

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

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Ronald W. Cattany
Division Director
Natural Resource Trustee

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

Permit # M - _____ - _____ (Please reference the file number currently assigned to this operation)

☒ X New Application (Rule 1.4.5) _____ Amendment Application (Rule 1.10)

_____ Conversion Application (Rule 1.11)

Permit # M - _____ - _____ (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): ROCKMASTERS, INC.
 - 1.1 Type of organization (corporation, partnership, etc.): CORPORATION
2. Operation name (pit, mine or site name): VISCONTI GRAVEL PIT
3. Permitted acreage (new or existing site): 9.9 permitted acres
 - 3.1 Change in acreage (+) _____ acres
 - 3.2 Total Acreage in Permit Area 9.9 acres
4. Fees:
 - 4.1 New Application: \$1,258.00 application fee
Amendment Fee (C.R.S. 34-32.5-125(II)): \$827.00 application fee
 - 4.2 Conversion Fee (from 110d to 110 \$1,258.00 conversion fee (Rule 1.11.2(2)))
5. Primary commodity(ies) to be mined: SAND GRAVEL ROAD BASE
 - 5.1 Incidental commodity(ies) to be mined: 1. _____ / lbs/Tons/yr 2. _____ / lbs/Tons/yr 3. _____ / lbs/Tons/yr
4. _____ / lbs/Tons/yr 5. _____ / lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: SAND & GRAVEL, ROAD BASE
Anticipated end use of incidental commodity(ies) to be mined: NONE

11. Correspondence Information:

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

Contact's Name: TODD GATZA Title: PRESIDENT
Company Name: RockMASTERS, INC.
Street/P.O. Box: 19503 CONSTANTi RIDGE P.O. Box: _____
City: WESTON
State: COLORADO Zip Code: 81091
Telephone Number: (719) - 680-0690
Fax Number: (866) - 235-5109

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: JOE GAGLIANO Title: PRESIDENT
Company Name: LJ DEVELOPMENT, INC.
Street/P.O. Box: 256 N. MERRILL DRIVE P.O. Box: _____
City: PUEBLO WEST
State: COLORADO Zip Code: 81007
Telephone Number: (719) - 240-9424
Fax Number: (719) - 583-0768

INSPECTION CONTACT

Contact's Name: TODD GATZA Title: PRESIDENT
Company Name: RockMASTERS, INC.
Street/P.O. Box: 19503 CONSTANTi RIDGE P.O. Box: _____
City: WESTON
State: COLORADO Zip Code: 81091
Telephone Number: (719) - 680-0690
Fax Number: (866) - 235-5109

CC: STATE OR FEDERAL LANDOWNER (if any)

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

CC: STATE OR FEDERAL LANDOWNER (if any)

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

7. Name of owner of the subsurface rights of affected land: FRANCIS T. VISCONTI
8. Name of owner of the surface of affected land: FRANCIS T. VISCONTI
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: LAS ANIMAS

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

SECTION (write number): S 34

TOWNSHIP (write number and check direction): T 31 ☐ North ☒ South

RANGE (write number and check direction): R 68 ☐ 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):

PIT ELEVATION 8800 FEET: THE VILLAGE OF WESTON IS 15 MI. SOUTH.

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"

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

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

OR

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

Latitude (N) _____ (5 decimal places)

Longitude (W) _____ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

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

Easting 501688

Northing 4127653

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

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

13. Primary present land use (check one):

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

N/A

15. Description of Amendment or Conversion:

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

N/A

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.

JA

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;

JA

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;

JA

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;

JA

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;

JA

5. It is your responsibility to notify the Office of any changes in your address or phone number;

JA

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.

JA

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;

JA

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.

JA

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.

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.

Permit Condition

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A reportable spill is a spill of any toxic or hazardous substance (including spills of petroleum products) within the mined land permit area reportable to any Division of the Colorado Department of Public Health and the Environment, the National Response Center, the Colorado Emergency Planning Commission, any local Emergency Planning Commission, local Emergency Planning Committee, or the State Oil Inspector. The Mine Operator shall notify the Division of Reclamation, Mining and Safety (DRMS) of a reportable spill within the mined land permit area using the same timeframe required by the permit, license, notice, statute, rule or regulation governing the reporting of the spill to the other appropriate agency. Notice of a reportable spill shall be FAXed to: Minerals Program Supervisor, Division of Reclamation, Mining and Safety, FAX (303) 832-8106. The FAX shall include a call-back number of a responsible company official for DRMS staff to use as a contact.

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:

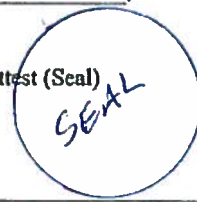
1. All necessary approvals from local government have been applied for (Section 34-32.5-110(1)(a)(VIII).
2. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected 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 27TH day of MAY, 2008.

Rock Masters
Applicant/Operator

If Corporation Attest (Seal)



Signed: [Signature]

Signed: _____

Title: President

Corporate Secretary or Equivalent
Town/City/County Clerk

State of COLORADO)
County of LAS ANIMAS) ss.

The foregoing instrument was acknowledged before me this 27TH day of MAY, 2008,
by TODD GATZA as PRESIDENT of RockMasters, INC.

Notary Public

[Signature]

My Commission expires: 12-01-2010

SIGNATURES MUST BE IN BLUE INK

