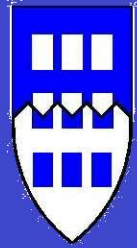


WASTELINE, INC.



Tierra Piedra Gravel Pit Amendment Application

Nathan A. Barton, CE, PE, DEE
JUNE 2025

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Application Form

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

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



CONSTRUCTION MATERIALS LIMITED IMPACT (110) OPERATION RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☒ **There is a File Number Already Assigned to this Operation**
Permit # M - 2009 081 (Please reference the file number currently assigned to this operation)
☐ **New Application (Rule 1.4.5)** ☒ **Amendment Application (Rule 1.10)**
☐ **Conversion Application (Rule 1.11)**
Permit # M - 2009 081 (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Limited Impact (110) Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-J, Exhibit L, Addendum 1, any sections of Exhibit 6.5 and Geotechnical Stability Exhibit, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.5, and 1.6.2(1)(b); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-J, Exhibit L, Addendum 1, and appropriate sections of 6.5 (Geotechnical Stability Exhibit), as required, and a check for the application fee described under (4) below. Exhibits should NOT be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

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

1.	Applicant/operator or company name (name to be used on permit): <u>Tierra Piedra Ranch LLC</u>	
1.1	Type of organization (corporation, partnership, etc.): <u>Colorado Limited Liability Company</u>	
2.	Operation name (pit, mine or site name): <u>Tierra Piedra Gravel Pit</u>	
3.	Permitted acreage (new or existing site):	<u>6.4</u> permitted acres
3.1	Change in acreage (+)	<u>3.39</u> acres
3.2	Total Acreage in Permit Area	<u>9.99</u> acres
4.	Fees:	
4.1	New Application:	<u>\$1258.00</u> application fee
	Amendment Fee (C.R.S. 34-32.5-125(II)):	<u>\$827.00</u> application fee
5.	Primary commodity(ies) to be mined: <u>Gravel Sand Soil</u>	
5.1	Incidental commodity(ies) to be mined: 1. <u> </u> / <u> </u> lbs/Tons/yr 2. <u> </u> / <u> </u> lbs/Tons/yr 3. <u> </u> / <u> </u> lbs/Tons/yr	
	4. <u> </u> / <u> </u> lbs/Tons/yr 5. <u> </u> / <u> </u> lbs/Tons/yr	
5.2	Anticipated end use of primary commodity(ies) to be mined: <u>roadbase and fill material</u>	
	Anticipated end use of incidental commodity(ies) to be mined: <u>NA</u>	

11. Correspondence Information:

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

Contact's Name:	Michael (Mike) or Ryan Clark	Title:	Manager
Company Name:	Tierra Piedra Ranch LLC		
Street/P.O. Box:		P.O. Box:	1959
City:	Arboles		
State:	CO	Zip Code:	81121
Telephone Number:	(970) - 259-5691 or (303) 803-3998		
Fax Number:	(970) - 878-4489		

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name:	Nathan A. Barton	Title:	CE, PE, DEE
Company Name:	WASTELINE, Inc.		
Street/P.O. Box:	PO Box 88	P.O. Box:	88 or 3471
City:	Cortez or Rapid City		
State:	Colorado or South Dakota	Zip Code:	81321 or 57709
Telephone Number:	(970) - 564-1380 or 605-939-0650		
Fax Number:	() - EMail: NABarton@wastelineinc.net		

INSPECTION CONTACT

Contact's Name:	Mike Clark (see above) or Brian Abeln	Title:	Aggregates Manager
Company Name:	Crossfire Aggregate Services, LLC (contractor to TPRLLC)		
Street/P.O. Box:	223 Chickenhawk Lane	P.O. Box:	352
City:	Ignacio		
State:	Colorado	Zip Code:	81137
Telephone Number:	(970) - 560-6757		
Fax Number:	() -		

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency:	NONE		
Street:			
City:			
State:		Zip Code:	
Telephone Number:	() -		

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency:	NONE		
Street:			
City:			
State:		Zip Code:	
Telephone Number:	() -		

7. Name of owner of the subsurface rights of affected land: Tierra Piedra Ranch, LLC

8. Name of owner of the surface of affected land: Tierra Piedra Ranch, LLC

9. Type of mining operation: ☒ Surface ☐ Underground ☐ In-situ

10. Location information: The center of the area where the majority of mining will occur:
COUNTY: ArArchuleta

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

SECTION (write number): S 16

TOWNSHIP (write number and check direction): T 33.0 ☒ North ☐ South

RANGE (write number and check direction): R 5.0 ☐ East ☒ West

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

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

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): 5.8 miles N of Arboles on SH-151 (off Fossett Gulch Road) 6190 feet ASL

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

Latitude/Longitude:

Example: (N) 39° 44' 12.98" (W) 104° 59' 3.87" **Note: the actual primary mine entrance is changing in this application.**

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

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

OR

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

Latitude (N) 37 0.10552 (5 decimal places)

Longitude(W) 107 0.39366 (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13 4398351.2 N

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

Easting 287304

Northing 4109384

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

- | | | |
|---|--|--|
| ☐ Cropland(CR) | ☐ Pastureland(PL) | ☐ General Agriculture(GA) |
| ☐ Rangeland(RL) | ☐ Forestry(FR) | ☐ Wildlife Habitat(WL) |
| ☐ Residential(RS) | ☐ Recreation(RC) | ☐ Industrial/Commercial(IC) |
| ☒ Developed Water Resources(WR) | | ☐ Solid Waste Disposal(WD) |

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

- | | | |
|---|--|--|
| ☐ Cropland(CR) | ☒ Pastureland(PL) Irrigated | ☐ General Agriculture(GA) |
| ☐ Rangeland(RL) | ☐ Forestry(FR) | ☐ Wildlife Habitat(WL) |
| ☐ Residential(RS) | ☐ Recreation(RC) | ☐ Industrial/Commercial(IC) |
| ☐ Developed Water Resources (WR) | | ☐ Mining (MN) |

14. If this operation will use designated chemicals, or will result, or presently has acid mine drainage - you cannot use this application form. You must submit either a 110d or 112d application form for Designated Mining Operations. In either case, you must list any acidic or toxic-forming materials, exposed or disturbed as a result of the mining operation, and whether the operation will result in or presently has acid mine drainage:

Operation will not use designated chemicals or produce acid mine drainage

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

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

Expansion of area to be mined, and including areas to be reclaimed to meet current DRMS standards for protection of floodplains and water resources, and change access point.

Maps & Exhibits:

Submit two (2) complete, unbound copies of the following application exhibits:

- | | |
|-------------|---|
| 6.3.1 | EXHIBIT A - Legal Description and Location Map |
| 6.3.2 | EXHIBIT B - Site Description |
| 6.3.3 | EXHIBIT C - Mining Plan |
| 6.3.4 | EXHIBIT D - Reclamation Plan |
| 6.3.5 | EXHIBIT E - Maps, to include the location of any recorded easements |
| 6.3.6 | EXHIBIT F - List of Other Permits and Licenses Required |
| 6.3.7 | EXHIBIT G - Source of Legal Right-to-Enter |
| 6.3.8 | EXHIBIT H - Municipalities Within a Two-mile Radius |
| 6.3.9 | EXHIBIT I - Proof of Filing with County Clerk |
| 6.3.10 | EXHIBIT J - Proof of Mailing Notices of Permit Application |
| 6.3.12 | EXHIBIT L - Permanent Man-Made Structures |
| 1.6.2(1)(b) | ADDENDUM 1 - Notice Requirements (sample enclosed) |
| 6.5 | Geotechnical Stability Exhibit (as required) |

Responsibilities as a Permittee:

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

- MB
1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;
 - MB
 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
 - MB
 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
 - MB
 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
 - MB
 5. It is your responsibility to notify the Office of any changes in your address or phone number;
 - MB
 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
 - a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
 - MB
 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance;
 - MB
 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Mineral Rules and Regulations in effect at the time the permit is issued.
 - MB
 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
 - MB
 10. For joint venture/partnership permittee: the signing representative is authorized to sign when document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

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

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

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

Certification:

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

1. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII).
2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.). (NOTE: For 110 operations, the affected area includes all lands delineated by the permit boundary.)
3. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.).
4. As the applicant/operator, I do not have any mining/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.).
5. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S. 1984.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-110, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this _____ day of June, 2025

Tierra Piedra Ranch, LLC

Applicant/Operator

If Corporation Attest (Seal)

Signed: 

Signed: _____

Corporate Secretary or Equivalent

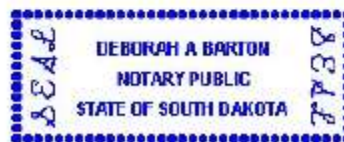
Title: Authorized Representative

Town/City/County Clerk

State of South Dakota

County of Pennington ss.

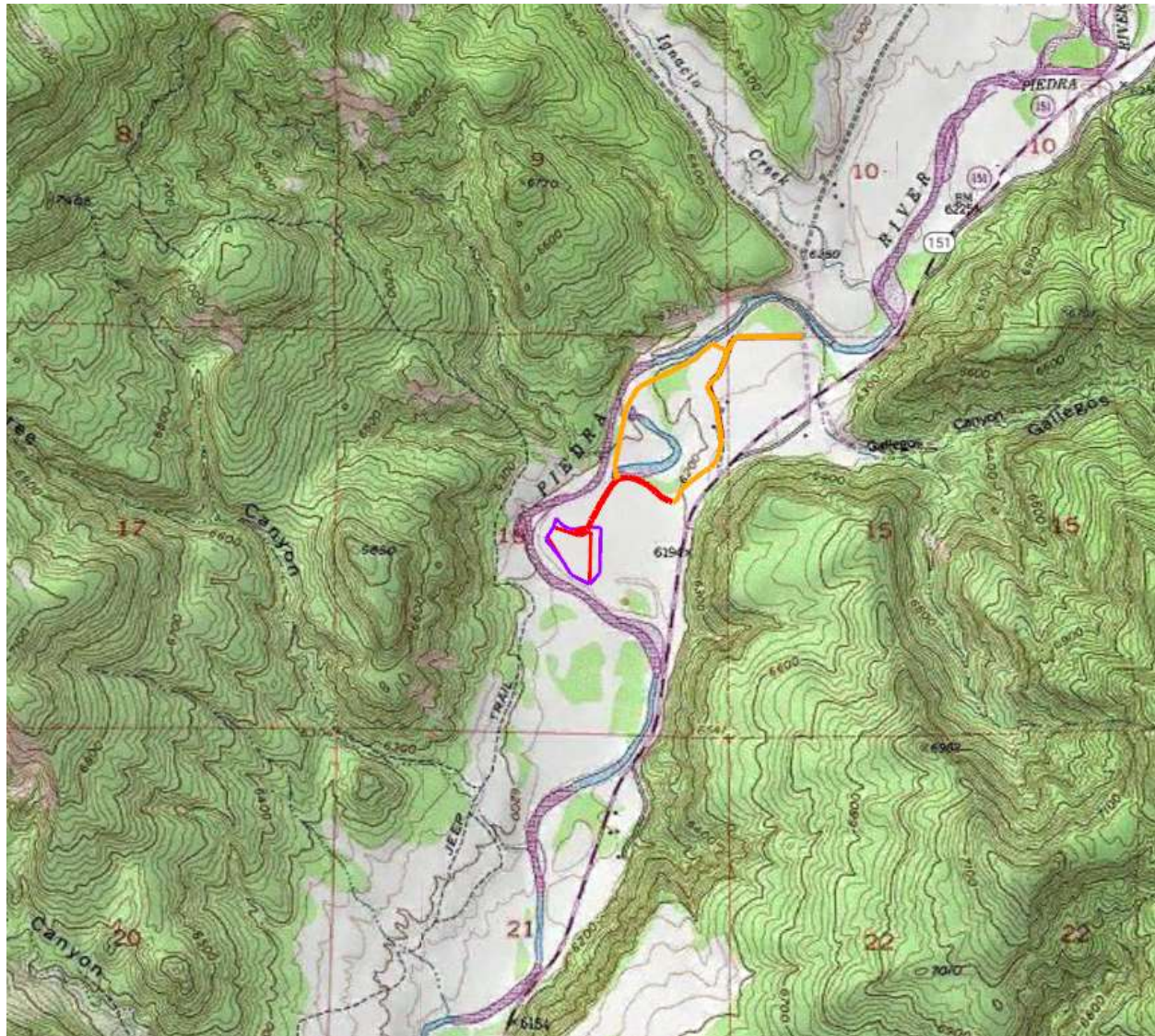
The foregoing instrument was acknowledged before me this _____ day of June, 2025, by Nathan A. Barton as Authorized Representative of Tierra Piedra Ranch, LLC




Notary Public Deborah A. Barton
My Commission expires: 15 December 2026

SIGNATURES MUST BE IN BLUE INK

EXHIBIT A LEGAL DESCRIPTION AND LOCATION MAP



USGS Piedra Peak Quadrangle ↑North

Current 6.4-acre area in red (including access road); proposed 9.99-acre area in purple (including access road), orange are ranch roads used to access Fossett Gulch Road and SH-151. Note: course of river has changed since mapping.

New Legal Description: Starting 3,309 feet at a bearing of N30.03°W from the SE ¼ of Section 16, T33N, R5W, Archuleta County, State of Colorado, and 206 feet at a bearing of N70°E from the NE corner of the original 110c permit boundary: Thence 245.6 feet S 0° W, thence 146.7 feet S 10° W, thence along an arc described as 316.6 feet with a radius of 292.2 feet Δ 62° and a chord of 316.3 feet at a bearing of N 51° W; thence 137.7 feet S 10° W; thence 144.0 feet S 32° W; thence 47.1 feet S 32° W; thence 268.9 feet S 50° E; thence 286.4 feet S 59° E; thence 280.7 feet S 63° E; thence 299.6 feet N 39° E; thence 505.5 feet N 2° E to the point of beginning; a parcel of 9.25 acres more or less.

Access road *Note: legal description not stated in 2009-2010 application: A right-of-way 20.0 feet wide centered on a line beginning at a point on the original permit boundary 206.2 feet S 70° E from the above point of beginning, thence an arc of 320.63 feet (R 490.85 feet, Δ 37°, Chord 314.96 feet N 19° E), thence 374.48 feet N 30° E, then an arc of 303.34 feet (R 217.30 feet, 80°, Chord 279.30 feet N 60° E), then an arc of 311.09 feet (R 661.25 feet, 27°, Chord 308.22 feet S ° 47E), thence 187.61 feet S 43° E, thence an arc of 215.65 feet (R 666.02 feet, 19°, Chord 214.70 feet S 63° E) to intersection with pre-2010 ranch road, a total of 0.780 acres of which 0.034 acres is located within the new boundaries, resulting in a total area of 0.746 acres more or less.

Total new permit area of 9.99 acres more or less, all located within Archuleta County Parcel 5959-161-00011, owner Tierra Piedra Ranch LLC, a Colorado limited liability company, and a postal/street address of 11501 A State Highway 151, Pagosa Springs, Colorado 81147, a fee parcel located within the exterior boundaries of the Southern Ute Indian Reservation.

Access to the site is via State Highway 151, on Fosset Gulch Road (aka County Road 193 and US Forest Service Road 613) at MP 22.69L, thence north for 0.16 miles and turn right into the Tierra Piedra Ranch, thence along that road generally SW 0.8 miles to the Pit. Pit elevation approximately 6200 feet above sea level.

See Attachment 1 for current and proposed (old and new) permit boundaries.

NOTES:

1. A separate request for release of the present access road as existing since 2010 is planned. This is a permanent road as decided by the landowner.
2. The road presently used for access to the pit is also a permanent road as decided by the landowner and also used to access fields and the river and other ranch and oil and gas operations. It is not included in the proposed expansion to 9.9 acres as it was constructed for ranch operations.
3. See Mining Plan (Exhibit C) for additional information.

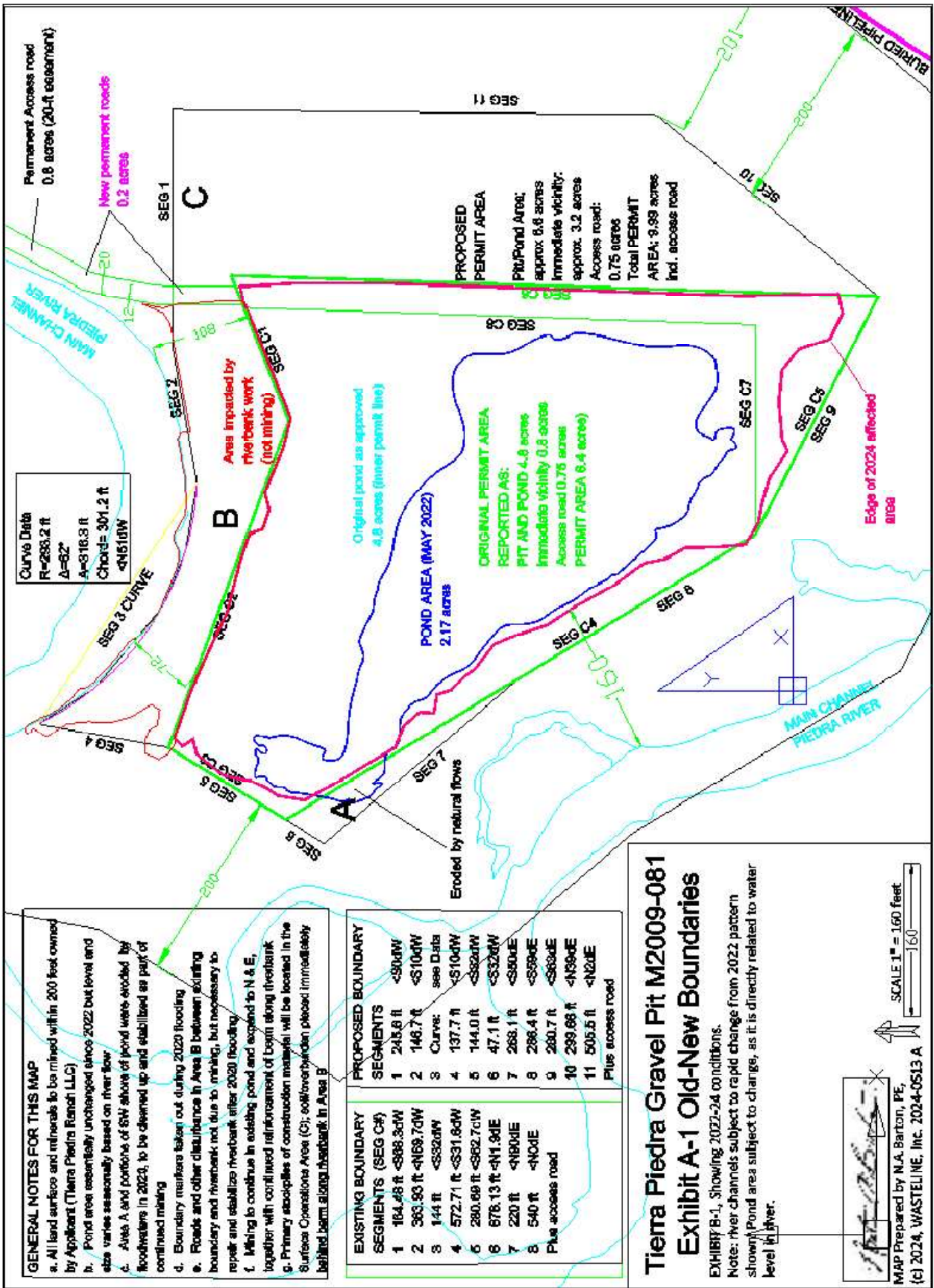


EXHIBIT B SITE DESCRIPTION

Task: Describe the site of the existing pit and proposed expansion

Conditions: Given operations since 2010 (14 years) and expansion to incorporate areas immediately adjacent to the existing (2024) pit pond, need to improve bank protection, and additional mining of the current irrigated alfalfa field, based on the existing Exhibit B. Site Description (Revised) of 07 JAN 2010.

Standards: in compliance with the CRS 34-J32.5-110, DRMS Mineral Rules and Regulations for the Extraction of Construction Materials, Sections 1.4.2 and 1.8.2, Floodplain Protection Standards (February 2024), and instructions for the 110c permit application, to include changes in the site since 2010, and create a standalone document that does not require referring to the 2010 Exhibit B.

NOTE: *This exhibit entirely replaces the 2010 Exhibit B except for the NRCS soils map and description.*

1. **General:** The site is in the valley floor of the Piedra River about six miles north of Navajo Lake. It is located inside a meander of the river. It includes multiple filled channels. It spawned/absorbed several channels and created/removed a series of sand bars (islands) which frequently change. Prior to 2009, there was a small pit in what is now the SE corner of the existing pond. It is located on a working cattle ranch which also has extensive oil and gas development. The operation is about 10-1/2 miles S of SH-151's junction with SH-160 (16 miles W of Pagosa Springs) and is on fee land within the exterior boundaries of the Southern Ute Indian Reservation (SUIR).
2. **Site history:** The application for the current 6.4-acre 110c was made in 2009 and approved in 2010, and mining began that year, and has continued intermittently since then, primarily to furnish construction materials for a sister company (Petrox Resources, LLC) of Tierra Piedra Ranch LLC and for the ranch itself. More recently, materials are being supplied to the general market as well as to oil and gas development on Fosset Gulch Road. The river at this point and immediately downstream changes direction several times and is very volatile. It has changed both primary and secondary channels often in historic periods (since 1877) and in the past decade, as seen in mapping and photos. Since 2010, and especially since the last topographic mapping of the area available, the river moved significantly. Flooding in 2020 covered the entire current site and flooding in 2023 covered portions of the site, which is completely located within the FEMA delineated 100-year floodplain. Floodwaters changed the pit pond shoreline in several places and deposited fresh sediment and vegetation in the pond. This required repair work inside the current permit area and significant riverbank stabilization work outside the permit area and consumed some of the material from the pit which otherwise would have been shipped out for other use. Following the 2023 flooding, minor maintenance and restoration work was carried out to protect against river capture. The disturbed areas between the permit boundary and the riverbank to the north are clearly visible on aerial photographs, including the trafficways used for that work in 2020-21 and 2023. Part of that area has been used incorrectly by truck drivers getting materials. Actions have been taken to enforce controls to prevent that. At present, the Landowner/Operator contracts with Crossfire Aggregate Services LLC to excavate, process, and haul from the site, as well as associated maintenance and repair. 3,000 tons of construction material (processed) is reserved for ranch use (on-site at) all times. At present, the pit (and therefore the pond) is has not reached the full extents as proposed in the 2009-2010 application exhibits.
3. **Terrain:** The current and expanded site is in the bottomlands of the Piedra River, and (except for mined areas) is flat to very flat (0-1%). The river's meanders are limited by the

valley side to the W and NW of the site (west bank of river), and by the roadbed of SH-151 to the east about 1000 feet. The original ground level in and around the existing and proposed site ranges from just above the ordinary high-water mark and three to four feet above the OHWM. Most of the proposed increase in the permit area is further away from the river and slightly higher in elevation.

The original permit as approved, had setbacks of 79.5 feet between the pit/pond (top of slope) and the river on the north side of the permit area, and 89.4 feet on the south side of the permit area. The 2022 aerial photography appears to demonstrate that these setbacks are being preserved: as of May 2024, the final planned top of slope/pond shoreline is not at the final, approved north edge of the permit boundary.

4. **Deposit and Soils:** Deposit of material suitable to process to produce construction material estimated at 30 feet deep (to bedrock). (Based on past mining and nearby pits.)

Soils: Steimer loam on W portion of site; Fluvaquents in E portion (including most of expansion area). Topsoil depth (A horizon) approximately 6-10 inches. Overburden up to 2.5 feet deep; entire profile, though loam, has large pockets of sand and various larger particles from 1" - to boulder size. See original NRCS soils map and description from 2009/2010 application exhibits. Based on past mining in the vicinity (on site and downstream in particular) and oil and gas exploration and production (including installation of feeder pipelines), the entire deposit is highly variable and contains many lenses of materials varying from pure silt (generally considered as overburden) to fine graded sand to gravel throughout the full profile.

Existing affected areas: Pond has not been mined to planned depth (up to 30 feet or to bedrock if shallower) due to geometry not allowing maintenance of required 3H:1V slopes to required depth. Note that area to the N of the present permit area was disturbed not by mining operations but in order to repair, stabilize and armor the riverbank from flood damage and against future erosion during periods of high water and flooding. Current depth ranges from 5 feet to 25 feet and seems to average about 12-15 feet.

The access road was designated as being 0.8 acre (34,848 square feet) in area, with a stated effected area 20 feet wide and a driving surface of 10-12 feet in width. However, the original application mistakenly stated a length of 1,742 feet. The present roadway (per Google Earth and Archuleta County GIS) is actually 1,625 feet long, and varies in width from 10-16 feet with 1- to 2-foot ditches on one or both sides, and appears to be within the 20-foot permitted width for a total of 0.75 acres (32,500 SF). This was rounded to 0.8 acres in the original application, as part of the 6.4 acres total. A portion of trafficways for maintaining the riverbank have been used inappropriately by truckdrivers going to/from the site, and this is being enforced more strictly at present.

5. **Vegetation:** The bulk of the expanded project area is an irrigated alfalfa field, most of the rest is the repaired and maintained riverbank north of the current permit area, which has a mix of bare ground and annual, volunteer vegetation. NRCS continues to classify all lands within the Project Area as River Bottom by vegetation. The vegetation is also classified as "Rocky Mountain Lower Montane Riparian Woodland and Shrubland." The area immediately around and on the south and west fringes of the existing permit area is a typical riverine plant association (sub-irrigated by the alluvial aquifer) including various trees, shrubs, brush, grasses and reeds. The expansion areas to the north and east are cultivated and irrigated with alfalfa and grasses. Dominant trees may include box elder, narrowleaf cottonwood, balsam cottonwood, plains cottonwood, Fremont cottonwood, Douglas-fir, blue spruce, peachleaf willow, or Rocky

Mountain juniper. Dominant shrubs include Rocky Mountain maple, speckled alder, water birch, red-osier dogwood, river hawthorn, desert olive, chokecherry, skunkbush sumak, park willow, Drummond's willow, coyote willow, bluestem willow, shining willow, silver buffaloberry, or snowberry. Common grass species include Indian ricegrass, blue grama, thickspike wheatgrass, Idaho fescue, needle-and-thread, Great Basin wildrye, galleta, western wheatgrass, Sandberg bluegrass, and blue bunch wheatgrass. Sagebrush and scattered oak shrublands are common in the area but not located on the site. Most of the site has had native species removed and converted to a monoculture alfalfa field. Weeds are present in small patches but controlled in cooperation with the County.

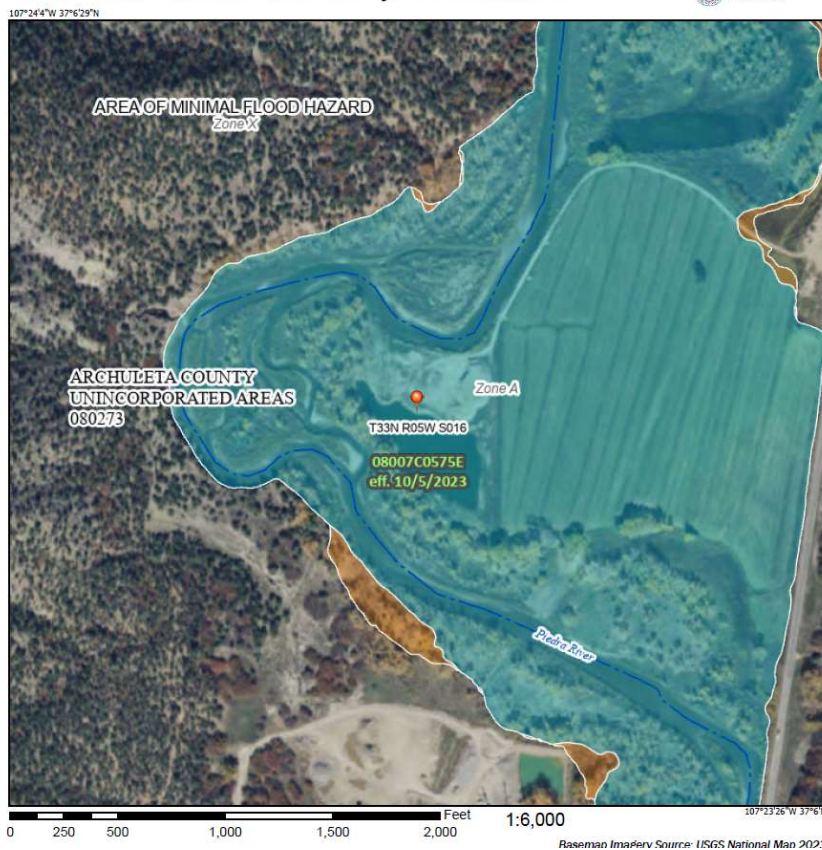
6. **Wildlife and livestock:** Land is used mainly for livestock grazing and haying, including the irrigated alfalfa and riverine woodlands in and around the project area. Wildlife is abundant in the area, including elk, mule deer, turkey, and many non-game species. The existing pond has been colonized by fish from the Piedra River due to natural processes (e.g., birds of prey dropping fish into the water, and because of flooding).

7. **Water and drainage**

- a. The Piedra Watershed (HUC 14080102) covers an area of approximately 562 square miles. The watershed is characterized by steep mountainous terrain and is heavily influenced by snowpack accumulation, which typically peaks in March and April. The watershed provides important surface water resources for irrigation, domestic use, and recreation. The main reservoir in the watershed is the Navajo Reservoir (downstream from the site), which is used for water storage and hydroelectric power generation.
The water quality of the watershed is generally good, with some concerns about sedimentation and nutrient loading. In recent years, the area has experienced warmer temperatures and changes in precipitation patterns, which have contributed to reduced snowpack and earlier snowmelt. These trends may have significant implications for water availability and management in the future.
- b. The Piedra River flows south and around the Project Area. The Landowner has Piedra River water rights of 5 CFS (3.23 million gallons/day (MGD)). Any water used from the river for mining purposes will be metered to ensure compliance.
Surface water run-on infiltrates into the alluvial deposits around the pit and flows into the Piedra River as ground water (subsurface flow).
The only potential discharge from the site is to the Piedra River, generally (except for flood events) only through groundwater. The pit/pond is in the alluvial aquifer so is connected hydraulically to the river.
- c. Existing water quality has not been assessed for this stretch of the Piedra River except for limited data (see Attachment 1 to this exhibit and data at EPA [REGION: 9 \(fortlewis.edu\)](https://www.epa.gov/region9)). The depth of the static water table is about up to 25' to 35' below the surface (based upon information on water wells in the area (provided by Division of Water Resources)) but lags and changes seasonally. Per USGS National Water Information System, the annual average water discharge for the Piedra River into Navajo Lake at Arboles (between 1963 and 2023) ranges from a low of 53.5 cfs in 2002 to a high of 822.2 cfs in 1979. In 2023, it was 476 cfs (waterdata.usgs.gov). It is anticipated that the water level of the Reclaimed Pond will seasonally range from 0' to 3' from the top of slope. The pond will not impound water, as it is incised but the lag may cause the pond water level to briefly be higher than the river.
- d. The existing pond (result of mining from 2010 to 2024) has an average surface area of approximately 2.2 acres and appears to currently have an average depth of 15 feet, with 3H:1V slopes below the ordinary high-water mark (OHWM) and slopes of 0-5% above that OHWM.

There are many shallower areas due to sediment from flooding of the river. There is also a definite lag between the river and the pond.

- e. Groundwater: The pond is permitted by the State Engineer (69124-F) for the exposure of groundwater, and is in the Piedra alluvial aquifer, with an anticipated depth of approximately 30 feet. The nearest registered well is 1600 feet to the ENE (74593-F) and is identified as "Industrial Irrigation" (oil and gas), 2600 feet deep into the Fruitland-Pictured Cliffs formation and belongs to Petrox Resources Inc., a sister company of Tierra Piedra Ranch LLC.
8. Air quality and weather: Air quality in the area is good to excellent. SW winds may carry significant dust from desert areas, but the Site is in the lee for those and NW winter storm winds. Prevailing winds are from the WSW and average 3 mph, up the valley, so dust generated by traffic or other operations will be more likely to be deposited in the wooded areas upstream along the river and on the ranchstead, than downstream at lower elevations.
9. Surrounding area: The Site and the entire area around it are owned by the Tierra Piedra Ranch LLC. This includes both the valley floor and valley sides. The nearest property under other ownership is the Lob Lolly Pit 600 feet to the south (and across the river) owned by Steve and Joyce Wright through the Arboles Sand & Stone LLC, and Southern Ute Tribal (trust) lands to the W, N, and E, 1,500 feet to the W being the closest point. The Right-of-Way for State Highway 151 is located 900 feet to the E. The nearest residence is the Tierra Piedra Ranch ranchstead 2600 feet at N35.7°E. Next nearest is 3100 feet S8.7°W. SH-151 is 1000 feet to the E and crosswind.
10. Roads and other manmade structures (See maps, Exhibit E):
 - a. A gas wellpad (Mildred Wright #IR, owner/operator Petrox Resources) is adjacent to the end of the access road, where it links to a pre-mining ranch road through the wellpad. The access onto SH-151 near this wellpad is not permitted by CDOT for pit use.
 - b. Another road was constructed to the north of the permitted access road to provide better access to the wellpad and cropland without going past the main house.
 - c. A Red Cedar Gathering pipeline crosses the alfalfa field from S to NNW and just over 200 feet of the proposed boundary/affected area.
 - d. Earthen/rock armoring and berm is located along a portion of the near streambank of the Piedra to the north of the current and new boundaries, which belongs to the Tierra Piedra Ranch LLC, is in the proposed boundary/affected area.
 - e. The former fence along the old eastern boundary of the pit was partially removed by the Landowner; it will not be replaced. The dilapidated fence located on the southwest edge of the current permit boundary was removed and will not be replaced.
 - f. Although outside the 200-foot zone, the nearest residence is located 2300 feet S10°W. An additional wellpad (also owned by Petrox Resources) is located 1600 feet S45°W.
 - g. The access and other roads to the N and E of the Site are to be permanent features; several roads between the current boundary and the riverbank used/maintained to construct and maintain the armoring/berm are also to be permanent features meeting County requirements.
11. Zoning and land use: The entire property is zoned Agriculture-Ranching. Private property to the south is zoned Industrial and is approved and used for sand and gravel mining. The Site was approved in 2009 by Archuleta County for mining.
12. This site is located within the external boundaries of the Southern Ute Indian Reservation and therefore subject to Tribal jurisdiction. This site is located on fee land (not tribal trust land). DRMS has jurisdiction but other State agencies (example CDPHE for stormwater and air quality) do not: the Tribe or Federal agencies (such as EPA and BIA) have jurisdiction on matters such as hazardous materials, solid wastes, air and water quality.

[illegible]

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With SFE or Depth (Zone AE, AO, AH, VE, AR)
OTHER AREAS OF FLOOD HAZARD		Regulatory Floodway
		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
		Future conditions 1% Annual Chance Flood Hazard
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
OTHER AREAS		Area with Flood Risk due to Levee
		Area of Minimal Flood Hazard
GENERAL STRUCTURES		Effective LOMRS
		Area of Undetermined Flood Hazard
OTHER FEATURES		Channel, culvert, or Storm Sewer
		Levee, Dike, or Floodwall
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/23/2024 at 5:58 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Exhibits for Amendment Application to 110c M-2009-081 Tierra Piedra Gravel Pit 21 JUN 2025 Page 18

Attachment 2 to Exhibit B. Soils and Floodplain

From FEMA Flood Insurance Rate Map and USDA-NRCS Archuleta County Web Soil Survey

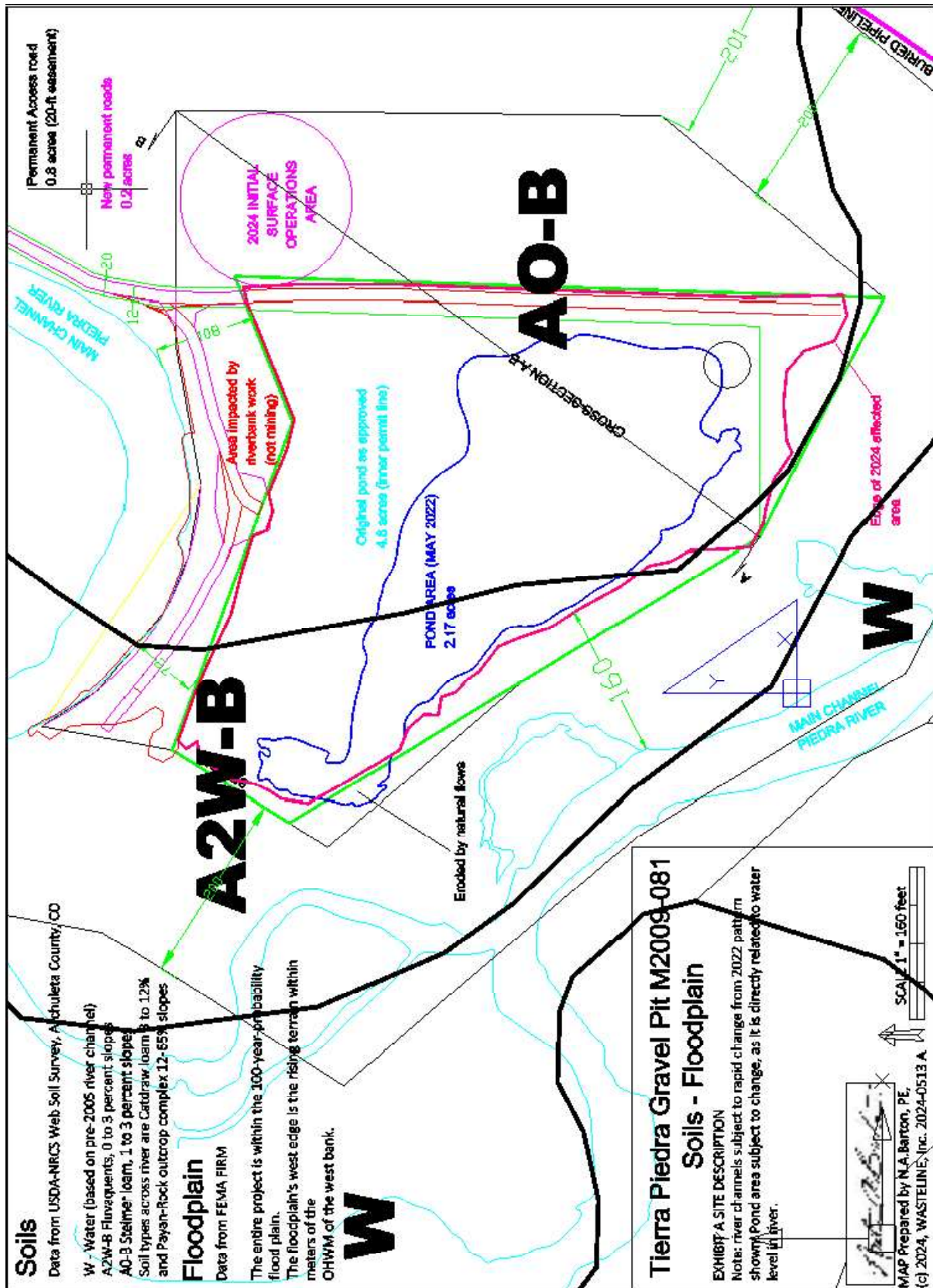


EXHIBIT C MINING PLAN

Task: Specify actions for extracting and processing soil and pitrun construction materials.

Conditions: Given past extraction and processing operations and site limits,

Standards: In compliance with good practices and restrictions of County and State regulations (including but not limited to CRS 34-32.5-103, DRMS MR&R), to safely and in an environmentally-sound manner, preserve soil for use off-site and on-site for reclamation, remove and dispose of any overburden, and excavate, process, and transport pit-run sand and gravel for shipment off-site as construction materials. This exhibit replaces the 2010 Exhibit C.

1. General: Continue mining in the same general manner as done 2010 to 2025. Mining has been underway intermittently since 2010 and will likely continue to be intermittent and seasonal. Pursuant to Section 34-32.5-103(11)(b), C.R.S., operations at this gravel pit will resume within at least one year from a date of temporary cessation. Gravel pit operations are likely to be done on-site less than 180 days/year. Bottom of mineable material estimated at 30 feet below surface. No toxic or water-priority chemicals or materials will be produced or released by mining.
2. Mark new boundaries with t-posts or delineator posts. Do not depend on lathe.
3. Measure, document, and preserve setback from the riverbank and other features. Maintain an adequate setback between the edge of the permit boundary and the gravel pit to provide safe surface access (by foot or vehicle) for armoring (where needed), inspection, maintenance, equipment, etc.
4. Grub as necessary (minimal needed, as little of the area is still wooded or in brush).
5. Use existing ranch roads and haul road as constructed in 2010 and modified since then, in accordance with Archuleta County standards for routine and emergency access.
6. Establish Surface Operations Area initially on NE corner of original permit, by removing soil and overburden and installing surface water BMP. Plan, design, install, and maintain surface water management plan (SWMP) BMP. See Mining Map, Exhibit E.
7. Strip, protect and preserve soil and overburden, suitable as a plant growth medium, to an estimated depth of 2.5 feet. Strip soil and overburden in stages as mining progresses. Stockpile sufficient soil for reclamation outside ponds as shown in Exhibit E (Mining Plan Map), including additional reinforcement of riverbank on N side of Site. Compact stockpiles, with slopes of 2:1 or flatter and vegetate; install suitable water BMP to protect material. Immediately remove most soil to other locations on the ranch to be used in soil improvement projects. Move overburden encountered to the area immediately inside the riverbank on the north edge of the permit area to reinforce riverbank protection.
8. Process overburden and soil (as necessary) in the stratum up to 2.5 feet deep to recover sand and remove 2-inch-plus material for construction materials. Do not create stockpiles of waste rock: separate boulders for use and sale in landscaping and traffic and erosion/riverbank control. Use dozers, loaders, and/or scrapers.
9. Excavate pit-run material to estimated depth of 30 feet below surface using front-end loaders when dry and backhoes/tracks (excavators) from shore to work when wet. Material removed by 'hoes will be transported to processing plant by loaders. Draglines not proposed: no drilling and blasting to be done. Leave exterior working faces at 3H:1V slopes.
10. Locate processing equipment (portable crushing/screening and washing trains) in Surface Operations Area, moving to the S along the new E boundary to minimize

loader haul distances and allow mining of older Surface Operations Area.

11. Do not install offices or buildings. Perform fueling and maintenance in prepared portions of Surface Operations Area with compacted gravel pad, secondary containment, and drainage control BMP to prevent infiltration or surface discharge.
12. During excavation, expand pond from current 2.2 acres to approximately 6.8 acres, and deepen as allowed by geometry while maintaining 3H:1V slopes above the ordinary high watermark to 10 feet below.
13. During excavation, processing, and shipping construction material from the site, continue to maintain and improve the protective berm along the riverbank and associated storm water BMP. Ensure that the berm is not steeper than 2.5H:1V on the riverbank, and 4H:1V on outer edge. Install, maintain, and remove temporary BMP to prevent uncontrolled runoff and sedimentation of the pond, as well as off-site. (See Item 30 below and Exhibit E.)
14. During excavation, excavate in pond and expand pond by mining material to the N and E (see Mining Map, Exhibit E). Improve banks and slopes of SW pond shoreline.
15. Operate processing equipment intermittently in campaigns of limited time, based on customer and project demand and availability of equipment. All equipment will be portable and/or mobile and is used at other sites or stored at its homebase.
16. Remove all equipment during periods when high water in the Piedra River is expected. Note: all equipment has its own State/Tribal/Federal permitting and registrations. There is no chemical treatment of products.
17. Remove equipment from site to other locations for all maintenance beyond daily/weekly maintenance and repair.
18. If necessary, based on scheduling and demand, place stockpiles of pitrun and processed construction materials in the Surface Operations Areas and other portions of the site. Such stockpiles will have necessary surface water BMP and air emissions BMP. These temporary piles will generally remain in place for less than 3-4 months.
19. Maintain internal slopes $\geq$ (flatter than) 2H:1V and exterior slopes $\geq$ 3H:1V.
20. While working faces may on occasion be steeper during actual periods of excavation and processing, ensure the above slopes exist before loaders and 'hoes leave the site at the end of the campaign.
21. Maintain internal, temporary roads on the site with a minimum traveled width of 10 feet, and a surface of minimum 6 inches of CDOT Class 4 or RAP, have curve horizontal radii of not less than 30 feet, and with a minimum end of road turning radius of 54 feet. Maintain access road 12-16 feet traveled width. This is necessary to meet Archuleta County standards and for emergency response vehicles (non-4WD, fire and medical service).
22. Accept clean materials for backfill/stabilization, in accordance with DRMS rules including broken Portland and asphaltic cement concrete and borrow materials.
23. Control noxious plants (weeds) in accordance with DRMS and County requirements.
24. Prevent surface discharge of storm water in contact with disturbed areas, materials, or operations. Install and maintain surface water BMP on entire site including roads. In accordance with Landowner requirements, maintain access road from site to Fosset Gulch Road and SH-151.
25. Provide secondary containment for any fuel and chemical storage and transfer areas. Immediately clean up any spills of water-priority chemicals (including petroleum products, lubricants, DEF, etc.).

26. Control dust and wash product as needed. Use water obtained from the pond rather than directly from the river, due to safety and environmental issues. Meter and record water use daily. To control dust in working areas, in Surface Operations Area, and roads and traffic areas, water occasionally as needed to prevent visible emissions leaving the permit area (EPA Methods 9 and 21). Estimate 2000-4000 gallons per day consumption from water use, evaporation, and water lost with product during campaigns; pond evaporation for remainder of year. Although mag-water or lignan sulfate use is not planned, use these chemicals for dust control if necessary to comply with EPA/APCD/Tribal/county requirements. (These are not water-priority chemicals.) Do not allow grazing of livestock, including elephants, on site.
27. When encountering groundwater, ensure equipment pre-operational checks include leaks or other contamination which may pollute pond and ground water. Avoid dewatering if at all possible. Dewatering may require a special EPA or CDPHE water discharge permit. If dewatering must be done, use discharge to irrigate adjacent fields, and prevent surface flow to the river.
28. Document changes from current 110c permit conditions and plans:
- a. Fence along current E site boundary to be removed and not replaced.
 - b. Install temporary fence along new E site boundary as requested by Landowner.
 - c. Distances from current riverbanks (OHWM) to the permit boundary have changed: new boundaries include portions along the riverbank to simplify maintenance and recordkeeping. W and SW sides of pond will have little or no changes. See Mining Map, Exhibit E. This allows continued, increased care and actions to prevent pit capture as included in the SWMP and this mining plan.
 - d. Excavate and immediately (within 72 hours) all areas of expansion of the pond to the N of the existing 2024 pond as shown in Map E-1.
29. Comply with hydrological requirements (DRMS Floodplain Protection Standards, February 2024),
- a. in accordance with guidelines of the MHFD Technical Review Guide (TRG) (2004) to meet DRMS Standards:
 - i. CRS 34-32.5-116(4)(c):
 - ii. CRS 34-32.5-116(4)(h) and Rule 3.1.6(1)
 - iii. CRS 34-32.5-116(4)(i) Entire site was and is within the 150-foot zone.
 - iv. Rule 3.1.5(3)
 - v. 34-32.5-116(4)(j) and Rule 3.1.6(3)
 - vi. Rules 6a.3.3(l) and 6.3.4(1)(e)
 - b. Armor the riverbank with soil riprap upstream on north permit boundary) the north edge of the natural channel at the south permit boundary TRG 2.3.2
 - c. Armor the pitside bank both upstream (north pond shoreline at spillway) and at the north edge of the natural channel on the south permit boundary TRG 2.4.2
 - d. Establish "side channel spillway" (INLET) between the riverbank and north shoreline of pond and (OUTLET) between the south shoreline of the pond and the south permit boundary (also the north edge of the natural channel (Note: the differential head between the two ends at both locations is anticipated to be 2 feet or less and total distance is less than 1,300 feet) TRG 2.4.5.
 - e. Protect stockpiles of construction materials when anticipating high-water more than 2 feet above the riverbank (example: snowmelt) by constructing swales and

berms to divert and slow shallow water and backwater above the original ground surface.

- f. NOTE 1: Due to current permit boundaries and configuration, the riverbank berm-top width as per the TRG Table 2.1 cannot be met. Other guidelines in the TRG cannot be met for a 110c permit limited to less than 10 acres in this location. (E.G., requirements for upstream protection (3.6). In addition, some TRG guidelines/requirements conflict with DRMS guidance. (E.g., slope of ponds more than 8 feet in depth (4.1).) *Therefore, waivers are requested for these guidelines and requirements.*
- g. NOTE 2: As shown in Exhibit E, at the closest points, the SW shoreline of the pond is 255 feet from the OHWM of the primary channel of the Piedra River downstream, and 170 feet from the OHWM of the primary channel upstream. Since the FEMA/USACE OHWM elevations were not established in a rigorous study (see next [paragraph]), the preparer of this plan has used best engineering judgment and site survey to determine the OHWM and primary channel.
- h. NOTE 3: Due to the very wide cross-section of Zone A (100-year-frequency floodplain) and the terrain at this location, stockpiles with a cross-section of less than 500 feet will not raise the base flood elevation more than 1.0 foot. This is observable without doing rigorous calculations. Note that the USACE and FEMA have not done a detailed flood analysis of this portion of the river. An abbreviated analysis of impact of mining operations, including stockpiling and processing, determines that the base flood elevation will actually be reduced slightly because airspace exists/will exist above the excavated areas.

EXHIBIT D RECLAMATION PLAN

Task: Specify actions for reclamation of the site.

Conditions: Given, at any point in time and at the end of mining operations, conditions including excavations, stockpiles, and equipment on-site,

Standards: In compliance with good practices and requirements of the Landowner, County and State regulations and permits, to safely and in an environmentally-sound manner, restore the site to a sustainable and stable condition for post-mining use, including retention of any construction materials for Landowner use on this property.

1. Objectives:
 - a. Following mining, to reclaim the affected land as grazing land and developed water resources (ponds) (including use as fish and wildlife habitat) connected to the alluvial aquifer and not directly connected by surface channels to the Piedra River,
 - b. while maintaining the present course of the Piedra River,
 - c. to comply with all good engineering and reclamation practices applicable to this type of operation, and to comply with all local, State, Tribal and Federal requirements (including new DRMS Floodplain Protection Standards, February 2024), and
 - d. minimizes or eliminating any need to backfill or reduce slopes and/or working faces at the end of mining at any time, by maintaining a 3H:1V slope above and below expected water levels to a depth of 10 feet below the ordinary high-water mark (OHWM).
2. Achieve stable and sustainable final conditions including:
 - a. Establish slopes on the exterior of the pit to be 3H:1V or flatter up to the original undisturbed elevation at the permit boundary (4H:1V or flatter on the north permit boundary along the riverbank), armoring as necessary to protect the floodplain.
 - b. Maximize depth of up to 50% of the pond (approximately 3.5 acres) to ensure that the pond exists during low water levels on the river and to control temperatures for the aquatic environment, while still providing some shallow areas to enhance the aquatic environment.
 - c. Establish slopes of the pond from 5 vertical feet above to 10 vertical feet below the expected average water level will not be steeper than 3H:1V. (Note: the entire permit area is less than 5 feet above the expected pond water level.)
 - d. Replace a minimum of six (6) inches of soil (compacted to no more than 75% Modified Proctor Density) on all portions of the affected permit area more than 2 feet above the OHWM of the river or the pond, except where soil riprap is used to armor river- and pond-banks: in those cases, follow MHFD Technical Guidelines.
 - e. Vegetate soil areas with pasture grasses (NRCS-recommended) and/or alfalfa, while controlling noxious species (weeds) on all areas, including shoreline and riverbank,
 - f. Incorporate best management practices/control measures (BMP and CM) for management of storm water, prevention of erosion, and control of flows and sediment.
3. Comply with these conditions (limitations, commitments, and restrictions):
 - a. Do not plant trees or shrubs,
 - b. Do not remove rooting zone material except in the bottom of the pond: otherwise, leave at least 3.0 feet of rooting zone material (6-inches of soil, plus overburden and undisturbed aggregate) above bedrock.
 - c. Prepare soil prior to seeding (by drilling) to include ensuring above MPD without tilling,
 - d. Use NRCS/Piedra Conservation District-approved seed mix as per Landowner

- specifications of 20-25 pounds live seed/acre with smooth brome, spreader alfalfa, sainfoin, and crested wheatgrass, unless the Landowner decides to monocrop alfalfa.
- e. Apply the seed with a no-till drill,
 - f. Do not use mulch,
 - g. Provide an irregular shape to the pond shoreline so that it appears like a natural feature and complies with CPW recommendations,
 - h. Maintain the armored riverbank/berm along the Piedra River north of the permit area,
 - i. Install, maintain, and inspect BMP and CM in accordance with CDOT/EOA specifications,
 - j. Ensure that the pond is not contaminated by water-priority chemicals, and
 - k. Provide for safe use of pond and river waters by owners and guests.
4. Meet the following schedule for reclamation (target dates, subject to change based on production and weather conditions):
 - a. Complete reclamation of 1/3 of pond shoreline in 2025-2026,
 - b. Complete reclamation of riverbank and 1/6 of pond shoreline (including 1 acre of dry land) in 2026-2027,
 - c. Remove all stockpiles, except for approximately 10,000 tons of construction materials on up to 0.33 acres (200 x 60 feet if rectangular) at the location to be determined by Landowner at that time of final reclamation,
 - d. Complete reclamation of remaining 50% of shoreline of pond and 2 acres of dry land) at the end of mining operations as part of final reclamation, and
 - e. Achieve reclamation release within 24 months of end of excavation and processing.
 5. Comply with DRMS Floodplain Protection Standards, February 2024, in accordance with guidelines of the MHFD as discussed in Exhibit C, Item 29:
 - a. Maintain condition and functionality of the inlet and outlet armoring and preferential channel from the pond.
 - b. Maintain the berm along the riverbank on the north boundary of the permit area, which meets the MHFD definition of soil riprap.
 - c. Ensure that inlet and outlet channels are properly maintained in and out of permit area, including repair as required following high water events.
 6. The above activities are estimated to cost (2025 dollars) for third-party work:
 - a. Loader or 'hoe work to do final shaping of 7-acre pond shoreline (2700 linear feet) 27 hours @ \$250/hour = \$6,750
 - b. Tractor for final shaping and placing of soil on 3.0 acres around pond including flatter areas (0-1% slope and 3H:1V edge and pond slopes) 20 hours @ \$140/hour = \$2,800.
 - c. Seeding of 3.0 acres (DRMS Survey Cost \$232/acre = \$ 696.
 - d. Seed cost = \$ 120.
 - e. Mobilization (from Ignacio): \$1,200.
 - f. Total direct costs \$11,566.
 - g. Indirect/Overhead costs (15%: contractor, DRMS):\$1,735.
 - h. Total \$13,301. *This is an increase from the present \$5,452.*

EXHIBIT E MAPS

Exhibit E Vicinity Maps (Photo and USGS Topographic, including maps showing the access road as built in 2010.

Refer to Exhibit A for general USGS topographic location map.

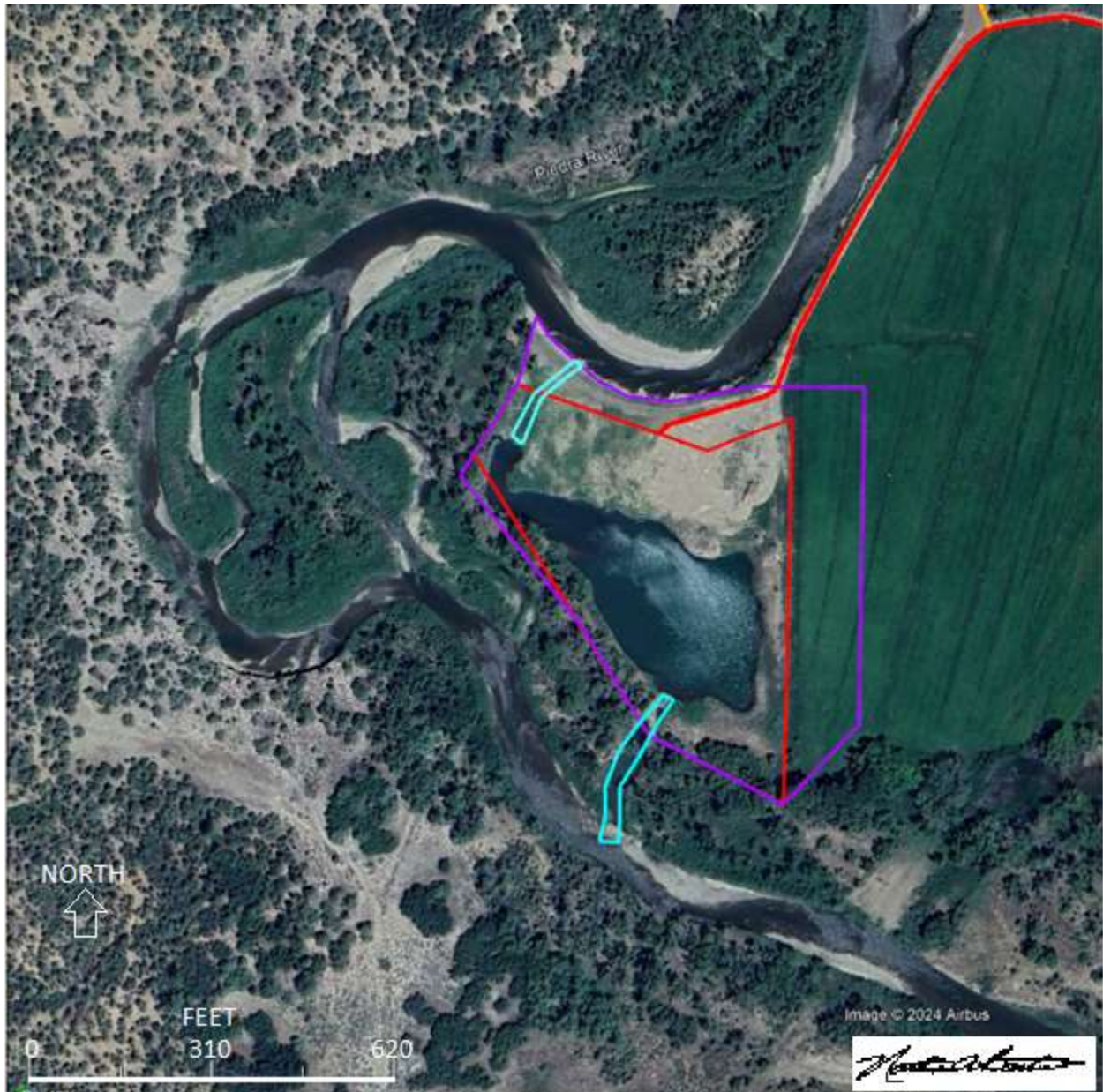
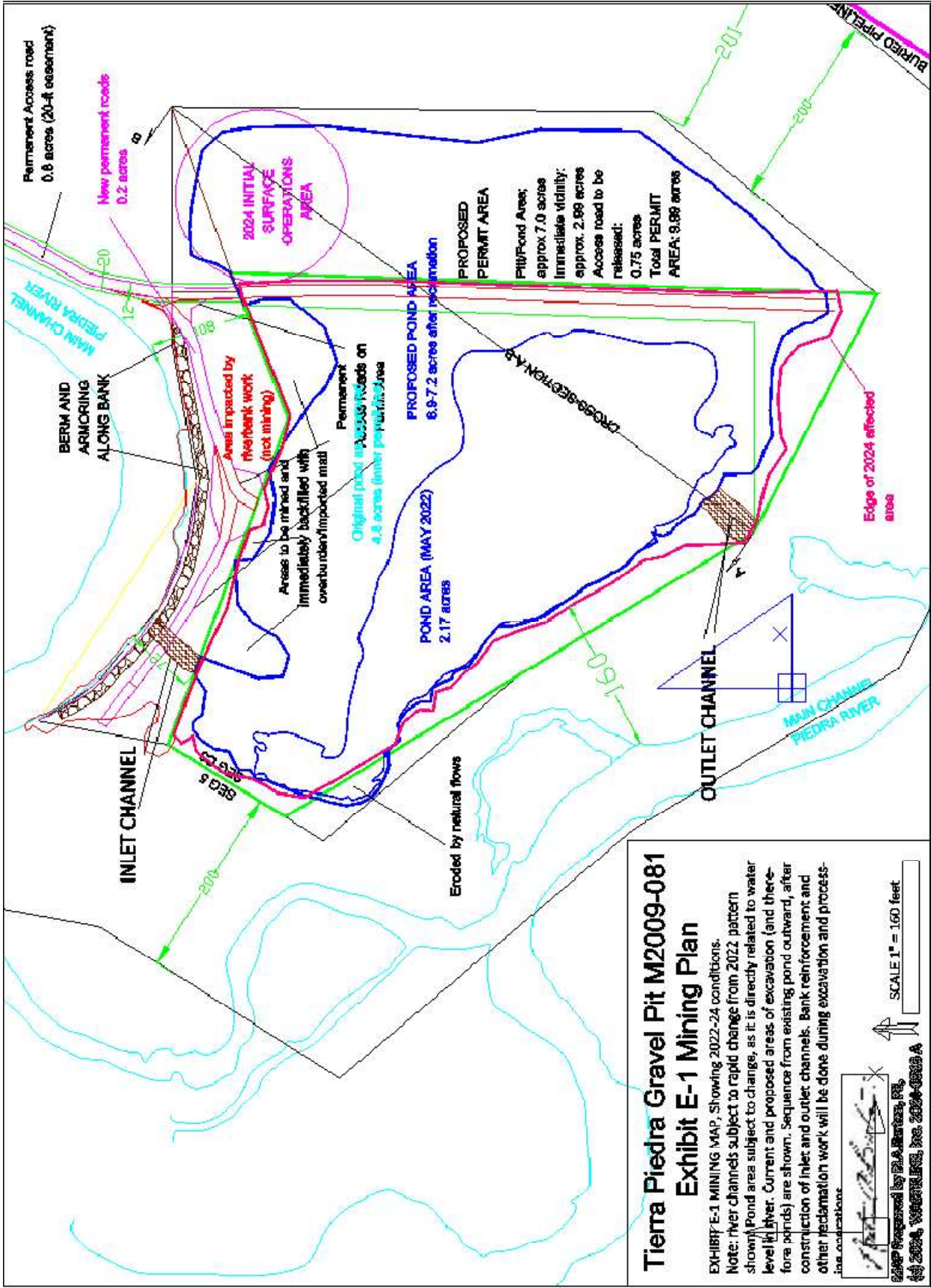
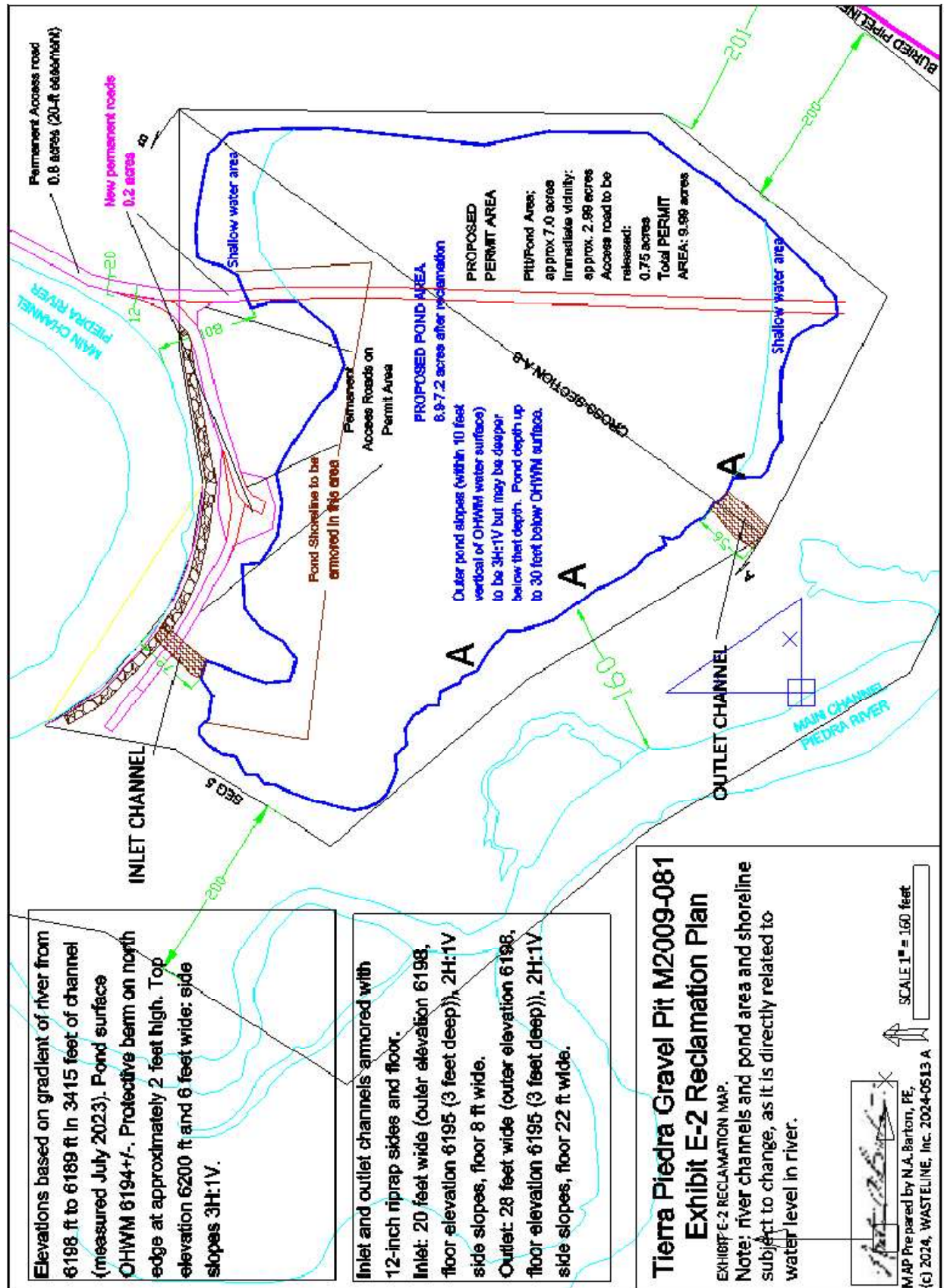


Photo 27JUL2024 (GoogleEarth) red outlines current boundaries including access road. Purple shows proposed area of expansion. Light blue outlines inlet (to north; upstream) and outlet. Outlet is a natural, existing channel outside the permit boundary. Photo taken 2024.





Attachment 3 to Exhibit E. Cross-Section

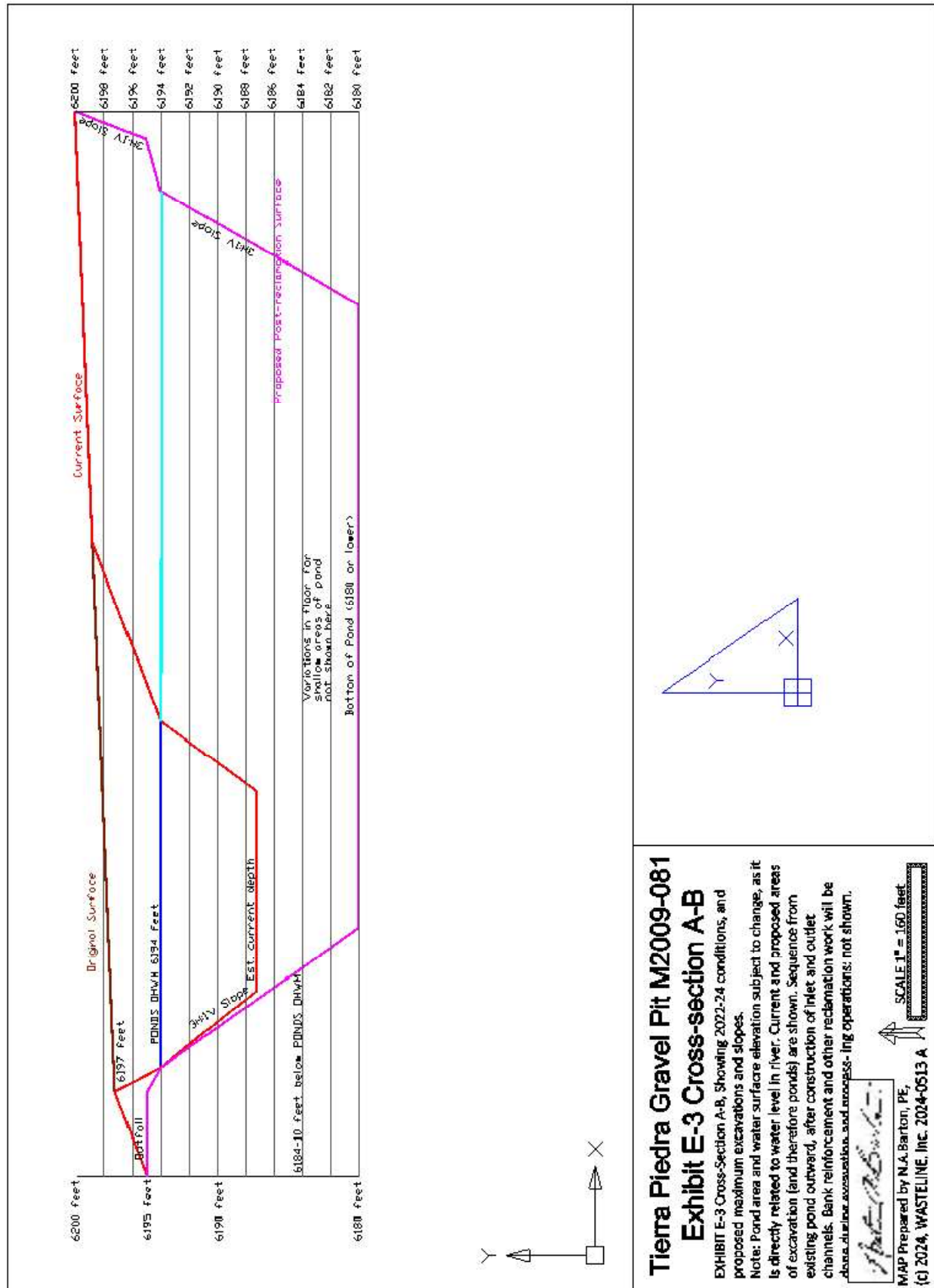


EXHIBIT F LIST OF OTHER PERMITS AND LICENSES REQUIRED

F-1 Air Quality: This property is inside the exterior boundaries of the Southern Ute Indian Reservation and therefore is not under jurisdiction of CDPHE Air Pollution Control Division (APCD). However, annual production at this operation is not anticipated to exceed 70,000 tons, and therefore a APCD permit would not be required. All equipment with potential to emit air pollutants to be used on the site is portable and a US EPA registration may be required for operations in Indian County, with this location listed as one of several operating locations. All equipment will also have either CO and/or NM air emissions permits, and all equipment will comply with those State's permit conditions as well as EPA emissions controls and limits. Note: an APEN was filed with APCD in 2009 due to the permit writer not understanding the jurisdiction and was assigned both an AIRS # and a Permit number, but no record at APCD has been found of that action.

F-2 Water Quality: This property is inside the exterior boundaries of the Southern Ute Indian Reservation and therefore is not under jurisdiction of CDPHE Water Quality Control Division (WQCD). Except during periods of flooding greater than a frequency of 10 years, there will be no surface discharge of water from the pit and disturbed areas: all storm water which comes in contact with industrial activities including disturbed areas is expected to infiltrate into the ground water and become part of the alluvial aquifer of the Piedra River.

F-3 Water Rights: As documented in the original 110c permit application, the Tierra Piedra Ranch LLC holds water rights to 5 cfs (432,000 CF/day) which is adequate to provide water for evaporation, dust control, washing, and water contained in product shipped from site. It also has a registered pit well for the pond exposing ground water.

Annual precipitation average 12.06 inches

Annual evaporation 47.83 inches

Annual net evaporation 35.77 inches (Data from DWR permit analysis)

Note that the Piedra River is not over-appropriated, and existing water rights are adequate to account for expansion of the pond.

F-4 USACE: As the pit is located outside and above the Ordinary High Water Mark (OHWM) the USACE does not have jurisdiction. The pond is and will continue to be an artificial wetland and therefore not under USACE jurisdiction unless used for purposes of mitigation sometime in the future.

F-5 CDOT: Access permit on Fossett Gulch Road issued by CDOT to continue to be used. This access required construction of improvements to the intersection of SH-151 and Fossett Gulch Road, the plans were approved by CDOT (James B Horn, Access Administrator) on 25 July 2008 and was constructed in accordance with the plans. However, CDOT has not responded to requests for information regarding the permit itself or acceptance inspections. Note that Fossett Gulch Road is a private roadway (owned and maintained by Tierra Piedra Ranch LLC) but is a public right-of-way and used by the public and persons living on Fossett Gulch Road to the north, as well as Tribal and Federal agencies and various companies. Therefore, there is no access permit issued by Archuleta County as it is not under County jurisdiction.

EXHIBIT G SOURCE OF LEGAL RIGHT TO ENTER

The Tierra Piedra Ranch LLC grants to itself a legal right to enter the site for mining and reclamation as established in the original 110c application in 2009-2010. This is confirmed by this memorandum:

MEMORANDUM: TO WHOM IT MAY CONCERN

SUBJECT: LETTER OF AUTHORIZATION M-2009-081 AND RIGHT TO ENTER, TIERRA PIEDRA GRAVEL PIT

Greetings:

This memorandum expressly states that Tierra Piedra Ranch LLC and its contractors, agents, and assigns have the right to enter into Parcel 5959-161-00-011 for purposes of mining of sand and gravel, including processing and reclamation, in accordance with contracts and agreements.

This memorandum also authorizes WASTELINE, Inc.; Deborah A. Barton, its Executive Officer; and Nathan A. Barton, its Comptroller and Engineering Manager, to act on behalf of Tierra Piedra Ranch LLC, as Applicant/Operator of M-2009-081 and the Landowner of the parcel 5959-161-00-011 on which is permitted and operated the above limited impact construction materials operation, the TIERRA PIEDRA GRAVEL PIT, 11501 A SH-151, ARBOLES, ARCHULETA COUNTY.

This authorization includes coordination, submission of information, submission of applications, and related matters to federal, state, local, and tribal agencies and organizations as necessary to file and obtain approval of the required permits and registrations to amend/convert the existing sand and gravel operation and supporting infrastructure and activities. An electronic or photocopied version of this memorandum is valid. This authorization is valid until revoked in writing by the undersigned.

Persons requiring additional information may contact either the undersigned or WASTELINE, Inc. by Email at NBarton@wastelineinc.net, WASTELINE.81321@gmail.com or 970-564-1380.

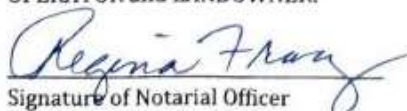
Signed this 24th day of JUNE, AD 2025, by:



Michael J. Clark, Partner
For Tierra Piedra Ranch LLC,
Applicant/Operator of M-2009-081 and Landowner, Parcel 5959-161-00-011
Phone 970-216-0757 and 970-878-5594
Email Mike.Petrox@gmail.com. Alternate: Ryan@Petrox-Resources.com
Mailing Addresses: 11501A SH-151, Pagosa Springs, Colorado 81147
and 12600 W Colfax Ave Suite C440, Lakewood, Colorado 80215-3759

STATE OF Colorado)
COUNTY OF JEFFERSON)ss.
)

The foregoing was acknowledged before me this 24th day of JUNE, 2025, by
MICHAEL J. CLARK, as Partner,
Tierra Piedra Ranch LLC as
OPERATOR and LANDOWNER.


Signature of Notarial Officer

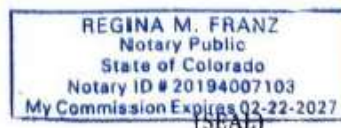


EXHIBIT H MUNICIPALITIES WITHIN 2-MILES

NONE

There are also no known special use districts within 2 miles.

The private (fee) parcel on which the site is located is immediately adjacent to US BIA tribal trust land of the Southern Ute Indian Tribe and is located inside the exterior boundaries of the Southern Ute Indian Reservation. Access onto SH-151 is entirely on private land (See Exhibit F-5), including that segment of Fosset Gulch Road, which grants access to both the US Forest Service and the Southern Ute Indian Tribe. See Exhibit G Right to enter.

EXHIBIT I PROOF OF FILING WITH COUNTY CLERK

OFFICE OF THE COUNTY CLERK AND RECORDER
Kristy Archuleta, County Clerk
P.O. Box 2589
Pagosa Springs, Colorado 81147



(970) 264-8350
FAX (970) 264-8357

AFFIDAVIT OF RECEIPT FILING OF GRAVEL PERMIT APPLICATION

This is to certify that I have received the application
package for the following gravel pit.

Tierra Piedra Gravel Pit M-2009-081

P.O. Box 1959

Arboles, CO 81121

Filed this _____ day of _____, 20__ in the office of
the Archuleta County Clerk & Recorder.

Archuleta County Clerk & Recorder

AFFIDAVIT OF RECEIPT FOR GRAVEL PITS.DOC/120960FFICE

EXHIBIT J PROOF OF MAILING NOTICES OF PERMIT APPLICATION

J-1. TO ARCHULETA BOARD OF COUNTY COMMISSIONERS

CONFIRMATION OF RECEIPT OF NOTICE AND COPY OF APPLICATION On behalf of the Archuleta Board of County Commissioners, 398 Lewis Street, Pagosa Springs, Colorado 81147, (970)264-8309, I confirm that the BOCC has received a copy of the Public Notice, Application, and Map of the proposed expansion of the Tierra Piedra Gravel Pit, M-2009-081. DATE: _____ SIGNATURE: _____ PRINTED NAME: _____
--

J-2. TO SAN JUAN CONSERVATION DISTRICT

CONFIRMATION OF RECEIPT OF NOTICE AND COPY OF APPLICATION On behalf of the Archuleta Board of County Commissioners, 398 Lewis Street, Pagosa Springs, Colorado 81147, (970)264-8309, I confirm that the BOCC has received a copy of the Public Notice, Application, and Map of the proposed expansion of the Tierra Piedra Gravel Pit, M-2009-081. DATE: _____ SIGNATURE: _____ PRINTED NAME: _____
--

NOTE: As the extended boundaries are more than 200 feet from the pipeline belonging to Red Cedar Gathering Company in cooperation with Petrox Resources and Tierra Piedra Ranch, notice was not mailed by the manager of Tierra Piedra Ranch LLC has informally notified those entities. There is no request for a structures agreement.

EXHIBIT L PERMANENT MAN-MADE STRUCTURES

The following are significant permanent man-made structures within 200 feet of affected lands:

1. Access road and roads to be permanent (Tierra Piedra Ranch LLC)
2. New ranch road recently constructed (to be permanent) (Tierra Piedra Ranch LLC)
3. Armored berm along riverbank (Tierra Piedra Ranch LLC)
4. Well-pad and associated structures (Petrox Resources Inc.) at end of present access road

The following are significant permanent man-made structures more than 200 feet from affected lands:

5. Buried pipeline (Red Cedar Gathering) 200+ feet from SE corner of expanded operation.

NOTE: Tierra Piedra Ranch LLC grants to itself and to any contractors/subcontractors operating or hauling equipment or materials to/from this Site the non-exclusive right to use ranch roads, and reserves the right to limit or prohibit use of specific roads or segments for haul to/from the Site at any time, provided 24-hour notice is provided to all contractors/subcontractors.

ADDENDUM 1 NOTICE REQUIREMENTS

Notice posted on site, including photos and location:

NOTICE	
This site is the location of a proposed expansion of the existing mining operation. Tierra Piedra Ranch, LLC (TPR), PO Box 1959, Arboles, CO 81121, (970)259-5691, (the "Applicant/Operator") has filed an application for amendment of Limited Impact (110) Construction Materials Operation Reclamation Permit M-2009-081 with the Colorado Mined Reclamation Board (the "board") under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The operation is known as the Tierra Piedra Gravel, in Archuleta County, and is located in the NW ¼ of SE ¼ Sec 16, T33N, R05W, 10th (NM) PM. The proposed date of commencement is approximately 15 July 2025, and proposed date of completion is 31 December 2030. The proposed future use of the land is water resource and pasture. Additional information and the tentative decision date may be obtained from the Colorado Division of Reclamation, Mining, and Safety (DRMS), 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567 and the Archuleta County Clerk and Recorder, 449 San Juan Drive, Pagosa Springs, CO 81147 (or other temporary address), or the above-named applicant. A complete copy of the application is available at the County Clerk's Office and at the DRMS office. Anyone wishing to comment on the application should send comments concerning the application and exhibits in writing to the Colorado Division of Reclamation, Mining and Safety, Room 215, 1001 E 62nd Street, Denver, CO 80216 or drms_info@state.co.us, and must be received prior to the end of the comment period, (ten (10) days after the date of the applicant's newspaper publication). <i>Please note that under provisions of C.R.S. §34-32.5-101 et seq. comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the DRMS or the Mined Land Reclamation Board.</i>	
I certify that I posted a copy of this above notice at the site on DATE <u>6-25-25</u> TIME <u>7 AM</u>	
Signed: <u>Brian Abeln</u>	Printed Name: <u>Brian Abeln</u>



Formal notice to Tierra Piedra Ranch LLC, landowner

SEE SIGNED LETTER OF AUTHORIZATION, EXHIBIT G AS EVIDENCE OF NOTIFICATION.