegetation.

PROJECT IDENTIFICATION

Task #: 000 State: Colorado Abbreviation: None
 Date: 4/11/2023 County: Pueblo Filename: M038-000
 User: ANM
 Agency or organization name: DRMS

TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
001	Grade Highwalls to 3H:1V Pushdown	DOZER	1	52.57	\$11,697
002	Reclaim Highwall in the 200' buffer zone	LOADER	2	60.84	\$14,603
003	Spread 6 inches of topsoil over 99 acres	SCRAPER1	1	62.12	\$136,975
004	Revegetation of 99 acres	REVEGE	1	99.00	\$186,464
005	Mob	MOBILIZE	1	8.88	\$22,340
<u>SUBTOTALS:</u>				283.41	\$372,079

INDIRECT COSTS

OVERHEAD AND PROFIT:

Liability insurance:	2.02	Total =	\$7,516
Performance bond:	1.05	Total =	\$3,907
Job superintendent:	141.70	Total =	\$10,646
Profit:	10.00	Total =	\$37,208
		TOTAL O & P =	\$59,277
		CONTRACT AMOUNT (direct + O & P) =	\$431,356

LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs):	\$500	Total =	\$500
Engineering work and/or contract/bid preparation:	6.59	Total =	\$28,426
Reclamation management and/or administration:	4.89		\$21,093
CONTINGENCY:	0.00	Total =	\$0
		TOTAL INDIRECT COST =	\$109,296
		TOTAL BOND AMOUNT (direct + indirect) =	\$481,375

40. Please see attached, update engineering evaluation.

Thank you,

Jodi Schreiber

Jodi Schreiber
jodi@arycorp.com
 719-529-0916

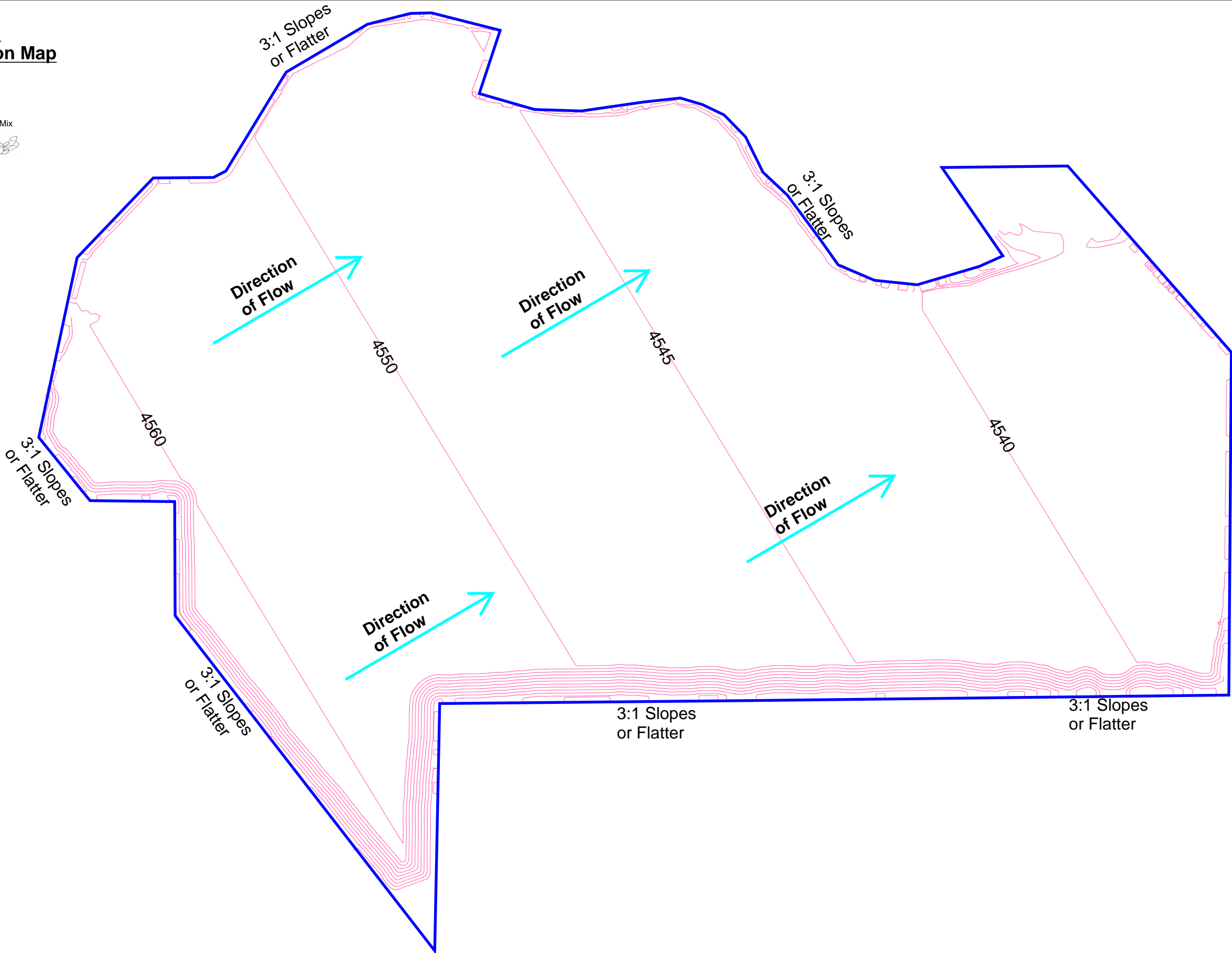
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**2 River Pit
Reclamation Map
Exhibit F**

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23



Notes:
1) Final use of land will be agricultural.

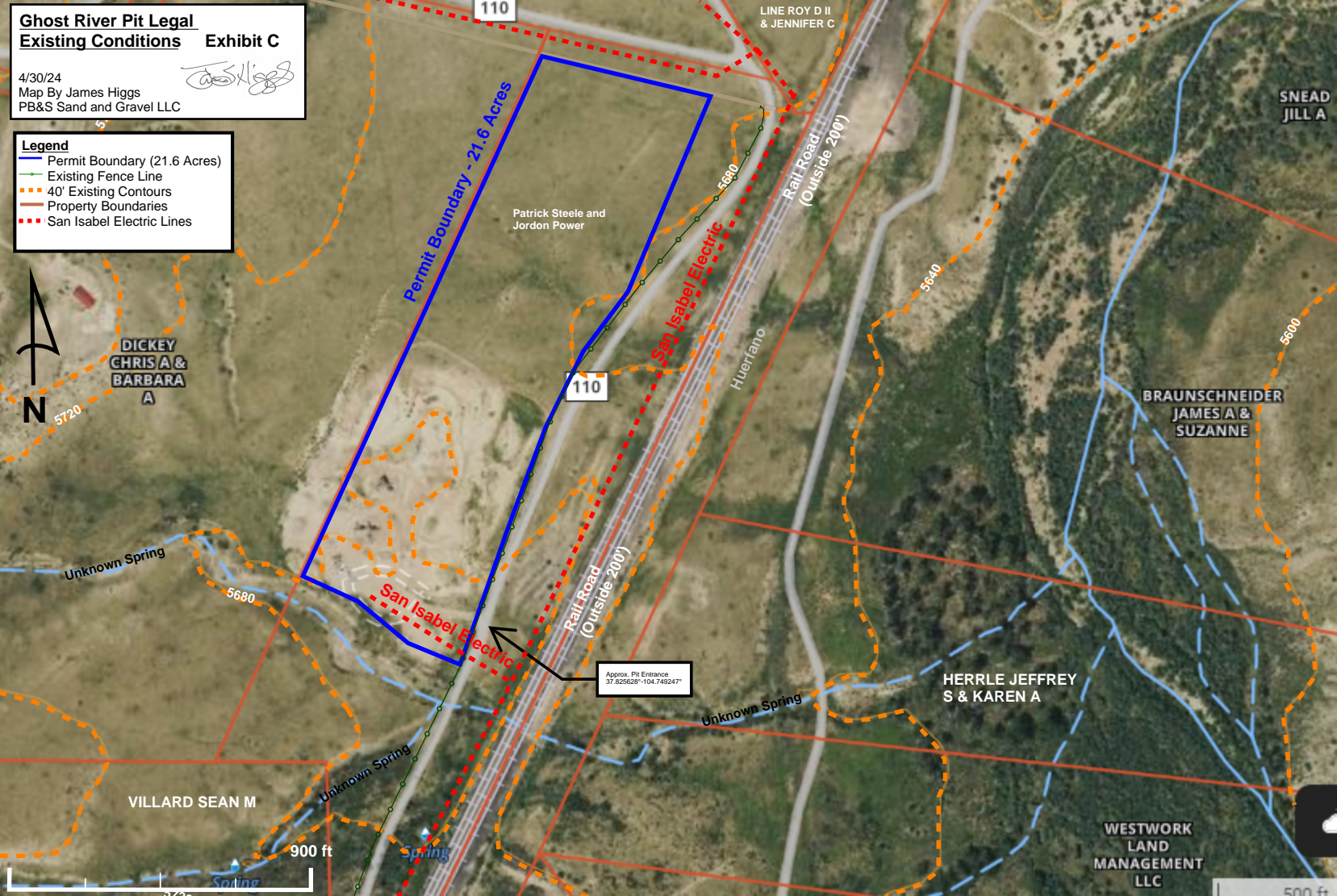


Ghost River Pit Legal
Existing Conditions Exhibit C

4/30/24
Map By James Higgs
PB&S Sand and Gravel LLC

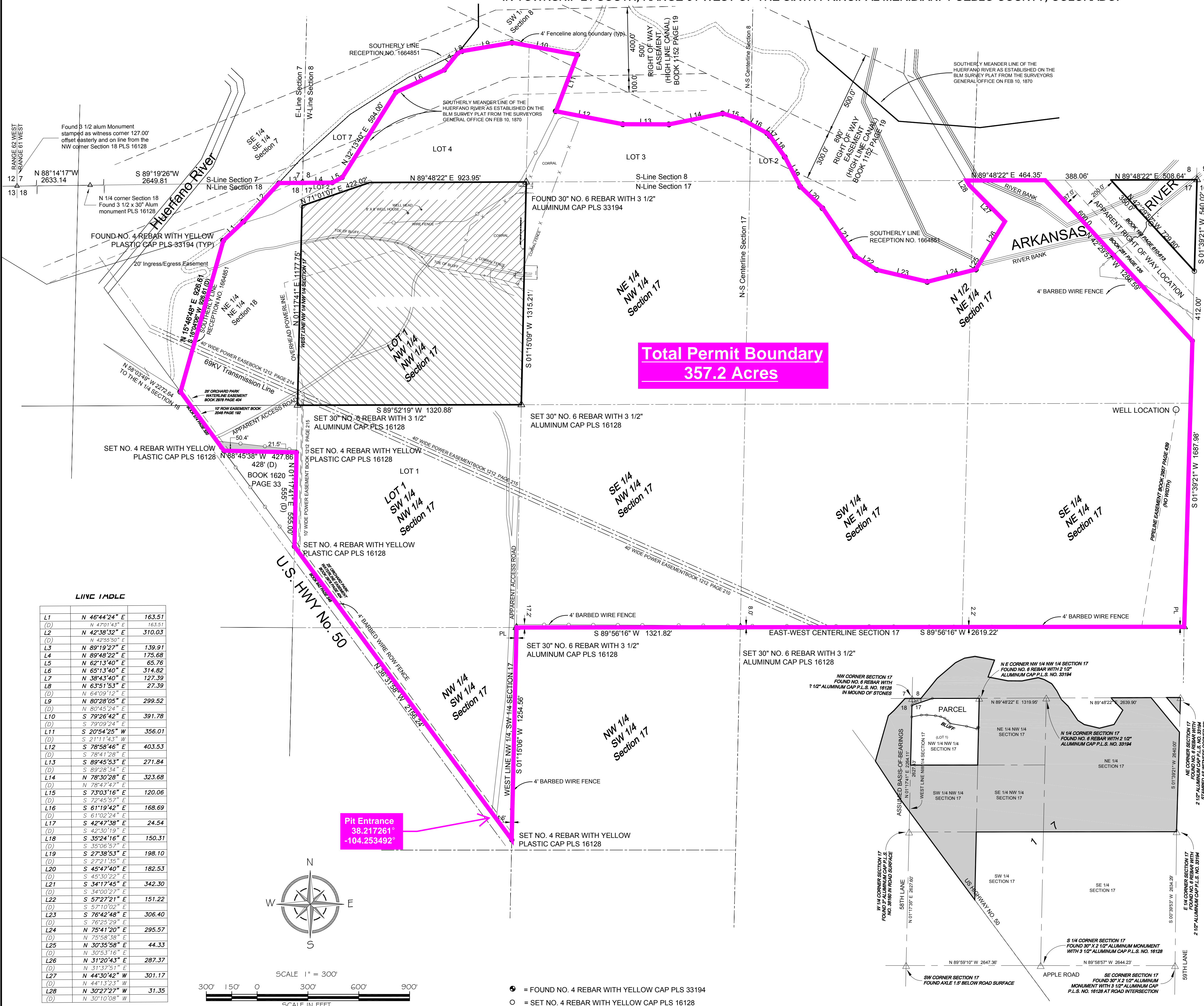
James Higgs

- Legend**
- Permit Boundary (21.6 Acres)
 - Existing Fence Line
 - 40' Existing Contours
 - Property Boundaries
 - San Isabel Electric Lines



ALTA/ACSM LAND TITLE SURVEY

A PARCEL OF LAND LOCATED WITHIN A PORTION OF THE S 1/2 OF SECTION 8, THE EAST 1/2 OF THE NE 1/4 OF SECTION 18 AND A PORTION OF SECTION 17 ALL IN TOWNSHIP 21 SOUTH, RANGE 61 WEST OF THE SIXTH PRINCIPAL MERIDIAN. PUEBLO COUNTY, COLORADO.



LIVE TABLE			
L1	N 46°44'24" E	163.51	
(D)	N 47°02'30" E	161.21	
L2	N 42°38'32" E	310.03	
(D)	N 42°55'50" E		
L3	N 89°19'27" E	139.91	
L4	N 89°48'22" E	175.68	
L5	N 62°13'40" E	65.76	
L6	N 65°13'40" E	314.82	
L7	N 38°43'40" E	127.39	
L8	N 63°51'53" E	27.39	
(D)	N 64°09'12" E		
L9	N 80°28'05" E	299.52	
(D)	N 80°45'24" E		
L10	S 79°26'42" E	391.78	
(D)	S 79°09'24" E		
L11	S 20°54'25" W	356.01	
(D)	S 21°11'43" W		
L12	S 78°58'46" E	403.53	
(D)	S 78°41'28" E		
L13	S 89°45'53" E	271.84	
(D)	S 89°28'34" E		
L14	N 78°30'28" E	323.68	
(D)	N 78°47'47" E		
L15	S 73°03'16" E	120.06	
(D)	S 72°45'57" E		
L16	S 61°19'42" E	168.69	
(D)	S 61°02'24" E		
L17	S 42°47'38" E	24.54	
(D)	S 42°30'19" E		
L18	S 35°24'16" E	150.31	
(D)	S 35°06'57" E		
L19	S 27°38'53" E	198.10	
(D)	S 27°21'35" E		
L20	S 45°47'40" E	182.53	
(D)	S 45°30'22" E		
L21	S 34°17'45" E	342.30	
(D)	S 34°00'27" E		
L22	S 57°27'21" E	151.22	
(D)	S 57°10'02" E		
L23	S 76°42'48" E	306.40	
(D)	S 76°25'28" E		
L24	N 75°41'20" E	295.57	
(D)	N 75°58'38" E		
L25	N 30°35'58" E	44.33	
(D)	N 30°53'16" E		
L26	N 31°20'43" E	287.37	
(D)	N 31°13'23" E		
L27	N 44°30'42" W	301.17	
(D)	N 44°13'23" W		
L28	N 30°27'27" W	31.35	
(D)	N 30°10'08" W		

- = FOUND NO. 4 REBAR WITH YELLOW CAP PLS 33194
○ = SET NO. 4 REBAR WITH YELLOW CAP PLS 16128
(D) = DEED TO DOS RIOS AS RECORDED UNDER RECEPTION NO. 1664851

LEGAL DESCRIPTION

The SE 1/4 NE 1/4 Section 17; Township 21 South Range 61 West of the 6th P.M.

Lot 2 in the NW 1/4 NW 1/4 Section 17, Township 21 South, Range 61 West of the 6th P.M.;
A portion of Lot 1 of the NE 1/4 of Section 18, Township 21 South, Range 61 West of the 6th P.M., described as follows:
Beginning at a point where the Northeastly line of new Highway No. 50 intersects the East line of said Section; thence North along said Section line a distance of 855 feet to a point; thence West at right angles, a distance of 659 feet to a point in said Northeastly line of said new Highway No. 50; thence southeasterly along the Northerly line of said new Highway No. 50 to the Point of Beginning.

EXCEPTING THEREFROM a tract of land approximately 2 acres described in a deed from Richard A. Harpman and Emily Harpman to Clarence A. Engelbrecht and Linda Engelbrecht recorded August 14, 1967 in Book 1620 at Page 33;

All that part of Lot 1 of the NE 1/4 of the NE 1/4 of Section 18, Township 21 South, Range 61 West of the 6th P.M., lying south of the centerline of the Huerfano River and east of the County Road, known as the Santa Fe Trail (U.S. Highway No. 50);
Lots 2 and 3, South of the Arkansas River, EXCEPT part conveyed to Mary Lee Russell in Book 208 at Page 534; and Lot 4 South of the Arkansas River in section 8, Township 21 South, Range 61 West of the 6th P.M.;

The N 1/2 of the NE 1/4 and the NE 1/4 of the NW 1/4 all in Section 17, Township 21 South, Range 61 West of the 6th P.M.;
SW 1/4 of the NW 1/4; and the NW 1/4 of the of the SW 1/4 lying Northeast of Highway 50, all in Section 17, Township 21 South, Range 61 West of the 6th P.M.; and
SE 1/4 of the NW 1/4 and the SW 1/4 of the NE 1/4 of Section 17, Township 21 South, Range 61 West of the 6th P.M.

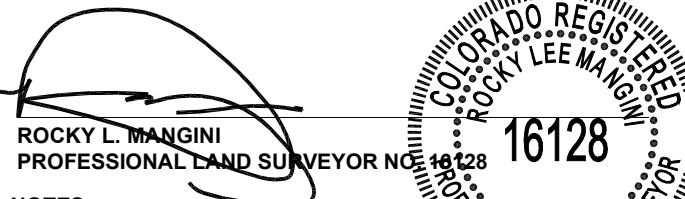
EXCEPTING THEREFROM: any portion thereof as conveyed in Deed recorded December 4, 1968 in Book 1645 at Page 186; Deed recorded February 16, 1996 in Book 2867 at Page 515; and in Deed to Dos Rios Ranch, LLC, A Colorado Limited Liability Company, recorded March 8, 2006 at Reception No. 1664851.

AND FURTHER EXCEPTING THEREFROM: any portion thereof lying within the right of way for the Highline Ditch in said Section 17; and
FURTHER EXCEPTING those portions deeded to the Department of Highways in Book 1648 at Page 587; to Pueblo County for Public Highway in Book 116 at Page 75; Book 642 at Page 246; Book 574 at Page 320; Book 877 at Page 272; Book 168 at Page 610 and Book 281 at Page 135.
AND FURTHER EXCEPTING any portion lying within that parcel contained in Amended Decree in Quiet Title recorded January 9, 2015 at Reception No. 1993941.

SURVEYORS CERTIFICATION

I, **ROCKY L. MANGINI**, a Professional Land Surveyor in the State of Colorado hereby certify to Fidelity National Title Insurance Company that a survey of the land described above was done by me or under my direct responsible charge in August 2015 and complies with the minimum standards for Land Surveys and Plats as set forth in Section 38-51-106 et, seq. C.R.S. 1994 (as amended).

I also certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 6(b), 7(a)(1), 8, 11(a) and 18 of Table A thereof. The field work was completed in August 2015.



8/26/2015
DATE

NOTES:

- A search for recorded rights of way and easements in the Fidelity National Title Insurance Company, Commitment No. 598-F0516818-320-BY3, Amendment No. 3, having an effective date of June 1, 2015 at 7:00 a.m.
- Bearings based on the west line of the NW 1/4 of Section 17, Township 21 South, Range 61 West of the Sixth Principal Meridian, monumented at the NW 1/4 Corner with a 3" aluminum cap P.L.S. No. 38160 in road surface and monumented at the NW corner with a No. 6 rebar (30" long) with 2 1/2" aluminum cap P.L.S. No. 16128 in mound of stones, assumed to bear N 01°17'41"W.
- All distances shown hereon are in U.S. Survey Feet.
- At the time of this survey there was no observed evidence that the site was used as a solid waste dump, sump or sanitary landfill.
- This survey meets the maximum allowable Relative Positional Precision for and ALTA/ACSM Land Title Survey of (0.07 feet) plus 50 parts per million.

PROPERTY MAY BE SUBJECT TO:

(Note: Numbered items correspond to the numbered items within the title work prepared Fidelity National Title Company)

- Reservations, if any, as set forth in the following Patents, posted in the Bureau of Land Management - General Office Land Records:
Patent No. 59, issued June 18, 1890 to Worsnop Clough;
Patent No. 58, issued June 18, 1890 to Worsnop Clough;
Patent No. 60, issued June 18, 1890 to Worsnop Clough;
Patent No. 5732, issued May 23, 1905 to John C. Collins;
Patent No. 6605, issued November 3, 1891 to Samuel Cottom;
Patent No. 63956, issued June 1, 1868 to Henry Dircks, George Gilbert, and George Woodward;
Patent No. 105759, issued December 10, 1867 to Ruth Miller and George F. Norris;
Patent No. 572, issued August 5, 1869 to George F. Norris;
Patent No. 6561, issued November 3, 1891 to William T. Junior Baker; and
Patent No. 9063, issued April 5, 1905 to Edwin B. Haver.
- All rights to any and all minerals, ore and metals of any kind and character, and all coal, asphaltum, oil, and other like substances in or under the land, the rights of ingress and egress for the purpose of mining, together with enough of the same as may be necessary for the proper and convenient working of such minerals and substances, as reserved by the State of Colorado, as evidenced in Deed recorded March 24, 1937, in Book 835 at Page 226.
- An easement for irrigation channels, ditches and waterways, and incidental purposes granted to The Highline Canal Company, by the instrument recorded April 13, 1951 in Book 1152 at Page 19. (As shown on this survey)
- An easement for electrical lines and incidental purposes granted to Southern Colorado Power Company, by the instrument recorded June 15, 1953 in Book 1212 at Page 210. (As shown on this survey)
- An easement for electrical lines and incidental purposes granted to Southern Colorado Power Company, by the instrument recorded June 15, 1953 in Book 1212 at Page 215. (As shown on this survey)
- An easement for pipes and/or ditches for irrigation and incidental purposes granted to Elden E. Rogers, by the instrument recorded October 3, 1955 in Book 1280 at Page 167. (Blanket Easement)
- An easement for communication and other facilities and incidental purposes granted to The Mountain States Telephone and Telegraph Company, by the instrument recorded October 2, 1980 in Book 2046 at Page 192. (Blanket Easement)
- An undivided one-half (1/2) interest in all gas and other minerals as reserved by Dinamore C. Wayt and Irene Wayt, in Deed recorded May 27, 1983 in Book 2158 at Page 92, and any and all assignments thereof or interests therein.
- Gravel rights, as more particularly set forth therein, as reserved by Ann Caruth as Personal Representative of the Estate of Odie W. Caruth aka O. W. Caruth, in Deed recorded October 27, 1993 in Book 2689 at Page 242, and any and all assignments thereof or interests therein.
- An undivided one-half (1/2) interest in all gravel, conveyed to Ann Caruth, by Deed recorded October 27, 1993 in Book 2689 at Page 245, and any and all assignments thereof or interests therein.
- Gravel rights, as more particularly set forth therein, conveyed to Ann Caruth by Deed, recorded October 27, 1993 in Book 2689 at Page 246, and any and all assignments thereof or interests therein.
- An easement for pipeline, and incidental purposes granted to Scott E. Cotton and Ann C. Cotton, by the instrument recorded December 27, 1996 in Book 2957 at Page 439. (Blanket Easement)
- An easement for sub-surface water main(s) and incidental purposes granted to the Orchard Park Water Association, by the instrument recorded March 17, 1997 in Book 2978 at Page 407.
- An easement for sub-surface water main(s) and incidental purposes granted to the Orchard Park Water Association, by the instrument recorded March 17, 1997 in Book 2978 at Page 407.
- Right of First Refusal recorded March 9, 2006 at Reception No. 1665193.
- Terms, agreements, provisions, conditions and obligations of a Memorandum of Lease Agreement, executed by Kirkland Construction, LLLP, as Lessee(s), for an additional term of fourteen (14) years, recorded June 29, 2007 at Reception No. 1732252.
- Deed of Conservation Easement recorded December 26, 2007 at Reception No. 1752850 and Amendment recorded September 26, 2008 at Reception No. 1783071.
- Deed of Conservation Easement recorded December 26, 2007 at Reception No. 1752851 and Amendment recorded September 26, 2008 at Reception No. 1783068.
- Notice regarding mineral rights recorded March 18, 2014 at Reception No. 1970020.
- Any limitations on access to and from U. S. Highway 50, from subject property, resulting from the fact that the Colorado Department of Transportation has the authority to establish points of access from said Highway.
- Any increase or decrease in the area of the land and any adverse claim to any portion of the land which has been created by or caused by accretion or reliction, whether natural or artificial; and the effect of the gain or loss of area by accretion or reliction upon the marketability of the title of the land.
- Any rights, interest or easements in favor of the United States, the State of Colorado or the Public, which exists or are claimed to exist in and over the present and past bed, banks or waters of the Arkansas River.
- Deed of Trust from Carl R. Pantaleo, to the Public Trustee of Pueblo County for the benefit of The First National Bank of Las Animas, to secure an indebtedness in the principal sum of \$95,675.93, and any other amounts and/or obligations secured thereby, dated April 10, 2000, and recorded April 13, 2000 at Reception No. 1328752.

NOTE: No Full Release of said Deed of Trust appears of record. The Partial Release recorded April 20, 2006 at Reception No. 1671609 purports to release that portion thereof conveyed to Dos Rios Ranch, LLC, in Deed recorded March 8, 2006 at Reception No. 1664851.

NOTICE:

According to C.R.S. 13-80-105, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certificate shown hereon.

Mangini & Associates, Inc
Professional Engineers and Professional Land Surveyors
P.O. Box 8505 - Pueblo, CO
(719) 544-0865 Fax (719) 676-2853

OWNER/TITLE: RANDY SHIPP / HARVEY KRAMER
JOB DESCRIPTION: ALTA / ACSM SURVEY @ 57935 E U.S. HWY 50
DETAILED BY: MAC
JOB NUMBER: 2015-161
FILE NAME: 2015-161
REF JOB NO.:

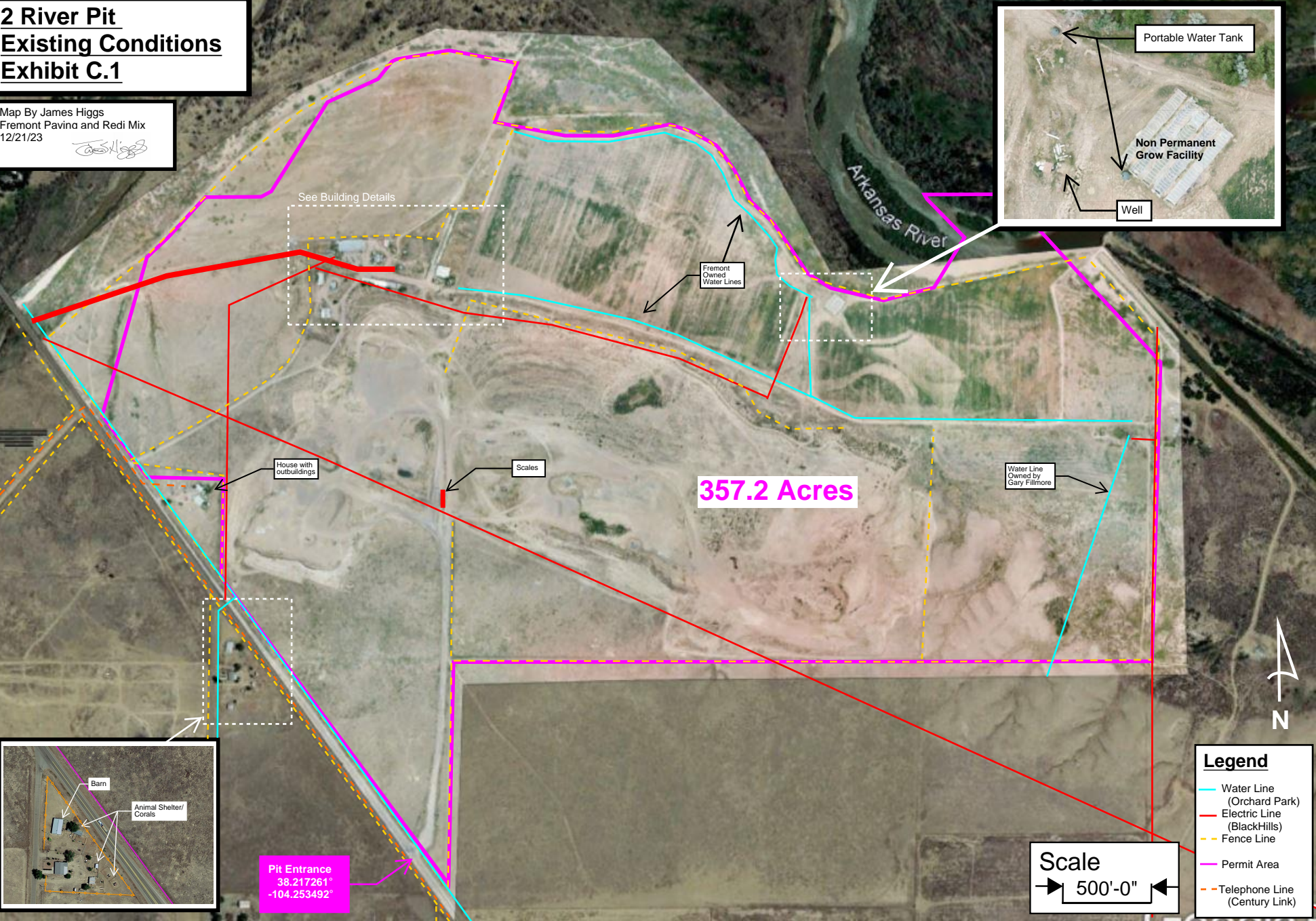
DATE: 08/21/2015
SCALE: 1" = 300'
SHEET NO.

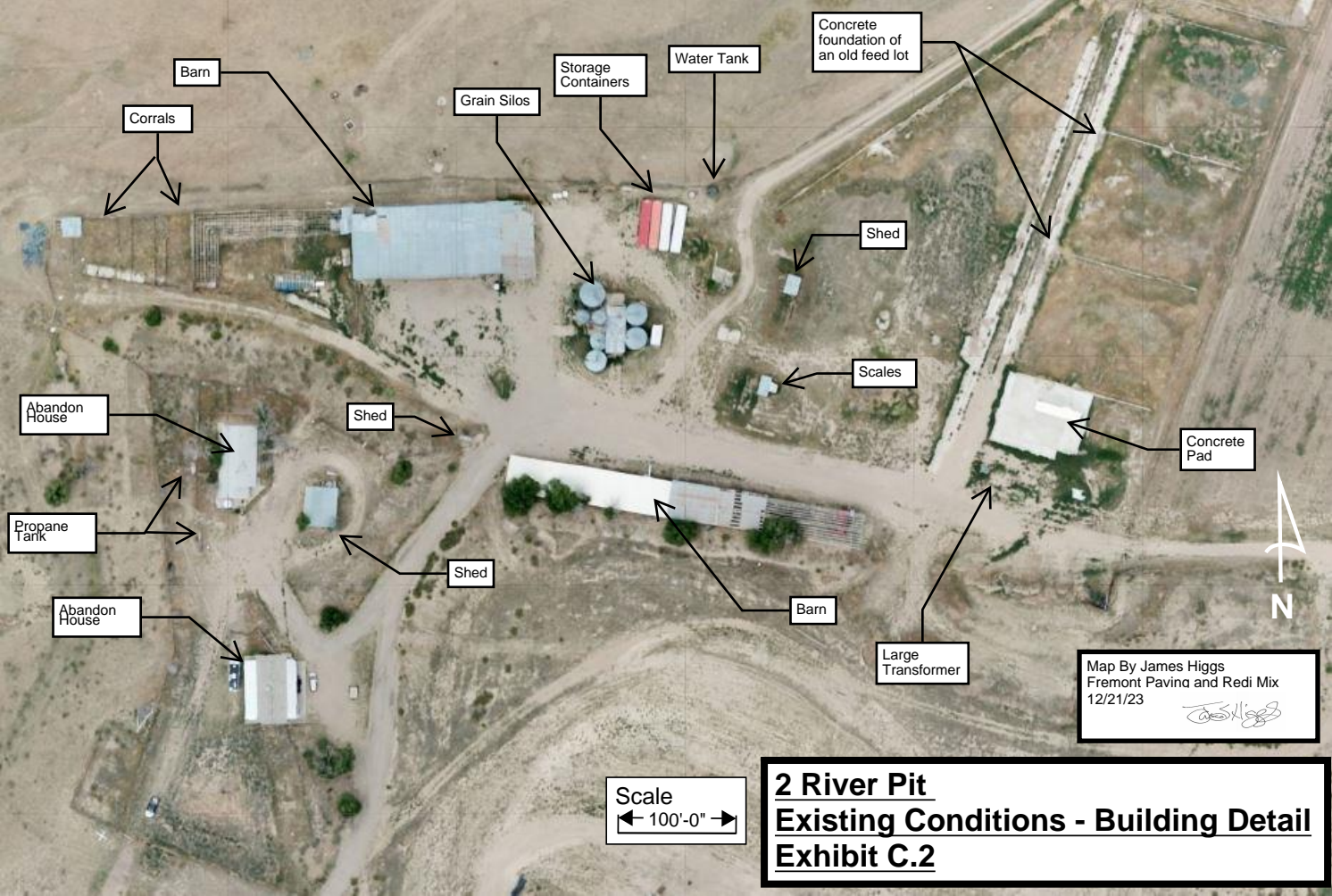
1 OF 1

#	DATE	REVISIONS (COMMENTS)	CHECKED BY

2 River Pit
Existing Conditions
Exhibit C.1

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23





Barn

Corrals

Grain Silos

Storage Containers

Water Tank

Concrete foundation of an old feed lot

Shed

Scales

Concrete Pad

Abandon House

Shed

Shed

Barn

Large Transformer

Propane Tank

Abandon House

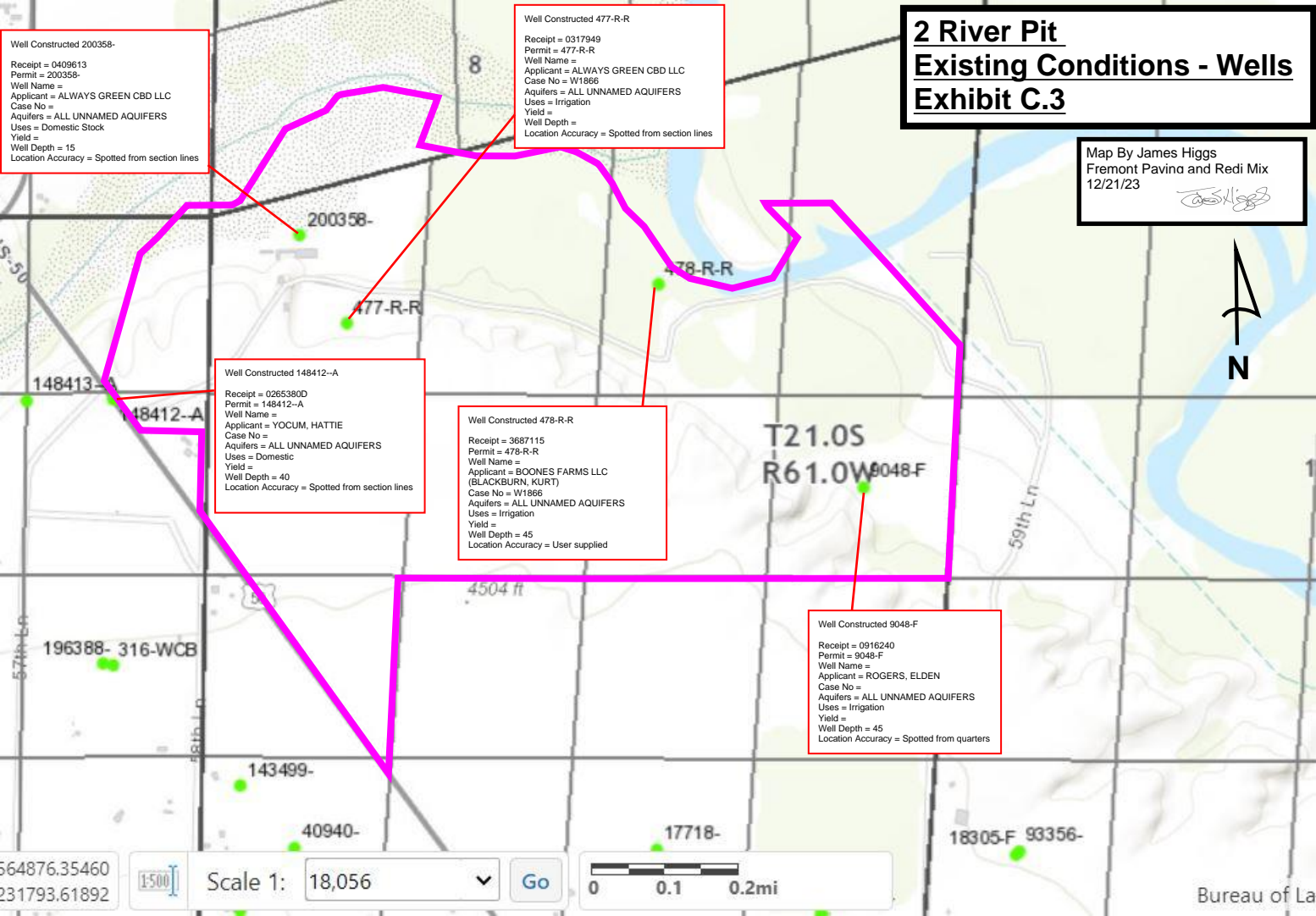
Map By James Higgs
Fremont Paving and Redi Mix
12/21/23


Scale
← 100'-0" →

2 River Pit
Existing Conditions - Building Detail
Exhibit C.2

2 River Pit Existing Conditions - Wells Exhibit C.3

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

Well Constructed 200358-
Receipt = 0409613
Permit = 200358-
Well Name =
Applicant = ALWAYS GREEN CBD LLC
Case No =
Aquifers = ALL UNNAMED AQUIFERS
Uses = Domestic Stock
Yield =
Well Depth = 15
Location Accuracy = Spotted from section lines

Well Constructed 477-R-R
Receipt = 0317949
Permit = 477-R-R
Well Name =
Applicant = ALWAYS GREEN CBD LLC
Case No = W1866
Aquifers = ALL UNNAMED AQUIFERS
Uses = Irrigation
Yield =
Well Depth =
Location Accuracy = Spotted from section lines

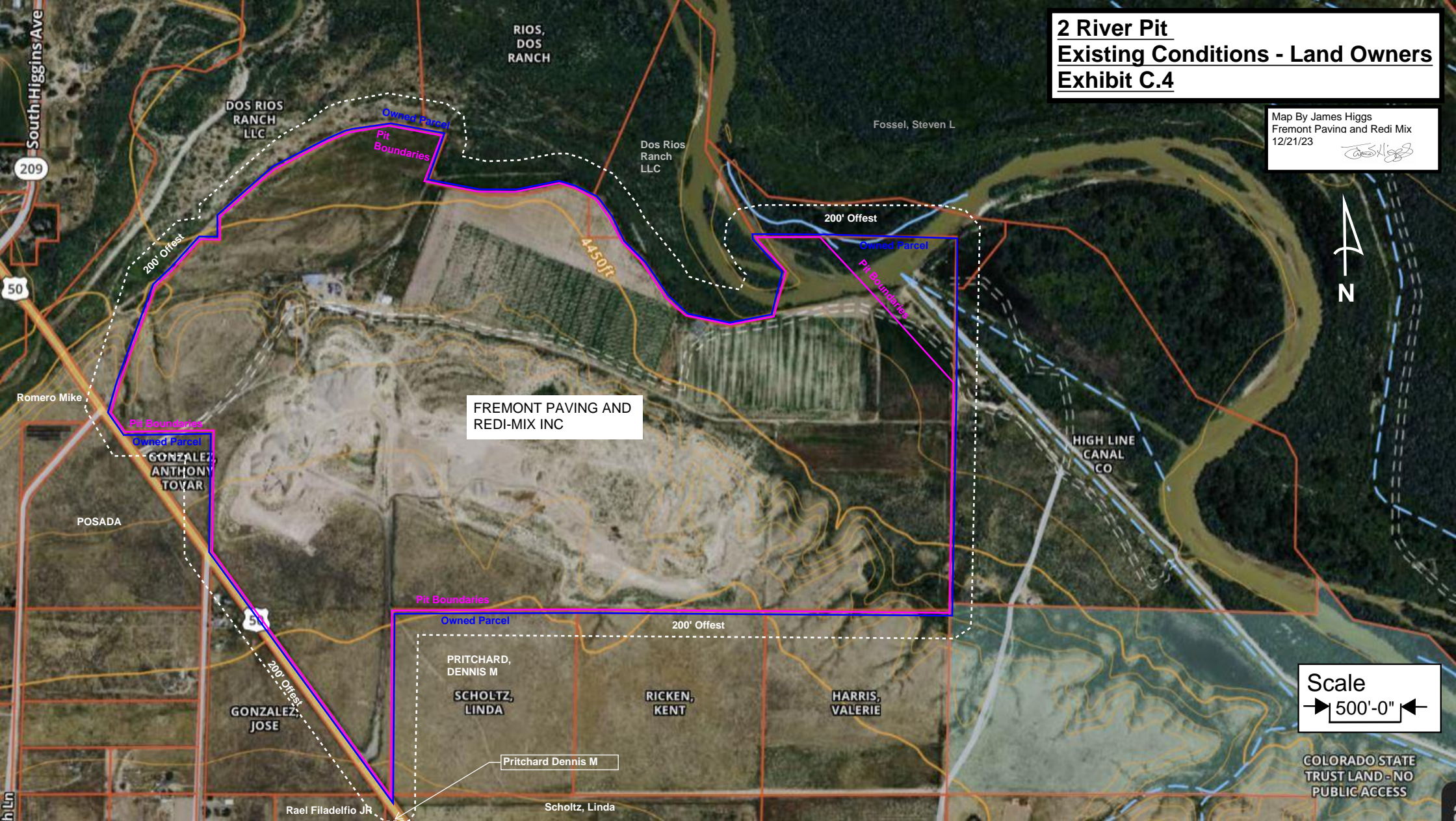
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Receipt = 0265380D
Permit = 148412-A
Well Name =
Applicant = YOCUM, HATTIE
Case No =
Aquifers = ALL UNNAMED AQUIFERS
Uses = Domestic
Yield =
Well Depth = 40
Location Accuracy = Spotted from section lines

Well Constructed 478-R-R
Receipt = 3687115
Permit = 478-R-R
Well Name =
Applicant = BOONES FARMS LLC
(BLACKBURN, KURT)
Case No = W1866
Aquifers = ALL UNNAMED AQUIFERS
Uses = Irrigation
Yield =
Well Depth = 45
Location Accuracy = User supplied

Well Constructed 9048-F
Receipt = 0916240
Permit = 9048-F
Well Name =
Applicant = ROGERS, ELDEN
Case No =
Aquifers = ALL UNNAMED AQUIFERS
Uses = Irrigation
Yield =
Well Depth = 45
Location Accuracy = Spotted from quarters

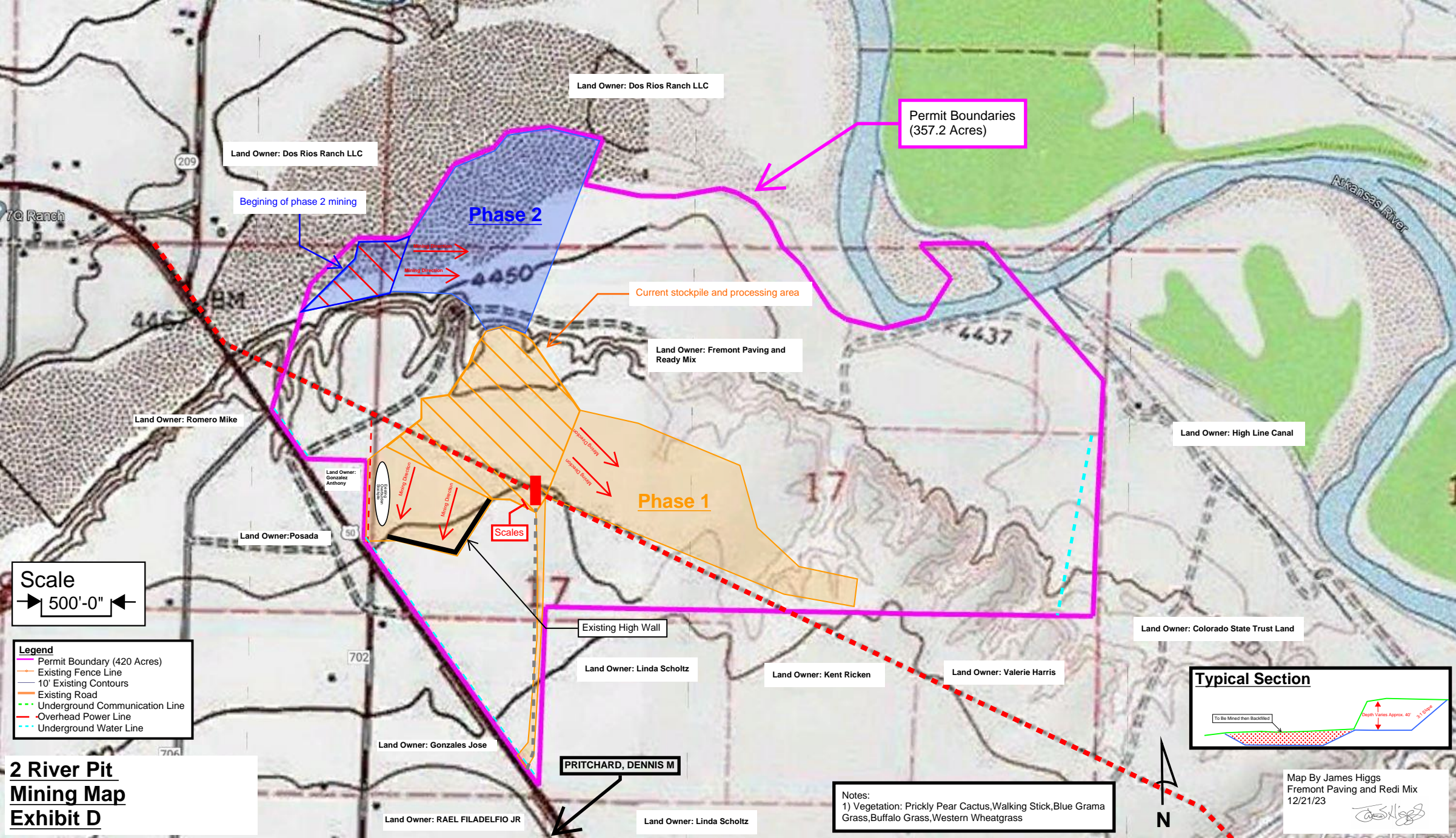
2 River Pit Existing Conditions - Land Owners Exhibit C.4

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

Scale
→ 500'-0" ←

COLORADO STATE
TRUST LAND - NO
PUBLIC ACCESS



Land Owner: Dos Rios Ranch LLC

Permit Boundaries
(357.2 Acres)

Land Owner: Dos Rios Ranch LLC

Beginning of phase 2 mining

Phase 2

Current stockpile and processing area

Land Owner: Fremont Paving and
Ready Mix

Land Owner: High Line Canal

Land Owner: Romero Mike

Land Owner:
Gonzales
Anthony

Land Owner: Posada

Scales

Phase 1

Existing High Wall

Land Owner: Linda Scholtz

Land Owner: Kent Ricken

Land Owner: Valerie Harris

Land Owner: Colorado State Trust Land

Land Owner: Gonzales Jose

PRITCHARD, DENNIS M

Land Owner: RAE FILADELFIO JR

Land Owner: Linda Scholtz

Scale

500'-0"

Legend

- Permit Boundary (420 Acres)
- Existing Fence Line
- 10' Existing Contours
- Existing Road
- Underground Communication Line
- Overhead Power Line
- Underground Water Line

Typical Section

To Be Mined then Backfilled

Depth Varies Approx. 40' - 51' Slope

Notes:

1) Vegetation: Prickly Pear Cactus, Walking Stick, Blue Grama Grass, Buffalo Grass, Western Wheatgrass

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

James Higgs

2 River Pit Mining Map Exhibit D

6.4.1 Exhibit A

Legal Description

The Two Rivers Pit is located 38.21761°, -104.253492°. The pit will be accessed from Colorado Highway 50 approximately 5.25 miles east of Avondale and 1.65 miles south of Boone in Pueblo County. The site is approximately 357.2 acres and is described by the following legal description:

S ½ of Section 8, the E ½ of the NE ¼ of Section 18 and a portion of Section 17 All in Township 21 South, Range 61 West of the Sixth Principal Meridian.

Entrance: 38.21761°, -104.253492°

6.4.2 Exhibit B

Index Map

6.4.3 Exhibit C

Pre-Mining and Mining Plan Map of Affected Lands

6.4.4 Exhibit D

Mining Plan

The Two Rivers Pit is an existing site that encompasses 357.2 acres. Of this acreage, 336.9 acres will be mined/disturbed while 20.3 acres will remain unaffected. The target gravel source is located beneath limited topsoil and overburden. The primary commodities are sand and gravel. Incidental materials not used for construction material will be used to reconstruct the pit floor and lessen the pit slopes.

The site is made up of mostly Otero dry sandy loam, Cascajo very gravelly sandy loam, Gelberg-Haversid complex. The target gravel source is located beneath limited topsoil of 0-6 inches and overburden of an additional 4-12 inches. Topsoil and overburden will be saved for reclamation of the mine site. The stratum beneath the deposit is presumed to be blue shale. The primary commodities are sand and gravel. Incidental materials not used for construction material will be used to reconstruct the pit floor and lessen the pit slopes.

The life of the proposed operation is speculative due to ever changing economic conditions in the construction industry. If economic demands remain low and extraction is limited to 70,000 tons per year, approximately six acres per year would be mined. At this rate, the life of the mine would extend to over 50 years.

Mining had previously begun with the original operator of the site. Fremont intends to continue to mine out what will be referred to as Phase One, which is the original mine area, and then move into Phase Two. A dewatering pond will be located on the north side of Phase Seven and will be established early on in this new mine plan. It is anticipated that water will be intercepted during the mining of Phase Two. This water will be directed through a trench to the dewatering pond. Reclamation will occur concurrent to mining with any excess material from a phase being used as backfill in the previous phase. At no time will greater than 100 acres be open for active mining or reclamation. Once one phase has been backfilled and top soil has been applied, Fremont will then proceed to open a new phase of mining using that phase's waste material to create slopes of 3H:1V in the previous phase. This process will continue throughout the site following the phase numbering noted on the Phase Map.

Mining will occur to a depth of approximately 45 feet. Groundwater is expected to be encountered during excavation and mining. Water will be pumped from the facility with surface water onsite not exceeding 1 acre. This water will be pumped from the mine area through a ditch to the dewatering pond. The water will then flow to the Arkansas River, where it will be discharged at a rate equal to that of the pump. At this time, the rate of that release is unknown. If, after the discharged water tests show that the water needs to be pumped into a settling pond prior to being released into the Arkansas due to the Division of Water Resource requirements, a settling pond will be built in which the water from the mine site will be stored

to settle out any solids prior to release. The dewatering pond will be located greater than 400 feet from the Arkansas River and within Phase Seven. A trench will be dug through the unaffected area from the dewatering pond to the Arkansas for release.

Earthmoving will be accomplished using bulldozers, front end loaders and/or scrapers depending on the depth of plant growth material and overburden. Aggregate will be processed and sized using a crusher and screens. A portable asphalt or concrete batch plant may be onsite as projects warrant. The highwall will be no greater than 1000' in length.

All plant growth material and topsoil will be salvaged and stockpiled for reclamation use. These stockpiles will be located at the perimeter of the site and posted as reclamation topsoil. Waste rock and overburden will be stockpiled and used to rebuild the pit floor and slopes during reclamation. Overburden perimeter stormwater diversion berms will be constructed as excavation and reclamation progresses. These berms will serve to control erosion and sedimentation from reaching any drainage. Water for dust suppression will be pumped from the onsite well adjudicated for this type of activity.

Bulk storage of fuel and small amounts of lubricants will be stored onsite and will be housed in an earthen berm that will have a capacity of at least 110% of the tanks and containers to be housed.

The operation will wash material onsite and will utilize water from an adjudicated well onsite. Water will be used with a wash plant to wash sand onsite. Two wash ponds will be constructed and the water will be recirculated for continual use. This operation will consume approximately 20-acre feet of water each year.

No acid or toxic producing materials will be exposed during mining. No explosives will be used in conjunction with mining or reclamation.

The mining operation consists of an access road from the southern end of the site. The access road is 40' wide and will remain following reclamation. The Colorado Department of Transportation has granted an Access Permit for this site and there is an accel/decel lane on Highway 50 at this entrance. All interior haul roads will be temporary and will be reclaimed after the mining has been completed. It is estimated that the life of the pit is up to 50 years and is dependent upon demand.

This is a privately owned site and does not require the State Historic Preservation Office requirements for a cultural or historic study. If the operator encounters any structure of note, the State Historic Preservation Office will be notified.

6.4.5 Exhibit E

Reclamation Plan

Reclamation to agricultural land will occur following mining at the site. Slopes will be returned to a 3H:1V slope or flatter when mining has concluded, thus allowing for reclamation to immediately follow mining as the site progresses. As topsoil, waste rock and overburden are removed from the working face, they will be stockpiled for future reclamation use.

Throughout mining, slopes will be maintained at a 3H:1V minimum, except for the active mine face. The active mine face will have a highwall that is no greater than 1000 feet in length. Waste rock and overburden will be placed on the pit floor as quantity allows. Six inches of topsoil will be replaced on affected surfaces. If necessary, surfaces will be roughened prior to seeding. All materials used for backfilling will be generated from onsite sources. Onsite topsoil will be adequate for reclamation purposes. No importation of materials for reclamation purposes will be necessary. All disturbed areas, including the processing area, will have all stockpiles and mobile equipment removed. The area will be backfilled to a 3H:1V or shallower and the surface will be scarified. Following that, six inches of topsoil will be replaced on affected surfaces and then the site will be reseeded with the forage grass listed above.

Fremont Paving and Redi Mix, Inc. will use winter wheat, millet or sorghum to seed the property. The seed will be decided on by the site conditions at the time of reclamation. Any of the three would do well in this soil type and climate.

All mining structures, including interior haul roads and stormwater diversion structures, will be reclaimed following all mining operations. All buildings that are brought in for the project are portable control vans and will be removed following reclamation. The home and outbuildings onsite may be removed upon the owner's request as the site develops.

Throughout the mining area, salvageable surface material will be removed and stockpiled for use in final reclamation. Upon commencement of reclamation, the area will be monitored for noxious weeds. Fremont Paving and Redi Mix, Inc. will implement appropriate methods to manage weed growth and will work with the Pueblo County Weed Control Program for recommendations in the event noxious weeds develop.

The Two Rivers Pit was traditionally a dry mine that did not expose groundwater. The well associated with the Two Rivers pit could be used for dust suppression, washing, and other mining operations at the site. These would all be covered under the MAGUA plan as well. Exposing groundwater at the Two Rivers Pit would be a new use that wasn't previously included in the decree. This use could be added as new well to the augmentation plan. Exposed groundwater in gravel pits are often administered the same/similar to a well, so we would need to add this new "well" as a new structure in the decree. There's a process described in the

decree for accomplishing this. In this case, Two Rivers would then have two wells in the plan. The existing one for industrial uses and new one that accounts for groundwater evaporation for an open pit.

There are 10 phases within this permit application. An estimated timetable will take into account aggregate quality and local economic conditions. These are unknown at this time, so a timetable is only a rough estimation. With this knowledge, Fremont believes that each phase would take approximately 5-10 years to mine completely. Reclamation will occur concurrent to mining with any excess material from a phase being used as backfill in the previous phase. At no time will greater than 100 acres be open for active mining or reclamation. Once one phase has been backfilled and top soil has been applied, Fremont will then proceed to open a new phase of mining using that phase's waste material to create slopes of 3H:1V in the previous phase. This process will continue throughout the site following the phase numbering noted on the Phase Map. Fertilizer will not be used for reclamation purposes.

6.4.6 Exhibit F

Reclamation Plan Map

6.4.7 Exhibit G

Water Information

Groundwater will be exposed during mining operations and pumped from the site as needed. Any exposed water will be covered by existing MAGUA water shares available on the property. Prior to any water being exposed, Fremont will ensure a Substitute Water Supply Plan is in place. As this exposure is not anticipated to occur for several years, Fremont will not pursue the SWSP at this time. It is anticipated that 20-acre feet of water will be needed per year, all of which will come from MAGUA shares.

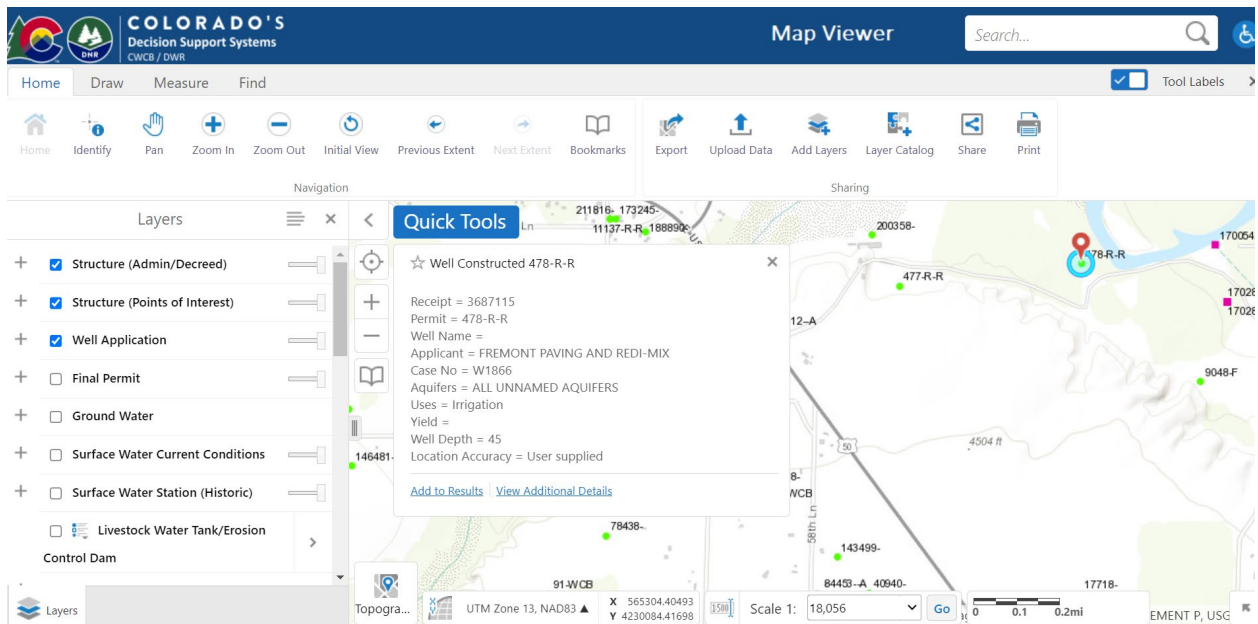
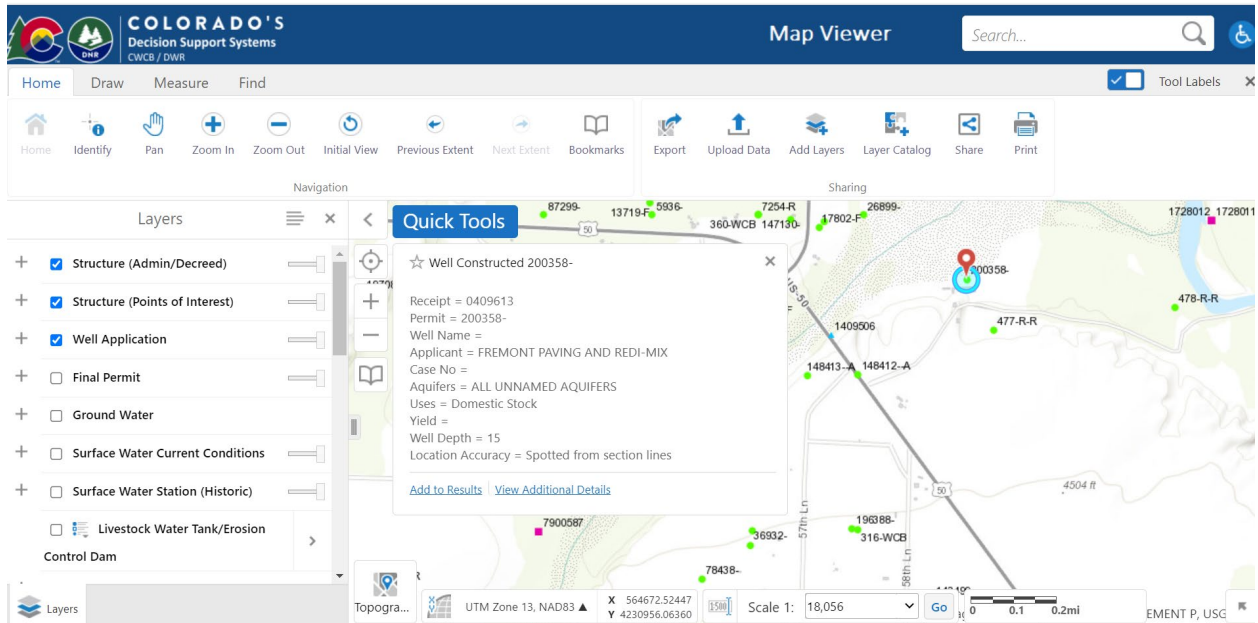
Stormwater will not leave the site, as earthen berms will contain the drainage. The site will not discharge stormwater or process water drainage.

According to the Division of Water Resources HydroBase Data Viewer, groundwater near the site is anticipated to be approximately 15-45 feet in depth (see below). The mining operation will mine to a depth of approximately 45 feet.

Runoff occurs as overland flow to natural drainage ravines in the vicinity. Stormwater best management practices such as waddles, straw bales, and perimeter berms will be placed to effectively manage stormwater. Historic flow will be maintained during mining.

Consumptive use of water may occur as dust suppression on the haul road and affected areas, as well as for washing operations. The amount required for this is undetermined at this time.

The permittee will complete a stormwater management plan. Diversionary berms and impoundments will be constructed as recommended by the Water Quality Division.



6.4.8 Exhibit H

Wildlife Information

The property is used for farming and will be returned to agricultural uses during reclamation. For the original permit, Colorado Parks and Wildlife was contacted for comment. The response letter is attached for review.

Forage and cover for wildlife is limited due to the arid climate. Small animals, including rabbits, foxes, etc. are found in the surrounding environment. The site is within range for pronghorn, prairie dog, various snakes, various lizards, and ring-necked pheasant. Impacts to wildlife will be mitigated through a weed management plan and reseeding all mined areas with a diverse and native agricultural/cropland seed mix, as is the current vegetation onsite.

Farming activities allow for more cover for local wildlife. Deer, pronghorn, pheasant and other seasonal game can easily move through the site and find adequate cover and forage, as only 100 acres will be in various phases of mining, while the remaining portions of the site will be available for farming activities. There are no known endangered or threatened species on the property. No migratory paths will be negatively impacted, as a majority of this site will be returned back to original uses throughout the mine life.

6.4.9 Exhibit I

Soils Information

A Custom Soil Resource Report for Pueblo County, specific to this site, is attached for review. The site is made up of mostly Otero dry sandy loam, Cascajo very gravelly sandy loam, Gelberg-Haversid complex.

The Otero Series consists of very deep and well/excessively drained soils. This soil type is found on hills, plains, ridges, and fans. Slopes are 0 to 20 percent. This soil is used for native rangeland or for dry and irrigated cropland. Native vegetation consists of tall and short grass associations with some sand sage.

Topsoil is found to a depth of approximately 18 inches onsite, with overburden accounting for the next 2-10 feet. Mineable aggregate is then found up to a depth of 45 feet. The topsoil onsite is currently able to maintain the crops being grown onsite. There is no reason that this same topsoil will not continue to be used for the establishment and maintenance of plant growth as it is currently doing.

6.4.10 Exhibit J

Vegetation Information

The Two Rivers Pit is characterized by agricultural/crop land. The site is composed of two areas, one where current mining operations are occurring on the southern portion of the site and one with farming operations on the northern portion of the site. Native vegetation includes Prickly Pear Cactus, Walking Stick, Blue Grama Grass, Buffalo Grass and Western Wheatgrass.

Crop land vegetation is dependent on many factors and can change from year to year. Millet can yield up to 36 bushels per acre with a planting rate of 15-25 pounds per acre. Colorado grows over half of the millet in the United States, so this is a perfect reclamation vegetation for the site, as well as for cropland use. It is anticipated that the estimated cover is 75% during the first planting and the height is 1-4 feet.

6.4.11 Exhibit K

Climate

Climate data was pulled from the US Climate Data website for the Pueblo County area. The data is attached for review.

	Jan	Feb	Mar	Apr	May	Jun
Average high in °F	48	50	59	67	77	87
Average low in °F	18	20	29	36	46	56
Av. precipitation in inch	0.34	0.30	0.92	1.47	1.66	1.39
Av. snowfall in inch	4	3	3	1	0	0
	Jul	Aug	Sep	Oct	Nov	Dec
Average high in °F	93	90	82	70	57	47
Average low in °F	62	60	51	38	27	19
Av. precipitation in inch	2.01	2.41	0.85	0.73	0.57	0.37
Av. snowfall in inch	0	0	0	1	3	4

[Pueblo Climate Graph - Colorado Climate Chart](#)

6.4.12 Exhibit L

Reclamation Costs

Reclamation cost estimates were recently calculated on a per acre basis when Fremont Paving and Redi Mix, Inc. submitted the Succession of Operator application in April 2023. Fremont requests that this estimate continue to be used for this amendment application:

PROJECT IDENTIFICATION

Task #: 000 State: Colorado Abbreviation: None
 Date: 4/11/2023 County: Pueblo Filename: M038-000
 User: ANM
 Agency or organization name: DRMS

TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
001	Grade Highwalls to 3H:1V Pushdown	DOZER	1	52.57	\$11,697
002	Reclaim Highwall in the 200' buffer zone	LOADER	2	60.84	\$14,603
003	Spread 6 inches of topsoil over 99 acres	SCRAPER1	1	62.12	\$136,975
004	Revegetation of 99 acres	REVEGE	1	99.00	\$186,464
005	Mob	MOBILIZE	1	8.88	\$22,340
<u>SUBTOTALS:</u>				283.41	\$372,079

INDIRECT COSTS

OVERHEAD AND PROFIT:

Liability insurance:	2.02	Total =	\$7,516
Performance bond:	1.05	Total =	\$3,907
Job superintendent:	141.70	Total =	\$10,646
Profit:	10.00	Total =	\$37,208
		TOTAL O & P =	\$59,277
		CONTRACT AMOUNT (direct + O & P) =	\$431,356

LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs):	\$500	Total =	\$500
Engineering work and/or contract/bid preparation:	6.59	Total =	\$28,426
Reclamation management and/or administration:	4.89		\$21,093
		CONTINGENCY:	\$0
	0.00	Total =	\$0
		TOTAL INDIRECT COST =	\$109,296
		TOTAL BOND AMOUNT (direct + indirect) =	\$481,375

Direct Tasks	Unit	Quantity	Cost	Total Cost
Grading/Ripping Stockpile & Processing	Hours	300	\$145.00	\$43,500.00
Placing Topsoil/Fines				
Bull Dozer	Hours	200	\$145.00	\$29,000.00
Loader	Hours	200	\$145.00	\$29,000.00
Seeding				
Broadcasting	Hours	10	\$300.00	\$3,000.00
Seed Mix	Acre	100	\$350.00	\$35,000.00
Mulch	Acre	10	\$187.50	\$1,875.00
Tracking seed/mulch				
Dozer	Hours	10	\$154.00	1,540.00
Area Reclaimed	Acre	20.5		
Mobilization Fee	Hours	5	\$5,000.00	\$25,000.00
				\$167,915.00
Indirect Tasks				
Liability Insurance			0.0155	\$2,600.00
Performance Bond			0.015	\$2,500.00
Profit			0.1	\$16,800.00
Job Superintendent	Hours	200	\$88.00	\$17,600.00
Miscellaneous Indirect			0.0925	\$15,532.00
Total Bond				\$222,947.00

6.4.13 Exhibit M

Other Permits and Licenses

- Pueblo County Special Use Permit 98-06
- Air Permit Emissions Notice (APEN) to the Colorado Department of Public Health and Environment's Air Pollution Control Division,
- Stormwater Discharge/Dewatering Permit – Colorado Department of Public Health and Environment's Water Quality Control Division
- Division of Water Resources Well Permit and Substitute Water Supply Plan (prior to water exposure onsite)

6.4.14 Exhibit N

Source of Legal Right to Enter

Attached is the deed for this site.

6.4.15 Exhibit O

Owner of Record of Affected Land Surface Area and Substance to be Mined

Fremont Paving and Redi Mix, Inc.

6.4.16 Exhibit P

Municipalities Within Two Miles

The Town of Boone is within two miles of the proposed mining operation.

Boone Municipal Building

PO Box 13

Boone, CO 81025

6.4.17 Exhibit Q

Proof of Mailing Notices to Board of County
Commissioners and Soil Conservation District

6.4.18 Exhibit R

Proof of Filing with County Clerk and Recorder

6.4.14 Exhibit S

Permanent Man-made Structures

All structure owners within 200 feet of the permit boundary were contacted by letter delivered via FedEx or United States Postal Service Certified Mail. Many owners replied to the request for a structure agreement. Those are attached for review. For those structure owners that could not be reached, an engineering analysis was performed for each structure. That report is attached for review.

ENGINEERING EVALUATION REPORT

For

FREMONT PAVING AND REDI-MIX, INC.

Pueblo, Colorado 81006

January 2024

Revised April 2024

Prepared For:

**Jodi Shreiber
ARY Corporation
839 MacKenzie Avenue
Canon City, Colorado 81212**



Prepared By:



2441 South Prairie Avenue
Pueblo, Colorado 81005
(719) 696-8274
darlene@dkheng.com

Introduction / General

This Fremont Paving and Redi-Mix, Inc. site a.k.a. Two Rivers Mining is located 20-minles east of Pueblo, Colorado and 1.2-miles south of Boone, Colorado between Colorado Hwy 50 and the Arkansas River. Refer to Exhibits A, B and C for site location, site Alta survey and existing conditions on site. The site is made up of ten (10) lots totaling 365.05-acres, which includes the following Pueblo County Parcels:

- 1108000011 30.20-acres
- 1117000021 111.03-acres
- 1117000004 37.80-acres
- 1117000022 26.57-acres
- 1118000032 15.29-acres
- 1117000023 12.63-acres
- 1117000003 80.00-acres
- 1117000002 40.00-acres
- 1117000017 10.00-acres
- 1118000018 1.03-acres

The purpose of this evaluation is to verify that off-site structures within 200-feet of the site will not be damaged by activities occurring on site.

Off-site Structures in Question

There are fourteen structures within 200-feet of the site, of which six of the property owners provided signed structure agreements. Therefore, the remaining eight were evaluated within this report. Refer to Exhibit C.4 for locations of properties relative to the site. These structures and associated property owners are discussed below.

Engineering Evaluation Report
Fremont Paving and Redi-Mix, Inc.
January 2024

Structure No.	Structure Type	County Parcel No.	Property Owner
1	Barbwire Fence	1118000030	Michael Romero
2	Barbwire Fence	1118000009	Posada
4	Barbwire Fence, Barn & Animal Sheds	1117000005	Jose Gonzalez
5	Barbwire Fence	1117000011	Rael Filadelfio Jr.
6	Barbwire Fence	1117000015	Dennis Pritchard
9	Barbwire Fence	1117000019	Valerie Harris
12	Barbwire Fence	1108000015	Rios Dos Ranch
14	Pedestal and underground phone lines	1118000009	Century Link

Colorado State Highway 50 is also located within 200 feet of the site. An existing highwall is located north of Highway 50 (approximately 200-feet from the highway at the closest point). Refer to Exhibit D. As mining progresses a minimum 25-foot buffer will be maintained from the edge of mining to the highway north right of way fence line. Therefore, there will be no adverse impact on the highway during or following mining operations.

Another mining progression within Phase 1 is planned to the east toward an existing highwall that lies north of the property line near Valerie Harris and Kent Ricken's properties. Phase 2 mining is planned at the northwest portion of the site near Dos Rios Ranch LLC property and will progress eastward.

All cut and backfilled slopes including active highwalls will be at maximum 3:1 slope and stabilized with native seed and biodegradable erosion blanket to ensure stability. Refer to the typical section on Exhibit D.

Michael Romero's site is located on the other side of Highway 50 from the west end of the site (south side of highway) near the intersection of Hwy 50 and 37th Lane. The mining pit operations will not affect the highway; and therefore, Mr. Romero's fence will not be affected.

Century Link's site is adjacent to Mr. Romero's lot, just north of 37th Lane and Posada's site lies across 37th Lane. Jose Gonzalez's property southeast of Posada's site. All three of these lots are located on the south side of Hwy 50. Therefore, similar to Mr. Romero's property, the fence and service pedestal will not be affected as these sites lie on the opposite side of the state highway.

Mr. Filadelfio and Mr. Pritchard's properties are also across the highway from Fremont Paving and Redi-mix, near its southernmost point (southwest corner). Therefore, their fences will not be affected by the activities on-site.

Valerie Harris's property is one of the few properties discussed in this report that is on the same side of Hwy 50 as the site. It lies just south of the southeast corner of the Fremont Paving and Redi-mix site. Although her fence lies within 200-feet of the site, cut and fill operations are only performed within the site/permitted boundary. Cut and backfill slopes will be stabilized as discussed above; therefore, Ms. Harris's fence will not be affected.

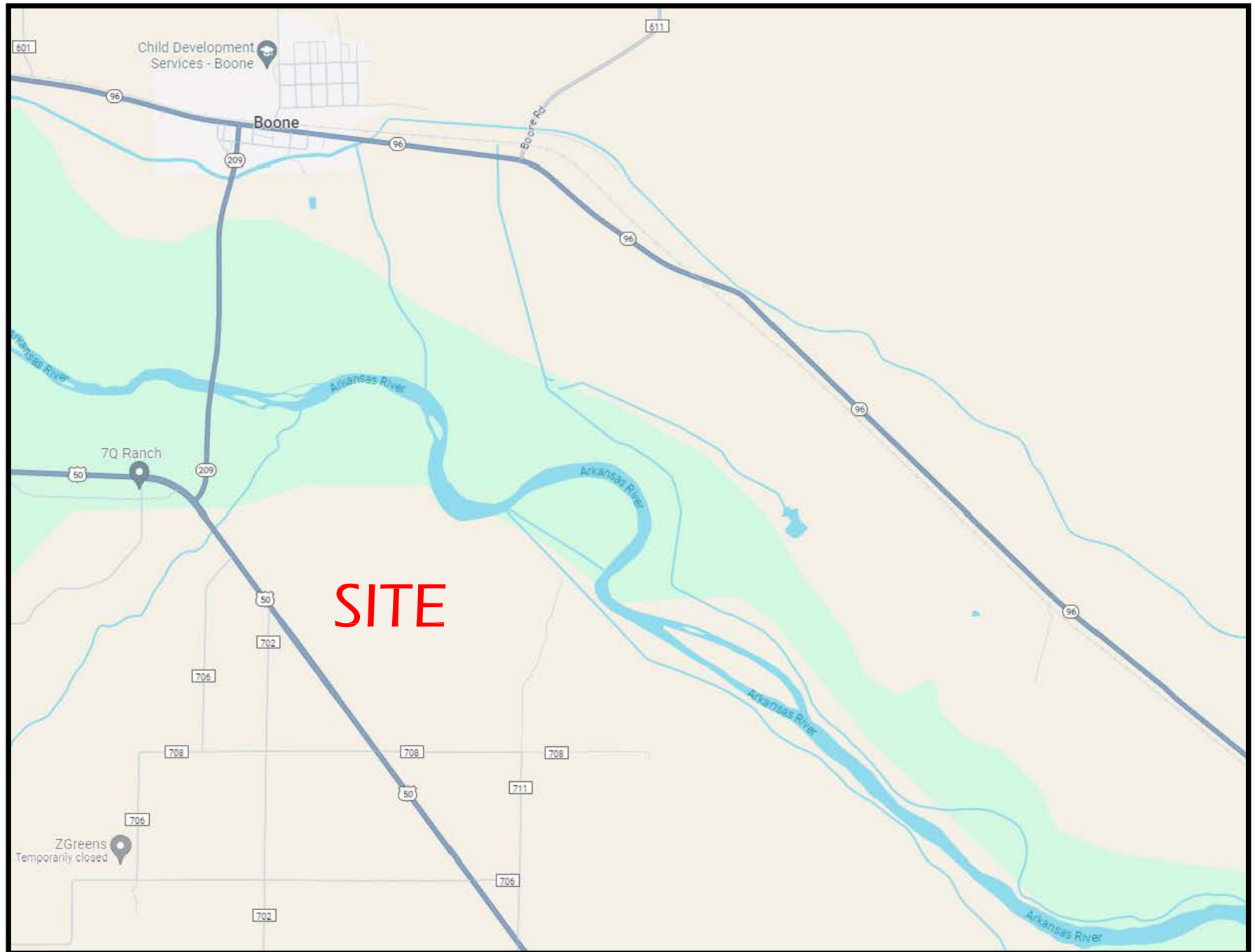
Rios Dos Ranch property is located north of the site. Similar to Hariss's site, the fence will not be affected by Fremont Paving and Redi-Mix site activities.

Post mining reclamation will include backfill of excavated areas with maximum edge slopes of 3H:1V and slope stabilization via biodegradable erosion blanket.

Conclusion

Existing as well as planned mining operations on Two Rivers Mining site will not have adverse impacts on the surrounding properties nor on Colorado State Highway 50. Proper earthwork management including maximum cut/fill and highwall slopes of 3H:1V and slope stabilization via native seed and erosion control blanket will be implemented.

Exhibit A



VICINITY MAP

NTS

Exhibit B

LINE DATA

LINE	BEARING	DISTANCE
L1	N 46°44'24" E	163.51
(D)	N 47°01'43" E	163.51
L2	N 42°38'32" E	310.03
(D)	N 42°55'50" E	
L3	N 89°19'27" E	139.91
L4	N 89°48'22" E	178.68
L5	N 62°13'40" E	65.76
L6	N 65°13'40" E	314.82
L7	N 38°43'40" E	127.39
L8	N 63°51'53" E	27.39
(D)	N 64°09'12" E	
L9	N 80°28'05" E	299.52
(D)	N 80°45'24" E	
L10	S 79°26'42" E	391.78
(D)	S 79°09'24" E	
L11	S 20°54'25" W	356.01
(D)	S 21°11'43" W	
L12	S 78°58'46" E	403.53
(D)	S 78°41'28" E	
L13	S 89°45'53" E	271.84
(D)	S 89°28'34" E	
L14	N 78°30'28" E	323.68
(D)	N 78°47'47" E	
L15	S 73°03'16" E	120.06
(D)	S 72°45'53" E	
L16	S 61°19'42" E	168.69
(D)	S 61°02'24" E	
L17	S 42°47'38" E	24.54
(D)	S 42°30'19" E	
L18	S 33°24'16" E	150.31
(D)	S 33°06'57" E	
L19	S 27°38'53" E	198.10
(D)	S 27°21'35" E	
L20	S 45°47'40" E	182.53
(D)	S 45°30'29" E	
L21	S 34°17'45" E	342.30
(D)	S 34°00'27" E	
L22	S 57°27'21" E	151.22
(D)	S 57°10'03" E	
L23	S 76°42'48" E	306.40
(D)	S 76°25'29" E	
L24	N 75°41'20" E	295.57
(D)	N 75°58'38" E	
L25	N 30°35'56" E	44.33
(D)	N 30°53'14" E	
L26	N 31°20'43" E	287.37
(D)	N 31°37'51" E	
L27	N 44°30'42" W	301.17
(D)	N 44°13'23" W	
L28	N 30°27'27" W	31.35
(D)	N 30°10'08" W	

Scale: 1" = 300'

North Arrow: N

Legend:

- = FOUND NO. 4 REBAR WITH YELLOW CAP PLS 33194
- = SET NO. 4 REBAR WITH YELLOW CAP PLS 16128

The SE 1/4 NE 1/4 Section 17: Township 21 South Range 61 West of the 6th P.M.

Lot 2 in the NW 1/4 NW 1/4 Section 17, Township 21 South, Range 61 West of the 6th P.M.;

A portion of Lot 1 of the NE 1/4 of Section 18, Township 21 South, Range 61 West of the 6th P.M., described as follows:

Beginning at a point where the Northerly line of new Highway No. 50 intersects the East line of the NE 1/4 of said Section; thence North along said Section line a distance of 855 feet to a point; thence West at right angles, a distance of 659 feet to a point in said Northerly line of said new Highway No. 50; thence southeasterly along the Northerly line of said new Highway No. 50 to a Point of Beginning;

EXCEPTING THEREFROM a tract of land approximately 2 acres described in a deed from Richard A. Harpman and Emily Harpman to Clarence A. Engelbrecht and Linda Engelbrecht recorded August 14, 1967 in Book 1620 at Page 33;

All that part of Lot 1 of the NE 1/4 of the NE 1/4 of Section 18, Township 21 South, Range 61 West of the 6th P.M., lying south of the centerline of the Huerfano River and East of the County Road, known as the Santa Fe Trail (U.S. Highway No. 50);
Lots 2 and 3, South of the Arkansas River, EXCEPT part conveyed to Mary Lee Russell in Book 206 at Page 534; and Lot 4 South of the Arkansas River section 8, Township 21 South, Range 61 West of the 6th P.M.,

The N 1/2 of the NE 1/4 and the NE 1/4 of the NW 1/4 all in Section 17, Township 21 South, Range 61 West of the 6th P.M.; SW 1/4 of the NW 1/4; and the NW 1/4 of the of the SW 1/4 lying Northeast of Highway 50, all in Section 17, Township 21 South, Range 61 West of the P.M.; and SE 1/4 of the NW 1/4 and the SW 1/4 of the NE 1/4 of Section 17, Township 21 South, Range 61 West of the 6th P.M.

EXCEPTING THEREFROM: any portion thereof as conveyed in Deed recorded December 4, 1968 in Book 1645 at Page 186; Deed recorded February 1996 in Book 2867 at Page 515; and in Deed to Dos Rios Ranch, LLC, A Colorado Limited Liability Company, recorded March 8, 2006 at Reception No. 1664851;

AND FURTHER EXCEPTING THEREFROM: any portion thereof lying within the right of way for the Highline Ditch in said Section 17, and **FURTHER EXCEPTING** those portions deemed to the Department of Highways in Book 1648 at Page 987, to Pueblo County for Public Highway in Book 116 at Page 75; Book 642 at Page 246; Book 574 at Page 320; Book 877 at Page 272; Book 168 at Page 610 and Book 281 at Page 135. **AND FURTHER EXCEPTING** any portion lying within that parcel contained in Amended Decree in Quiet Title recorded January 9, 2015 at Reception N 1993941.

I, **ROCKY L. MANGINI**, a Professional Land Surveyor in the State of Colorado hereby certify to Fidelity National Title Company that a survey of the land described above was done by me or under my direct responsible charge in August 2015 and complies with the minimum standards for Land Surveys and Plats as set forth in Section 38-51-106 et, seq. C.R.S. 1994 (as amended).

I also certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 6(b), 7(a)(1), 8, 11(a) and 18 of Table thereof. The field work was completed in August 2015.

I also certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 6(b), 7(a)(1), 8, 11(a) and 18 of Table thereof. The field work was completed in August 2015.

ADO REGIS

ROCKY L. MANGINI

PROFESSIONAL LAND SURVEYOR NO. 10000

NOTES:

- 1) A search for recorded rights of way and easements was conducted by the Fidelity National Title Insurance Company, Commitment No. 598-FO516818-320-B1 Amendment No. 3, having an effective date of June 12, 2015 at 7:00 a.m.
- 2) Bearings based on the west line of the NW 1/4 of Section 17, Township 21 South, Range 61 West of the Sixth Principal Meridian, monumented at the corner with a 3 1/4" aluminum cap, P.L.S. No. 38 114 Corner with a 3 1/4" lead surface and monumented at the NW corner with a 2" rebar (30" long) with 1 1/2" aluminum cap, P.L.S. No. 16128 in mound of stones, assumed to bear N 011°17'14"W.
- 3) All distances shown hereon are in U.S. Survey Feet.
- 4) At the time of this survey there was no observed evidence that the site was used as a solid waste dump, pump or sanitary landfill.
- 5) This survey meets the maximum allowable Relative Positional Precision for an ALTA/ACSM Land Title Survey of (0.07 feet/50 parts per million).

PROPERTY MAY BE SUBJECT TO


(Note: Numbered items correspond to the numbered items within the title work prepared Fidelity National Title Company)

- Reservations, if any, set forth in the following Patents, posted in the Bureau of Land Management - General Affairs, Land Record Office:
- Patent No. 59, issued June 18, 1890 to Worsnop Clough;
Patent No. 58, issued June 18, 1890 to Worsnop Clough;
Patent No. 60, issued June 18, 1890 to Worsnop Clough;
Patent No. 5792, issued May 23, 1906 to H. C. Collins;
Patent No. 6605, issued November 3, 1891 to Samuel Cotton;
Patent No. 6595, issued June 1, 1868 to John Kinder, George Gilbert, and George Woodward;
Patent No. 105759, issued December 10, 1867 to Rufus Miller and George F. Norris;
Patent No. 572, issued August 5, 1869 to George F. Norris;
Patent No. 6561, issued November 3, 1891 to William T. Junior Baker;
Patent No. 9063, issued April 5, 1905 to Edwin B. Haver.
9. All rights to any and all minerals, ore and metals of any kind and character, and all coal, asphaltum, oil, and other like substances in or under the land the rights of ingress and egress for the purpose of mining, though enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances, as reserved by the State of Colorado, as evidenced in Deed recorded March 24, 1937, in Book 1212 at Page 210. (As shown on this survey)
10. An easement for irrigation channels, ditches and waterways, and incidental purposes granted to The Highline Canal Company, by the instrument recorded April 13, 1951 in Book 1152 at Page 119. (As shown on this survey)
11. An easement for electrical lines and incidental purposes granted to Southern Colorado Power Company, by the instrument recorded June 15, 1953 in Book 1212 at Page 210. (As shown on this survey)
12. An easement for electrical lines and incidental purposes granted to Southern Colorado Power Company, by the instrument recorded June 15, 1953 in Book 1212 at Page 215. (As shown on this survey)
13. An easement for pipes and/or ditches for irrigation and incidental purposes granted to Elden E. Rogers, by the instrument recorded October 3, 1953 in Book 1280 at Page 167. (Blanket Easement)
14. An easement for communication and other facilities and incidental purposes granted to The Mountain States Telephone and Telegraph Company, by the instrument recorded October 2, 1950 in Book 1204 at Page 152. (Blanket Easement)
15. An undivided one-half (1/2) interest in all oil, gas, and other minerals as reserved by Dismore C. Wyatt and Irene Wyatt, in Deed recorded May 27, 1983 in Book 2158 at Page 92, and any and all assignments thereof or interests therein.
16. Gravel rights, as any particularly set forth therein, as reserved by Ann Caruth as Personal Representative of the Estate of Odie W. Caruth, aka O W Caruth, in Deed recorded October 27, 1993 in Book 2689 at Page 242, and any and all assignments thereof or interests therein.
17. An undivided one-half (1/2) interest in gravel, conveyed to Ann Caruth, by Deed recorded October 27, 1993 in Book 2689 at Page 245, and any and all assignments thereof or interests therein.
18. Gravel rights, as more particularly set forth therein, conveyed to Ann Caruth by Deed, recorded October 27, 1993 in Book 2689 at Page 246, and any and all assignments thereof or interests therein.
19. An easement for pipelines, and incidental purposes granted to Scott E. Cotton and Ann C. Cotton, by the instrument recorded December 27, 1996 in Book 2657 at Page 439. (Blanket Easement)
20. An easement for sub-surface water main(s) and incidental purposes granted to the Orchard Park Water Association, by the instrument recorded March 17, 1997 in Book 2978 at Page 404.
21. An easement for sub-surface water main(s) and incidental purposes granted to the Orchard Park Water Association, by the instrument recorded March 17, 1997 in Book 2978 at Page 407.
- Right of First Refusal recorded March 9, 2006 at Reception No. 1665193.
22. Terms, agreements, provisions, conditions and obligations of a Memorandum of Lease Agreement, executed by Kirkland Construction, LLP, as Lessee(s), for an additional term of fourteen (14) years, recorded June 29, 2007 at Reception No. 1732525.
23. Deed of Conservation Easement recorded December 26, 2007 at Reception No. 1752585 and Amendment recorded September 26, 2008 at Reception No. 1763071.
24. Deed of Conservation Easement recorded December 26, 2007 at Reception No. 1752581 and Amendment recorded September 26, 2008 at Reception No. 1763068.
25. Deed of Conservation Easement recorded December 28, 2007 at Reception No. 1753089.
23. Notice regarding mineral rights recorded March 18, 2014 at Reception No. 1907020.
4. Any limitations on access to and from U. S. Highway 50, from subject property, resulting from the fact that the Colorado Department of Transportation has the authority to establish points of access from said Highway.
5. Increases in the mineral surface of the land, and any adverse claim to any portion of the land which has been created by or caused by accretion or reliction, whether natural or artificial, and the effect of the gain or loss of area by accretion or reliction upon the marketability of the title of the land.
6. Any rights, interest or easements in favor of the United States, the State of Colorado or the Public, which exists or are claimed to exist in and over the present and past bed, banks or waters of the Arkansas River.
37. Deed of Trust from Carl R. Pantalone, to the Public Trustee of Pueblo County for the benefit of The First National Bank of Las Animas, to secure an indebtedness in the principal sum of \$56,675.93, and any other amounts and/or obligations secured thereby, dated April 10, 2000, and recorded April 13, 2000 at Reception No. 1328752.

NOTE: No Full Release of said Deed of Trust appears of record. The Partial Release recorded April 20, 2006 at Reception No. 1671609 purports to release that portion thereof conveyed to Dos Rios Ranch, LLC, in Deed recorded March 8, 2006 at Reception No. 1664851.

NOTICE:

According to C.R.S. 13-80-105, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certificate shown hereon.

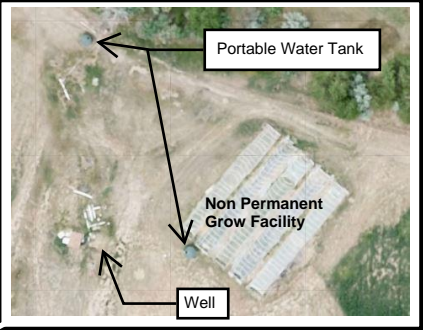
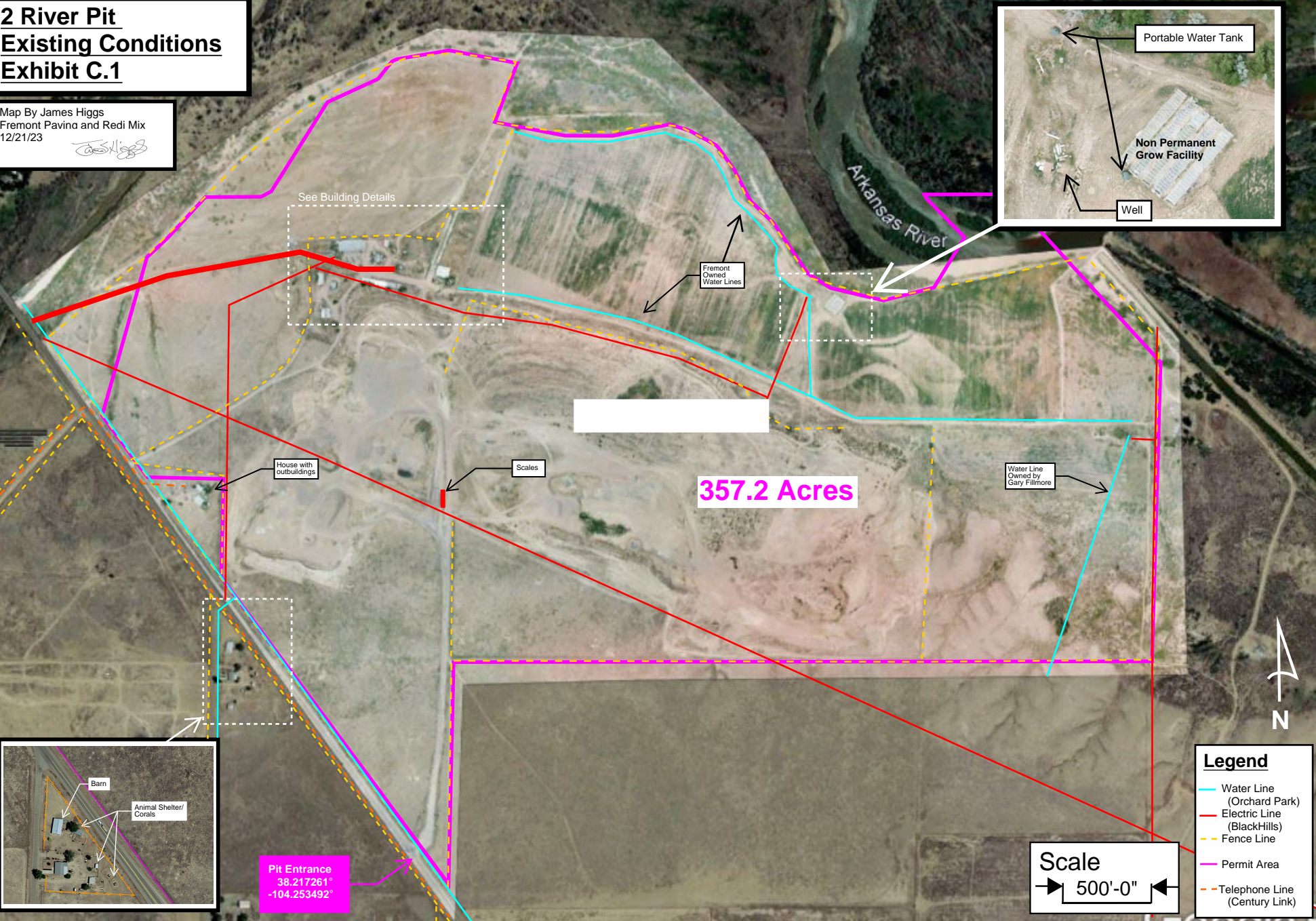
<h1 style="margin: 0;">Mangini & Associates, Inc</h1> <p style="margin: 0;">Professional Engineers and Professional Land Surveyors</p>		
<p style="margin: 0;">P.O. Box 8505 ~ Pueblo, CO</p> <p style="margin: 0;">(719) 544-0865 Fax: (719) 676-2853</p>		
OWNER/TITLE: RANDY SHIPP / HARVEY KRAMER		
JOB DESCRIPTION: ALTA / ACSM SURVEY @ 57935 E. U.S. HWY 50		
DETAILED BY: MAC	DATE: 08/21/2015	
JOB NUMBER: 2015-161	SCALE: 1" = 300'	
FILE NAME: 2015-161	SHEET NO.	
REF. JOB NO.:		1 OF 1

#	DATE	REVISIONS (COMMENTS)	CHECKED BY

Exhibit C

2 River Pit
Existing Conditions
Exhibit C.1

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

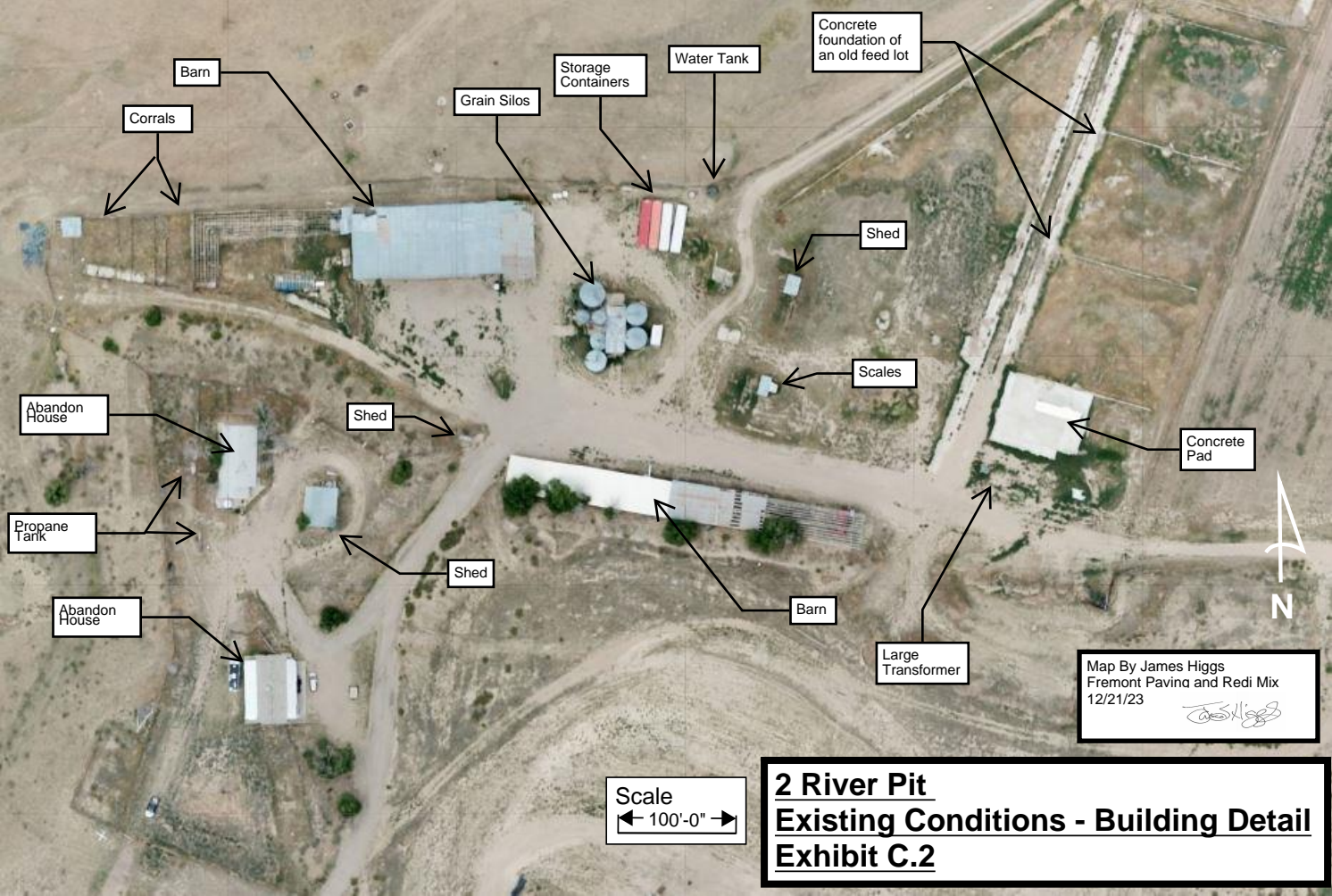



Pit Entrance
38.217261°
-104.253492°

Scale
→ 500'-0" ←

Legend

- Water Line (Orchard Park)
- Electric Line (Black Hills)
- Fence Line
- Permit Area
- Telephone Line (Century Link)



Barn

Corrals

Grain Silos

Storage Containers

Water Tank

Concrete foundation of an old feed lot

Shed

Scales

Concrete Pad

Large Transformer

Barn

Shed

Shed

Abandon House

Propane Tank

Abandon House

Scale
← 100'-0" →

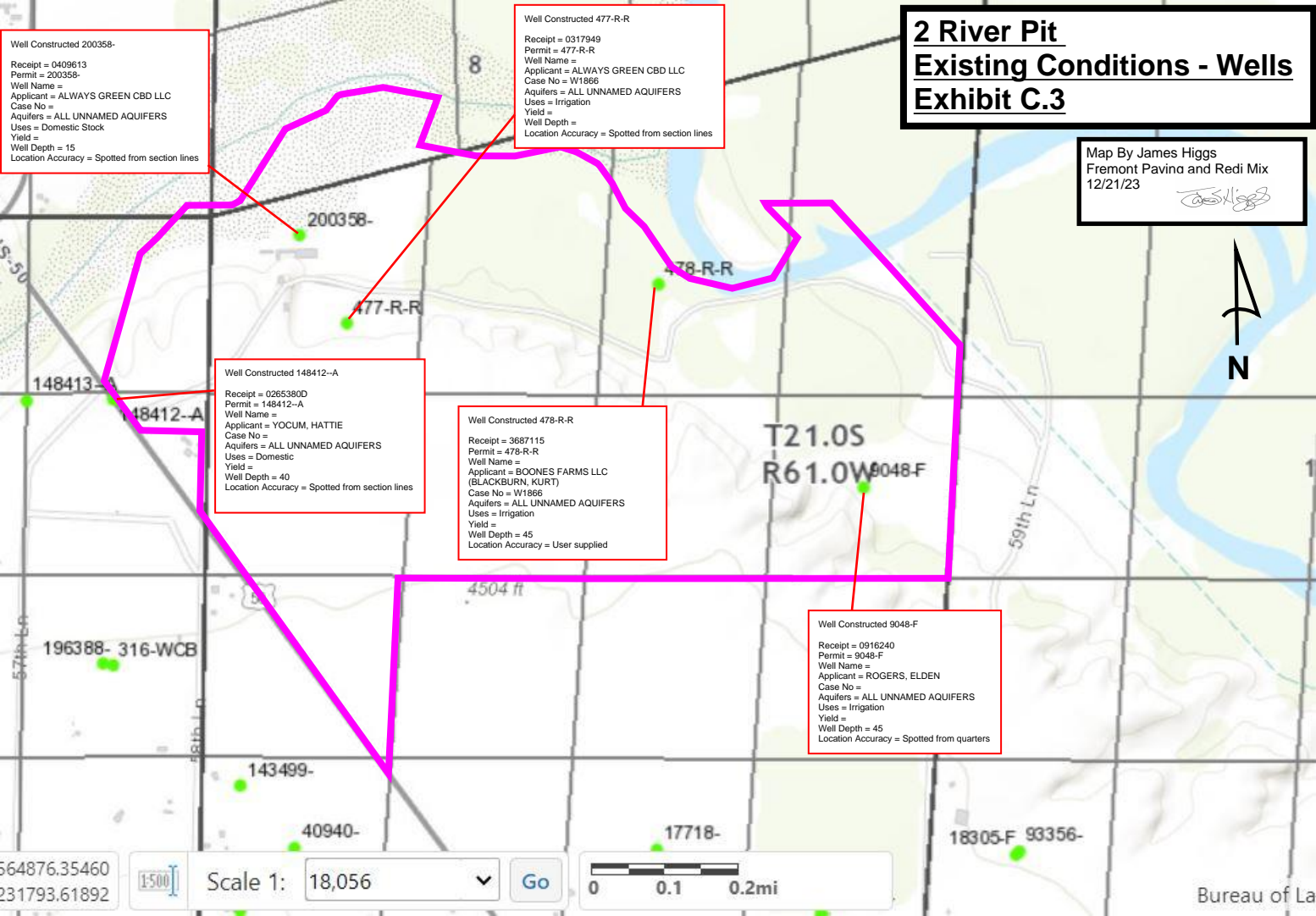


Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

2 River Pit
Existing Conditions - Building Detail
Exhibit C.2

2 River Pit Existing Conditions - Wells Exhibit C.3

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

Well Constructed 200358-
Receipt = 0409613
Permit = 200358-
Well Name =
Applicant = ALWAYS GREEN CBD LLC
Case No =
Aquifers = ALL UNNAMED AQUIFERS
Uses = Domestic Stock
Yield =
Well Depth = 15
Location Accuracy = Spotted from section lines

Well Constructed 477-R-R
Receipt = 0317949
Permit = 477-R-R
Well Name =
Applicant = ALWAYS GREEN CBD LLC
Case No = W1866
Aquifers = ALL UNNAMED AQUIFERS
Uses = Irrigation
Yield =
Well Depth =
Location Accuracy = Spotted from section lines

Well Constructed 148412-A
Receipt = 0265380D
Permit = 148412-A
Well Name =
Applicant = YOCUM, HATTIE
Case No =
Aquifers = ALL UNNAMED AQUIFERS
Uses = Domestic
Yield =
Well Depth = 40
Location Accuracy = Spotted from section lines

Well Constructed 478-R-R
Receipt = 3687115
Permit = 478-R-R
Well Name =
Applicant = BOONES FARMS LLC
(BLACKBURN, KURT)
Case No = W1866
Aquifers = ALL UNNAMED AQUIFERS
Uses = Irrigation
Yield =
Well Depth = 45
Location Accuracy = User supplied

Well Constructed 9048-F
Receipt = 0916240
Permit = 9048-F
Well Name =
Applicant = ROGERS, ELDEN
Case No =
Aquifers = ALL UNNAMED AQUIFERS
Uses = Irrigation
Yield =
Well Depth = 45
Location Accuracy = Spotted from quarters

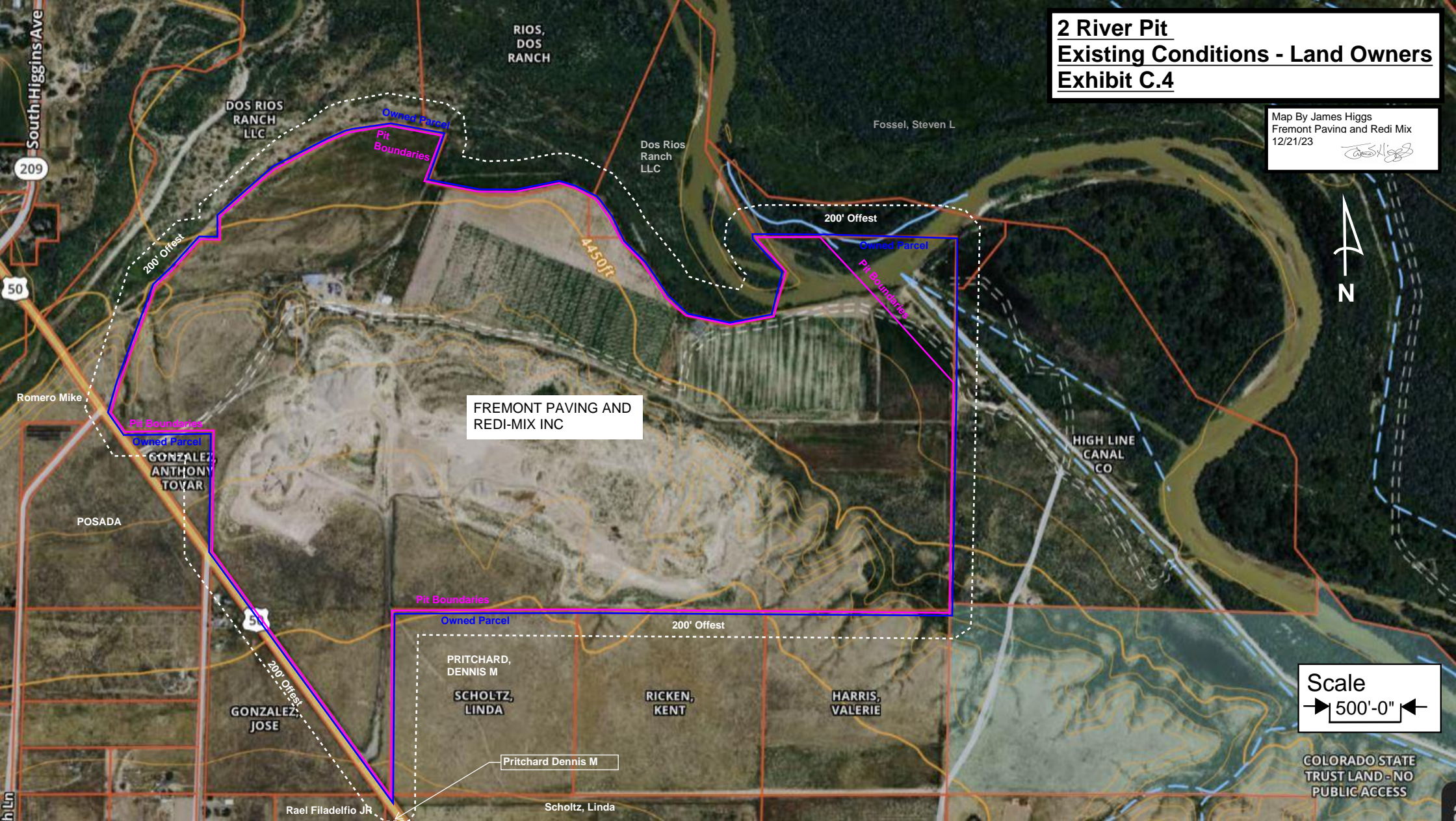
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Scale 1: 18,056
Go

0 0.1 0.2mi

2 River Pit
Existing Conditions - Land Owners
Exhibit C.4

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

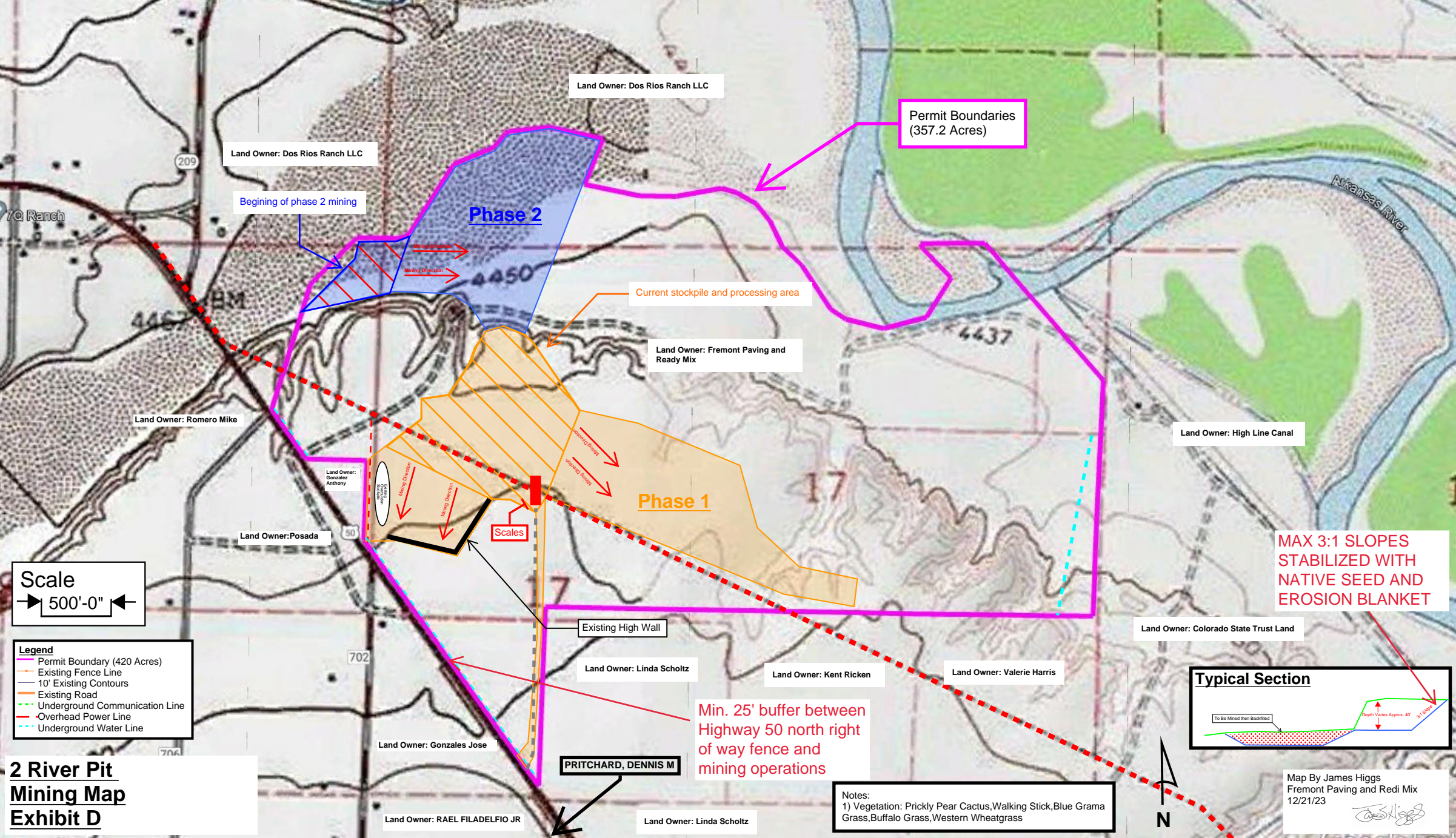



FREMONT PAVING AND
REDI-MIX INC

Scale
→ 500'-0" ←

COLORADO STATE
TRUST LAND - NO
PUBLIC ACCESS

Exhibit D



Land Owner: Dos Rios Ranch LLC

Permit Boundaries
(357.2 Acres)

Land Owner: Dos Rios Ranch LLC

Beginning of phase 2 mining

Phase 2

Current stockpile and processing area

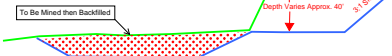
Land Owner: Fremont Paving and
Ready Mix

Land Owner: High Line Canal

MAX 3:1 SLOPES
STABILIZED WITH
NATIVE SEED AND
EROSION BLANKET

Land Owner: Colorado State Trust Land

Typical Section



Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

Notes:
1) Vegetation: Prickly Pear Cactus, Walking Stick, Blue Grama
Grass, Buffalo Grass, Western Wheatgrass

Min. 25' buffer between
Highway 50 north right
of way fence and
mining operations

PRITCHARD, DENNIS M

Land Owner: Linda Scholtz

Land Owner: RAE FILADELFIO JR

Land Owner: Gonzales Jose

Land Owner: Linda Scholtz

Land Owner: Kent Ricken

Land Owner: Valerie Harris

Existing High Wall

Land Owner: Posada

Land Owner:
Gonzales
Anthony

Land Owner: Romero Mike

Scale

500'-0"

Legend

- Permit Boundary (420 Acres)
- Existing Fence Line
- 10' Existing Contours
- Existing Road
- Underground Communication Line
- Overhead Power Line
- Underground Water Line

2 River Pit
Mining Map
Exhibit D

Two Rivers Pit - Phase Map

3/27/24

Map By James Higgs
Fremont Paving and Redi Mix
12/21/23

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Unaffected

Phase 2
34 acres

Phase 4

30 acres

Phase 5
30 acres

Phase 6
30 acres

Phase 7
30 acres

**Settling Pond
(see detail)**

Phase 3

30 acres

Phase 1
(Current Mining Operation)
63.3 acres

Phase 9
34 acres

Phase 8
30 acres

Phase 9
34 acres

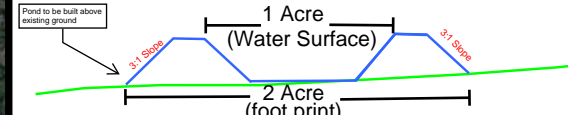
Phase 10
25.6 acres

357.2 Acres

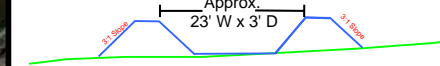
Unaffected

Scale
→ 500

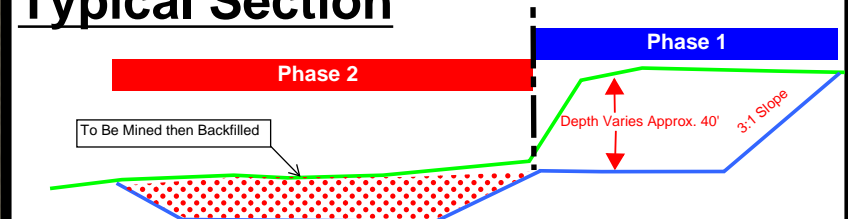
Typical Settling Pond Section



Typical Ditch Section



Typical Section



Notes:

- 1) While mining there will be less than 1,000 ft at all times.
- 2) Phase time table will only driven by what the market bares. This is an estimated 5-10 years per phase.
- 3) Size and location of the dewatering ditch may change do to field conditions and changing needs of the gravel pit.