

Carol Ann Pit

**112c Amendment to the Colorado
Division of Reclamation, Mining,
and Safety**

November 2021

By:

Carol Ann Pit LLC

Represented by:



Lewicki & Associates

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INTRODUCTION

Newby Aggregate Recycling is located just north of US Highway 6 approximately 1 mile east of Gypsum, Colorado. Newby Aggregate Recycling will be located on the site of the currently permitted Carol Ann Pit. The permittee for this project, as well as the operator, is Carol Ann Pit LLC. The Carol Ann Pit has been mined since 1997 under Colorado Division of Reclamation, Mining, and Safety (CDRMS) permit # M1997-026. Mining at the Carol Ann Pit is completed. The final land use of the Carol Ann Pit as currently permitted is pastureland. The site comprises 30.0 acres located in a part of Section 4, T5S, R85W of the 6th prime meridian, all of which is currently permitted for mining under CDRMS permit #M1997-026. The site makes up roughly half of the property owned by Bob Newby.

This amendment changes the post mine land use of the Carol Ann Pit from pastureland to industrial/commercial in order to accommodate the planned Newby Aggregate Recycling facility, a concrete and asphalt recycling operation.

The project area is located on the site of a former gravel pit just below the main grade of US-6, northwest of the Eagle County Regional Airport and north of US-6. A biomass plant is located to the west and the Gypsum Ranch Pit is located to the east of the Newby Aggregate Recycling facility. North of the project area is the Newby residence and farm with the Eagle River north of the residence. The project will consist of two main areas: the Production Area and the Storage Area. The Production Area will be on the west side of the site and is where material is delivered to the site and recycled. Additionally, production of secondary products from the recycled inputs, such as concrete or hot mix asphalt, will also be conducted in this area. The Storage Area will be where long-term product storage of material will take place. This area will consist of stockpiles and a road for customers. Sales will come from both the Production Area and the Stockpile Area.

The reclamation bond in place for the Carol Ann Pit is based on reclaiming 29 acres. The majority of the site is already reclaimed, and there are currently five acres of disturbed ground within the permit area. The proposed construction of Newby Aggregate Recycling will not disturb any additional ground within the permit area, thus the current condition of five acres of disturbed ground requiring reclamation is the worse-case reclamation scenario. Because the current bond is based on reclaiming 29 acres, and the current, worse-case scenario requires reclamation of only five acres, no increase in the reclamation bond will be required by implementation of this amendment.

EXHIBIT A

LEGAL DESCRIPTION

This exhibit is unchanged from the currently approved permit. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	A	LEGAL DESCRIPTION	2	PERMFILE55442	11/20/2007

EXHIBIT B

INDEX MAP

This exhibit is unchanged from the currently approved permit. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	B	INDEX MAP	n/a	PERMFILE63527	11/20/2007

EXHIBIT C

PREMINE AND MINE PLAN MAPS

Map C-1 Current Conditions

EXHIBIT D

MINE PLAN

Mining is complete at the Carol Ann Pit.

1. Introduction

One of the purposes of this amendment is to change the primary future land use of the site from pastureland to industrial/commercial. This change will accommodate a planned asphalt and concrete recycling operation, Newby Aggregate Recycling. The project will consist of two main areas: the Production Area and the Storage Area. The Production Area (12 acres) will be on the west side of the site and is where material is delivered to the site and recycled. The Storage Area (14 acres) will be where long-term product storage of material will take place and will consist of stockpiles and a road for customers. There are currently five acres of disturbed ground in the permit area, with the remainder of the currently permitted 30 acres being undisturbed or already reclaimed. This is the worse-case reclamation scenario for the Newby Aggregate Recycling facility. The five acres of currently disturbed ground is within the foot print of the planned Production Area, therefore construction of the Production Area and conversion of that portion of the permit area from a primary final use of pastureland to a primary final use of industrial/commercial will not lead to an increase in the size of the permit area requiring revegetation.

This exhibit describes the plans and processes involved in reclaiming the site and transforming it to its ultimate post-mining use as an industrial/commercial area and rangeland as shown on Map F-1. Topsoil stripped in order to create the industrial/commercial area will be used to reclaim areas not yet fully revegetated if required. Final reclamation of the permit area will occur after the construction of all industrial/commercial activities. Current use of the permit area is that of a rangeland. Final use of the permit area, after this amendment is proposed to be rangeland and industrial/commercial. Pursuant to Rule 6.4.5.2.(b), the applicant evaluated the proposed post-mining land use in regard to adopted state and local land use plans for this area and land uses in the vicinity. The proposed post-mining use as a rangeland and an industrial/commercial area is compatible with the general character of the area. The use of the reclaimed portions of the permit area for an industrial/commercial purpose is that of an aggregate recycling center, approved through an Eagle County Special Use Permit (SUP). Therefore, a plan for rangeland revegetation of the industrial/commercial areas is not included.

The affected area of this site is the same as the permit area of this site, 30.0 acres, not all of which will be disturbed and require reclamation. The table below provides a summary of intended end uses within the affected area upon completion of reclamation as proposed on Map F-1.

Table E-1. Reclamation Areas

Description	Area (Acres)
Gravel Access Roads	2.0
Reclaimed to Industrial/commercial	26
Disturbed Area Total	28
Undisturbed Area within the Permit Area	2.0
Total Affected Area	30.0

Note: Undisturbed area includes setbacks and incidental areas within the permit where disturbance has not occurred. Portions of area reclaimed to industrial/commercial will include ground revegetated for erosion control and access roads.

2. General Reclamation Plan

Mining is complete and grading is taking place to the final topography and slopes as shown on Map F-1. Rangeland reclamation will be conducted on final graded areas by covering them with 7 inches of topsoil and seeding with the seed mix found in . . . The entire industrial/commercial areas within the pits will be an aggregate recycling facility. For the industrial/commercial areas, portions of the ground will be covered with a gravel layer screened from material onsite. Other areas within the industrial/commercial areas of the permit site will be access roads and revegetated erosion control areas. Topsoil removed during construction of the industrial/commercial areas will be stored in existing topsoil berms as shown on Map C-2, used for rangeland reclamation, or sold as product. There are topsoil piles within the existing mined out pit that will be used in reclaiming slopes and areas to be vegetated within the recycling facility.

3. Topsoil and Overburden Handling

No overburden will be disturbed or handled at Newby Aggregate Recycling. No topsoil will need to be imported for the reclamation process, even at the point of greatest disturbance which is the current state of the site. Topsoil stripped during construction of the Production and Storage Areas and not required for reclamation will either be sold or stored in the existing topsoil berms. A small amount of topsoil will be used in the industrial/commercial final use are to facilitate revegetation for erosion control. Excess topsoil may also be used to augment topsoil thickness on final graded slopes to enhance vegetation success. Construction of the Processing and Storage Areas will occur within the current disturbance areas of the site

4. Final Use

The total affected area on the site is 30.0 acres, the same as the permit area. When the site is fully reclaimed, the final use of the affected area will be as listed in Table E-1 and as depicted on Map F-1: industrial/commercial.

5. Topsoil and Revegetation Plan

This section describes topsoil replacement and revegetation on interspersed portions of rangeland on the site. These areas can be seen within the industrial/commercial post mine land use on Map F-1.

Throughout the reclamation process, topsoil will be replaced to a depth of 0-24 inches (7 inches on average) on all disturbed areas reclaimed to rangeland or will be stored in the permanent topsoil berms. Topsoil available from stripping that is in excess of that needed for reclamation will be sold or permanently stored in the existing topsoil berms.

The seed mix chosen for rangeland revegetation of the site was selected because it will establish a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer, and provides equal or better coverage than the existing vegetation of the surrounding area.

The revegetation plan considers environmental factors such as seasonal patterns of precipitation; temperature and wind; soil texture and fertility; slope stability; and direction of slope faces to provide the greatest probability of success with plant establishment and vegetation development.

Revegetation will be accomplished using the seed mix that was approved for the Carol Ann Pit (see Table E-2)

Table E-2. Approved Seed Mixture

Species	Pounds Pure Live Seed per Acre (drilled rate)
Smooth Brome	4.0
Ephraim Crested Wheatgrass	3.0
Barton Western Wheatgrass	4.0
Indian Ricegrass	3.5
Streambank Wheatgrass	3.5
	18 pls/acre

Certified weed free hay, not straw mulch, will also be crimped in place at the rate of 3000 to 4000 lbs/acre. The disturbed area not converted to industrial/commercial use will be reclaimed to rangeland.

To ensure the establishment of a diverse and long-lasting vegetative cover, the Operator will employ site preparation techniques and protection. The soil shall be mechanically conditioned using disks and rippers, mulch will be spread after seeding, and temporary irrigation may be employed to ensure germination of as many seedlings as possible. Drill seeding will be utilized throughout the site. In the even broadcast seeding is required, it will be at double the drill seeding rate.

Furrows from disking will be left in the topsoil to provide moisture concentration and shade areas to promote better conditions for successful vegetation establishment. Because dust

mitigation is a primary concern of this project, seeding will occur immediately following the placement of topsoil. Temporary irrigation, either by water truck or surface irrigation system, will be employed if required.

The site will be prepared to provide the best chance of vegetation establishment by completing the following as recommended by the NRCS in the Plant materials Technical Note No. 59:

“The seedbed should be well settled and firm but friable enough that seed can be drilled at the recommended depth. Soils that have been compacted by traffic or other equipment should be tilled (deep-chisled or ripped if necessary) to break up restrictive or compacted layers and then harrowed and rolled or packed to prepare the required firm seedbed. Avoid seedbed preparation when the soil is wet to prevent compaction of the seedbed. Planting depth less than 1 inch.”

6. Reclamation Timing

All reclamation activities will be completed when the industrial/commercial areas are completed, and all disturbed areas within the industrial/commercial areas are revegetated.

Table E-3 summarizes the timing of reclamation throughout the life of Newby Aggregate Recycling site. The anticipated timing is based on a two year site development timeline (including revegetation monitoring) and a closure date that is dependent upon market conditions and raw material availability.

Table E-3. Reclamation Timetable

Years	Activity
1	Stripping of processing and stockpile areas, construction of industrial/commercial facilities, erosion control revegetation.
2	Revegetation monitoring

7. Post-Reclamation Site Drainage

Map F-1 shows blue arrows indicating the approximate direction of drainage throughout the site within the affected area. Map F-1 also shows the drainage conditions after construction of the industrial/commercial areas in comparison to baseline conditions.

8. Weed Control

Measures will be employed for the control of noxious weeds. A Weed Control Plan will be utilized as follows:

- 1) Every April and October, a weed survey will be taken of the affected area to identify and map the presence of any noxious weeds listed by the county and the state.

- 2) If any patches or plants are identified, they will be controlled within 30 days. This may include mowing, tillage, or spraying them with an herbicide approved for use by the weed control staff of Eagle County. Other methods of weed control (ie: biological) may be employed from time to time depending on the nature and extent of the targeted species.
- 3) After reclamation, weed surveys and controls will continue until the perennial vegetation cover on the site meet CDRMS requirements and bond release is obtained.

9. Revegetation Success Criteria

Revegetation will be deemed adequate when erosion is controlled and vegetation is considered satisfactory according to Division standards. Reclamation is considered a success when a diverse and long-lasting vegetative cover is established and the site is free of prohibited noxious weed species that seriously threatens the continued development of the desired vegetation. Monitoring the reclamation on an ongoing basis will ensure its success. If problems arise, the permittee will consult with the local NRCS office to get input regarding how to resolve the problem. If minor changes or modifications are suggested by the local NRCS office to the seeding or reclamation plan, revision plans will be submitted to the CDRMS prior to their implementation. It is anticipated that the Division will provide assistance and feedback in evaluating the success of the ongoing reclamation process. Information on all areas disturbed and reclaimed as well as any other important items regarding the reclamation will be submitted in the annual reports to the Division.

EXHIBIT F

RECLAMATION MAPS

Map F-1 Reclamation Plan

EXHIBIT G

WATER INFORMATION

Mining activity is complete onsite. All water handling that remains is only associated with remaining reclamation activity.

All water handling activities at Newby Aggregate Recycling will be in accordance with the rules and regulations of the Colorado Department of Public Health and Environment Water Quality Control Division. This includes the use of sumps, berms, and other mechanisms to prevent an offsite discharge. As necessary, the operator will obtain stormwater or process water discharge permits from CDPHE, although that is not anticipated to be necessary at this time. The enclosed nature of the operations area will prevent a discharge of water during operations. Collections ditches will run around the floor of each activity area to drain water to appropriate sumps.

No ground water will be exposed at the facility; therefore, no Substitute Water Supply Plan or Augmentation Plan will be required to compensate for evaporative losses from ground water ponds.

EXHIBIT H

WILDLIFE INFORMATION

This exhibit is unchanged from the currently approved permit. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	H	WILDLIFE STATEMENT	46-48	PERMFILE40587	11/20/2007

EXHIBIT I

SOILS INFORMATION

This exhibit is unchanged from the currently approved permit. Note that the original CDRMS permit combined Exhibits I and J. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	I	SOILS AND VEGETATION	49-51	PERMFILE59313	11/20/2007

EXHIBIT J

VEGETATION INFORMATION

This exhibit is unchanged from the currently approved permit. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	j	SOILS AND VEGETATION	49-51	PERMFILE59313	11/20/2007

EXHIBIT K

CLIMATE INFORMATION

This exhibit is unchanged from the currently approved permit. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	K	CLIMATE	56-61	PERMFILE65050	11/20/2007

EXHIBIT L

RECLAMATION COSTS

This section details the cost of fully reclaiming the Newby Aggregate Recycling site and discusses the bond currently in place for the Carol Ann Pit. The Newby Aggregate Recycling facility will be fully reclaimed when the 26 acres that currently have a primary final use of pasture land are converted to a final primary use of industrial/commercial. The current bond is for the revegetation of 29 acres and is detailed in . The new primary final use of the site as industrial/commercial will require less than 29 acres to be revegetated. The current bond is sufficient and no additional bond will be required for this amendment.

The purpose of this amendment is to convert the primary final use of 26 acres of the site from pastureland to industrial/commercial. The five acres that are currently disturbed lie within the 26 acres that will have a primary final use of industrial/commercial and will therefore not require revegetation. Some portions of the industrial/commercial areas will be revegetated for the purposes of erosion control, but these areas are included in the 26 acres of ground that will have a primary final use of industrial/commercial. Under no circumstances will the conversion of 26 acres of the site that is mostly revegetated from a primary final use of pasture to a primary final use of industrial/commercial require the operator to revegetate 29 acres. This fact ensures that the current bond will be sufficient to reclaim the site.

The current bond held by the CDRMS for the Carol Ann Pit is \$ 77,900 and is based on reclaiming a worse-case scenario of 29 acres. The bond tasks are described below and the bond cost for the Carol Ann Pit is summarized in Table L-1. Below is the sequence for reclamation that would occur for the worse-case scenario of reclaiming 29 acres and was used to calculate the bond for the Carol Ann Pit:

1. Mobilize and demobilize equipment.
2. Remove of facilities.
3. Regrading of high walls
4. Topsoil surfacing of five acres. A front-end loader will load topsoil from a stockpile into a haul truck that drives an average of 500 feet prior to dumping. A bulldozer will then spread topsoil to final thickness.
5. Topsoil preparation. Disking of soil with a tractor.
6. Rangeland seeding and mulching. Assuming a 50% failure rate.

Table L- . Current Bond for Carol Ann Pit, Reclamation Task and Cost Estimate

Reclamation Task	Flat Cost	Unit Cost	Units	Task Cost
Mobilization of equipment	\$1571			\$1571
Removal of portable facilities.	\$1847			\$1847
Regrading	\$16,397			\$16,397
Topsoiling of rangeland surrounding		\$392.98/acre	12.4 acres	\$4873
Topsoil preparation		\$89.62/acre	29 acres	\$2599
Rangeland seeding and mulching		\$1166.55/acre	29 acres	\$33,830
Subtotal				\$61,117
CDRMS Costs (calculated at 27.4% of direct costs)				\$16,776
Total Bond Amount				\$77,893

The bond as currently calculated is based on reclaiming 29 acres and includes regrading. No additional bond will be required as the site is currently the worse-case scenario for reclamation and only requires reclamation of five acres with no regrading required. The current bond will therefore be more than adequate to reclaim five acres.

EXHIBIT M

OTHER PERMITS REQUIRED

In addition to obtaining an amendment to the existing 112 Reclamation Permit from the CDRMS, before the Newby Aggregate Recycling site can begin operation, the following permits will also need to be obtained and are attached to this amendment:

- Air Pollution Emission Notice (APEN) permit
- Eagle County Special Use Permit

EXHIBIT N

RIGHT OF ENTRY

As shown on the documents, the surface owners of record of the property which will be mined are Carol Ann and Robert Newby

Owner(s): Newby, Carol Ann & Robert W.

Address: PO Box 399

City: Gypsum

State: CO

Zip Code: 81637-0399



2/16-

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, made this 29th day of July, 2011, between Carol Ann Schmidt, (Grantor) and Carol Ann Newby and Robert W. Newby, as tenants in common, (Grantees).

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and 00/100ths Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, conveyed and quit claimed, and by these presents, does hereby remise, release, sell, convey and quit claim unto the Grantees, their heirs, successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the said County of Eagle and State of Colorado described as follows:

See Exhibit A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantees, their heirs, successors, and assigns forever. The singular number shall include the plural, the plural and the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Grantor has executed this Quit Claim Deed on the date set forth above.

Carol Ann Schmidt

Carol Ann Schmidt

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The above and foregoing document was acknowledged before me this 29th day of July 2011, by Carol Ann Schmidt.

My commission expires: 10/28/2012
Witness my hand and official seal.

Melanie K Davis

Notary Public

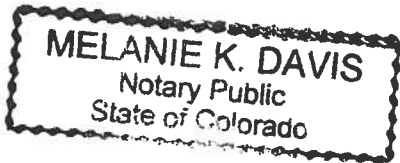


EXHIBIT O OWNERS OF AFFECTED LAND AND MINERAL TO BE MINED

The owner(s) of record of affected land (surface area) and owners of substance to be mined is:

Owner(s): Newby, Carol Ann & Robert W.

Address: PO Box 399

City: Gypsum

State: CO

Zip Code: 81637-0399

EXHIBIT P MUNICIPALITIES WITHIN TWO MILES

This exhibit is unchanged from the currently approved permit. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	P	MUNICIPALITIES WITHIN TWO MILES	69	PERMFILE103901	11/24/2007

EXHIBIT Q PROOF OF MAILING OF NOTICES TO THE BOARD OF COUNTY COMMISSIONERS AND SOIL CONSERVATION DISTRICT

Notices were filed with the Eagle County Board of Commissioners and the Eagle County Conservation District. Proof of these notices are attached.

Eagle County

Board of County Commissioners

P.O. Box 850

500 Broadway

Eagle, Colorado 81631

Eagle County Conservation District

PO Box 360,

Eagle, CO 81631

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9956 0968 1080 72

RETURN RECEIPT TRACKING NUMBER
9490 9118 9956 0968 1084 10

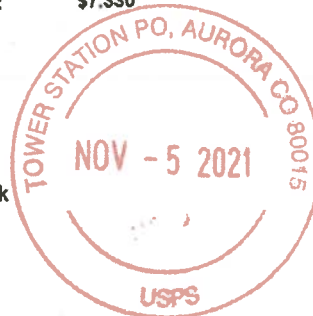
FEEES

Postage per piece	\$0.530
Certified Fee	\$3.750
Return Receipt Fee	\$3.050
Total Postage & Fees:	\$7.330

ARTICLE ADDRESS TO:

Board of County Commissioners
Eagle County
500 Broadway St Suite 3
Eagle CO 81631

Postmark
Here



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7118 9956 0968 1806 88

RETURN RECEIPT TRACKING NUMBER
9490 9118 9956 0968 1806 45

FEEES

Postage per piece	\$0.530
Certified Fee	\$3.750
Return Receipt Fee	\$3.050
Total Postage & Fees:	\$7.330

ARTICLE ADDRESS TO:

Eagle Conservation District
PO Box 360
Eagle CO 81631-0360

Postmark
Here



EXHIBIT R PROOF OF FILING WITH COUNTY CLERK

A return receipt from the Eagle County Clerk & Recorder is attached.

Eagle County
Clerk and Recorder
P.O. Box 537
500 Broadway, Suite 101
Eagle, Colorado 81631

EXHIBIT S STRUCTURES

PERMANENT MAN-MADE

This exhibit is unchanged from the currently approved permit. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	S	PERMANENT MAN-MADE STRUCTURES	75-79	PERMFILE57144	11/20/2007

RULE 1.6.2(1)(B)

Prior to the submittal of the application, a sign was erected at the entrance to the site that contains the required information dictated by Rule 1.6.2(1)(b).

Please see attached sign certification.

proposed mining operation. The following is a sample of the Notice required for Rule 1.6.2(1)(b) that you may wish to use.

NOTICE

This site is the location of a proposed construction materials operation. (Name of the Applicant/Operator) Carol Ann Pit, LLC, whose address and phone number is (Address and Phone Number of the Applicant/Operator) _____, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) Eagle County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) _____, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

Certification:

I, Robert W Newby, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) Carol Ann Pit, on (Date Posted) 10-27-2021.

Robert W Newby
SIGNATURE

10-27-2021
DATE

RULE 6.5: GEOTECHNICAL STABILITY EXHIBIT

This exhibit is unchanged from the currently approved permit. Information for this exhibit can be found in the following locations of the existing permit file:

Document	Exhibit	Subsection/Item	Page	Laserfiche file	Laserfiche date
112c Permit Application	N/A	GEOTECHNICAL STABILITY EXHIBIT	81	PERMFILE134277	11/26/2007