BURNCO Colorado LLC
10100 Dallas Street
Henderson, CO
80640

Phone: 970 356 7523
burnco.com

November 20, 2024

Nikie Gagnon
Environmental Protection Specialist
DRMS
1313 Sherman Street, Room 215
Denver, CO 80203

Subject: M2000044 N. La Poudre TR2 Adequacy Review1 Response

Dear Ms. Gagnon:

In response to your letter dated October 29, 2024:

1. *Please provide the source of the backfill for this task* (backfill of middle area):

   BURNCO response: The fill will be native material and come from approximately 1,000 ft south of the area to be filled. This source of fill area is within the adjacent mine permit area M1983090. See Figure 1.

2. *Please provide the source of the backfill that was placed in the West mining area, prior to topsoiling and seeding. Based on the information provided in TR-2, please submit a signed Affidavit and Inert Fill Notice to the Division in accordance with Rule 3.1.5(9).*

   BURNCO response: The West mining area was backfilled with native material from the area approximately 1,000 feet south of the backfilled area. Please find attached a signed Affidavit and Inert Fill Notice.

Sincerely,

Joel Bolduc

Joel Bolduc
US Land and Resource Manager
BURNCO Colorado, LLC
Phone: 303-913-6583
Email: joel.bolduc@burnco.com

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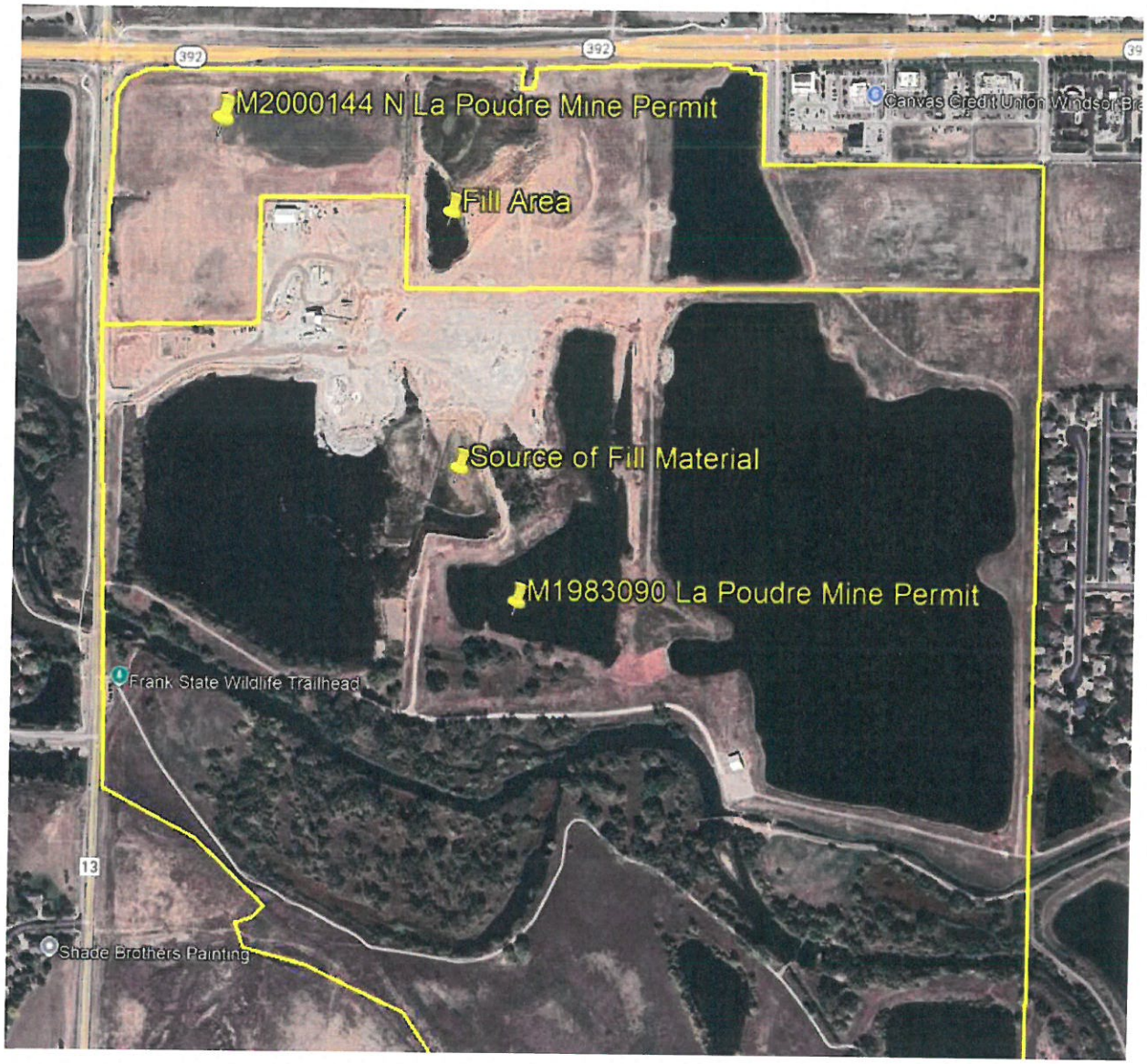
Figure 1



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AFFIDAVIT

Chris Oestreich, as General Manager-Aggregates of BURNCO Colorado LLC, being first duly sworn, deposes and confirms that all fill materials imported to the site known as the North La Poudre Pit (M2000144) are inert material as defined in Mined Land Reclamation Board 2019 Construction Materials Rule 1.1(22) listed below. At no time is material that does not meet this definition imported to the site. Site personnel personally inspect each load and loads that do not meet the definition of inert fill are turned away.

"Inert Material" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty (60) days, masonry, asphalt paving fragments, and other inert solids.

Chris Oestreich

Date: 11/20/24

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

SUBSCRIBED and sworn to before me this 20th, day of November, 2024 by Chris Oestreich, as General Manager-Aggregates of BURNCO Colorado, LLC.

Witness my Hand and Official Seal

My Commission Expires: 10-11-2027

KRISTINA LEIGH KINGSLEY
Notary Public
State of Colorado
Notary ID # 20234038719
My Commission Expires 10-11-2027

Notary Public

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INERT FILL NOTICE – RULE 3.1.5(9)
BURNCO North La Poudre Pit M2000144
November 19, 2024

In order to conduct reclamation of the North La Poudre Pit, inert material will be brought into the site (M2000144) from the adjacent La Poudre Pit (M1983090). The details related to the inert fill are provided below:

(a) a narrative that describes the approximate location of the proposed activity;

Fill activity will occur in the west and middle areas in order to bring the areas back to grade.

(b) the approximate volume of inert material to be backfilled;

Approximately 190,000 cubic yards will be used to backfill the west area and approximately 160,000 cubic yards will be used to backfill the middle area.

(c) a signed affidavit certifying that the material is clean and inert, as defined in Rule 1.1(22);

A signed affidavit certifying the material is clean and inert is attached.

(d) the approximate dates the proposed activity will commence and end, however, such dates shall not be an enforceable condition;

Backfill of the west and middle areas began in 2019 and is expected to be completed in 2025.

(e) an explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use;
(f) and a general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids.

While we take no action to reach a specific compaction rate, the way the material is placed tends to compact it. We run heavy equipment over the filled area during the filling process and the material is compacted as a result. Stabilization of this fill material is not a concern because the material is native sand and gravel "pit run" from the adjacent land. Few voids remain after placement due to the various-sized material and little material that is greater than 3 inches in diameter. Little settling is possible.