

STATE OF NEW MEXICO

COUNTY OF SANTA FE

IN THE DISTRICT COURT

STATE OF NEW MEXICO, ex rel.,  
TONEY ANAYA, Attorney General  
and A. M. SWARTHOUT, Chief of  
Securities Bureau; BOARD OF  
COUNTY COMMISSIONERS OF SANTA  
FE COUNTY,

Plaintiffs,

vs.

ERNEST CUMMINS, et al.,

Defendants.

ORIGINAL FILED  
5/26/80  
SF  
No. SF 78-2566

May 26, 1980

ORDER

The above matter came for hearing on Defendant Ernest Cummins' "Petition to Amend Order Establishing Escrow Fund and Procedures for Payment of Restitution under Partial Decree." The Court having heard the matter on May 23, 1980, with Defendant Ernest Cummins being represented by Campbell and Black, Attorneys at Law, and the firm of Modrall, Sperling, Roehl, Harris and Sisk having withdrawn as attorneys for Defendant Ernest Cummins; and all other parties being represented by their attorneys of record, and the Court having heard evidence, finds:

1. On October 3, 1979, this Court entered an Order Establishing Escrow Fund setting forth a procedure for collection and payment of funds needed to make restitution, pursuant to the Partial Decree entered herein on December 20, 1978, to among others, electing limited partners who purchased interests on or after August 9, 1976, in the Simms Ranch area, (as that area is more fully described in Exhibit B to the Complaint filed herein.)

2. Under the terms of the Order Establishing Escrow Fund, Defendant Ernest Cummins deeded to First National Bank of Albuquerque, as Escrow Agent, 1,357.99 acres of land more fully

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described in a Deed of Trust attached as Exhibit B to that Order, and Defendants Cummins and Waldo Industries Joint Venture pledged and assigned to the Escrow Agent the contracts and proceeds therefrom owned or held by them arising out of the sale of land in the Simms Ranch area.

3. The order Establishing Escrow Fund entered herein has not provided a satisfactory vehicle for payment of restitution to eligible investors in the Simms Ranch area, in that the only amount which has been accumulated in the escrow fund is the sum of \$60,000.

4. Certain real estate contract holders have failed to make payments due under their contracts.

5. The land in the Simms Ranch area is subject to the following deeds of trust and mortgages of record: 1) Albuquerque National Bank as Trustee to John F. Simms, Jr., and Ruth Reynolds Simms, in the remaining principal amount of \$756,000, payable in \$100,000 annual installments; 2) First National Bank of Santa Fe, in the amount of \$240,000, payable in annual installments of \$100,000; and 3) Rio Grande Valley Bank in the amount of \$150,000, payable in annual installments of \$75,000. A payment to the Albuquerque National Bank as Trustee for Simms in the amount of \$100,000 plus interest became due on April 1, 1980. Neither Defendant Cummins nor the escrow fund had sufficient cash to make that payment, and it is delinquent. Albuquerque National Bank, as trustee, has granted Defendant Cummins until July 15, 1980, to cure any default, in return for a payment by him of \$18,000. On March 15, 1980, a payment in the amount of \$75,000 became due to the Rio Grande Valley Bank, which payment is also delinquent. On May 1, 1980, a payment in the amount of \$100,000 plus interest became due to the First National Bank of Santa Fe, and neither Defendant Cummins nor the escrow fund have had sufficient cash to make that payment and it is delinquent.

6. The prior Order Establishing Escrow Fund did not make adequate provision for payment of the underlying mortgages and unless said underlying mortgages are paid, the lands are subject to foreclosure, with possible loss by contract purchasers of their interest in the subject lands.

7. An offer has been made to Ernest Cummins to purchase the 1,357.99 acres of land more fully described in Deed of Trust attached as Exhibit B to Order Establishing Escrow Fund by Buena Vista Estates, Inc., a newly formed New Mexico corporation, for the price of \$1,700 per acre subject to existing mortgages. Buena Vista Estates, Inc., intends to develop said 1,357.99 acres and any other lands in the Simms Ranch area that it acquires.

8. The shareholders of Buena Vista Estates, Inc., are George T. Harris, Leland S. Sedberry, Jack Graham, [REDACTED]. In addition, Jerry Geist is a potential investor who may acquire stock in the future. Messrs. Harris, Sedberry, and Graham are directors, and Mr. Harris is President.

9. Defendant Cummins has stipulated and agreed that the offer and plan of Buena Vista Estates, Inc., constitutes fair market value for the 1357.99 acres of land owned by him and to be sold to Buena Vista under the plan.

10. The provisions in the Order Establishing Escrow Fund for payment of restitution to eligible investors who purchased limited partnership interests in the Madrid Heights area as more fully described in Exhibit C to the Complaint on or after August 9, 1976, through a letter of credit provided by Defendant Lauren H. Pepler are adequate and are not affected by this Order.

11. The provisions in Paragraphs 5B and 5E of the Partial Decree for contingent payment of pro rata restitution to persons purchasing interests on or before August 9, 1976, out of

funds remaining have proved impracticable to implement and unnecessary to accomplish restitution to substantially all affected investors.

WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED as follows:

~~Ernest Cummins Viola Estates, Inc.~~ will attempt to acquire a letter of credit from a recognized banking institution in the amount of \$475,000 for the benefit of Ernest Cummins payable to the State of New Mexico. The form of the letter of credit shall be subject to approval by the Attorney General of the State of New Mexico, and shall be used solely for the purpose of paying the restitution offer described in Paragraph 2 hereof.

2. The letter of credit for \$475,000 shall be for the sole purpose of guaranteeing Defendant Ernest Cummins' obligation to make full restitution, plus 5% interest pursuant to the Partial Decree and the Order Establishing Escrow Fund, to persons who purchased their limited partnership interests on or after August 9, 1976, in the following limited partnerships:

Happy Valley Two Limited Partnership  
Valle Contento Three and Four Limited Partnership  
Valle Contento Six Limited Partnership  
Happy Valley Eight Limited Partnership  
Happy Valley Nine Limited Partnership  
Valle Contento Eleven Limited Partnership  
Valle Contento Twelve and Twenty-Seven Limited Partnership  
Valle Contento Thirteen Limited Partnership  
Valle Contento Fifteen Limited Partnership  
Valle Contento Sixteen Limited Partnership  
Valle Contento Twenty-One and Twenty-Two Limited Partnership  
Valle Contento Twenty-Three Limited Partnership  
Valle Contento Twenty-Five and Twenty-Six Limited Partnership  
Mancos Two Limited Partnership  
Mancos Four Limited Partnership  
Mancos Seven Limited Partnership  
Mancos Eight Limited Partnership  
Mancos Nine Limited Partnership  
Mancos Eleven Limited Partnership  
Mancos Fourteen Limited Partnership  
Mesita Three Joint Venture and Mary Reed,  
individually,

It is the understanding of the parties signing this Order that the limited partnerships listed in this paragraph include all

-include investors eligible for restitution under the Partial Decree as modified by this Order based upon information currently available to such parties.

3. The letter of credit for \$45,000 furnished by Defendant Lauren H. Peppler pursuant to Paragraph 3A of the Order Establishing Escrow Fund shall be for the purpose of making full restitution plus 5% interest pursuant to the Partial Decree and the Order Establishing Escrow Fund to persons who purchased their limited partnership interests on or after August 9, 1976, in the following partnerships:

PINON RIDGE FIVE AND SIX LIMITED PARTNERSHIP  
JUNIPER HILLS SIX LIMITED PARTNERSHIP

It is the understanding of the parties signing this Order that the limited partnerships listed in this paragraph include all investors eligible for restitution under the Partial Decree as modified by this Order based upon information currently available to such parties.

4. When the letter of credit is issued,

a) the Escrow Agent, First National Bank of Albuquerque, will release the 1,357.99 acres owned by Ernest Cummins to Buena Vista Estates, Inc., and Ernest Cummins will deed said property to Buena Vista Estates, Inc. Buena Vista Estates, Inc., may pledge the 1,357.99 acres as security for issuance of the letter of credit; and

b) Cummins will assign to Buena Vista Estates, Inc., all real estate contracts and proceeds now pledged and assigned to First National Bank of Albuquerque as escrow agent and Buena Vista Estates, Inc., may pledge them to the financial institution issuing the letter of credit as collateral security for the contingent liability on the letters of credit.

5. All of the proceeds from the real estate contracts now pledged and assigned to First National Bank of Albuquerque as escrow agent shall be assigned to Buena Vista Estates, Inc., and shall be escrowed with First National Bank of Albuquerque for Buena Vista Estates, Inc., to be used for the following purposes:

(a) Payment of installments due under existing mortgages and property taxes or tax liens on the land;

(b) Restitution pursuant to the Offer of Restitution, which shall proceed in accordance with the general procedures governing notice of restitution outlined in Paragraph 5 of the Order Establishing Escrow Fund. No notice or offer of restitution shall be made to persons purchasing limited partnership interests or non-managing joint venture interests before August 9, 1976, and Paragraphs 5B and 5E of the Partial Decree are hereby vacated and the restitution obligations thereunder are terminated. Payment shall be made to accepting limited partners in the limited partnerships listed in Paragraph 2 hereof, provided that if the amount remaining in the fund after payment of the underlying mortgages, taxes and liens is insufficient to make payment in full to all accepting limited partners ~~then Buena Vista Estates Inc., and Defendant Ernest Cummins shall have 15 days from the final date upon which acceptance of the restitution offer may be made in which to deposit such additional sums to the escrow fund as are necessary to pay all accepting limited partners in full.~~

Thereafter, in the event Buena Vista Estates does not provide funds necessary to complete restitution as required by the Order, or Ernest Cummins does not make restitution, as required by the Order, then the State of New Mexico, through the Attorney General, shall notify the First National Bank of Albuquerque, as Escrow Agent, to draw on the letters of credit for the purposes of making restitution. Provided, however, that if after the letter of credit is fully drawn upon and the restitution fund is insufficient at that time to pay out in one lump sum payment the full amount of the restitution obligation determined based upon the investors electing to rescind their participation interests,

pursuant to the restitution order, but at least 75% of the restitution obligation is funded, the State may distribute the accumulated funds pro rata, but the electing investors shall remain entitled to the full amount of restitution as additional funds become available.

(c) After the restitution obligation has been satisfied with respect to the Simms Ranch area then the escrow agent's obligation shall be ended, and the amounts remaining in the escrow fund, and all contracts shall be released to Buena Vista Estates, Inc. However, Buena Vista Estates and Ernest Cummins agree that the funds received from the contracts will be used to make the payments due on all mortgages on all the land.

(d) In the event that the letter of credit provided by Buena Vista Estates, Inc., is withdrawn, then Buena Vista Estates, Inc., shall redeem the 1377.99 acres of land and shall repledge and reassign the contracts and any remaining proceeds therefrom to First National Bank of Albuquerque as escrow agent on behalf of the State of New Mexico for satisfaction of the restitution obligations as set forth in the Order Establishing Escrow Fund.

6. Within thirty days from the date of this Order, each general partner and managing joint venturer shall render an accounting to the Court of all sums received by him from limited partners and joint venturers, in the Simms Ranch area and in the Madrid Heights area (which area is more fully described in Exhibit C to the Complaint herein) all funds disbursed by him in payment of any real estate contracts affecting the land owned by the limited partnership or joint venture, and all funds held by him for the limited partnership or joint venture. Each general partner and managing joint venturer shall render a supplemental

accounting to the Court on the last date upon which acceptance of the offer of restitution shall be made. Any funds now held or collected in the future by any general partner or joint venturer shall immediately be paid <sup>by</sup> ~~to~~ him to the escrow agent.

7. The offer of restitution shall proceed in accordance with the general procedures governing notice of restitution outlined in Paragraph 5 of the Order Establishing Escrow Fund. Upon receipt of authorization from the Securities and Exchange Commission that the Defendants qualify for an exemption under Regulation 252 of the Securities Act of 1933, a notice of offer of restitution required to be sent to all persons entitled to restitution under the partial Consent Decree as modified by this Order shall be prepared and such notice shall be submitted for review and clearance by the Denver office of the Securities and Exchange Commission. Upon review and clearance by the Denver office of the Securities and Exchange Commission and the Chief of Securities Bureau of the State of New Mexico, Defendants, Cummins and Pepler, shall effect and complete said restitution offer.

.B. In the event that the sum necessary to accomplish restitution exceeds the \$475,000 letter of credit, Buena Vista Estates, Inc., will use its best efforts to provide additional letters of credit or otherwise to secure full payment of restitution.

9. Buena Vista Estates, Inc., may declare defaults and pursue any remedies available to it under the terms of any real estate contracts associated with Simms Ranch land involved in this proceeding except those contracts affecting lands held by those limited partnerships listed in Paragraph 2 hereof.

10. After 15 days from the final date upon which acceptance of the offer of restitution may be made, Buena Vista Estates, Inc., may, with leave of court, declare defaults and pursue any remedies available to it under the terms of any real estate contract associated with lands in the Simms Ranch area



against the limited partnerships listed in Paragraph 2 hereof to the extent of amounts owed by limited partners who have refused restitution and elected to remain in the limited partnership but who have not by that date paid their pro rata portions of any amounts due under their limited partnership agreements or under any real estate contract affecting the lands held by any limited partnership in which they have an interest.

11. Any acceptance by a limited partner in a limited partnership listed in Paragraphs 2 and 3 hereof of the offer of restitution required by the Partial Decree shall be conditioned upon and subject to the execution, by the accepting limited partner, of an assignment and quitclaim deed to Buena Vista Estates, Inc., with respect to limited partnerships listed in Paragraph 2 and to Lauren H. Peppler with respect to limited partnerships listed in Paragraph 3, or offering party, relinquishing all of his interest in the limited partnership; and such limited partner shall execute a full and general release, absolving and exonerating Defendants Cummins, Peppler, and Waldo Industries Joint Venture and all Defendants, including the general partner of the limited partnership, from any and all liability of whatsoever kind arising out of the offer, sale of interests in, formation of, or participation in, such limited partnership. The releases, assignments, and quitclaim deeds shall be held in escrow by the Attorney General's office and released to Buena Vista Estates Inc., upon full payment of restitution to the individual receiving restitution.

12. Following the final date upon which limited partners may elect to rescind their participation interests in "Simms Ranch" limited partnerships pursuant to the restitution offering, Buena Vista, Defendants, and the State shall propose a plan of

~~reorganization of limited partnerships pursuant to Paragraph 11~~  
~~of the Order Establishing a Trust Fund, the final form of which~~  
~~shall be approved by the Board.~~ The Court shall retain jurisdic-

tion to modify or supplement the reorganization plan approved by the Court. Any reorganization plan proposed by such Defendants, Buena Vista Estates, Inc., and the State shall provide that:

- A. Limited partners who have not elected to rescind shall not be required (i) to increase their participation interests in any limited partnership, or (ii) to increase their monetary obligation respecting their participation interests in any limited partnership; and
- B. Nonelecting limited partners may be required to make any and all arrearage payments on their participation interests.

The reorganization plan may provided for the consolidation or transfer of nonelecting limited partners into one or more limited partnerships or from one limited partnership to another, provided that the same shall be undertaken and accomplished in an equitable manner so that no limited partner's interest is adversely affected in terms of value. As a consequence of reorganization, limited partners may be participating in limited partnerships purchasing parcels of Simms Ranch land other than the parcels contracted for purchase by their original limited partnership.

13. Buena Vista Estates intends to develop the 1,357.99 acres and any other lands acquired by it but Buena Vista Estates, Inc., and Defendant Ernest Cummins will comply with the New Mexico Subdivision Act, Section 70-5-1, et seq, N.M.S.A. and the Santa Fe County Subdivision Regulations prior to subdivision or sale of said land, as well as with the provisions of the New

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Mexico Securities Act.

14. Upon completion of restitution to those accepting limited partners with interest in the limited partnerships listed in Paragraphs 2 and 3 hereof, a satisfaction of restitution will be filed as to Defendants Ernest Cummins, Lauren H. Pepler, and Waldo Industries Joint Venture as to those limited partners offered restitution. The Defendants who have signed the Partial Decree herein, shall no longer be subject to further enforcement proceedings by the State of New Mexico for civil or criminal penalties arising out of past violations of the New Mexico Securities Act and the New Mexico Subdivision Act as alleged in the Complaint. The State will not interfere in any future transactions with respect to the land or the limited partnership or joint ventures so long as such transactions are in compliance with the Securities Act of New Mexico, the New Mexico Subdivision Act, and the Partial Decree.

15. Subject to the next succeeding sentences of this paragraph, the Defendants may transfer or sell the land owned by them to each other or to third party purchasers including Buena Vista Estates, Inc., so long as the parcels of land are not further divided by the Defendants, their successors or assigns without a plat map being filed and approved by the Santa Fe County Commission under the New Mexico Subdivision Act and the Santa Fe County Subdivision Regulations. Such transfers or sale of land owned by limited partnerships as listed in Paragraphs 2 and 3 hereof shall be permitted from the date of entry of this Order until a date that is fifteen (15) days after notice is received from the Securities and Exchange Commission that Defendants Cummins and Pepler have obtained an exemption pursuant to Rule 252 of the Securities Act of 1933, and any such transfers or sale of land by Defendants shall be required to be

negotiated at a purchase price that will result in limited partners receiving sums at least equal to the amounts they would receive under the restitution offer required by the Court herein. In the event the restitution offer is delayed so that it is not approved by the Securities and Exchange Commission within sixty (60) days from the date sales are required to terminate as herein provided, the Defendants shall be entitled to resume sales and to continue with such sales indefinitely unless otherwise ordered by the Court. The Court retains jurisdiction with respect to the foregoing matter.

16. Whenever, in this Order, the Court has used the phrase "limited partner," the concept of "non-managing joint venture" is intended to be included. Similarly, the concept of "joint venture" is included in the term "limited partnership," and "managing joint venturer" within the concept of "general

partner."

17. This Order shall not affect the liability of any Defendant in this case except as to those partners who have been offered or who have received full restitution and the State.

*Thomas A. Danzell*  
District Judge

APPROVED:

ATTORNEY GENERAL FOR THE  
STATE OF NEW MEXICO

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Joseph F. Canepa  
Assistant Attorney General  
Post Office Drawer 1508  
Santa Fe, NM 87501

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Post Office Box 1888  
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SECURITIES BUREAU OF THE  
STATE OF NEW MEXICO

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A. M. Swarthout, Chief  
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SISK

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George T. Harris, Jr., for  
Buena Vista Estates  
Post Office Box 2168  
Albuquerque, NM

FELKER & McFEELEY, PA

*Randolph Felker*  
Randolph Felker, Attorney for  
Lewis Geer and Mary Reed  
With certain objections

DEED

Ernest Cummins and Barbara L. Cummins, being owners, subject to other interests, mortgages, and encumbrances of record, of a tract of real property comprising 1357.99 acres of land in Santa Fe County, New Mexico, more particularly described as:

1357.99 acres more or less described as tract A on Master Plan of the Ranch of Santa Fe located within the Mesita de Juana Lopez Grant, located in T14N., R7E, Sections 1,2,3,4,5,11,12 and 13 NMPM in Santa Fe County, New Mexico,

do hereby quitclaim and transfer to Buena Vista Estates, Inc., a New Mexico Corporation, all of their right, title, and interest in the above described real property in compliance with the Orders of the Santa Fe County District Court in Civil Cause No. SF 78-2566 and in particular paragraph 4 of the Order of May 26, 1980.

In WITNESS WHEREOF, the undersigned grantors have executed this Deed on Dec. 18, 1980.

*Ernest Cummins*  
ERNEST CUMMINS

*Barbara L. Cummins*  
BARBARA L. CUMMINS

STATE OF NEW MEXICO )  
 ) SS.  
COUNTY OF BERNALILLO )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 1980 by Ernest Cummins, Barbara L. Cummins, his wife.



*Mary Ann*  
Notary Public  
480,030



My Commission Expires:  
STATE OF NEW MEXICO )  
 ) OF SANTA FE ) SS  
In presence of Hand and Seal of Office  
CA. OLINA R. GONZALES  
County Clerk, Santa Fe County, N.M.

I hereby certify that this instrument was filed for record on the 9 day of June, 1981 at 3:00 P.M. and was duly recorded on 422 page 193-194 of the records of Santa Fe County. *Quicilla Ugal*  
Deputy.

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## DESCRIPTION OF A 1,358 ACRE TRACT OF LAND

A tract of land situate in the Mesita de Juana Lopez Grant, within Sections 20, 21, 22, 23, 26, 27, and 28, T15N, R7E, N.M.P.M., Santa Fe County, New Mexico and being more particularly described from County Road No. 61 easement as recorded in the office of the County Clerk of Santa Fe County, New Mexico, in Book 227, Page 93, on July 20, 1965, township plats, New Mexico State Highway Commission right-of-way maps of Interstate Highway 25 for Project I-025-5(23)260, and a survey by Samuel P. Davalos, as follows:

BEGINNING at a point on the southerly right-of-way of said Interstate 25, whence the section corner common to Sections 22, 23, 26, and 27, T15N, R7E, N.M.P.M., a USGLOS brass cap, bears S60°32'13"E, 8970.89 feet, and from said beginning point running thence along said southerly right-of-way of Interstate 25 N85°34'00"E, 1836.06 feet to a point; thence, N04°26'00"W, 51.02 feet to a point; thence, 786.24 feet along the arc of a curve to the right having a radius of 5654.58 feet and a chord bearing S89°33'00"E, 785.61 feet to a point of tangency; thence, S86°28'00"E, 3127.05 feet to a point of curvature; thence, 456.92 feet along the arc of a curve to the right having a radius of 688.94 feet and a chord bearing S67°28'00"E, 448.59 feet to a point of tangency; thence, S48°28'00"E, 193.45 feet to a point of curvature; thence, 556.41 feet along the arc of a curve to the left having a radius of 838.94 feet and a chord bearing S67°28'00"E, 546.26 feet to a point of tangency; thence, S86°28'00"E, 165.00 feet to a point; thence, S03°32'00"W, 48.77 feet to a point of curvature; thence, 277.73 feet along the arc of a curve to the left having a radius of 813.94 feet and a chord bearing S06°14'30"E, 276.38 feet to a point of tangency; thence, S16°01'00"E, 150.00 feet to a point on the westerly right-of-way of said County Road No. 61; thence along said westerly right-of-way of County Road No. 61, S16°01'00"E, 1369.44 feet to a point; thence, S14°44'28"E, 693.04 feet to a point; thence, S14°40'45"E, 3122.90 feet to a point; thence, S16°44'20"E, 1038.83 feet to a point; thence, S15°29'23"E, 781.98 feet to a point; thence, S16°44'16"E, 356.56 feet to a point of curvature; thence, 61.60 feet along the arc of a curve to the right having a radius of 75.00 feet and a chord bearing S06°47'35"W, 59.89 feet to a point of tangency; thence, S30°19'25"W, 116.90 feet to a point; thence, leaving the westerly right-of-way of said County Road No. 61 N63°49'48"W, 1236.36 feet to a point; thence, N44°24'48"W, 3198.19 feet to a point; thence, S67°40'44"W, 1608.23 feet to a point; thence, N83°09'26"W, 3601.29 feet to a point; thence, N54°52'32"W, 6146.00 feet to a point; thence, N65°32'41"E, 4962.94 feet to the point and place of beginning.

Tract contains 1,357.999 acres.

Bohannon-Huston, Inc.  
4125 Carlisle Blvd., N.E.  
Albuquerque, NM 87107

Job No. 74-048/79  
September 25, 1979

*A. Dwain Weaver*

A. Dwain Weaver  
N.M.P.L.S. No. 6544



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## APPENDIX B

# Legal Interpretation of Mineral Rights



**KELEHER & McLEOD, P.A.**  
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*Running Horses © Gray Mercer 1989*

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BRIAN J. O'ROURKE

W.A. KELEHER (1886-1972)  
A.H. McLEOD (1902-1976)  
JOHN B. TITTMANN (1907-1996)  
RUSSELL MOORE (1931-2003)  
MARGARET E. DAVIDSON (1950-2001)

November 7, 2013

Mr. James W. Siebert  
915 Mercer St.  
Santa Fe, NM 87505

Re: *Buena Vista Lands*

Dear Mr. Siebert:

With regard to the lands owned by various Buena Vista entities in Santa Fe County, you have asked me to answer two questions. First, who owns the mineral rights on the Buena Vista lands, and second, are sand and gravel considered to be minerals. In answer to your first question, based solely on my review of available documents, it is my opinion that the various Buena Vista entities have a 12.5% undivided interest in all oil, gas and minerals on the lands they own. The successors of The Mesita Company have a 25% undivided interest, the successors of Cooper and Mayer have a 37.5% interest and the successors of Noelke and Poage have a 25% undivided interest.

It appears that the first conveyance or reservation of mineral rights occurred in the warranty deed from The Mesita Company to Hugh P. Cooper and Walter Mayer on April 29, 1948. That warranty deed reserved "unto seller a one-fourth interest in all oil, gases, minerals and mineral substances in, under or upon said properties." Book 34 Misc., page 530 of the records of Santa Fe County. Subsequently, Cooper and Mayer conveyed the land to H.M. Noelke and Doug Poage on February 8, 1950. Book 45 Deeds, page 463. That warranty deed states:

Provided that there will be transferred to Buyer only a one-half interest in all oil, gas, mineral and mineral substances in and under said property, and excepting the balance of said interest to grantor.

Thus, at this time, The Mesita Company had a 25% interest in the oil, gas and minerals, Cooper and Mayer had a 37 1/2% interest and Noelke and Poage had a 37 1/2% interest. Finally,

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Mr. James W. Siebert  
November 7, 2013  
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Noelke and Poage conveyed the land to Sam E. Brown and Billy N. Brown by warranty deed in 1959. With regard to the oil, gas and mineral rights, that deed provides:

Subject further to outstanding oil, gas and other mineral interests to the extent of 87 1/2 percent thereof heretofore retained, conveyed or herein retained by the Grantors, it being the intent and intention of the parties hereto that one-eighth of eight-eighths (12 1/2 percent) only of all such mineral interests are being conveyed hereby unto Grantees....

On December 28, 1967, Sam E. Brown and Billy N. Brown, and their respective wives, conveyed the property by warranty deed to John F. Simms, Jr. With regard to the oil, gas and minerals, that warranty deed provides:

Subject to all previously-conveyed and previously-reserved oil, gas, and other minerals and mineral rights in, to, and under the foregoing-described real estate but including any and all oil, gas, and other minerals and mineral rights in, to, and under the foregoing-described real estate presently owned by Grantors, Grantors intending hereby to convey without warranty covenants any and all rights, titles and interest Grantors may presently have in and to all oil, gas, and other minerals and mineral rights in, to and under the foregoing-described real estate.

On March 23, 1973, Simms deeded the property to Ernest and Barbara Cummins. That warranty deed contains the same language relative to oil, gas and mineral interests as the Brown to Simms warranty deed. The Buena Vista entities acquired the property from Earnest and Barbara Cummins.

In answer to your second question, again based solely on my review of available documents, it is my opinion that "sand and gravel" are not considered to be "minerals", "mineral substances", or "mineral rights" and are thus not reserved, belonging entirely to the Buena Vista entities. In New Mexico, sand and gravel are not included within the scope of a general mineral reservation contained in a contract of sale or patent unless there is evidence that the parties so intended. Title to sand and gravel passes with the surface estate if not specifically reserved by the sale contract or the government patent. *Roe v. State of New Mexico, ex rel., State Highway Department, 103 NM 517, 520, 710P.2d, 84, 87 (1985)*. In a case dealing solely with the conveyance of state trust lands to private parties, the New Mexico Supreme Court held that "the question of whether sand and gravel are "minerals" as that term is used in general mineral reservations is to be answered on a case-by-case basis by examining the intent of the parties." *Bogle Farms, Inc. v. Baca, 122 NM 422, 432, 925P.2d, 1184, 1194 (1996)*. A concurring opinion in the Bogle case noted that "for a private grantor to reserve sand and gravel, a provision so specifying must continue to be included in the purchase contract." *Id at 433, 925P.2d at 1195*. In the Buena Vista case, the State of New Mexico was never involved in the chain of title of the Buena Vista lands. Title originated in 1782 when the Mesita de Juana Lopez Grant was made by the governor of the Territory of New Mexico-Kingdom of Spain to three individuals. There is no

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Mr. James W. Siebert  
November 7, 2013  
Page 3

indication sand and gravel were reserved in that conveyance and, as noted above, the first conveyance reserving any mineral rights occurred in 1948 in the warranty deed from The Mesita Company to Hugh P. Cooper and Walter Mayer, all private individuals.

Hopefully this answers your inquiry. If you have any questions or desire any further information, please advise.

Very Truly Yours,

KELEHER & McLEOD, P.A.

By 

Arthur O. Beach

AOB/vmw

202736.DOC

cc: Mr. Jerry D. Geist  
931 San Pedro Drive, SE  
Albuquerque, New Mexico 87108-4815

NBB-55

# APPENDIX C

## Materials Found on Site

NB3-54



Client: Rockology, LLC  
 3601 Pan American Fwy NE  
 ABQ, NM 87107-

Report Date: October 04, 2007

Attn: Steve Hooper  
 Project Name: Rail Runner Phase 2  
 ABQ, NM

Project #: 7-519-004577  
 Work Order #: 1  
 Lab #: 7-1463

Sampled By: Client  
 Date Sampled:  
 Visual Description of Basecourse Material:

Sample Source: Buena Vista Pit

Project Manager: Herman Garcia

AGGREGATES SUMMARY REPORT

Type of Specification: NMDOT Section 303 Base Course				Supplier:		Product Code:		Moisture Density Relationship		Specificat	
Sieve Analysis		Specifications		Specifications							
Sieve Size	Passing	Min	Max	Min	Max						
1in.	100%	100				Unit Weight(pcf):		A. ISHTO T180-01		Min	
3/4in.	99%	80	100			Voids:		Max. Density(pcf):			
1/2in.	91%					Method:		Opt. Moisture(%):			
AASHTO T27-06 / T11-05	73%					Coarse S.G. AASHTO T85-91		A. ISHTO T89-02 / T90-00			
#4	63%	30	60 *			Bulk S. G. (dry): 2.694		Liquid Limit: NV		2:	
#8	42%					Bulk S. G. (SSD): 2.755		Plastic Limit: NV		6	
#10	27%	20	44			Apparent S. G.: 2.868		Plasticity Index: NP			
#16	25%					Absorption (%): 2.2		Fracture Face Count ASTM D5821-01			
#30	18%					Fine S.G. AASHTO T85-00		1 Face (%): 100		50	
#40	13%					Bulk S. G. (dry):		2 Faces (%): 100		50	
#50	10%					Bulk S. G. (SSD):		Flat & Elg. (%):			
#100	8%					Apparent S. G.:		Ratio:			
#200	6.5%	2	10			Absorption (%):		Clay Lumps AASHTO T112-00			
						Soundness ASTM C88-05		Coarse Agg. (%):			
						Coarse Loss(%): 2.6		Fine Agg. (%):			
						Magnesium # of Cycles: 5		Lightweight Pieces AASHTO T113-06			
						Fine Loss (%):		Coarse Agg. (%):			
						Magnesium # of Cycles:		Fine Agg. (%):			
						LA Abrasion AASHTO T96-02		Incompacted Voids AASHTO T304-96			
						Small Size Loss: 16		Uncomp. Voids(%):			
						Grading / Revs.: B / 500		Method:			
						Large Size Loss:		AASHTO T176-02			
						Grading / Revs.:		Sand Equivalent:			
						AASHTO T21-05		AASHTO T267-86			
						Organic Impurities:		Organic Matter(%):			
						R-Value		Ash Content (%):			

\* Material did not fall within specified tolerances.

Reviewed By: [Signature]  
 sv

Distribution: Client  File:  Supplier:  Other: Addressee (2)  
 Email:

AMEC Earth Environmental, Inc.  
 8519 Jefferson NE  
 Albuquerque, NM 87113  
 Tel 5058211801  
 Fax 5058217371

www.amec.com

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Client: Rockology, LLC  
3601 Pan American Fwy NE  
ABQ, NM 87107-

Report Date: October 04, 2007

Attn: Steve Hooper  
Project Name: Rail Runner Phase 2  
ABQ, NM

Project #: 7-519-004677  
Work Order #: 1  
Lab #: 7-1463

Sampled By: Client  
Date Sampled:  
Visual Description of Basecourse Material:  
Sample Source: Buena Vista Pk

Project Manager: Herman Garcia

AGGREGATES INDEX REPORT

Type of Specification: NMDOT Section 303 Base Course  
Supplier: \_\_\_\_\_ Product Code: \_\_\_\_\_

	Specifications	
	Min	Max
Coarse S.G. ASTM C127-04		
Bulk S. G. (dry):	2.694	
Bulk S. G. (SSD):	2.755	
Apparent S. G.:	2.868	
Absorption (%):	2.25	

	Specifications	
	Min	Max
Soundness #3 ASTM C88-05		
Coarse Loss(%):	3.08	
Magnesium # of Cycles:	5	

LA Abrasion AASHTO T96-02
Small Size Loss: 15.64
Grading / Revs.: B / 500

Soundness #4 ASTM C88-05
Coarse Loss(%): 2.37
Magnesium # of Cycles: 5

Soundness #1 ASTM C88-05
Coarse Loss(%): 2.64
Magnesium # of Cycles: 5

Soundness #5 ASTM C88-05
Coarse Loss(%): 2.57
Magnesium # of Cycles: 5

Soundness #2 ASTM C88-05
Coarse Loss(%): 2.24
Magnesium # of Cycles: 5

Soundness Avg ASTM C88-05
Coarse Loss(%): 2.58
Magnesium # of Cycles: 5

Aggregate Index N ASHTD Section 910
Agg. Index: 7.20 35

Reviewed By: [Signature]  
av

Distribution: Client  File:  Supplier:  Other: Addressee (2)  
Email:

AMEC Earth Environmental, Inc.  
8519 Jefferson NE  
Albuquerque, NM 87113  
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Fax 5058217371

www.amec.com

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**Western Technologies Inc.**  
The Quality People  
Since 1955

6305 Washington Place N.E.  
Albuquerque, New Mexico 87113-1670  
(505) 823-4488 • fax 821-2963

**PHYSICAL PROPERTIES OF AGGREGATES**

Client **BUILDOLGY**  
3601 PAN AMERICAN FREEWAY NE  
ALBUQUERQUE, NM 87107

Date of Report **10-04-07**  
Job No. **1247J0234**  
Event / Invoice No. **11945**  
Authorized By **STEVEN HOOPER**  
Sampled By **CLIENT**  
Submitted By **CLIENT**

Lab No. **71945**  
Date **09-21-07**  
Date **09-21-07**  
Date **09-21-07**

Project **NM RAILRUNNER - PHASE II**  
Contractor **BUILDOLGY**  
Type / Use of Aggregate **BASALT**  
Sample Source / Location **BUENA VISTA PIT**  
Special Instructions: **ABSORPTION ONLY**

Location **BUENA VISTA PIT**  
Arch. / Engr. **N/A**  
Supplier / Source **BUILDOLGY**  
Source / Location Desig. By **CLIENT**

Date **09-21-07**

**TEST RESULTS**

SIEVE ANALYSIS		ASTM C136	AASHTO T27	PHYSICAL PROPERTIES			TEST RESULTS	SPECIFICATION
SEIVE SIZE U.S. - MIL	ACCUMULATIVE % PASSING		SPECIFICATION	UNIT WEIGHT & VOIDS	FINE AGGREGATE	UNIT WEIGHT, PCF →		
4 IN. - 100.0				<input type="checkbox"/> ASTM C29 <input type="checkbox"/> AASHTO T19		VOIDS, % →		
3 - 75.0				<input type="checkbox"/> RODDING <input type="checkbox"/> JIGGING <input type="checkbox"/> LOOSE	COARSE AGGREGATE	UNIT WEIGHT, PCF →		
2 - 50.0						VOIDS, % →		
1 1/2 - 37.5								
1 1/4 - 31.5								
1 - 25.0								
3/4 - 19.0								
1/2 - 12.5								
3/8 - 8.5								
1/4 - 6.3								
NO. 4 - 4.75								
8 - 2.36								
10 - 2.00								
16 - 1.18								
30 - .600								
40 - .425								
50 - .300								
100 - .150								
FINER THAN NO. 200								
<input type="checkbox"/> ASTM C117								
<input type="checkbox"/> AASHTO T11								
FINENESS MODULUS, ASTM C125 →								
LIQUID & PLASTIC PROPERTIES								
<input type="checkbox"/> ASTM D4318	<input type="checkbox"/> AASHTO T89 & T90							
METHOD <input type="checkbox"/> A <input type="checkbox"/> B	RESULT		SPECIFICATION					
LIQUID LIMIT								
PLASTIC LIMIT								
PLASTICITY INDEX								
SAMPLE AIR DRIED <input type="checkbox"/> YES <input type="checkbox"/> NO								
CLEARNESS VALUE CA227 →								
ORGANIC DEPOSITS <input type="checkbox"/> ASTM C40 <input type="checkbox"/> AASHTO T21								
ORGANIC PLATE NO. →								
CARBONATES IN AGGREGATE								
<input type="checkbox"/> A2 238	<input type="checkbox"/> ASTM D5042 % →							
UNIT WEIGHT & VOIDS								
RESISTANCE TO DEGRADATION								
SMALL COARSE AGGREGATE								
<input type="checkbox"/> ASTM C151 <input type="checkbox"/> AASHTO T96 GRADING								
LARGE COARSE AGGREGATE								
<input type="checkbox"/> ASTM C895 GRADING								
LIGHTWEIGHT PIECES								
<input type="checkbox"/> ASTM C123 <input type="checkbox"/> AASHTO T113								
CLAY LUMPS & FRIBLE PARTICLES								
<input type="checkbox"/> ASTM C142 <input type="checkbox"/> AASHTO T112								
FRACTURED FACES								
<input type="checkbox"/> AZ 212 <input type="checkbox"/> PLM T607 <input type="checkbox"/> FAA								
DURABILITY INDEX <input type="checkbox"/> ASTM D3744 <input type="checkbox"/> AASHTO T210								
PROCEDURE: A <input type="checkbox"/> COARSE B <input type="checkbox"/> FINE C <input type="checkbox"/> COARSE & FINE								
UNCOMPACTED VOID CONTENT <input type="checkbox"/> AZ 247 <input type="checkbox"/> ASTM C1252 ME THOD								
FLAT & ELONGATED PARTICLES <input type="checkbox"/> ASTM D4791								
DIMENSIONAL RATIO USED <input type="checkbox"/> 1:2 <input type="checkbox"/> 1:3 <input type="checkbox"/> 1:6								

Comments:

Copies To: (3) CLIENT

THE SERVICES REFERRED TO HEREIN WERE PERFORMED IN ACCORDANCE WITH THE STANDARDS OF CARE PRACTICED LOCALLY FOR THE REFERENCED METHODS AND RELATE ONLY TO THE CONDITIONS OR SAMPLES TESTED AS STATED HEREIN. WESTERN TECHNOLOGIES INC. MAKES NO OTHER WARRANTY OR REPRESENTATION, EXPRESSED OR IMPLIED, AND HAS NOT COMPILED INFORMATION INCLUDING SOURCE OF MATERIALS SUBMITTED BY OTHERS.

REVIEWED BY

*[Signature]*  
NBB - SA

## APPENDIX D

# Wesco's Operation Procedures & Blasting Guidelines

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**WESCO Inc.**  
*Standard Operating Procedures*  
*Blasting Guidelines*

**I. Basic Principles**

- 1.1 Safety and regulatory compliance shall be the highest priorities of every work activity.
- 1.2 WESCO Inc. maintains a "zero tolerance" for any type of blasting accident including flyrock incidents and misfires. Every blast shall be planned so as to prevent any type of blasting incident or accident.
- 1.3 Control of blasting vibration and noise is essential to promote long term relations with the customer and their neighbors.
- 1.4 Compliance with all regulatory agencies rules and regulations is mandatory.
- 1.5 If it is apparent that a blasting operation at a specific site cannot be conducted in accordance with these Standard Operating Procedures, a site specific Standard Operating Procedure shall be developed between Wesco management and the customer that will allow blasting operations to be conducted safely and in accordance with all applicable regulations.

**II. Terminology**

**Blast** - The firing of explosive materials for the such purposes as breaking rock, or other material, or moving material.

**Blast area** - The area of a blast within the influence of flying debris, gases and concussion from an explosion that may cause injury to property or persons.

**Blast site** - The area where explosive material is handled during loading; including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded holes.

**Blaster** - The qualified person in charge of and responsible for the loading and firing of the blast.

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**Borehole** - A hole drilled in the material to be blasted, for the purpose of containing an explosive charge.

**Burden** - Distance in feet from the front row borehole to the nearest free face or the distance between adjacent rows. It is a function of rock type, borehole diameter, and explosive type. It is measured perpendicular to the free face.

**Collar** - The opening of a borehole.

**Concussion Zone** - This is the close-in area that is directly affected by flyrock and shock waves. The probability of a very serious or fatal injury to an unprotected person in this area is extremely high.

**Crest** - The point at which the face and the top of the bench meet.

**Excessive Flyrock Zone** - This is the zone where flyrock projects beyond the anticipated blast area. Flyrock does not reach this area in a normal blast but is created by improper drilling and/or blasting techniques and/or unforeseen geological faults.

**Misfire** - The complete or partial failure of a blast to detonate after an attempt at initiation.

**Muck Pile** - The pile of broken material resulting from a blast.

**Normal Flyrock Zone** - This is the area where flyrock is expected. It is the protected blast area, which includes the Concussion, Muck Pile, Scatter Zones, as well as in front of behind and to either side of the blast site. Any personnel remaining in this zone should be provided adequate shelter.

**Powder Factor** - The amount of explosives applied to a given volume of rock, or the quantity of rock blasted by a quantity of explosives. Normally expressed in tons per pound or pounds per cubic yard.

**Safety Zone** - The area determined by the blaster in charge and the quarry or construction site management where minimum threat of injury or damage is present if excessive flyrock occurs.

**Scatter Zone** - The area where flyrock is expected to scatter. This zone is inside the normal flyrock zone, however beyond the Concussion Zone, and the Muck Pile,

**Secondary Blasting** - Secondary blasting operations includes but are not limited to shooting boulders, toe holes, high bottom and in place detonation of misfired charges.

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**Spacing** - Distance in feet between adjacent boreholes in a row. Design spacing is usually a function of rock type, borehole diameter, explosive type, and burden. It is measured parallel to the free face.

**Staggered Pattern** - A blast design in which boreholes in a row are offset from holes in the row immediately in front of and behind the row.

**Stemming** - Cuttings or crushed stone, preferably 3/8" to 1/2" in size, loaded on top of an explosive column in a borehole. This material provides confinement of the explosive energy, thus preventing energy from escaping through the collar of the borehole, or between decks within the borehole. The amount and type of stemming used in each hole is usually dependent upon rock type, borehole diameter, and explosive type.

**Subdrilling** - Extra drilling below grade to insure adequate breakage at grade. Typically is a function of burden, pattern size and geology. The length of the borehole below the established grade generally used to ensure proper grade control. Design subdrilling is usually a function of pattern, rock @, explosive type, and geology.

### **III. Blast Design and Shot Layout**

- 3.1 Blast design should incorporate simplicity rather than complexity. The more complex a blast design, the more likely it is that mistakes will happen. With each added level of difficulty to any given design, one should consider the incremental potential for a mistake.
- 3.2 A thorough understanding of the specific blast design and procedure is essential for a safe and successful blast. If at any time, a blaster is unsure, inexperienced, or unfamiliar with a given blast design, procedure, or task, the blaster shall stop immediately and contact his/her supervisor to make arrangements for technical assistance. If at any time any employee is asked to do a task with which he/she is not familiar or is unsure regarding the safety of the task, that individual shall stop and contact his/her immediate supervisor to arrange for assistance that will either relieve the uncertainty or end the task.
- 3.3 Rock displacement is directly related to, among other things, powder factors and powder factors are not necessarily the same from job to job. If changes are to be made to a given blast design, one shall compare the starting powder factor to the proposed change. Defining powder factor as tons of rock per pound of explosives, (or cubic yards per pound), designs with a higher powder factor tend to yield greater displacement of rock, increased amount of energy and improved fragmentation. However, this may also directly increase the likelihood of excess flyrock. Always

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approach change keeping powder factors relatively close to the known safe starting point.

- 3.4 It is imperative that the blaster develop a line of communication with the drill operator regarding the blast design. Such communication shall include but is not limited to; borehole diameter, burden, spacing, depth of borehole, amount of subdrilling, number of boreholes in shot, angle (if any) of borehole(s) and the depth of these angled boreholes. Boreholes shall be clearly marked using a rock, stake or other item to delineate each intended borehole.
- 3.5 The drill operator shall be required to prepare a drill log for every borehole drilled. The drill log should include the following information for each borehole drilled: depth, amount of angle, subdrilling, location of seams / voids, size of seams / voids, amount of overburden if any, and depth of broken material at the top of the hole, if any.
- 3.6 The front row of any given shot shall not be marked or drilled until the free face of that shot has been completely cleared of rock from the previous shot. It is impossible to determine accurate burden along the entire length and / or depth of the front row while it is obstructed by the prior shot's muck pile. Also, excavation of the shot rock in front of the free face may reduce the stability of the crest area, or any part of the remaining face which may affect required blast design in that area. The stability and condition of the face must be known prior to moving a drill to work along this crest. If extenuating circumstances dictate, the front row boreholes may be marked and drilled but only if they can be positioned from a known reference point such as set back markers. These boreholes shall not be loaded until the face is clear and actual burdens can be determined.
- 3.7 The drill operator shall communicate the following to the blaster if any of the following observations are discovered:
  - 3.7.1 Changes in penetration rate while drilling a borehole. Changes in the penetration rate may indicate changes in the rock such as muddy or weak seams, or voids. The depth at which these observations are made shall be noted on the drill log.
  - 3.7.2 Changes observed in the coloration of the drill cuttings. Again this may indicate changes in different seams of rock. The depth at which these observations are made shall be noted on the drill log.

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- 3.7.3 Changes in the amount of drill cuttings blown from the borehole. When a competent rock is drilled, piles of drill cuttings will remain fairly consistent from hole to hole. When unconsolidated, broken or incompetent material is drilled, the drill cuttings will often sift into the internal seams, or voids in the rock. Knowledge and communication of this occurrence can prevent overloading and potentially prevent dangerous flyrock.
- 3.7.4 Dust from adjacent holes. Observing dust blowing from an adjacent hole while drilling a given hole is generally an indication that the holes are connected by a seam, void or joint. It is critical to observe at what depth this phenomena occurred so this area will be loaded accordingly.
- 3.7.5 Water - If water is found after drilling and there is not indication of surface sources, it can be assumed that the borehole has penetrated an aquifer. Communication is required so that product and / or pattern changes can be made to ensure good blasting results.
- 3.8 Blasters shall read these drill logs and use them while loading the blast. These logs shall be submitted with the blast report and all other required paperwork after each blast.
- 3.9 Shot Layout  
The following tools and the knowledge to properly use them are required for proper shot lay out:
- tape measure
  - calculator
  - marking paint
  - pad of paper
  - pencil or pen
  - chart to be sure of accuracy from hole to hole
- 3.10 Set back markers should be used. These markers, placed a known distance behind the last row of the blast, provide a reference point for determining row and hole locations for the next blast.

#### **IV. Loading Preparation**

- 4.1 General Safety Notes:
- 4.1.1 There shall be no smoking on the blast site or within 50 feet of the explosives delivery vehicle.

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4.1.2 If an electrical storm approaches, the doors should be closed to the explosive delivery vehicle, the detonators and boosters locked in day boxes and the blast area must immediately be evacuated.

4.2 Required equipment:

- All personal protective equipment
- hard hat
- hard toe boots
- gloves
- ear protection (if necessary)
- eye protection
- respiratory protection (if necessary)
- nonsparking powder punch (if necessary)
- nonsparking powder knife
- weighted tape
- density scale , density cups
- shovel, buckets
- mirror
- flags / cones / signs / barricades (to mark off area where loading is taking place)
- drinking water and cups
- two-way radio

4.3 Blaster In Charge

There is only one designated Blaster In Charge for a blast. Though there may be more crewmembers qualified to be the blaster, the one that is designated will be the Blaster In Charge for this shot. This individual is responsible for all aspects associated with putting the shot on the ground safely. Safety will be the highest concern of every work activity.

- 4.4 The Blaster in Charge shall check in with designated customer contact to verify that the customer does in fact want the blast performed that day, and to determine if there are any specific time requirements for blasting.
- 4.5 The Blaster In Charge will verify that all necessary and proper warning signs are posted.
- 4.6 Organize the Crew  
The blaster in charge shall have a short "tailgate" meeting with the loading crew before loading begins to discuss the blast design, and to assign duties to each crew

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member working on the blast site. The specific blasting procedure established for that customer shall be reviewed, including site emergency procedures. Duty assignment will be detailed, particularly with regard to the type of products and the amount of each to be loaded into each borehole. No unnecessary people, equipment or vehicles are allowed on the blast site.

4.7 The shot is dewatered if necessary.

4.8 Checking the blast design

The blaster and all hole loaders should check the blast site for the following:

- 4.8.1 Check the face condition and full column burdens for each borehole. Notations shall be made of desired stemming heights of each hole.
- 4.8.2 Check face height measurement at various points along the face.
- 4.8.3 Check each borehole with a weighted tape to verify each borehole is free of obstruction and is the proper depth. If the hole is too deep, stemming material shall be used to bring the borehole to the proper depth. Loading an excessively deep blasthole is a waste of explosives, and usually increases ground vibrations. If the hole is too shallow, try to free the obstruction using loading poles, if necessary, bring the drill back on the pattern to relieve this obstruction, or drill a new hole before loading starts.
- 4.8.4 Verify the actual design against the planned design. Do this by measuring the burdens and spacings at various points throughout the pattern.
- 4.8.5 Check the borehole diameter, if the borehole is smaller than planned, the diameter of packaged product to be loaded may have to be changed or the amount of bulk product may have to be recalculated. If the diameter is larger than expected, then the entire blast will have to be evaluated, and changes shall be made.
- 4.8.6 Check for the presence of overburden, loose dirt or fill. This observation will directly affect the height of the explosive column and the amount of stemming.
- 4.8.7 If the stemming material is used other than cuttings and is not present on the blast site, it should be delivered and placed before loading starts. This prevents loaders or other vehicles from trying to access different areas of the blast site around loaded holes.

- 4.8.8 If it is determined that a borehole shall not be loaded for whatever reason, then stemming material shall be used to fill the borehole to prevent explosive gas from venting out of this hole.
- 4.8.9 Loading of the blast will begin only after the blaster has affirmed that the boreholes appear to be clear, and it is verified that sufficient quantities of the appropriate products are present. If the blaster believes the blast cannot be loaded and fired safely given the resources, people and/or time available, the blast will not be performed.

#### 4.9 Movement of the Explosives Delivery Vehicle

- 4.9.1 All explosive delivery vehicles shall have automatic back up alarms.
- 4.9.2 Whenever the explosive delivery vehicle is to be moved, all crewmembers shall be signaled.
- 4.9.3 The driver of the explosive delivery vehicle is responsible for the safe operation of that vehicle.
- 4.9.4 Vehicles are never allowed to drive over a loaded borehole.
- 4.9.5 When bulk equipment is to be used, systematic loading should be planned (i.e. from one end to the other end) to avoid the possibility this equipment driving over a loaded borehole.
- 4.9.6 Always proceed slowly and cautiously driving near a blast site. No vehicle shall be driven near or over loaded blast holes. If the terrain is rocky or difficult to maneuver, then the driver should use a guide to watch for rocks and bumps to prevent damage to tires or the undercarriage of the vehicle.
- 4.9.7 A guide must be used if the explosive vehicle is to back up. If the explosives delivery vehicle has to back up, then the driver shall roll down the window and listen to instructions given by the guide.

### V. Loading the Shot

- 5.1 Shots shall be loaded in an organized fashion. Shots can be loaded either in steps or loaded in a complete sequence. Loading in steps may mean that one crew member loads the primer and bottom load, another top loads and another tests and stems the hole. Shots loaded in a complete sequence may mean that one crew member will load, test, and stem the hole, then move to the next hole. Either

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organizational approach can be used. However given the experience of the crew members present, or the accessibility of each borehole, one method may be preferable over another. Using either organizational approach, it is extremely important that once a crew member begins work on a borehole, that person stays with the hole either until the step is complete, or the hole is complete. If, for any reason, the crewmember must leave the borehole, then that hole shall be marked.

## 5.2 Loading the holes

The explosive column must be monitored continuously with a tape or loading pole to ensure proper buildup and the correct amount of explosives are used. If buildup is suddenly too slow, then a void may have been encountered. Voids shall never be loaded with explosives. Backfill the void, and re-prime the borehole above the void.

5.2.1 If at any time during loading a borehole becomes blocked, significant care must be taken to prevent damaging the primer, detonating cord, or detonator leads. Always re-prime an explosive column if there is potential for column shift or separation, Or where there is suspected damage to the detonator wires or tubing. **Never Tamp a primer cartridge.**

## 5.3 The bottom load and the primer unit

The blaster will decide where the initiating primer shall be placed in the borehole. This primer unit may be placed at the very bottom of the borehole, slightly above the bottom of the borehole, or at floor grade. It may be advisable to place the primer slightly above the bottom of the hole to keep from losing the efficiency of the primer unit in the mud and sledge.

5.3.1 Never drop a cartridge product directly on a primer in a dry blasthole that is greater than 4 inches in diameter. The first cartridge on top of the primer shall be lowered to the bottom of the borehole.

## 5.4 Bulk Loading

If bulk equipment is to be used to load a shot, then those performing the loading shall be thoroughly familiar with the loading of bulk emulsion products.

## 5.5 Stemming

The borehole will be stemmed with cuttings, crushed stone or other suitable material. When a borehole is ready to be stemmed, the crew member shall take the detonator cord, Nonel tube or electric leads and pull them straight, and hold them, (either with the hand or by placing them under the foot unless the downline is tied onto a stake) The stemming can then be poured into the borehole.

NBB-009

- 5.9 During the course of the loading of the blast site, the Blaster will do the following:
- 5.9.1 Continuously monitor the actions of the blasting crew with respect to following proper procedure, and take corrective action if necessary.
  - 5.9.2 Field inspect all equipment on the blast site.
  - 5.9.3 Continuously monitor the environment for anything that may effect the safety of the blast site and/or the crewmembers.

## **VI. Hook up of the Initiation System**

- 6.1 The blasting machine or non-electric firing device shall be stored in a secure area and not removed until immediately prior to the time of use.
- 6.2 Never begin hook up of the initiation system until all boreholes are loaded and stemmed. If it is necessary to give an approximate shot time, now is the best time to establish this communication. If there is a neighborhood call list, the person who makes those calls should be contacted.
- 6.3 All explosive materials, (except products necessary for the hook up), shall be returned to the explosives delivery vehicle. The blast site shall be clear of all empty containers, and accessories used to load the shot. All persons not directly involved in the hook up of the initiation system shall remain off the blast site.
- 6.4 The blaster and at most one other crewmember designated by the blaster shall perform the hook up of the initiation system.
- 6.5 Legwires or non-electric tubing shall be of sufficient length to reach between boreholes to provide efficient and safe hook ups.
- 6.6 When electric blasting, never exceed the rated capacity of the blasting machine.
- 6.7 After the initiation system hook up is completed, the blaster shall "walk the shot". It is recommended that the blaster walk the shot at least twice. The first trip shall verify the delay pattern desired from hole to hole. The second trip shall inspect that each hole is in fact hooked into the initiation system securely and properly.
- 6.8 All electrical connections must be insulated from wet ground or water by elevating.

NBB-70

- 6.9 When electric blasting, all circuits shall be tested coming back to the sequential timer board using a blaster's multimeter or blaster's ohmmeter. After the cable is extended from the board to the firing location, the cable shall be tested using a blaster's circuit tester or a blaster's ohmmeter. Double-check the sequential timer setting to ensure that the selection is correct. Final electrical circuits shall be checked again within a few minutes of detonation.

## **VII. Blast Area Security**

- 7.1 The blaster shall assemble the blast crew and any other personnel from the quarry or site to conduct a brief review of the blast area security plan.
- 7.2 The blaster shall review the following with all personnel involved in securing the blast area. Following are a list of items to go over and review:

**The blaster shall:**

- 7.2.1 Acknowledge that the shot is loaded, hooked up and ready to detonate.
- 7.2.2 Identify the shot firer who will detonate the blast.
- 7.2.3 Identify the intended direction of rock movement.
- 7.2.4 Specify the shot firer's location and the distance and direction from the blast.

**Clearing the Area:**

- 7.2.5 Specify the limits of blast area to be cleared.
- 7.2.6 Qualified personnel shall be assigned the duty of clearing specific areas.
- 7.2.7 Specify what type of communication will be used to clear the area, and who will make the visual check.

**Guarding the Blast Area:**

- 7.2.8 Designate the guards and their positions.
- 7.2.9 Specify area and location for the guards. (Out of the blast/flyrock area).
- 7.2.10 Assure all guards have proper personal protective equipment. Assure all guards have a method of communicating with the shot firer. This method of communication should be a two-way radio.

- 7.2.11 Outline the authority of the guards to:
- 1) STOP anyone regardless of whom they are or their intentions.
  - 2) Terminate the blast if there is a breach in the blast area security.

**Sounding the Blast Warnings**

- 7.2.12 Specify who will sound the warning horns.
- 7.2.13 Specify the equipment used to sound such warnings.
- 7.2.14 Specify who will tell the signal person to give the signals and how, (via two-way radio).
- 7.2.15 Review the warning sequence - (Depending on site and posted instructions)
- 7.2.16 Designate who is allowed back into the blast area after the blast to check the site.
- 7.3 The blaster will list appropriate procedures in case of a misfire.

## **VIII. Detonation of the Blast**

- 8.1 The shot firer should be located in the least likely place where flyrock could land. The shot firer is the only person ever permitted within the blast area. The shot firer shall never be located in front of the blast, and preferably not to the side. The best location may be behind the blast. The shot firer shall never be in view of the free face or in a direction where rocks propelled from the free face could travel. The shot firer shall never be near the crest of the shot, nor at the toe of a highwall or bench. The shot firer should be located as far as possible from the blast.
- 8.2 The shot firer must have adequate blasting shelter. Adequate blasting shelter should be made of substantial material that can withstand an impact of a heavy rock if propelled from the blast site.
- 8.3 The blaster or shot firer should communicate via two way radio with person(s) designated to clear the blast area, the mine/quarry representative, and guards to assess the status of the securement of the blast area. The shot firer should observe the blast area for as long as possible to visually be sure the area has been cleared and is being guarded before retreating to the shot firing location.

NBB-72

- 8.4 The shot firer will run out the firing/lead in lines from the initiating position back to the safe firing station.
- 8.5 The blaster shall affirm with the mine/quarry representative and all guards that the area is clear and secure. The blaster will dictate the appropriate signals to be sounded at the appropriate times. After the warning has been given, the blaster shall then notify the shot firer to proceed with the detonation of the blast. The shot firer shall answer that this message was received and the blast is about to take place.
- 8.6 The shot firer will connect the firing device to the line and then fire the blast.
- 8.7 After the blast and after the smoke and dust has dissipated the shot firer and the blaster will then approach the blast area to visually check that all explosive charges detonated as planned.
- 8.8 The blaster shall notify the signal person to sound the "all clear" signal if it is safe to return to the blast area.
- 8.9 If a misfire is detected then Misfire Procedures shall be followed.

## **IX. Paperwork**

- 9.1 A Blast Report shall be completed promptly along with all other required paperwork. Any problems encountered or unsatisfactory results shall be reported to Wesco management by the end of the day.
- 9.2 The driver of the explosives delivery vehicle is responsible to ensure the exact count on the product going back to magazine storage facility.

## **X. Misfire Procedures**

- 10.1 If a misfire is suspected everyone shall wait a minimum of thirty (30) minutes before returning to the blast site. During this time the blast area shall remain secure.
- 10.2 After the waiting period, the blaster shall assess the nature and extent of the misfire.
- 10.3 The blaster shall determine appropriate action to take to correct the misfire. Possible action plans are as follows:

10.3.1 Remove any explosive materials that may be accessible by means of blowing out with air. Determine if there is sufficient burden to re-fire the shot safely, if so then re-fire the remaining holes.

10.3.2 If sufficient burden does not exist, then continue to remove any and all explosive products possible. Neutralize or desensitize product if possible. Displace the misfired material by firing holes behind the misfire. If this route is taken, a qualified individual shall stay on the site working with the loader until all materials are retrieved from the muck pile.

10.4 Misfires shall be reported:

- to Wesco verbally
- to mine or quarry management
- to regulatory authorities (if necessary)

## **XI. First Aid**

11.1 It is recommended that at least one member of each crew be trained in First Aid procedures.

11.2 Every WESCO company vehicle shall have a first aid kit, fire extinguisher(s) and backup alarm.

11.3 If at any time there is a **FIRE**, take appropriate precaution to prevent the fire from involving the explosive materials. If the **FIRE** does involve the explosive materials, **DO NOT FIGHT THE FIRE**. Evacuate the area immediately.

11.4 As a minimum the following information shall be posted or readily available to the blasting crew.

Local Emergency Phone Numbers (police, fire, ambulance) 911

Mine/Quarry Office & Safety Department Numbers \_\_\_\_\_

Local WESCO Office Phone Number \_\_\_\_\_

WESCO - Main Office Phone Number 801-484-6557

WESCO - HSE Department 520-404-4442

NBB-74

## REFERENCE MATERIALS

### Publications

- Safety Library Publication No. 3, -Suggested Code of Regulations for the Manufacture, Transportation, Storage, Sale, Possession and Use of Explosive Materials", January 1985  
Safety Library Publication No. 4, "Warnings and Instructions for Consumers in Transporting, Storing, Handling and U@ Explosive Materials", March 1992  
Safety Library Publication No. 12, 'Glossary of Commercial Explosives Industry Terms", February 1991 Safety library Publication No. 17, 'Safety in the Transportation, Storage, Handling and Use of Explosive Materials, March 1987

### U.S. Government Publications

U.S. Government Printing Office, Washington, DC 20402

"Blasting Guidance Manual", Rosenthal, M F., and Morlock, G. L., Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior, March 1987

"Explosives and B@ Procedures Manual", Dick, R. A., Fletcher, L. R., and D'Andrea, D. V., Information Circular 8925, U. S. Bureau of Mines, Washington, DC 1983

Occupational Safety and Health Standards - Subpart H Hazardous Materials, Occupational Safety and Health Administration, United States Dept. of Labor, Title 29 Code of Federal Regulations, Part 1910.109

Safety and Health Standards - Surface Metal and Nonmetal @, Subpart B Explosives, Mine Safety and Health Administration, United States Department of Labor, Title 30 Code of Federal Regulations, Part 56

### Independent Publications

"Explosives and Rock Blasting", Field Technical Operations, Atlas Powder Company, Dallas, TX 1987

"The Practical Guide to Accurate Sbot Layout and Drill Set Up for Small Diameter Borehole Drilling", Todd B. Harrington, 1992

"Blasting Safety Guide", ICI Explosives USA Inc.

Dyne Nobel Programs and Product Information Letters, (PIL)

"Flyrock Advisory", Dyno Nobel Inc., March 1995

Nobel Insurance Group Programs and Publications

Nobel Insurance Group Blasting Accident Report Packet

"In Case of an Emergency...", Ann Stefanik, *Safety Update* Quarterly Publication, Vol. 12 No. 1 1993, page 2

### Periodicals

"Back to Basics: Blasthole Loading", Richard A. Dick, Dennis V. D'Andrea, Larry R. Fletcher, U. S. Bureau of Mines, *Journal of Explosives Engineering* Vol. 11, No. 4, Nov/Dec 1993, page 26

"Sbotrock - Proper Drilling Is Essential to Eliminating Borehole Deviation", Mike Kochler, *Pit & Quarry*, September 1993, page 52.

### Programs and Presentations

"Blasting Safety - Simple Ideas for Success", David Richards, ICI Explosives USA, Inc. and Mitchell Green, Green Mountain Explosives, New England Chapter, Society of Explosives Engineers, April 1993

"Drill Patterus and B@ Design", Rufus Flinchum, Dyno Nobel Inc., April 1995.

"Flyrock - Causes and Reduction of Flyrock", Blast Dynamics, Inc. Blasting Techniques Program, 1990

"Five Keys to Every Blaster's Success - Drilling Face Holes", Todd Harrington, IRECO, New England Chapter, Society of Explosives Engineers, April 1993

"Five Keys to Every Blaster's Success - Communication Between the Blaster and the Drift Operator", Vincent Thome, ICI Explosives USA, Inc., New England Chapter, Society of Explosives Engineers April 1993

"Flyrock Prediction and Control in Surface Mine Blasting", J. Lydall Workman and Peter N. Calder

"This is Your Livelihood - Subject D - Loading Procedures", Todd Harrington, IRECO, New England Chapter, Society of Explosives Engineers, April 1992

FOR CHEMICAL EMERGENCY  
 Spill, Leak, Fire, Exposure or Accident  
 CALL CHEMTREC  
 800-424-9300

WESTERN EXPLOSIVES SYSTEMS COMPANY  
 8875 SOUTH 900 EAST STE 100  
 MIDVALE, UT 84047  
 (801) 484-8557



A Dyno Nobel Distributor

**SHOT REPORT**

**WESCO #**

<b>Customer:</b>	<b>Shot Location:</b>	<b>Material Shot:</b>	<b>Date:</b>
<b>Location:</b>	<b>Pattern (B X S)</b>		<b>Time:</b>
<b>Weather</b>	<b>Avg. hole depth</b>		<b>Shot No:</b>
<b>Wind Dir. &amp; Speed</b>	<b>Hole Diameter</b>		<b>Drilled Ft.</b>
<b>Temperature</b>	<b>No. of Holes</b>		<b>Loaded Ft.</b>
	<b>Stemming</b>		<b>Total BCY</b>
			<b>Total Tons</b>

**Explosives Information:**

WESCO Code	Product Description	Code Date	Quantity
<i>Initiation system (boosters, surface delays, down hole units):</i>			

**Packaged Products:**


**Bulk Blasting Agents:**

<b>ANFO:</b>	<b>AN Prills</b>	<b>Fuel Oil</b>
<b>ProEx60:</b>	<b>ERPRO</b>	<b>Ox Solution</b>
<b>WX/201 Emulsion</b>	<b>Other bulk:</b>	

**Total Lbs in Shot:** \_\_\_\_\_ **Powder Factor:** \_\_\_\_\_ **Method of Firing:** \_\_\_\_\_

**OSM Information:** **Nearest Structure (distance/direction)** \_\_\_\_\_

<b>Max Lbs/ hole</b>	<b>Blaster In Charge</b>	
<b>Max Lbs/ 8MS</b>	<b>Crew</b>	<b>Hours</b>
<b>Max holes/ 8MS</b>	<b>Crew</b>	<b>Hours</b>
<b>Other Info:</b>	<b>Crew</b>	<b>Hours</b>

**Signature** \_\_\_\_\_ **License No.** \_\_\_\_\_ **Date** \_\_\_\_\_

SEE ATTACHED SHOT DIAGRAM:

NBB-74



## APPENDIX E

### Ready, Willing & Able Letter

NBB-77

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefaniec  
Commissioner, District 5

Katherine Miller  
County Manager

PUBLIC WORKS DEPARTMENT  
WATER UTILITIES

May 20, 2013

Case Manager  
Santa Fe County Land Use Department  
102 Grant Avenue  
Santa Fe, New Mexico 87508

This letter is to confirm that Santa Fe County Water Utilities (SFCU) is willing and able to provide bulk water services for the project in Waldo Canyon (Buena Vista, LLC), contingent upon the applicant establishing an account with the County Water Utilities that would allow them to pick up the water at their discretion, from the SFCU dispensing facility on Camino de Justicia, off NM Highway 14. If you have questions, you may contact me at 505-992-9874.

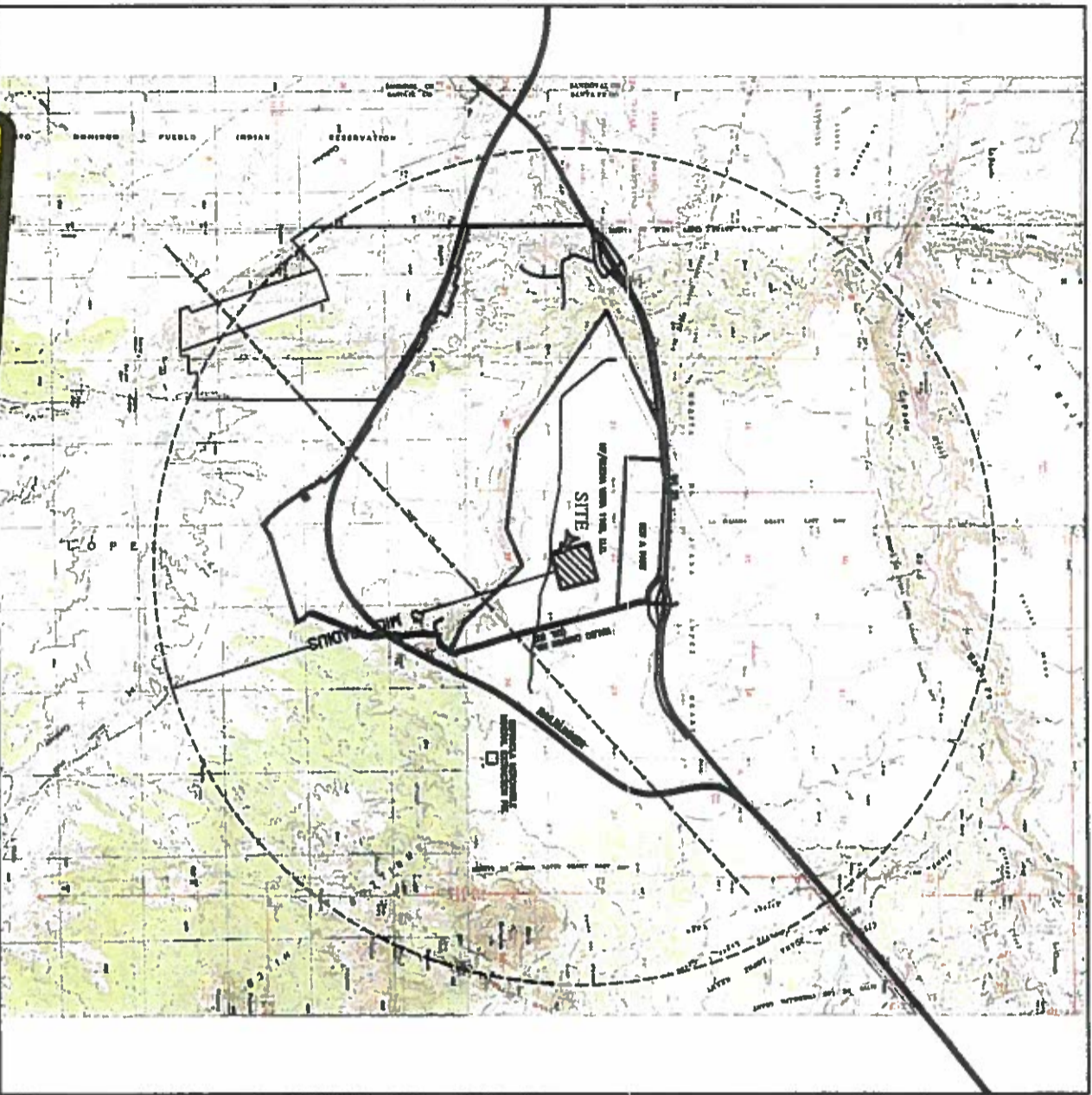
Sincerely,

Millie Valdivia  
Accountant Senior

ACCESS # \_\_\_\_\_ PIN \_\_\_\_\_

<b>RECEIPT</b>		DATE <u>11/6/13</u>	No. <b>648944</b>
RECEIVED FROM	<u>James Siebert &amp; Assoc.</u>		\$ <u>200.00</u>
	<u>Buena Vista</u>		DOLLARS
<input type="radio"/> FOR RENT	<u>Bulk Water 10K gals.</u>		
<input checked="" type="radio"/> FOR			
ACCOUNT		<input type="radio"/> CASH	
PAYMENT	<u>200.00</u>	<input checked="" type="radio"/> CHECK	<u>#13257</u>
BAL DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	
		BY	<u>Millie Valdivia</u> NBB-78

# BUENA VISTA LLC & ROCKOLOGY LIMITED LLC. MINERAL EXTRACTION OF CONSTRUCTION MATERIALS



VICINITY MAP  
1" = 3,000'



TOWNSHIP 15N, RANGE 7E,  
SECTION 22

**OWNER:**  
BVM HOLD, LLC  
811 SW PEDRO SE  
ALBUQUERQUE, NM 87108  
(505) 501-0444

**OPERATOR:**  
ROCKOLOGY, LLC  
3001 FM AMESON FPK, NE  
ALBUQUERQUE, NM 87107  
(505) 344-6606

**CONSULTANTS:**  
JAMES W. SIEBERT AND ASSOCIATES  
PLANNING CONSULTANT  
815 MERTON STREET  
SANTA FE, NM 87501  
(505) 863-5588

**JOSE GONZALEZ, P.E.**  
ENGINEER  
30 ARROWAY NEW LANE  
EDMUNDS, NM 87501  
(505) 577-0033

**PRESBYTER SUMNER**  
SURVEYOR  
800 A JEFFERSON ST., NE  
ALBUQUERQUE, NM 87112  
(505) 868-5700

**CONSENT OF OWNERS**  
TAMARA KEMER, BUENA VISTA LLC. \_\_\_\_\_ DATE \_\_\_\_\_

## INDEX TO SHEETS

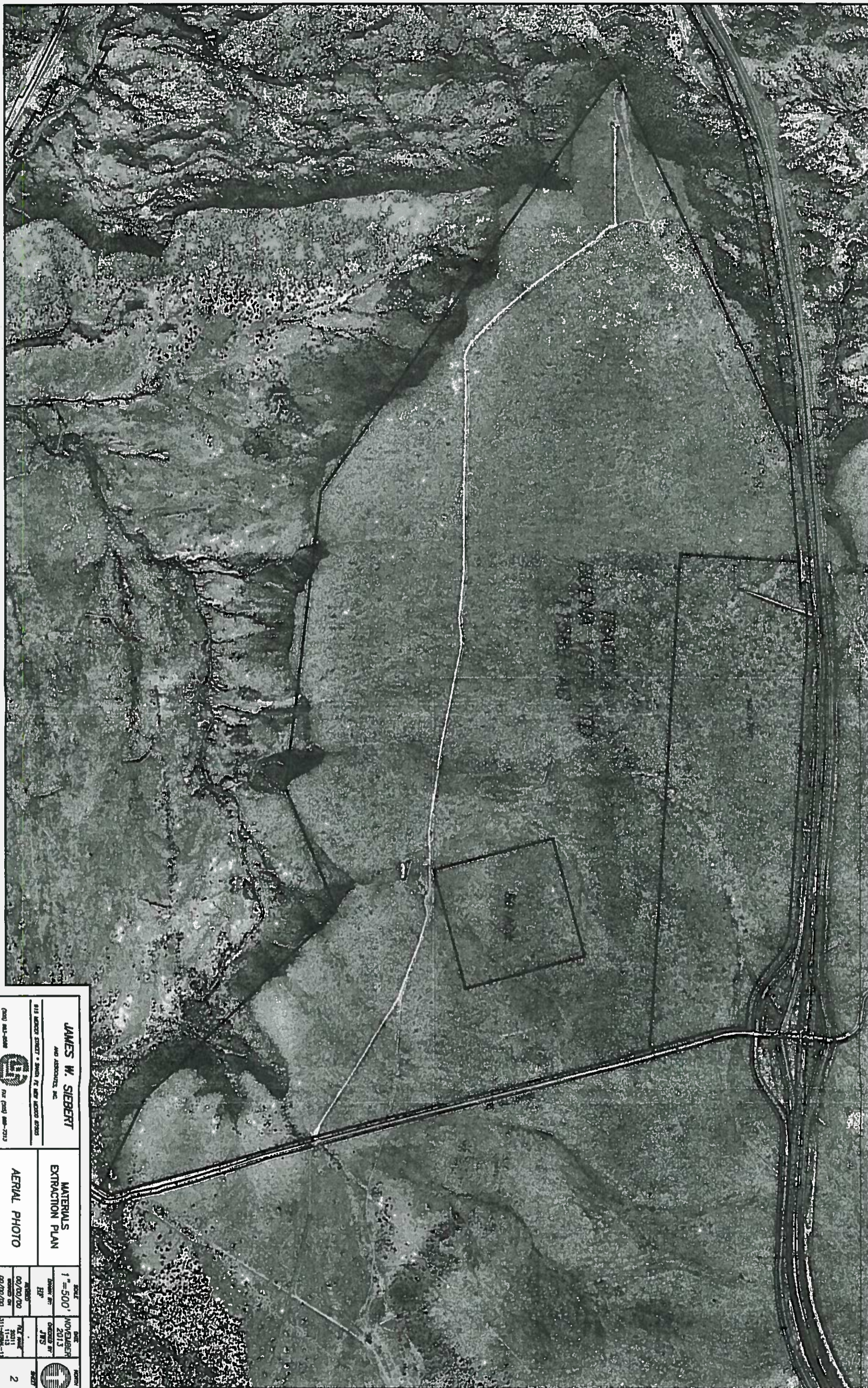
LIST OF SHEETS	SHEET NUMBER
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AERIAL PHOTO	2
EXISTING CONDITIONS	3
TOPOGRAPHY, NATURAL DRAINAGE & SOILS PLAN	4
USGS MAP & DRAINAGE BASIN	5
SURVEY PLAT OF BOUNDARY	6
SITE PLAN	7
OPERATIONS SITE PLAN	8
GRADING PLAN PHASE I	9
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GRADING PLAN PHASE III	15
RECLAMATION PLAN PHASE III	16
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SWPPP NOTES	18



**COUNTY**

APPROVED BY THE COUNTY DEVELOPMENT REVIEW COMMITTEE  
AT THEIR MEETING OF \_\_\_\_\_ 2014.  
CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_  
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY AT THEIR MEETING OF \_\_\_\_\_ 2014.  
CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_  
ATTESTED BY COUNTY CLERK \_\_\_\_\_ DATE \_\_\_\_\_  
**COUNTY REVIEW**  
COUNTY FIRE TUNNEL \_\_\_\_\_ DATE \_\_\_\_\_  
PUBLIC WORKS \_\_\_\_\_ DATE \_\_\_\_\_  
LAND USE ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_  
FISCAL ADDRESSING \_\_\_\_\_ DATE \_\_\_\_\_

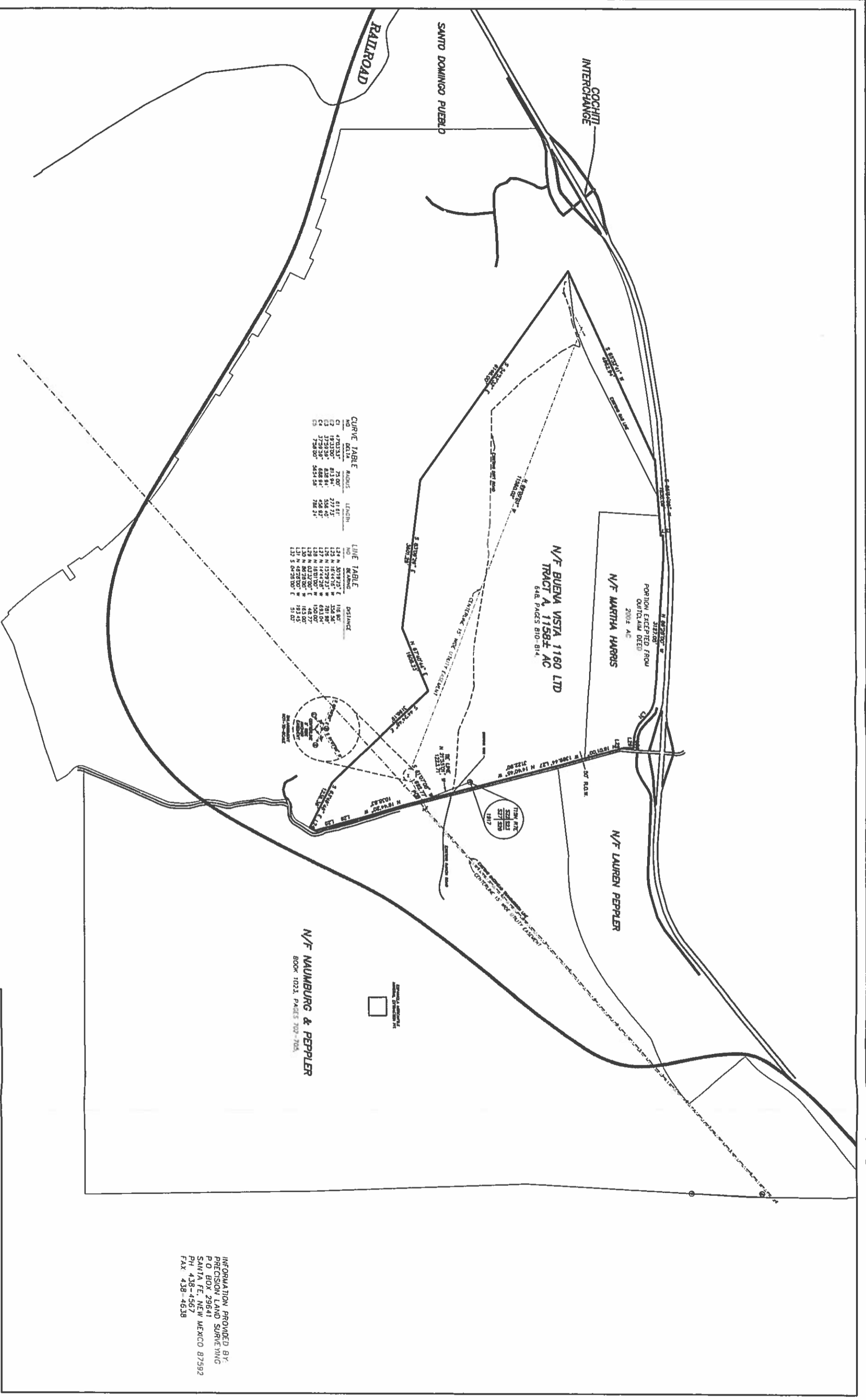
<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 815 MERTON STREET, SANTA FE, NEW MEXICO 87501 (505) 863-5588		MATERIAL EXTRACTION PLAN	SCALE 1" = 3000' DRAWN BY ESP	DATE NOVEMBER 2013 CHECKED BY JWS	SHEET 1
COVER SHEET		COVER SHEET	DATE 00/00/00 ISSUED ON 00/00/00	DATE NOVEMBER 2013 CHECKED BY JWS	SHEET 1

NBE



<p><b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC.</p> <p>818 WILSON STREET • SHAKA, MN 56482-0700 (507) 844-8844 FAX (507) 844-7313</p> 		<p><b>MATERIALS EXTRACTION PLAN</b></p>	
<p><b>AERIAL PHOTO</b></p>		<p>SCALE 1" = 500'</p>	<p>DATE NOVEMBER 2013</p>
<p>DESIGNED BY EJP</p>	<p>CHECKED BY JWS</p>	<p>DATE 00/00/00</p>	<p>SCALE 1" = 500'</p>
<p>DATE 00/00/00</p>	<p>SCALE 1" = 500'</p>	<p>DATE 11/07/13</p>	<p>SCALE 1" = 500'</p>
<p>2</p>		<p>2</p>	<p>2</p>

N 82



**CURVE TABLE**

NO.	DELTA	RADIUS	LENGTH
C1	47°13'31"	23.00'	81.51'
C2	18°33'30"	613.94'	277.73'
C3	17°30'39"	428.84'	258.40'
C4	7°28'30"	5659.54'	782.24'

**LINE TABLE**

NO.	BEARING	DISTANCE
L24	N 307°19'23" E	116.80'
L25	N 16°44'56" W	328.56'
L26	N 13°29'23" W	401.90'
L27	N 16°10'30" W	150.00'
L28	N 16°10'30" W	150.00'
L29	N 02°32'00" E	148.77'
L30	N 89°28'00" W	193.45'
L31	N 89°28'00" W	193.45'
L32	S 04°28'30" E	51.00'

**JAMES W. SIEBERT**  
AND ASSOCIATES, INC.

6718 WILSON STREET • SANTA FE, NEW MEXICO 87505  
(505) 825-3448 FAX (505) 888-7312

**MATERIALS EXTRACTION PLAN**

**EXISTING CONDITIONS MAP**

SCALE: 1" = 1000'

DRAWN BY: HP

CHECKED BY: JMS

DATE: NOVEMBER 2013

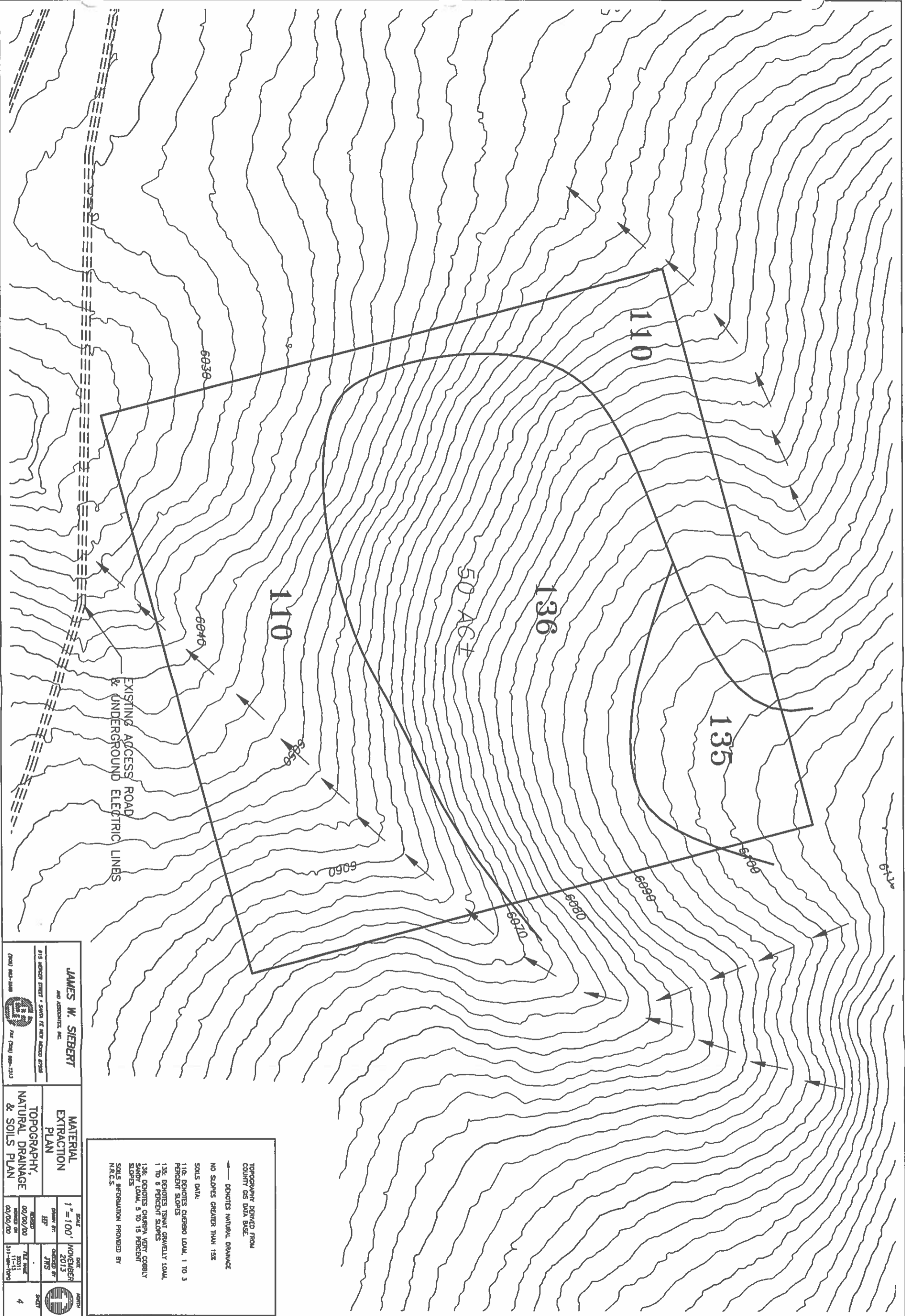
DATE: 11-13

NO. OF SHEETS: 3

NO. OF THIS SHEET: 3

INFORMATION PROVIDED BY:  
PRECISION LAND SURVEYING  
P.O. BOX 29641  
SANTA FE, NEW MEXICO 87592  
PH: 438-4567  
FAX: 438-4638

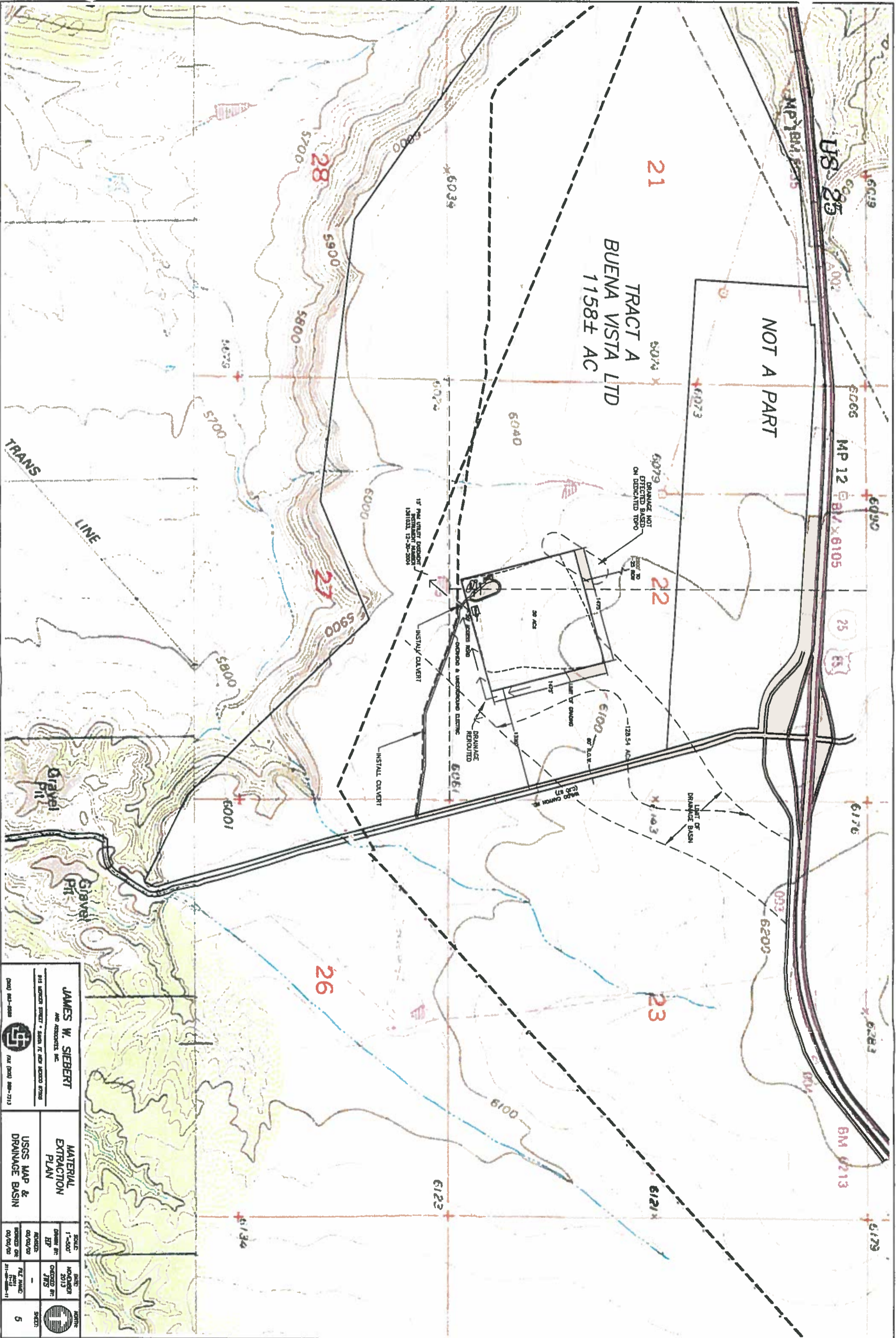
NRB



TOPOGRAPHY DERIVED FROM COUNTY GIS DATA BASE.  
 ——— DENOTES NATURAL DRAINAGE  
 NO SLOPES GREATER THAN 15%  
 SOILS DATA:  
 110: DENOTES CLAYEY LOAM, 1 TO 3 PERCENT SLOPES  
 135: DENOTES THIN GRVELLY LOAM, 1 TO 8 PERCENT SLOPES  
 136: DENOTES CHAUPA, VERY COBBLY SANDY LOAM, 5 TO 15 PERCENT SLOPES  
 SOILS INFORMATION PROVIDED BY N.A.C.S.

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 813 WOODRIDGE STREET • SUITE 102 NEW KENNESAW GEORGIA (770) 963-5588 FAX (770) 968-7212		<b>MATERIAL EXTRACTION PLAN</b>		SCALE: 1" = 100' DRAWN BY: JWS CHECKED BY: JWS		DATE: NOVEMBER 2013 PROJECT: 311-MN-TOPO		NORTH SHEET: 4	
<b>TOPOGRAPHY, NATURAL DRAINAGE &amp; SOILS PLAN</b>		REVISION: 00/00/00 ISSUED ON: 00/00/00		DATE: 11/07/2013 TIME: 11:00 AM		PROJECT: 311-MN-TOPO		SHEET: 4	

NGB-

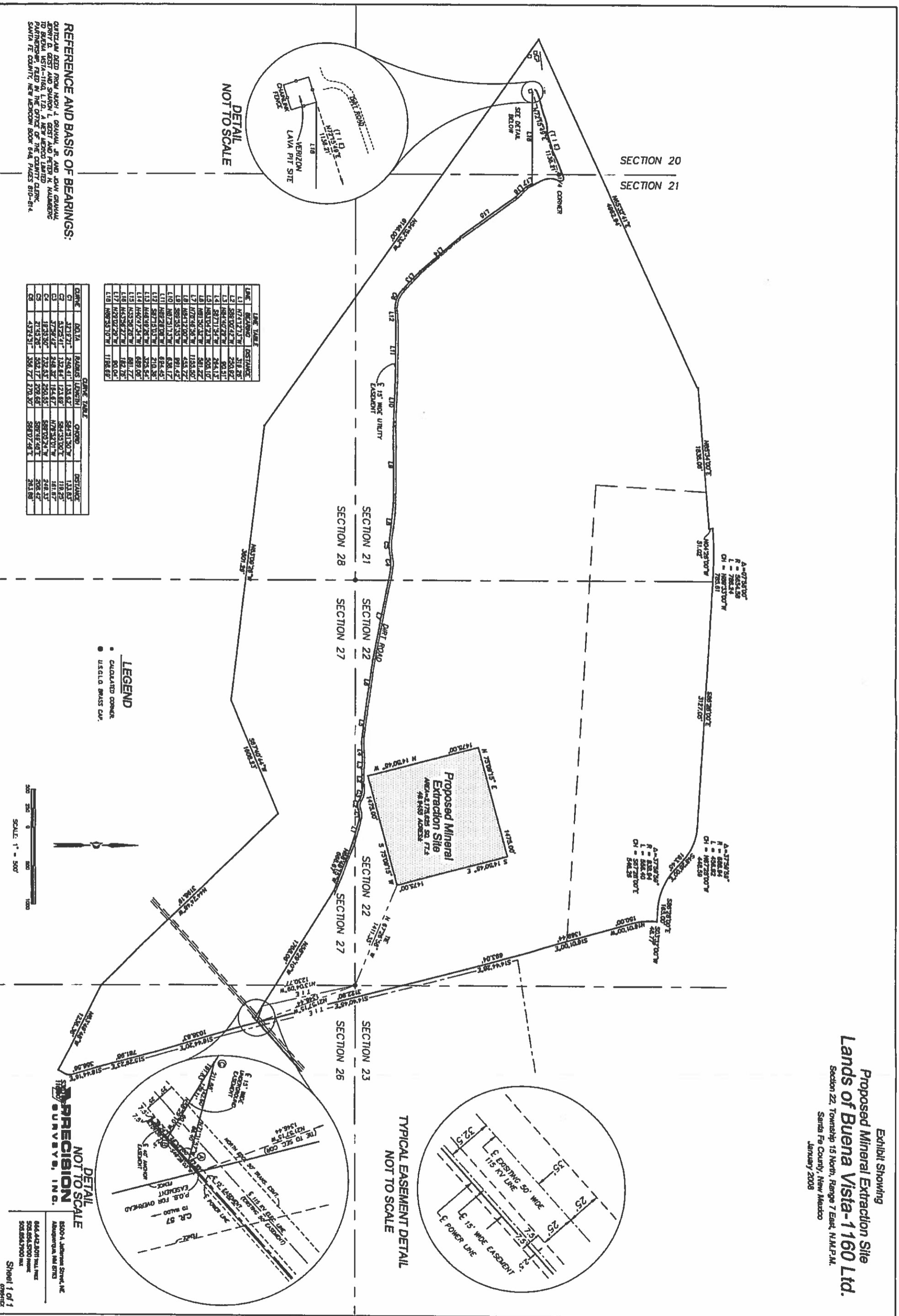


**JAMES W. SIEBERT**  
 AND ASSOCIATES, INC.  
 918 MARKET STREET • SOUTH ST. PAUL, MN 55102  
 (612) 291-8888 FAX (612) 291-7113

MATERIAL EXTRACTION PLAN		SCALE: 1"=50'	DATE: NOVEMBER 2013	NORTH
USGS MAP & DRAINAGE BASIN		DRAWN BY: JWS	CHECKED BY: JWS	
REVISIONS:	NO. DATE	BY	DESCRIPTION	DATE

NR

Exhibit Showing  
**Proposed Mineral Extraction Site**  
**Lands of Buena Vista-1160 Ltd.**  
 Section 22, Township 15 North, Range 7 East, N.M.P.M.  
 Santa Fe County, New Mexico  
 January 2008



SECTION 20  
SECTION 21

SECTION 28  
SECTION 21  
SECTION 27

SECTION 22  
SECTION 27

SECTION 26  
SECTION 23

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N71°17'13"W	318.76
L2	S88°06'42"W	250.82
L3	N66°46'02"W	80.31
L4	S87°13'47"W	284.13
L5	N81°04'43"W	508.10
L6	N81°56'47"W	581.42
L7	N72°46'36"W	1158.60
L8	N68°12'00"W	458.72
L9	S89°35'53"W	891.42
L10	N67°51'13"W	638.17
L11	N89°28'08"W	684.45
L12	S87°15'13"W	210.38
L13	N48°48'28"W	325.54
L14	N40°47'34"W	689.06
L15	N45°56'27"W	881.77
L16	N45°56'27"W	184.78
L17	N70°02'29"W	80.04
L18	N89°51'07"W	1188.69

**CORNER TABLE**

CORNER	BOLTA	RADIUS	LENGTH	CORNER	DISTANCE
C1	32°57'21"	249.41'	138.62'	S84°31'30"W	138.62'
C2	51°26'42"	132.64'	123.89'	S84°31'30"W	119.25'
C3	37°28'42"	248.82'	184.67'	N78°34'01"W	181.87'
C4	18°33'30"	232.83'	250.55'	S89°05'24"W	248.33'
C5	21°45'28"	588.17'	208.68'	S89°48'48"W	208.62'
C6	43°43'31"	358.77'	270.37'	S84°07'48"W	281.88'

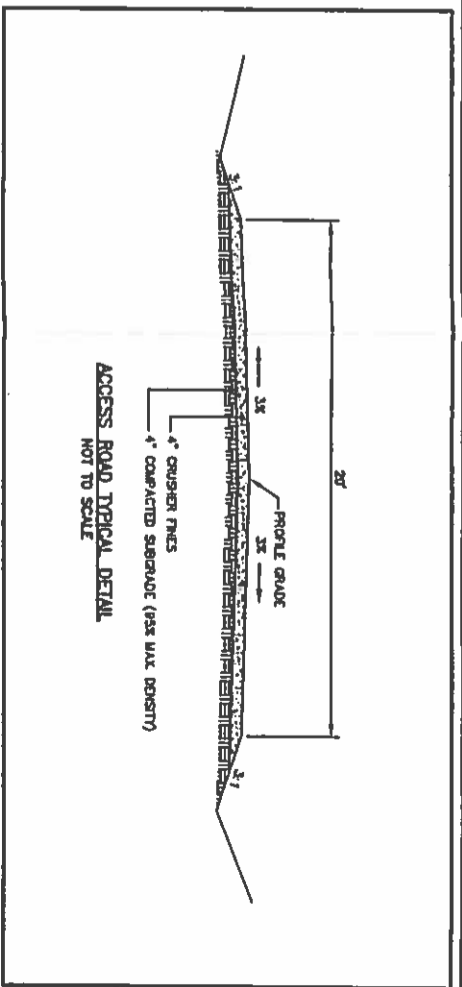
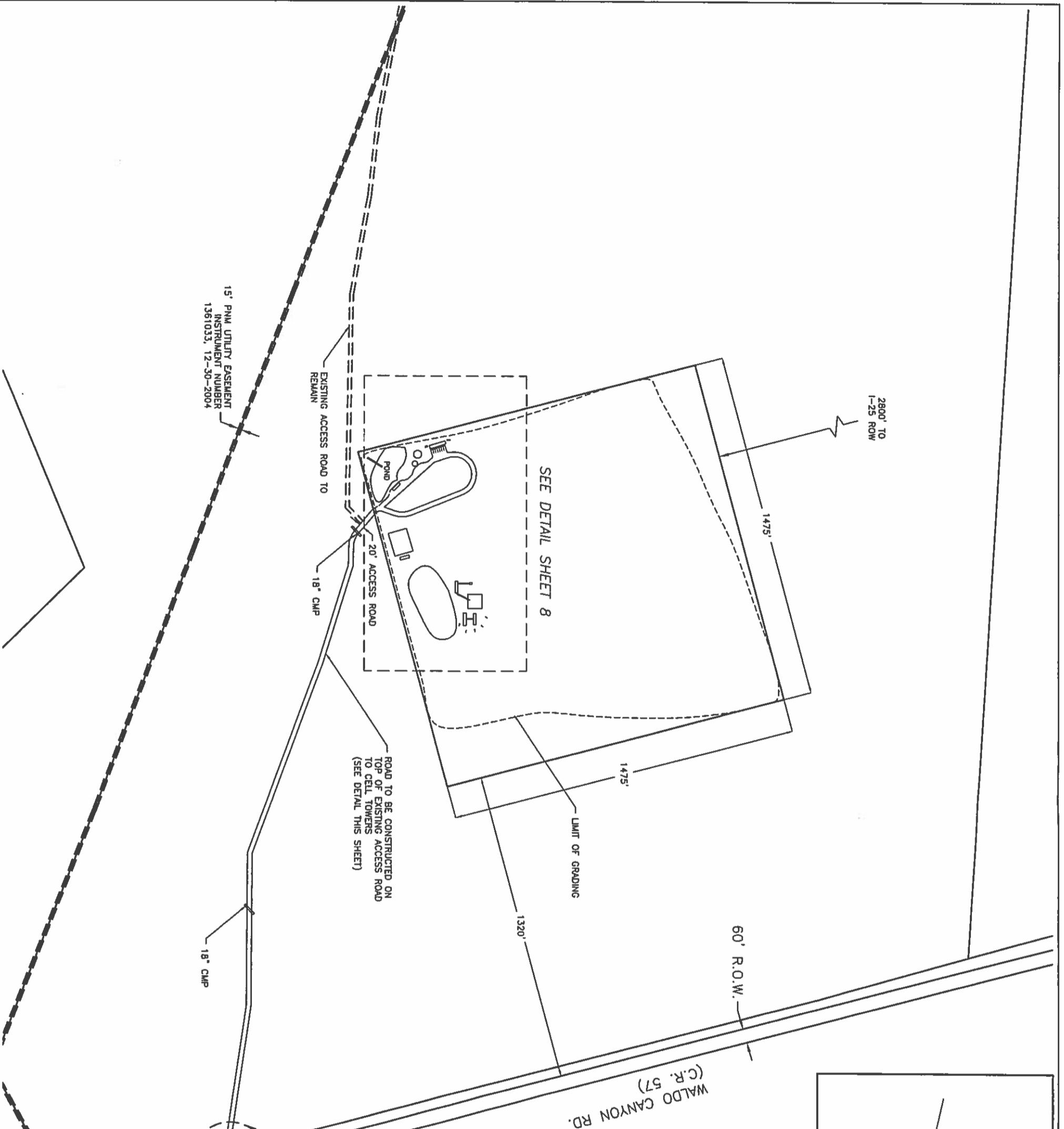
**LEGEND**  
 ● CALCULATED CORNER  
 ● U.S.G.L. BASS CAP

SCALE: 1" = 500'

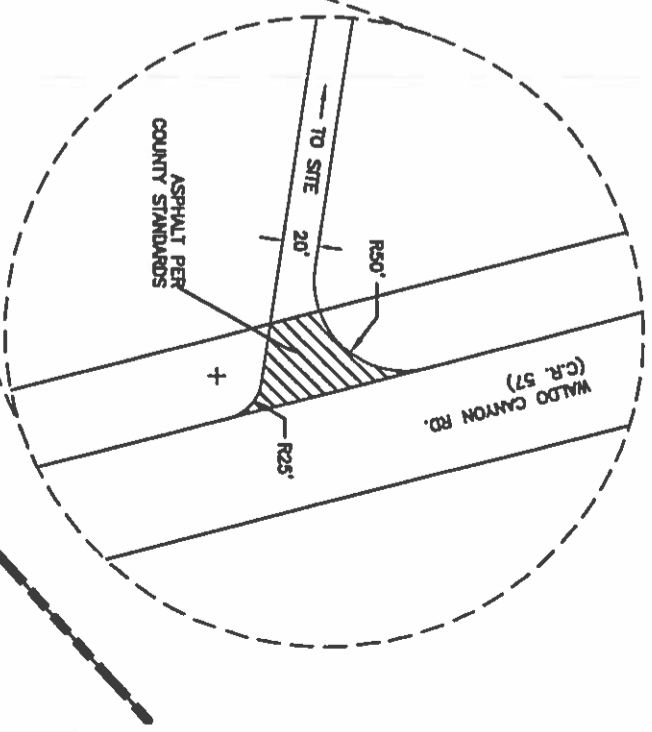
**PRECISION SURVEYS, INC.**  
 NOT TO SCALE  
 8500-A Johnson Street, NE  
 Albuquerque, NM 87110  
 505.854.3000 ext. 505.854.3000 int.  
 Sheet 1 of 1

NB8-84



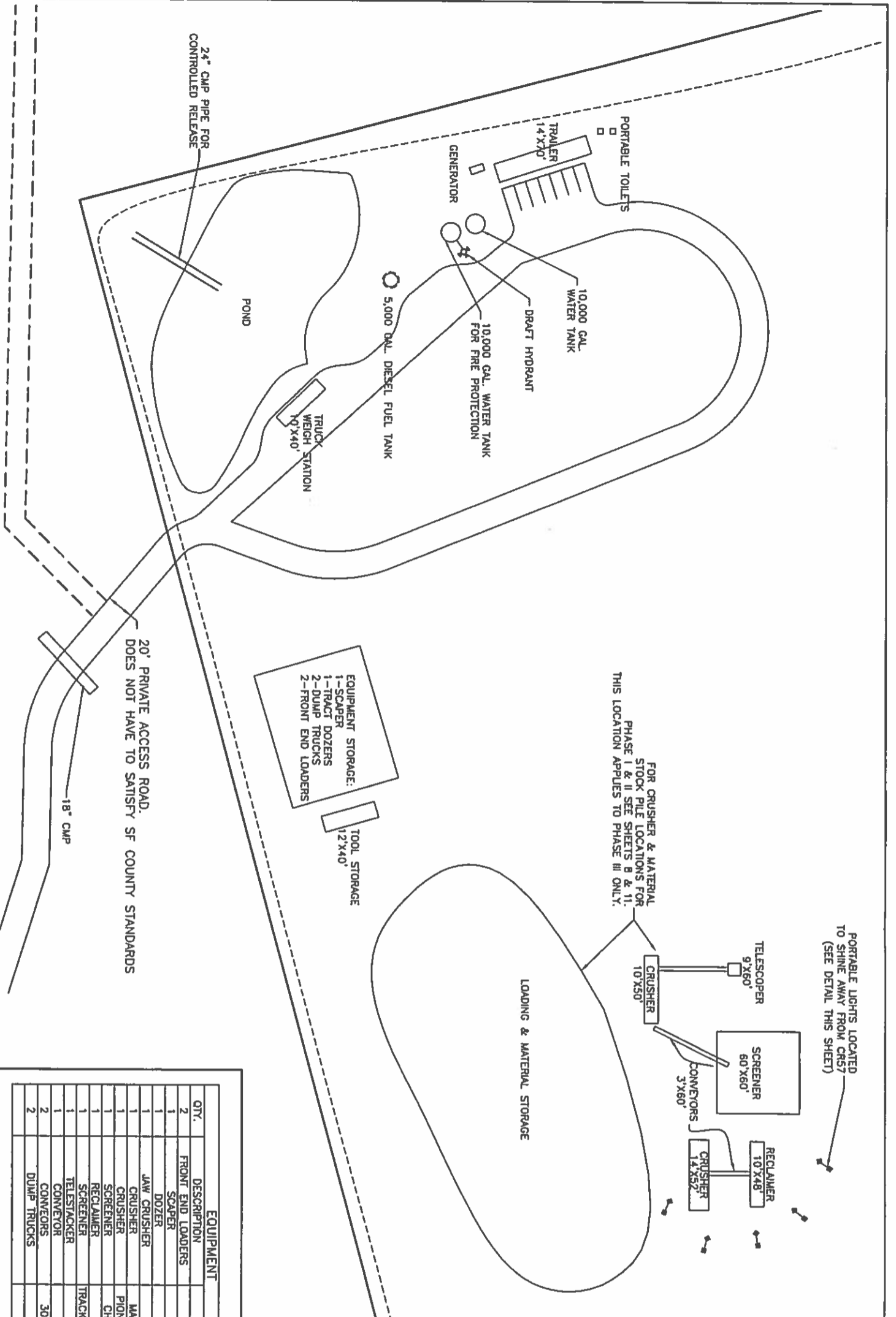


**SITE DATA:**  
 SIZE OF PARCEL: 50 ACRE  
 DISTURBED AREA: 43 ACRE



<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 615 HUNTER STREET • SUITE 101 NEW LONDON CT 06258 (203) 861-5266 FAX (203) 866-7313		<b>MATERIAL EXTRACTION PLAN</b>		<b>SITE PLAN</b>	
SCALE: 1"=300'	DATE: NOVEMBER 2013	DRAWN BY: JET	CHECKED BY: JMS	PROJECT NO: 211-12-11	SHEET: 7
REVISED: 01/22/2014	APPROVED BY: [Signature]	DATE: 01/22/2014	FILE NAME: 211-12-11-11		

N&A



FOR CRUSHER & MATERIAL STOCK PILE LOCATIONS FOR PHASE I & II SEE SHEETS 8 & 11. THIS LOCATION APPLIES TO PHASE III ONLY.

PORTABLE LIGHTS LOCATED TO SHINE AWAY FROM CR57 (SEE DETAIL THIS SHEET)

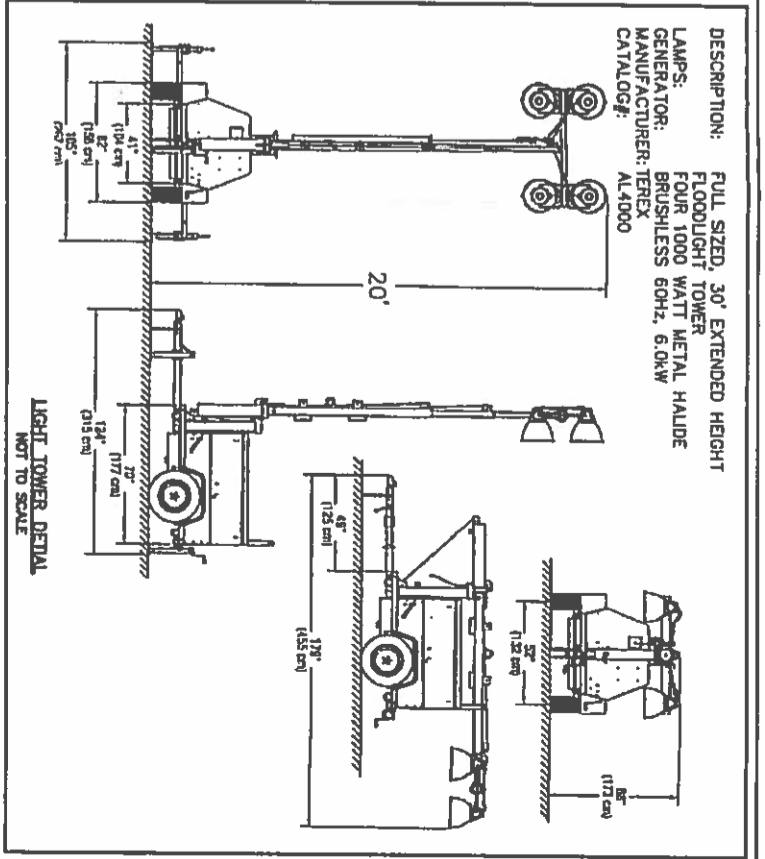
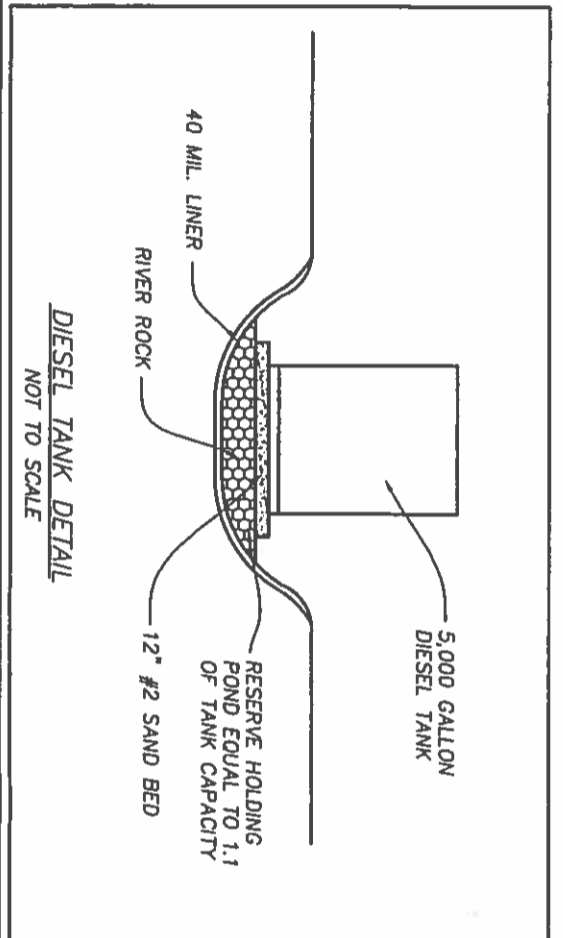
EQUIPMENT STORAGE:  
1-SCAPER  
1-TRACT DOZERS  
2-DUMP TRUCKS  
2-FRONT END LOADERS

TOOL STORAGE  
12'x40'

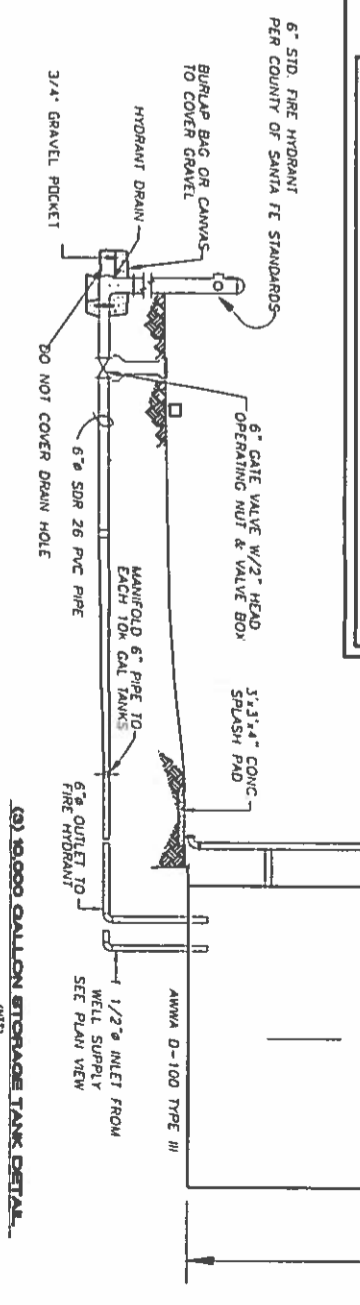
20' PRIVATE ACCESS ROAD. DOES NOT HAVE TO SATISFY SF COUNTY STANDARDS

18" CMP

24" CMP PIPE FOR CONTROLLED RELEASE



QTY.	DESCRIPTION	MODEL #
2	FRONT END LOADERS	
1	SCAPER	
1	DOZER	J-1175
1	JAW CRUSHER	MAXTRACK 1000
1	CRUSHER	PIONEER FT4240CC
1	SCRAPER	CHEFTAIN 2100
1	RECLAIMER	TEREX 883
1	SCRAPER	TRACKSCREEN II 6X16
1	TELESTACKER	36X150
2	CONVEYORS	3060LR/3060LS
2	DUMP TRUCKS	



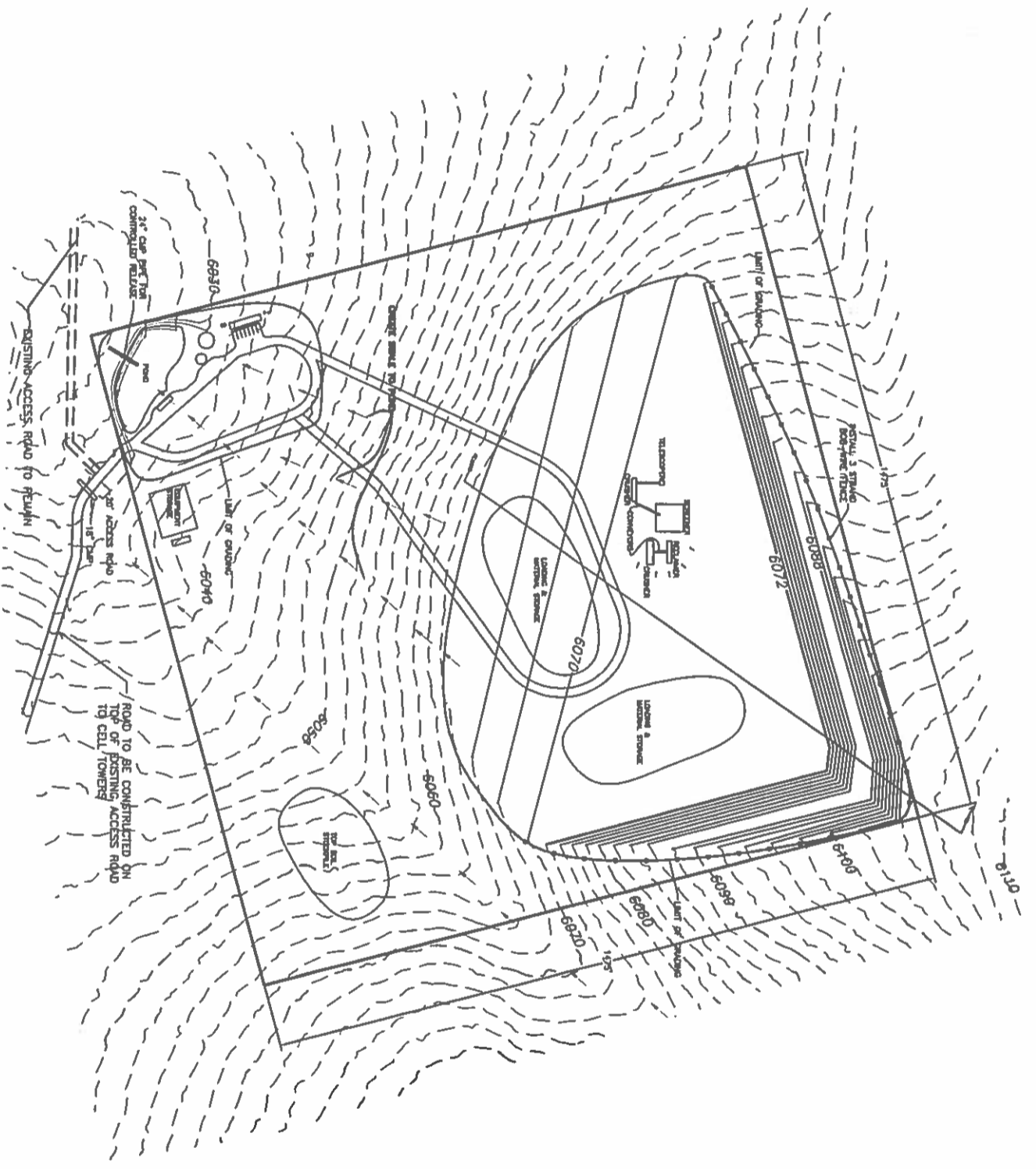
6" STD. FIRE HYDRANT PER COUNTY OF SANTA FE STANDARDS  
BURIAL BAG OR CANVAS TO COVER GRAVEL  
HYDRANT DRAIN  
3/4" GRAVEL POCKET  
DO NOT COVER DRAIN HOLE

6" GATE VALVE W/2" HEAD OPERATING NUT & VALVE BOX  
3.2" x 1.4" CONC. SPLASH PAD  
MANIFOLD 6" PIPE TO EACH 10K GAL. TANK  
6" SDR 26 PVC PIPE  
6" INLET FROM WELL SUPPLY SEE PLAN VIEW  
AMWA D-100 TYPE III

ADDITIONAL FIRE PROTECTION MEASURES:  
-20 POUND ABC FIRE EXTINGUISHERS IN TRAILER,  
TOOL STORAGE & SCREEN/CRUSHER  
-10 POUND ABC FIRE EXTINGUISHER IN ALL EQUIPMENT

**JAMES W. SIEBERT**  
AND ASSOCIATES, INC.  
815 MONROE STREET • SANTA FE, NEW MEXICO 87505  
(505) 825-1588 FAX (505) 825-2115

PROJECT:	MATERIAL EXTRACTION PLAN
DATE:	NOVEMBER 2013
SCALE:	1"=40'
DRAWN BY:	PST/JEP
CHECKED BY:	JMS
DATE:	01/26/2014
PROJECT NO.:	1011
SHEET:	8



**SITE DATA:**  
 PHASE I: 2014-2020  
 ESTIMATE OF MATERIAL REMOVAL: 328,000 CUBIC YARDS  
 TOP SOIL STOCKPILE: 17,000 CUBIC YARDS  
 AREA OF DISTURBANCE: 24.58 AC

**LEGEND:**  
 - DENOTES DRAINAGE  
 - EXISTING CONTOUR  
 - NEW CONTOUR

**STORM DRAINAGE CALCULATION**  
 FOR ALL THREE (3) PHASES  
 FOR DISTURBED GRADED AREA OF 1,562,390 S.F.  
 AND STORAGE AREA AND EQUIPMENT OF 23,000 S.F.

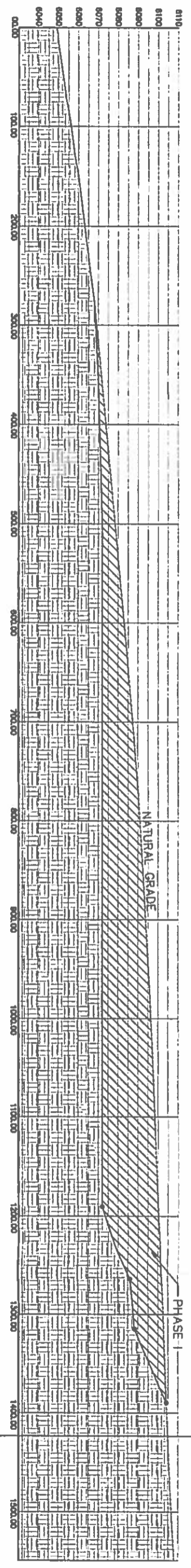
SITE: 2175623 S.F. (90.00 AC)  
 TIME OF CONCENTRATION: = 30.0 MIN.  
 UNITS OF CONCENTRATION: 1.8 CFS/AC-IN  
 100-YR RAINFALL: 3.6 IN

	CN	SF	Q	CN	SF	Q
UNDISTURBED:	82	2175623.00	100.00	82.00	580235.00	27.13
ROOF/PORCHES:	95	0.00	0.00	0.00	23000.00	1.06
DISTURBED AREA:	84	0.00	0.00	82.00	1562390.00	71.81
<b>WEIGHTED CN:</b>				<b>82.00</b>		<b>83.57</b>

RAINOFF:  
 PEAK: 1.87 IN CFS  
 VOLUME: 7.7644 AC-FT  
 338218 CF

RETAINAGE NEEDED TOTAL: 22,284 CF  
 RETAINAGE AVAILABLE: 20,630 SF x 1.5 FT DEEP = 31, 245 CF

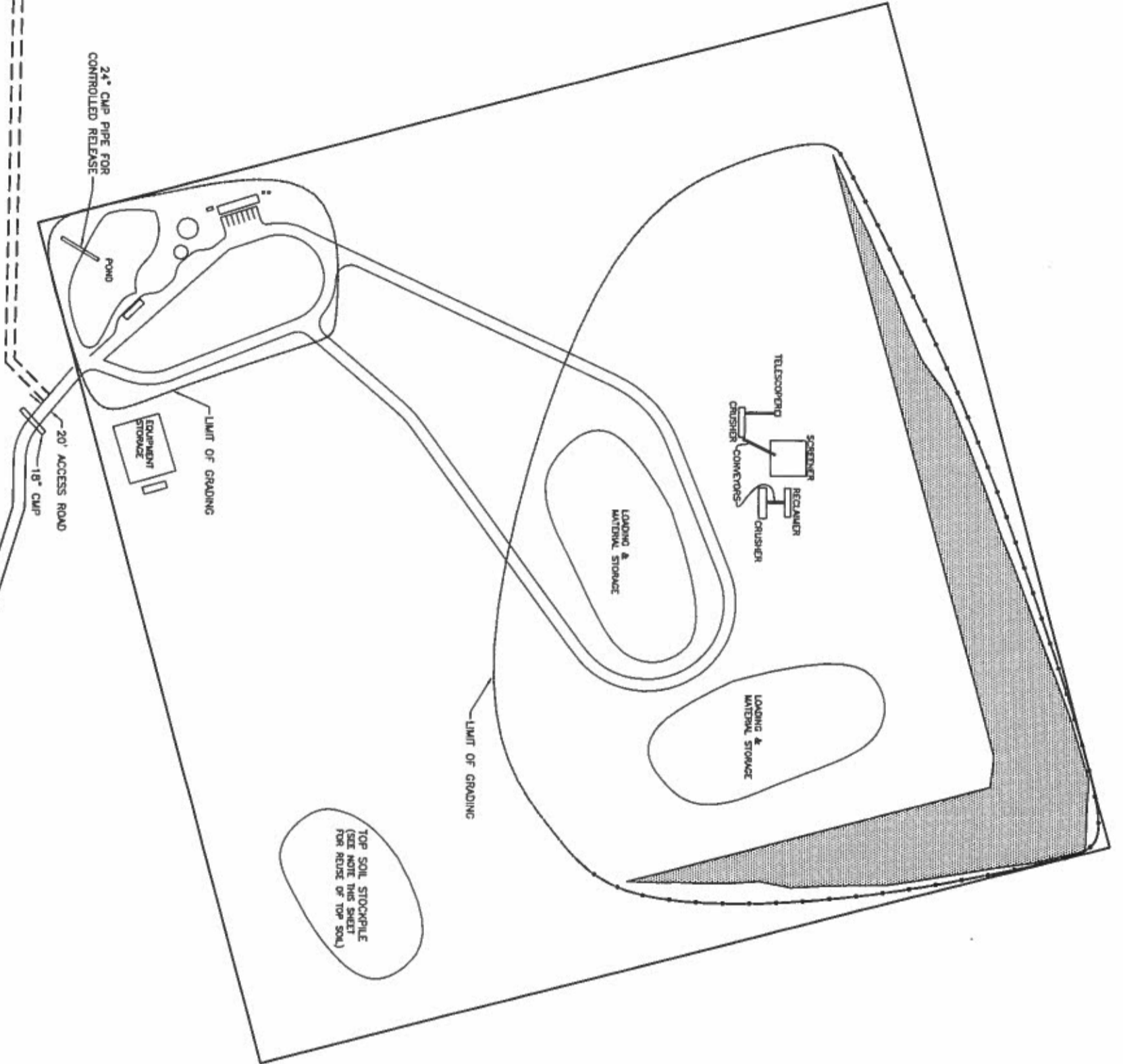
TIME TO DISCHARGE POND AT 16 CFS (24 CUM) EQUALS TO 360482 CF TDM/16 CFS = 22530 SEC=37.5 MIN= 0.25 HRS < 24 HRS OK



SECTION A-A  
 SCALE: 1:50 VERTICAL, 1:100 HORIZONTAL

	<b>JORGE GONZALES, PE</b> DOMESTIC CONSULTANT 28 MOUNTAIN VIEW RD. • ENFERNO, NM 87513 (505) 877-0033	<b>MATERIAL EXTRACTION PLAN</b> <b>GRADING PLAN, PHASE I</b>	SCALE: 1"=150' DRAWN BY: HJP CHECKED BY: JMS DATE: NOVEMBER 2013 REVISION: 01/22/2014 REVISION: 02/02/20	NO. 9

NBS-



**SITE DATA:**  
 PHASE I  
 ESTIMATE OF MATERIAL REMOVAL: 326,000 CUBIC YARDS  
 TOP SOIL STOCKPILED: 17,000 CUBIC YARDS

**RECLAMATION PROCESS:**

PLACE STOCKPILED TOPSOIL ON GRADED AREAS & RESEED AS FOLLOWS:  
 DONOTES AREA TO BE RESEED PER FOLLOWING SEEDING SPECIFICATIONS.  
 NOTE: RESEEDING TO OCCUR UPON COMPLETION OF EXCAVATION DEPTH FOR PHASE I.

ALL DISTURBED AREAS EXCEPT BUILDING AREAS AND LANDSCAPE PLANNING AREAS SHALL INCLUDE "SAFETY BANKING OR CHAIN HARBORING TO COVER SEED TO A DEPTH OF 12" TO 18" AND SHALL BE RESEED AS SOON AS POSSIBLE AFTER THE SEED AND FERTILIZER ARE APPLIED. ALL RESEEDING AREAS SHALL BE BROADCAST THE SAME DAY THAT ARE SEEDING.  
 SOIL RETENTION BLANKET USED FOR CLASS "D" SEEDING SHALL BE PPS SUPER DOT, AMERICAN EXCELSION HIGH VELOCITY, NORTH AMERICAN GREEN S-150 (OR EQUIVALENT). SEEDING SHALL BE DONE AT THE RATE OF 1.5-2.0 TONS PER ACRE. SEEDING SHALL BE DONE AT THE RATE OF 1.5-2.0 TONS PER ACRE. RECOMMENDED BY THE MANUFACTURER. BLANKETS SHALL BE LAYED FROM TOP TO BOTTOM ON THE SLOPE WITH SEAMS RUNNING VERTICALLY AND LAPPED AS PER MANUFACTURER'S RECOMMENDATION. BLANKETS SHALL BE INSTALLED ON ALL CUT SLOPES.  
 PRIOR TO PERFORMING SEEDING OPERATIONS ALL WEED SPECIES WHICH MAY HAVE GROWN IN AREAS TO BE SEEDING AND WILL INTERFERE WITH THE SEED WHICH MAKING CONTACT WITH THE SOIL SHALL BE REMOVED.

SEED MIX (CERTIFIED SEED OF RAISED VARIETIES ARE REQUIRED IF AVAILABLE)	DESIGN	LBS PURE LIVE SEED PER ACRE
BOULETIA GIGANTEA	MACHINA OR LONGICORN	2.0
BOULETIA GIGANTEA	WADLOW OR WADLOW	4.0
BOULETIA GIGANTEA	PASTORAL	1.0
BOULETIA GIGANTEA	VNA	4.0
BOULETIA GIGANTEA	NEW MEXICO REGION	0.5
BOULETIA GIGANTEA	NEW MEXICO REGION	1.0
BOULETIA GIGANTEA	NEW MEXICO REGION	1.0

LEAFLETTER REQUIREMENTS	ACTUAL MIN DOUNDS/ACRE
23-13-0	75
FRANCO HW	1000

**SEEDING DATES:**  
 SEEDING WILL OCCUR DURING THE MONTHS OF JUNE, JULY & AUGUST FOR MAIN SEASON SPECIES AND OCTOBER, NOVEMBER & DECEMBER FOR THE COOL SEASON SPECIES. SEEDING AREAS WILL BE PROTECTED FROM LIVESTOCK GRAZING UNTIL A VEGETATIVE COVER IS ESTABLISHED.  
**MAINTENANCE:**  
 AFTER INSTALLATION OF SEED, THE REVEGETATING AREAS WILL BE WATERED FROM A TANKER TRUCK OR OTHER WATER SOURCE FOR A MINIMUM OF ONE (1) PER WEEK FOR TWO MONTHS.  
 ANY PROPOSED CHANGES OR MODIFICATIONS TO THIS PLAN SHALL BE DISCUSSED WITH THE ENGINEER PRIOR TO MAKING SUCH CHANGES OR MODIFICATIONS.

**JAMES W. SIEBERT**  
 AND ASSOCIATES, INC.  
 110 WOODROW WILSON STREET • SUITE 107 NEW BRUNSWICK, NJ 08901  
 TEL: 732-839-3333 FAX: 732-839-3313

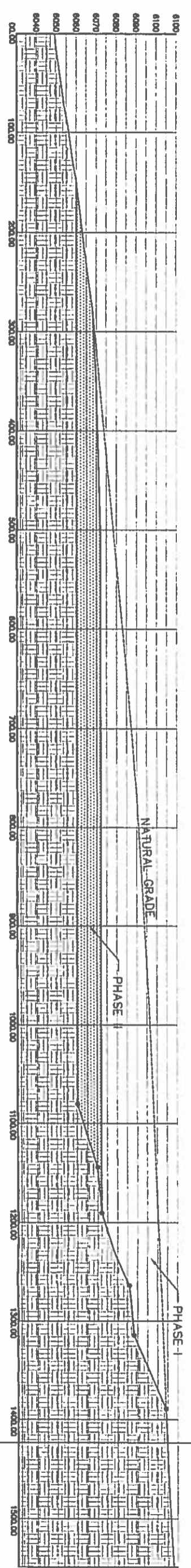
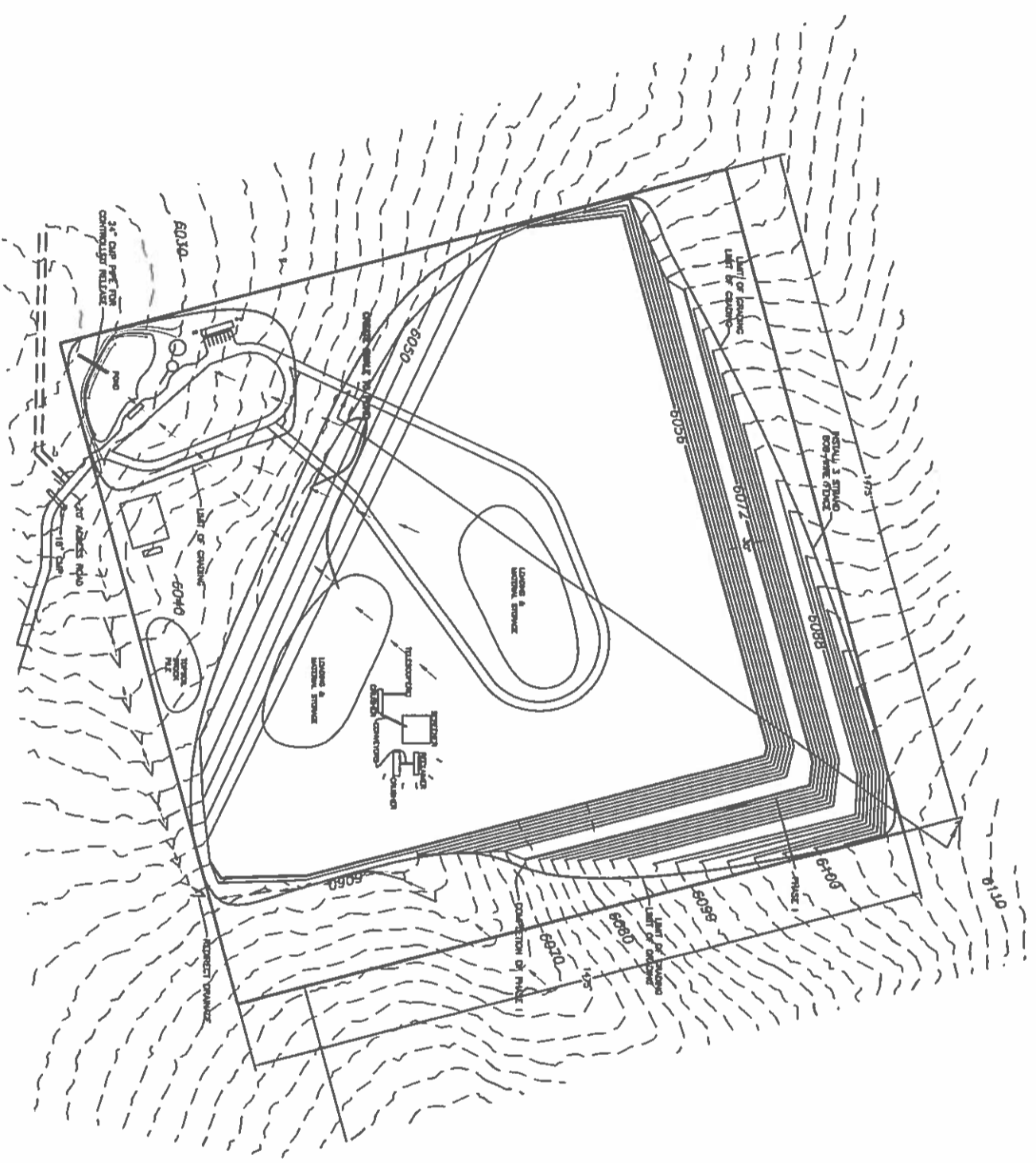
**RECLAMATION PLAN, PHASE I**

SCALE: 1" = 100'  
 DATE: NOVEMBER 2013  
 DRAWN BY: JWS  
 CHECKED BY: JWS  
 DATE: 02/09/00  
 REVISION: 01/22/2014

NO. 10

NBB





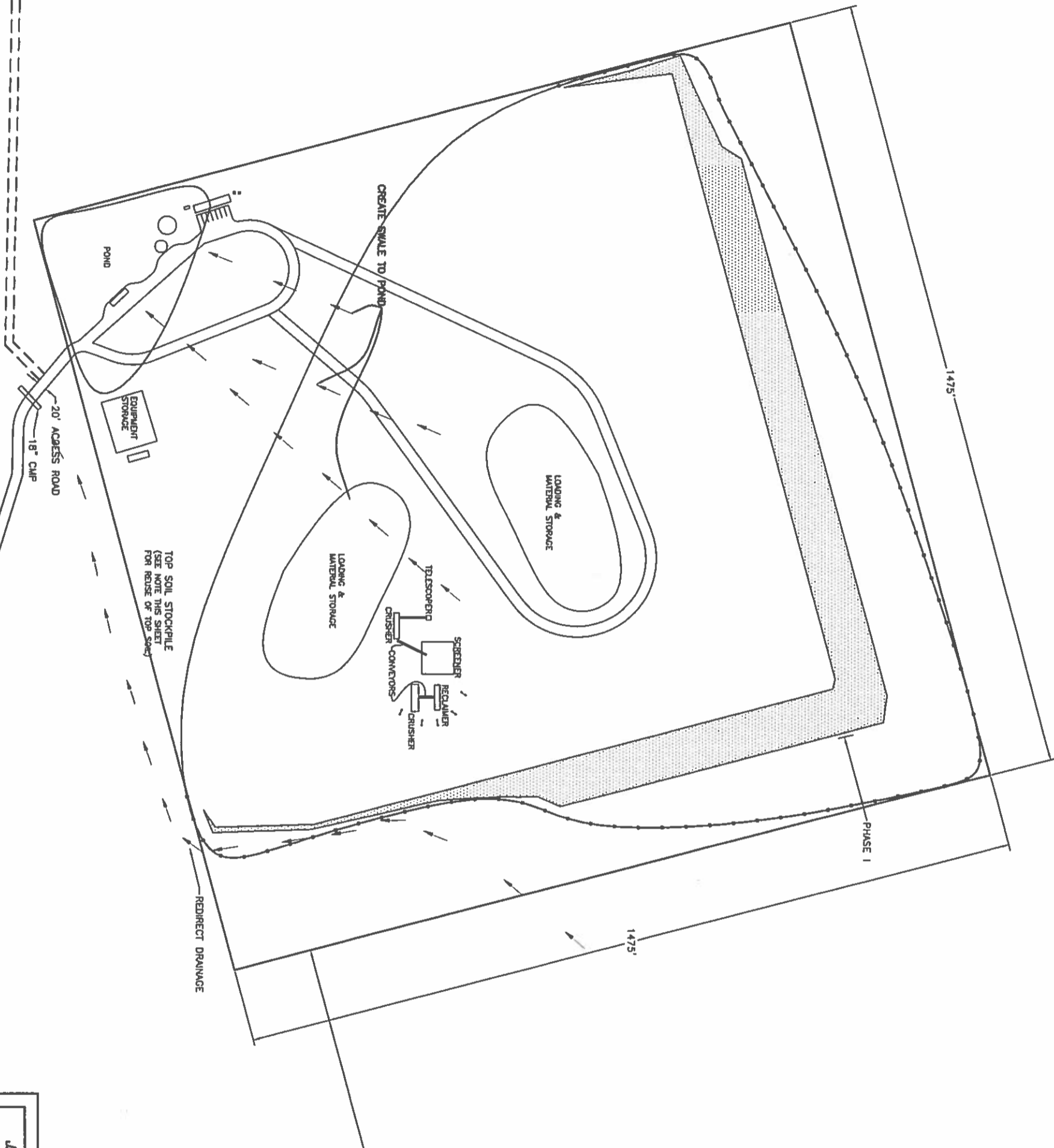
SCALE: 1:50 VERTICAL, 1:100 HORIZONTAL

**SITE DATA:**  
 PHASE II  
 ESTIMATE OF MATERIAL REMOVAL: 397,000 CUBIC YARDS  
 TOP SOIL STOCK PILE: 11,000 CUBIC YARDS  
 AREA OF DISTURBANCE: 26.76 ACRES

**LEGEND:**  
 --- DENOTES DRAINAGE  
 --- EXISTING CONTOUR  
 --- NEW CONTOUR

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. <small>815 BUCKINGHAM STREET • SUITE 102 NEW BRUNSWICK, NJ 08901          TEL: (732) 839-7313 FAX: (732) 839-7315</small>		<b>MATERIAL EXTRACTION PLAN</b> <b>GRADING PLAN, PHASE II</b>	
SCALE: 1" = 150' DRAWN BY: JWP CHECKED BY: JWS DATE: NOVEMBER 2013 REVISIONS: 00/00/00 ISSUED ON: 12/19/2013	DATE: NOVEMBER 2013 CHECKED BY: JWS DATE: 12/19/2013	SHEET NO.: 12	

NBB



**SITE DATA:**  
 PHASE II: 2021-2028  
 ESTIMATE OF MATERIAL REMOVAL: 227,000 CUBIC YARDS  
 TOP SOIL STOCK PILE: 11,000 CUBIC YARDS

**LEGEND:**  
 — DENOTES DRAINAGE

**RECLAMATION PROCESS:**  
 PLACE STOCKPILED TOPSOIL ON GRADED AREAS & RESEED AS FOLLOWS:  
 [Hatched Box] DENOTES AREA TO BE RESEED PER FOLLOWING SEEDING SPECIFICATIONS.

**NOTE:** RESEEDING TO OCCUR UPON COMPLETION OF EXCAVATION DEPTH FOR PHASE I.

ALL DISTURBED AREAS EXCEPT BUILDING AREAS AND LANDSCAPE PLANNING BEDS (SEE NOTE 1 BELOW) SHALL BE TREATED WITH CLASS "D" SEEDING AND SHALL INCLUDE HAND RAKING OR CHAIN HARROWING TO COVER SEED TO A DEPTH OF 1/4" TO 1/2". BLANKETS SHALL BE APPLIED AS SOON AS POSSIBLE AFTER THE SEED AND FERTILIZER ARE APPLIED. ALL RECYCLED AREAS SHALL BE BLANKETTED THE SAME DAY THEY ARE SEEDDED.

SOIL RETENTION BLANKET USED FOR CLASS "D" SEEDING SHALL BE PPS SUPER DUTY, AMERICAN EXCESSOR HIGH VELOCITY, NORTH AMERICAN GREEN S-150 OR APPROVED EQUAL. ANCHORING SHALL BE BY THE USE OF 8"x17/8" U-ANCHORING STEEL STAPLES OF .091 MINIMUM DIAMETER AND SPACED AS TOP RECOMMENDED BY THE MANUFACTURER. BLANKETS SHALL BE Laid FROM TOP TO BOTTOM OF DISTURBED AREAS. RESEEDING SHALL BE PERFORMED AS PER MANUFACTURER'S RECOMMENDATION. BLANKETS SHALL BE INSTALLED ON ALL CUT SLOPES.

PROVIDE TO PERFORMING SEEDING OPERATIONS ALL WEED SPECIES WHICH MAY HAVE GROWN IN AREAS TO BE SEEDDED AND WILL INTERFERE WITH THE SEED MACHINERY CONTACT WITH THE SOIL SHALL BE REMOVED.

**SEED MIX:**  
 (CERTIFIED SEED OF NAMED VARIETIES ARE REQUIRED IF AVAILABLE)

SPECIES	ORIGIN	LBS. PURE LINE SEED PER ACRE
BOUTELOUA GRACILIS	MACHITA OR LOVANGION	2.0
BEAR GRASS (LURIPENDULA)	VAUGHN OR KNIER	4.0
(SOUR GRASS GRAMA)	PASTURA	1.0
ANDROPOGON SCAPANOLIUS (LITTLE BLUESTEM)	WVA	4.0
HILARIA JAMESII(GALLETIA)	NEW MEXICO REGION	0.5
SPOROBOLUS AIROIDES (TALL BLUESTEM)	NEW MEXICO REGION	1.0
TRITICUM MONSIEUR (FOURRING SALTGRASS)	NEW MEXICO REGION	1.0
FALLOUCA PANDONIA (PAPACHE PLUME)	NEW MEXICO REGION	1.0

**FERTILIZER REQUIREMENTS**

CHEMICAL	ACTUAL MIN. POUNDS/ACRE
23-13-0	75
PRAIRIE HAY	1000

**SEEDING DATES**

RESEEDING WILL OCCUR DURING THE MONTHS OF JUNE, JULY & AUGUST FOR WARM SEASON SPECIES AND SEPTEMBER & OCTOBER FOR THE COOL SEASON SPECIES. SEEDING SHALL BE PROTECTED FROM DISTURBANCE UNTIL A VEGETATIVE COVER IS ESTABLISHED.

**WATERING:**  
 AFTER INSTALLATION OF SEED, THE RESEEDING AREAS WILL BE WATERED FROM A TANKER TRUCK OR OTHER WATER SOURCE FOR A MINIMUM OF ONE TIME PER WEEK FOR TWO MONTHS.  
 ANY PROPOSED CHANGES OR MODIFICATIONS TO THIS PLAN SHALL BE DISCUSSED WITH THE ENGINEER PRIOR TO MAKING SUCH CHANGES OR MODIFICATIONS.

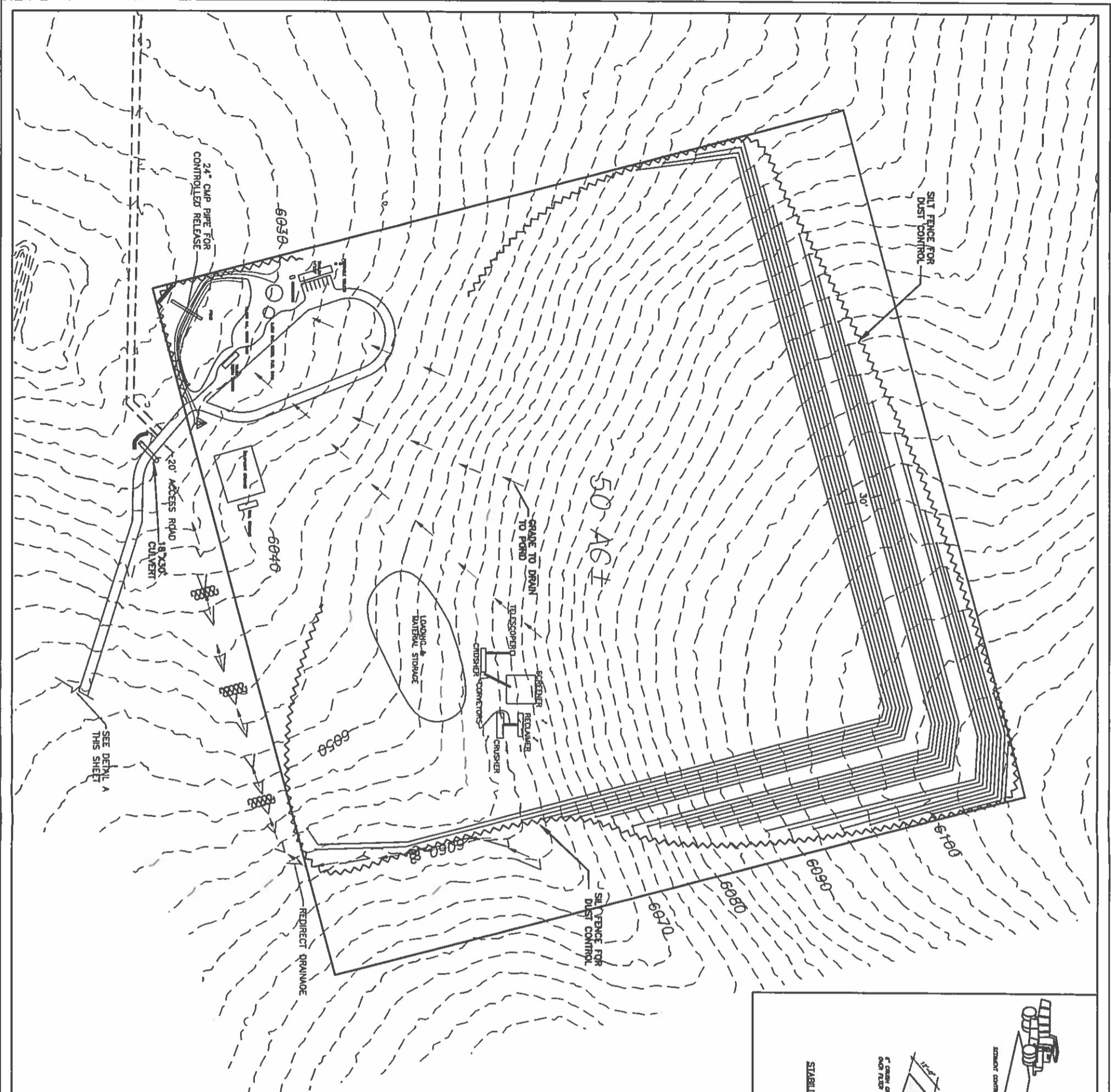
**JAMES W. SIEBERT**  
 AND ASSOCIATES, INC.  
 215 MONROE STREET • SUITE 7E NEW MEXICO 87505  
 (505) 253-5500 FAX (505) 253-7313

**MATERIAL EXTRACTION PLAN**

**RECLAMATION PLAN, PHASE II**

SCALE: 1" = 100'	DATE: NOVEMBER 2013	NO.:
DRAWN BY: JWS	CHECKED BY: JWS	SHEET: 13
REVISED: 00/00/00	DATE: 12/11/2011	
ISSUED ON: 01/22/2014	PROJECT: 311-100-1002	

NBB



**GENERAL NOTES**

1. CONSTRUCTION MATERIALS AND EQUIPMENT SHALL BE MAINTAINED SUCH THAT NO FLOODING (DRAINAGE) IS PERMITTED TO LEAK INTO THE DRAINAGE, ACCIDENTAL SPILLS OF FLUIDS ARE TO BE CLEANED AND REMOVED FROM THE SITE IMMEDIATELY.

2. SLOTTED AND STRAW BALE WALLS SHALL BE PLACED AND/OR COVERED AS NEEDED TO PREVENT EROSION AND TO PROTECT THE CONSTRUCTION SITE.

3. PORTABLE TOILETS SHALL BE PLACED AT LEAST 200 FEET FROM ANY WATER SOURCE AND SHALL BE PROTECTED BY A FENCE AND/OR SIGNAGE TO PREVENT ACCESS TO PORTABLE TOILETS.

**SPECIAL CONSIDERATIONS**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

2. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED THROUGHOUT THE CONSTRUCTION PERIOD.

3. ALL MATERIALS SHALL BE PROTECTED FROM WEATHER AND SHALL BE STORED IN A DRY AND PROTECTED AREA.

4. ALL MATERIALS SHALL BE PROTECTED FROM WEATHER AND SHALL BE STORED IN A DRY AND PROTECTED AREA.

5. ALL MATERIALS SHALL BE PROTECTED FROM WEATHER AND SHALL BE STORED IN A DRY AND PROTECTED AREA.

6. ALL MATERIALS SHALL BE PROTECTED FROM WEATHER AND SHALL BE STORED IN A DRY AND PROTECTED AREA.

7. ALL MATERIALS SHALL BE PROTECTED FROM WEATHER AND SHALL BE STORED IN A DRY AND PROTECTED AREA.

8. ALL MATERIALS SHALL BE PROTECTED FROM WEATHER AND SHALL BE STORED IN A DRY AND PROTECTED AREA.

9. ALL MATERIALS SHALL BE PROTECTED FROM WEATHER AND SHALL BE STORED IN A DRY AND PROTECTED AREA.

10. ALL MATERIALS SHALL BE PROTECTED FROM WEATHER AND SHALL BE STORED IN A DRY AND PROTECTED AREA.

**STABILIZED CONSTRUCTION ENTRANCE**

STABILIZED CONSTRUCTION ENTRANCE DETAIL

LEGEND

- SWPPP PATHWAY
- CONCRETE STABILIZED CONSTRUCTION ENTRANCE
- STRAW BALE WALL (SEE DETAIL THIS SHEET)
- SILT FENCE (SEE DETAIL THIS SHEET)
- WOODPILE (SEE DETAIL THIS SHEET)
- CONCRETE DRAINAGE CURB (SEE DETAIL THIS SHEET)
- TO PREVENT UNDESIRABLE EROSION FROM OCCURRING

**WOODPILE INSTALLATION**

**STRAW BALE INSTALLATION**

**SILT FENCE INSTALLATION**

**STABILIZED CONSTRUCTION ENTRANCE DETAIL**

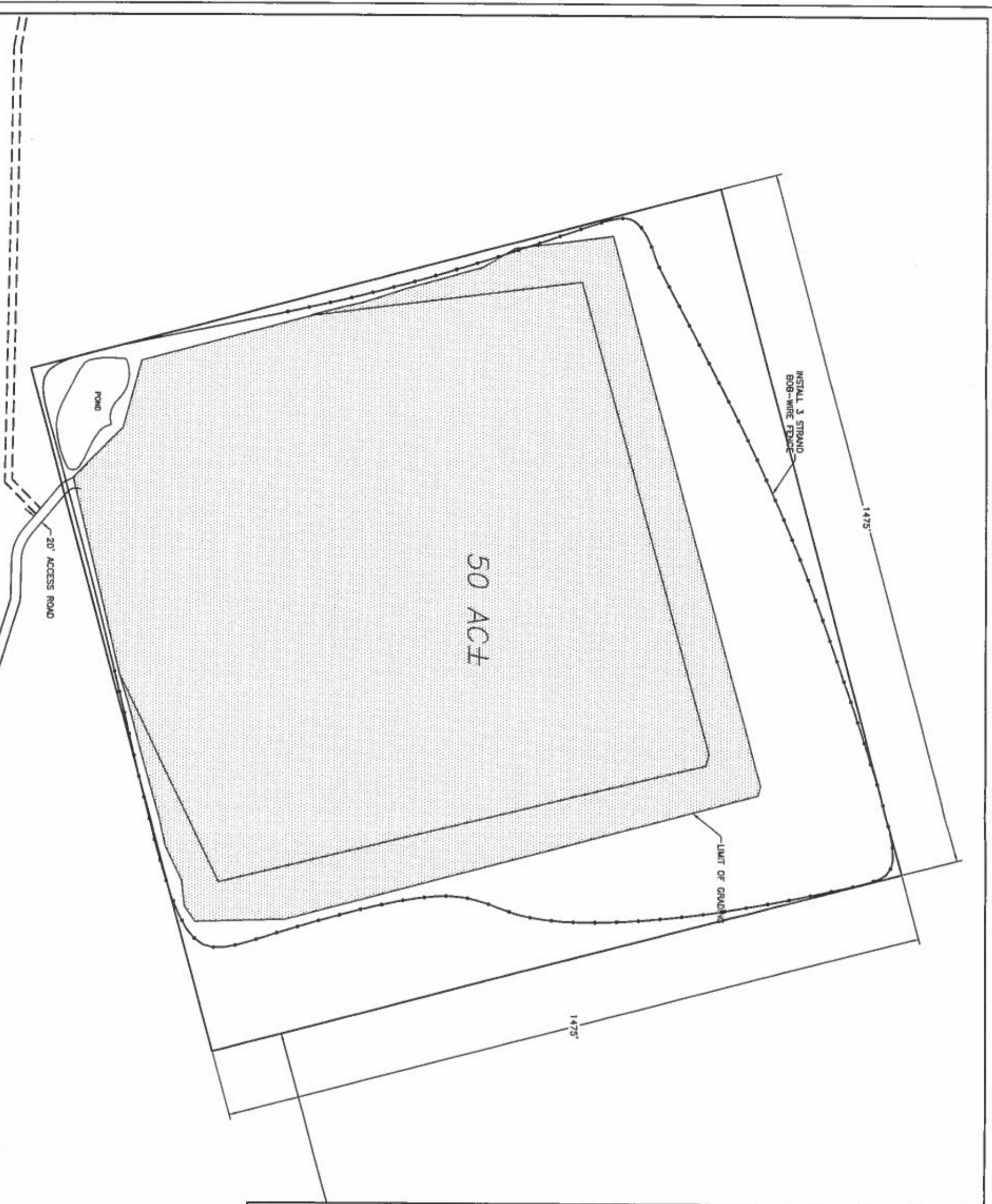
PROPERTY-LINE  
SITE ACCESS  
STABILIZED CONSTRUCTION ENTRANCE  
STRUCT ASPHALT SURFACE PER COUNTY STANDARDS  
2X ASPHALT SURFACE  
24\"/>

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 815 MONROE STREET • SUITE 170 NEW BEDFORD 01730 TEL: (508) 898-7113 FAX: (508) 898-7113		<b>MATERIAL EXTRACTION PLAN</b> <b>SWPPP PLAN PHASE II</b>	
SCALE	DATE	SCALE	DATE
1" = 100'	NOVEMBER 2013	1" = 100'	NOVEMBER 2013
DRAWN BY	CHECKED BY	DRAWN BY	CHECKED BY
HP	JWS	HP	JWS
APPROVED	DATE	APPROVED	DATE
00/00/00	11/11/11	00/00/00	11/11/11
01/22/2014	11-11-11	01/22/2014	11-11-11
SHEET NO. 14 TOTAL SHEETS 14		SHEET NO. 14 TOTAL SHEETS 14	

NBB







**SITE DATA:**  
 PHASE # 2027-2034  
 ESTIMATE OF MATERIAL REMOVAL: 543,000 CUBIC YARDS

**LEGEND:**  
 — DENOTES DRAINAGE

**RECLAMATION PROCESS:**  
 PLANT STOCKPILED TOPSOIL ON GRADED AREAS & RESEED AS FOLLOWS:  
 [Hatched Box] DENOTES AREA TO BE RESEED PER FOLLOWING SEEDING SPECIFICATIONS.

ALL DISTURBED AREAS EXCEPT BUILDING AREAS AND LANDSCAPE PLANTING AREAS SHALL BE RESEED WITH THE FOLLOWING SPECIFICATIONS AND SHALL INCLUDE USE OF SEEDING MIXTURES OF 20% TURF SEED TO A DEPTH OF 1/4" TO 1/2". BARRIERS SHALL BE APPLIED AS SOON AS POSSIBLE AFTER THE SEED AND FERTILIZER ARE APPLIED. ALL FORECASTED AREAS SHALL BE RESEED BY THE SAME DAY THEY ARE STORED.

SOIL REPAIRMENT: BARRIERS USED FOR CLASS 3+ SEEDING SHALL BE PRO SUPPORT MATERIAL EXCEPT FOR VEGETATION APPROVED BY THE ENGINEER. SOIL OR APPROVED TOWEL MATS SHALL BE BY THE USE OF 8"X12" 3/4" SHAPED STEEL STAPLES OF 0.91 MINIMUM DIAMETER AND SPACED AS RECOMMENDED BY THE MANUFACTURER. BARRIERS SHALL BE LAYED FROM TOP TO BOTTOM ON THE SLOPE WITH STAPLES RUNNING VERTICALLY AND LAPPED AS PER THE MANUFACTURER'S RECOMMENDATION. BARRIERS SHALL BE INSTALLED ON ALL DISTURBED AREAS.

PRIOR TO PERFORMING SEEDING OPERATIONS ALL WEED SPECIES WHICH MAY HAVE GROWN IN AREAS TO BE SEEDING AND WILL INTERFERE WITH THE SEED MACHINERY CONTACT WITH THE SOIL SHALL BE REMOVED.

SEED MIX (CERTIFIED SEED OF NAMED VARIETIES ARE REQUIRED IF AVAILABLE)

SPECIES	REGION	LB'S PURE LIVE SEED PER ACRE
BOUTELOUA CURVULUS (BLUE GRAMA)	HACHIA OR LOWMOUNT	2.0
BOUTELOUA CURVULUS (BLUE GRAMA)	WAGON OR RANGER	4.0
ANDROPOGON SODINORUM (LITTLE BLUESTEM)	PASTORA	1.0
HULMUS JAMESWICKII (HULMUS JAMESWICKII)	NEW MEXICO REGION	4.0
SPOROBOLUS AMBOIDES (ALMAYU SACHON)	NEW MEXICO REGION	0.5
TRIPLEX CAESERIS (TRIPLEX CAESERIS)	NEW MEXICO REGION	1.0
TRIPLEX CAESERIS (TRIPLEX CAESERIS)	NEW MEXICO REGION	1.0

**FERTILIZER REQUIREMENTS:**  
 CHEMICAL: 23-11-0  
 BRAND: FAY  
 ACTUAL AMT: 75  
 ESTIMATED: 1000

**SEEDING DATES:**  
 RESEEDING WILL OCCUR ONLY DURING THE MONTHS OF JUNE, JULY & AUGUST FOR WARM SEASON SPECIES AND OCTOBER, NOVEMBER & DECEMBER FOR THE COOL SEASON SPECIES. SEEDING AREAS WILL BE PROTECTED FROM LIVESTOCK GRAZING UNTIL A VEGETATIVE COVER IS ESTABLISHED.

**MATERIALS:**  
 AFTER INSTALLATION OF SEED THE REVEGETATING AREAS WILL BE MAINTAINED WITH FERTILIZER AND WATERING. WATER SOURCE FOR A MINIMUM OF ONE YEAR SHALL BE PROVIDED FOR THE REPAIR WORK FOR TWO MONTHS. ANY PROPOSED CHANGES OR MODIFICATIONS TO THIS PLAN SHALL BE DISCUSSED WITH THE ENGINEER PRIOR TO MAKING SUCH CHANGES OR MODIFICATIONS.

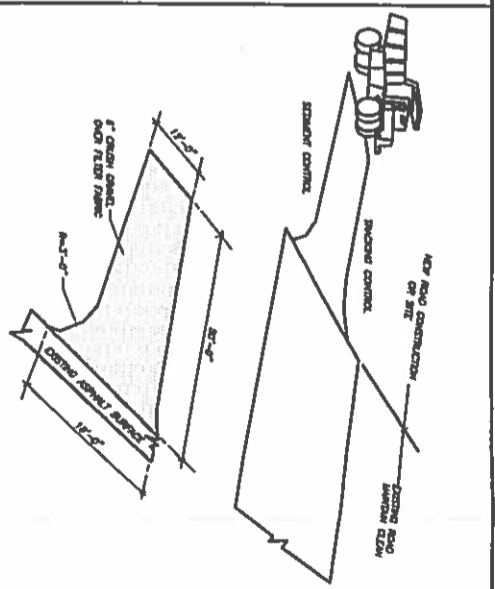
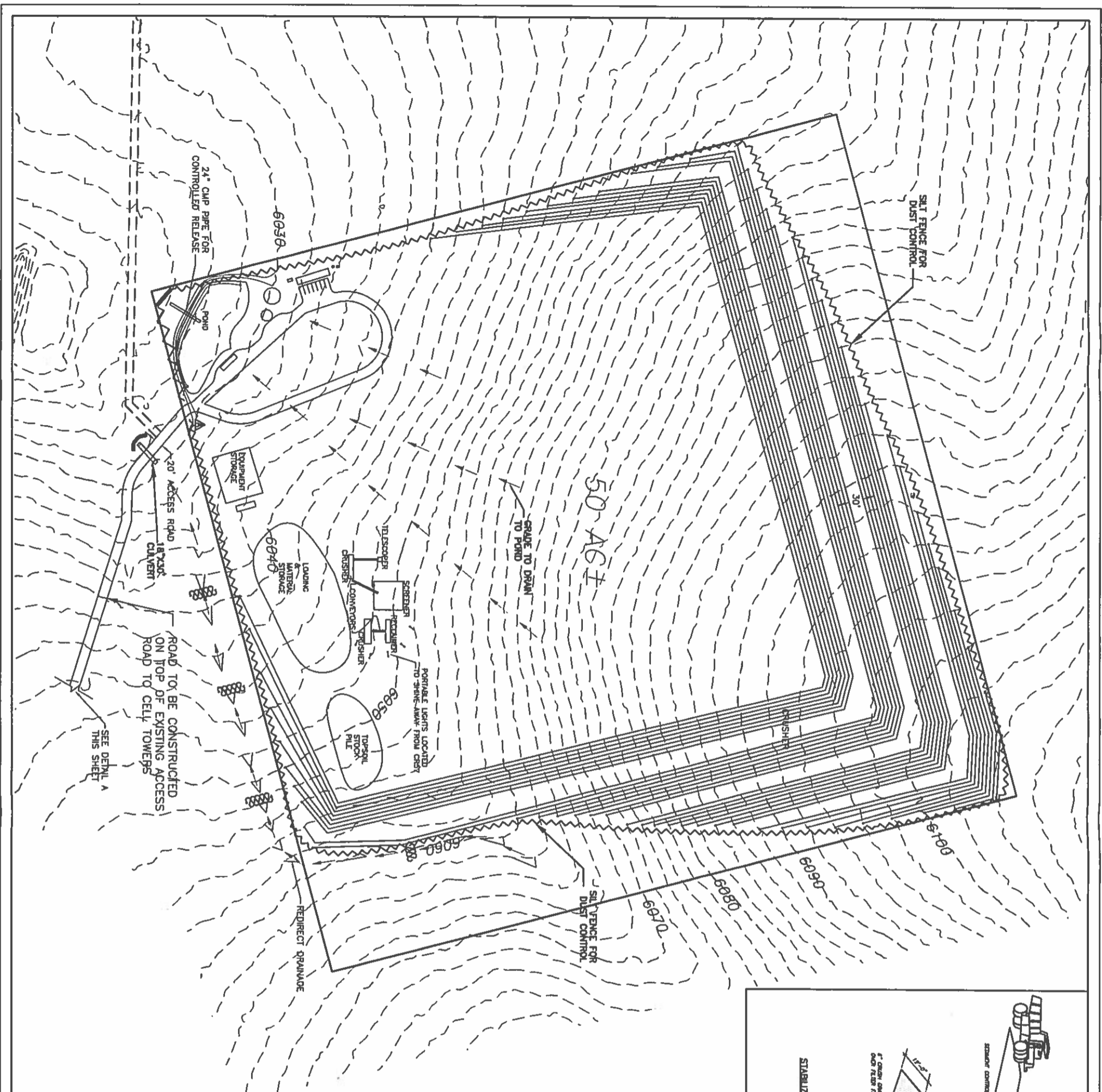
**JAMES W. SIEBERT**  
 AND ASSOCIATES, INC.  
 815 MONROE STREET • SUITE 17 • NEW MEXICO 87208  
 (505) 841-8888 FAX (505) 888-7213

**MINERAL EXTRACTION PLAN**  
**RECLAMATION PLAN, PHASE III**

SCALE: 1" = 100'  
 DATE: NOVEMBER 2013  
 DESIGNED BY: JWS  
 CHECKED BY: JWS  
 DATE: 01/22/2014

16

NBB



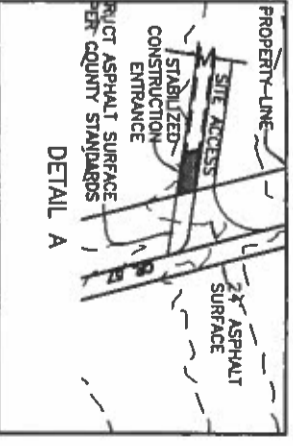
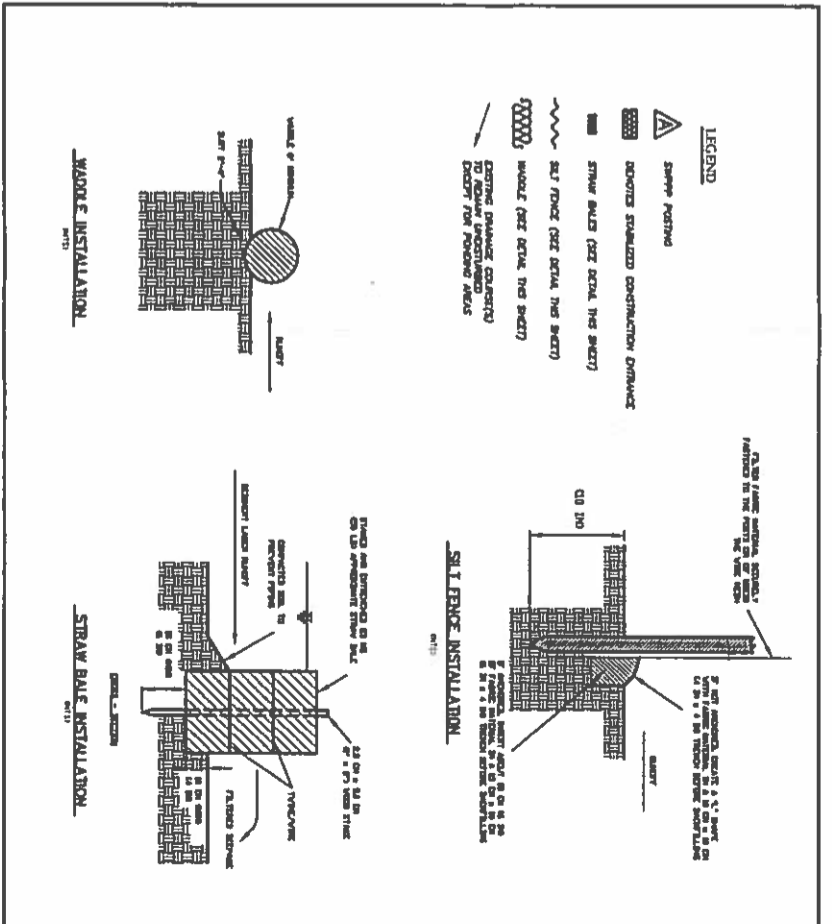
**GENERAL NOTES**

1. ALL FENCES AND SILT BARRIERS SHALL BE PLACED AND/OR MONITORED AS NEEDED TO PREVENT UNDESIRABLE STORM WATER FROM LEAVING THE CONSTRUCTION SITE.
2. PORTABLE TOILETS SHALL NOT BE PLACED WITHIN 100 FT FROM ANY DRAINAGE DITCH, DRAINAGE CULVERT, OR OTHER RECEIVING WATER BODY.
3. ALL CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE PERMITTED AREA OF THE SITE.

**STABILIZED CONSTRUCTION ENTRANCE**

STABILIZED CONSTRUCTION ENTRANCE SHALL BE CONSTRUCTED AND MAINTAINED AS FOLLOWS:

- 1. THE ENTRANCE SHALL BE CONSTRUCTED WITH A MINIMUM OF 24\"/>



<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 815 ANDERSON STREET • SUITE 117 • NEW JERSEY 07102 (908) 981-5888    FAX (908) 988-7214		<b>MATERIAL EXTRACTION PLAN</b>		SCALE: 1" = 100' DATE: NOVEMBER 2013
<b>STORM WATER POLLUTION PREVENTION PLAN, PHASE III</b>		DRAWN BY: HP CHECKED BY: JWS	DATE: 06/20/09 REVISION: 2011	SHEET: 17

**CONSTRUCTION ACTIVITIES**

STORM WATER FROM CONSTRUCTION SITES CAN BE MAJOR CAUSE OF WATER POLLUTION. STORM WATER INCLUDES RAINFALL, MELTING SNOW, SURFACE RUNOFF AND DRAINAGE AND RAINFALL OR SNOWMELT FROM AN ADJACENT SITE RUNNING ONTO OR THROUGH A CONSTRUCTION SITE. POLLUTION IN STORM WATER CAN INCLUDE SOIL, SAND, NATURAL DEBRIS (LEAVES, GRASS, ETC.), CONSTRUCTION DEBRIS (WOODCHIPS, INSULATION SCRAPS, CEMENT), AND CHEMICALS (FUEL, OIL, LUBRICANTS, PAINT, TAR, ETC.).

WHEN SOIL VEGETATIVE COVER, TREE CANOPIES, ETC. ARE DISTURBED ON A CONSTRUCTION SITE, SOIL IS LOOSEND, MAKING IT EASIER FOR STORM WATER TO CARRY THE SOIL OFF THE SITE. ALONG WITH ANY DEBRIS OR CHEMICALS ON THE SOIL, ADDITIONALLY, ANY NEW OR EXISTING PAVED SURFACES ON WHICH DIRT AND DEBRIS ARE TRACKED, OR ON WHICH CONSTRUCTION DEBRIS OR CHEMICALS ARE STORED OR SPILLED, MAKE IT EASIER FOR STORM WATER TO COLLECT AND CARRY THOSE MATERIALS OFF THE SITE.

ONCE STORM WATER LEAVES A SITE, IT CAN RUN DIRECTLY INTO A RIVER OR LAKE, OR CAN BE CARRIED TO A RIVER OR LAKE THROUGH AN ARROTO DITCH, STORM SEWER, OR OTHER CONVEYANCE. IF THE STORM WATER IS POLLUTED, IT WILL CARRY THOSE POLLUTANTS INTO THE RECEIVING WATERS AND DEGRADE THE QUALITY OF THAT WATER.

THE THREE MAIN GOALS OF THE NPDES PERMITTING PROGRAM FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES ARE TO REDUCE EROSION, MINIMIZE SEDIMENTATION, AND CONTROL THE DISCHARGE OF NON-STORM WATER POLLUTANTS.

**SWPPP DESCRIPTION**

THE SWPPP IS A DOCUMENT THAT DEFINES THE CONSTRUCTION ACTIVITIES AND BMPs/CONTROLS TO BE EMPLOYED TO CONTROL THE RELEASE OF POLLUTION FROM THE CONSTRUCTION SITE. THE SWPPP CONSISTS OF TWO COMPONENTS: A NARRATIVE DESCRIPTION OF THE PROJECT AND A DRAWING OF THE SITE SHOWING THE LIMITS OF SOIL DISTURBANCE, STORM WATER DRAINAGES, AND LOCATIONS AND TYPES OF BMPs/CONTROLS.

THE SWPPP IDENTIFIES THE TECHNIQUES THAT THE OPERATOR WILL USE TO REDUCE SITE EROSION AND SEDIMENT LOSS, AND MANAGE CONSTRUCTION-RELATED WASTES. IT IDENTIFIES THE MAINTENANCE PROCEDURES THAT THE OPERATOR WILL PERFORM TO PRESERVE THE EFFICIENCY OF THE TECHNIQUE USED. THE SWPPP MUST CLEARLY DESCRIBE THE CONTROL MEASURES, THE TIMING AND SEQUENCE OF IMPLEMENTATION AND WHICH PERMITTEE (CONTRACTOR) IS RESPONSIBLE FOR IMPLEMENTATION AND MAINTENANCE OF THE CONTROL MEASURES.

THE SWPPP IS VERY LIKELY TO CHANGE DURING THE COURSE OF CONSTRUCTION DUE TO VARIATIONS IN CONSTRUCTION TECHNIQUES AND/OR SITE CONDITIONS. IN ORDER TO MAINTAIN THE EFFECTIVENESS OF THE ORIGINAL SWPPP DESIGN, THESE MODIFICATIONS SHOULD BE MADE BY PERSONNEL EXPERIENCED IN THE DESIGN OF EROSION AND SEDIMENT CONTROL SYSTEMS. THE EPA REQUIRES THAT THE SWPPP DOCUMENTS BE UPDATED WITHIN SEVEN DAYS OF ANY CHANGE IN THE POLLUTION PREVENTION SYSTEMS EMPLOYED ON THE SITE.

**RETENTION OF RECORDS**

AS PART OF THE GENERAL PERMIT, THE SWPPP AND SUPPORTING DOCUMENTATION MUST BE RETAINED FOR A PERIOD OF THREE YEARS AFTER THE COMPLETION OF THE PROJECT. THIS IS TO PROTECT THE OWNER/OPERATOR OF THE SITE FROM FUTURE CLAIMS CONCERNING WATER QUALITY AND MEASURES IMPLEMENTED AT THE SITE. IT IS RECOMMENDED THAT EACH OF THE OWNER/OPERATORS MAINTAINS A COPY OF THE SWPPP FOR THE THREE-YEAR PERIOD TO PROTECT AGAINST POTENTIAL LAWSUITS.

THE PERMITTEE MUST ADHERE TO GENERAL COMPLIANCE REQUIREMENTS ESTABLISHED IN THE NPDES GENERAL PERMIT. THE PROGRAM IS INTENDED TO BE SELF-REGULATING AND REQUIRES THE PERMITTEE TO PREPARE AND IMPLEMENT THE PROJECT SWPPP. DURING THE CONSTRUCTION PHASE, THE PERMITTEE IS RESPONSIBLE FOR:

- MAINTAINING A COPY OF THE SWPPP ONSITE
- INSPECTING THE SITE TO ENSURE THAT SWPPP IMPROVEMENTS ARE IN PLACE AND FUNCTIONAL
- REVISING THE SWPPP AS SITE CONDITIONS AND CONSTRUCTION ACTIVITIES CHANGE
- MAINTAINING TEMPORARY EROSION AND SEDIMENT CONTROLS AND HOUSEKEEPING MEASURES
- KEEPING RECORDS

EACH CONSTRUCTION PROJECT WILL VARY IN SCOPE AND RESPONSIBLE PARTIES. FOR THE PURPOSE OF POLLUTION CONTROLS FOR STORM WATER DISCHARGES, THE CONSTRUCTION PROJECT SITE AND CONSTRUCTION ACTIVITIES TO BE COVERED BY THE SWPPP INCLUDE:

- AREAS CLEARED OR DISTURBED FOR INSTALLATION OF IMPROVEMENTS
- AREAS CLEARED FOR CONSTRUCTION ACTIVITIES, SUCH AS TEMPORARY CONSTRUCTION YARDS, MATERIAL STORAGE, AND PREPARATION AREAS
- ONSITE AND OFFSITE AREAS EXCAVATED FOR FILL OR BORROW MATERIAL
- DISPOSAL AREAS, WHEN NOT WITHIN A CONTROLLED LANDFILL
- TRANSPORTATION OF LOOSE FILL, MATERIALS, OR DEBRIS TO AND FROM THE SITE

(A) CERTIFY THE SWPPP  
CONSTRUCTION ACTIVITIES OFTEN HAVE A NUMBER OF DIFFERENT SHORT-TERM CONTRACTORS AND SUBCONTRACTORS COMING ONSITE DURING EACH PHASE OF THE PROJECT DEVELOPMENT. THE EPA GENERAL PERMIT REQUIRES THAT THE CONTRACTORS AND SUBCONTRACTORS RESPONSIBLE FOR IMPLEMENTING MEASURES IN THE SWPPP BE LISTED IN THE PLAN, AND THAT THEY SIGN A CERTIFICATION STATEMENT THAT THEY UNDERSTAND THE PERMITEE REQUIREMENTS. THIS REQUIREMENT HOLDS EACH CONTRACTOR/SUBCONTRACTOR RESPONSIBLE FOR CERTAIN PERMIT CONDITIONS.

THE SWPPP SHOULD IDENTIFY THE AUTHORIZED REPRESENTATIVE. THE AUTHORIZED REPRESENTATIVE SHOULD BE SOMEONE AT OR NEAR THE TOP OF THE MANAGEMENT CHAIN, SUCH AS THE PRESIDENT, VICE PRESIDENT, OR A GENERAL PARTNER, WHO HAS BEEN DELEGATED THAT AUTHORITY TO SIGN AND CERTIFY THIS TYPE OF DOCUMENT. IN SIGNING THE PLAN, THE AUTHORIZED REPRESENTATIVE CERTIFIES THAT THE INFORMATION IS TRUE, AND ASSUMES LIABILITY FOR THE PLAN. PLEASE NOTE THAT SECTION 309 OF THE CWA PROVIDES FOR SIGNIFICANT PENALTIES (SEE APPENDIX C4) WHERE INFORMATION IS FALSE OR WHERE THE PERMITTEE VIOLATES, EITHER KNOWINGLY OR NEGLIGENTLY, PERMIT REQUIREMENTS.

**(B) SUBMIT THE NOI**

THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES REQUIRES THAT AN NOI BE SUBMITTED AT LEAST 48 HOURS BEFORE CONSTRUCTION ACTIVITIES BEGIN. THE NOI IS ESSENTIALLY AN APPLICATION AND CONTAINS IMPORTANT INFORMATION ABOUT THE SITE, INCLUDING SITE LOCATION, OWNER INFORMATION, OPERATOR (GENERAL CONTRACTOR) INFORMATION, RECEIVING WATER(S), EXISTING NPDES PERMIT NUMBER (IF ANY), EXISTING QUANTITATIVE DATA, AND A BRIEF DESCRIPTION OF THE PROJECT.

EPA HAS DEVELOPED A ONE-PAGE NOI FORM TO BE USED FOR CONSTRUCTION ACTIVITIES. (SEE FIGURE 1-2 AND APPENDIX B1.) THIS FORM INDICATES ALL THE INFORMATION REQUIRED TO BE PROVIDED AND MUST BE USED IN ORDER FOR THE NOI TO BE PROCESSED CORRECTLY. NOIS FOR THE EPA GENERAL PERMIT WILL BE SUBMITTED DIRECTLY TO EPA'S CENTRAL PROCESSING CENTER AT THE FOLLOWING ADDRESS:

STORM WATER NOTICE OF INTENT (4203)  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
401 M. STREET, SW  
WASHINGTON, D.C. 20460

THE PARTY OR PARTIES WHO HAVE DAY-TO-DAY RESPONSIBILITIES FOR THE OPERATIONS, AND THE PARTY OR PARTIES WHO HAVE CONTROL OVER THE DESIGN AND SPECIFICATIONS NECESSARY TO ENSURE COMPLIANCE WITH SWPPP REQUIREMENTS AND PERMIT CONDITIONS, MUST SUBMIT AN NOI. IT IS ANTICIPATED THAT THERE WILL BE PROJECTS WHERE MORE THAN ONE ENTITY (E.G., THE OWNER OR GENERAL CONTRACTOR) WILL EACH NEED TO SUBMIT AN NOI.

**1.D.2.G CONSTRUCTION/IMPLEMENTATION**

ONCE AN SWPPP HAS BEEN PREPARED AND AN NOI HAS BEEN FILED, PROJECT CONSTRUCTION MAY BEGIN. HOWEVER, NOT ALL REQUIREMENTS OF THE PERMIT HAVE BEEN MET. THE CONSTRUCTION/IMPLEMENTATION PHASE INCLUDES THE FOLLOWING:

**(A) IMPLEMENT CONTROLS**

THE FIRST ACTION THAT SHOULD BE TAKEN IS TO CONSTRUCT OR PERFORM THE CONTROLS THAT WERE SELECTED FOR THE SWPPP. THE CONTROLS SHOULD BE CONSTRUCTED OR APPLIED IN ACCORDANCE WITH STATE OR LOCAL SPECIFICATIONS. IF THERE ARE NO STATE OR LOCAL SPECIFICATIONS FOR CONTROL MEASURES, THEN THE CONTROLS SHOULD BE CONSTRUCTED IN ACCORDANCE WITH GOOD ENGINEERING PRACTICES. THE CONTROLS SHOULD BE CONSTRUCTED AND THE STABILIZATION MEASURES SHOULD BE APPLIED IN THE ORDER INDICATED IN THE SEQUENCE OF MAJOR ACTIVITIES.

TO ENSURE THAT CONTROLS ARE ADEQUATELY IMPLEMENTED, IT IS IMPORTANT THAT THE WORK CREWS WHO INSTALL THE MEASURES ARE EXPERIENCED AND/OR ADEQUATELY TRAINED. IMPROPERLY INSTALLED CONTROLS CAN HAVE LITTLE OR NO EFFECT AND MAY ACTUALLY INCREASE THE POLLUTION OF STORM WATER. IT IS ALSO IMPORTANT THAT ALL OTHER WORKERS ON THE CONSTRUCTION SITE BE MADE AWARE OF THE CONTROLS SO THAT THEY DO NOT INADVERTENTLY DISTURB OR REMOVE THEM.

(B) IMPLEMENT AND DOCUMENT TRAINING PROGRAMS FOR ONSITE INSPECTORS

IT IS THE RESPONSIBILITY OF THE OPERATOR TO PROVIDE TRAINED INSPECTORS AND TRAINING OF NEW INSPECTORS.

**(C) INSPECT AND MAINTAIN CONTROLS**

AS DISCUSSED PREVIOUSLY, INSPECTION AND MAINTENANCE OF THE PROTECTIVE MEASURES THAT ARE PART OF THIS PLAN ARE AS IMPORTANT TO POLLUTION PREVENTION AS PROPER PLANNING, DESIGN/SELECTION, AND INSTALLATION.

INSPECTION - THE EPA GENERAL PERMIT REQUIRES INSPECTION EVERY 14 DAYS OR WITHIN 24 HOURS OF A STORM OF 0.5 INCH OR GREATER. ALL DISTURBED AREAS OF THE SITE, AREAS OF MATERIAL STORAGE, AND ALL OF THE EROSION AND SEDIMENT CONTROLS THAT WERE IDENTIFIED AS PART OF THE PLAN, SHOULD BE INSPECTED. CONTROLS MUST BE IN GOOD OPERATING CONDITION UNTIL THE AREAS THEY PROTECT HAVE BEEN COMPLETELY STABILIZED AND THE CONSTRUCTION ACTIVITY IS COMPLETE.

MAINTENANCE/REPAIRS - THE INSPECTOR SHOULD NOTE ANY DAMAGE OR DEFICIENCIES IN THE CONTROL MEASURES ON THE INSPECTION REPORT FORMS PROVIDED FOR THIS PURPOSE (FIGURE 1-5 AND 1-6 AND APPENDIX B1). THESE REPORTS DOCUMENT THE INSPECTION OF THE POLLUTION PREVENTION MEASURES. THESE SAME FORMS CAN BE USED TO RECORD MAINTENANCE AND REPAIR AND TO PROVE THAT INSPECTION AND MAINTENANCE WERE PERFORMED. THE OPERATOR SHOULD CORRECT DAMAGE OR DEFICIENCIES AS SOON AS PRACTICABLE AFTER THE INSPECTION, AND ANY CHANGES THAT MAY BE REQUIRED TO CORRECT DEFICIENCIES IN THE SWPPP SHOULD BE MADE AS SOON AS PRACTICABLE AFTER THE INSPECTION.


**1.B.2.D. SPILL NOTIFICATION**

THE GENERAL PERMIT ALLOWS FOR STORM WATER DISCHARGE FROM CONSTRUCTION SITES ONLY. DISCHARGES OF OTHER SUBSTANCES FROM CONSTRUCTION ACTIVITIES OR FROM OPERATIONS ON A SITE DURING CONSTRUCTION ARE NOT PERMITTED. (SEE APPENDIX C2, PROHIBITION OF NON-STORM WATER DISCHARGES, FEDERAL REGISTER VOLUME 63, NO. 128, JULY 6, 1998, NOTICES, PP. 36500-36501.) IN THE EVENT OF A SPILL OF A HAZARDOUS SUBSTANCE, THE OPERATOR IS REQUIRED TO NOTIFY THE NATIONAL RESPONSE CENTER (NRC) AT (800) 424-9802, THE NEW MEXICO ENVIRONMENTAL DEPARTMENT (NMED) AT (505) 827-9392, AND THE LOCAL FIRE DEPARTMENT TO PROPERLY REPORT THE SPILL. A WRITTEN DESCRIPTION OF THE RELEASE MUST BE PROVIDED TO THE EPA REGIONAL OFFICE, WHICH INCLUDES THE DATE AND CIRCUMSTANCES OF THE RELEASE. MITIGATION MEASURES, AND STEPS TAKEN TO PREVENT ANOTHER RELEASE. IN ADDITION, THE SWPPP MUST BE REVISED WITHIN 14 CALENDAR DAYS AFTER THE RELEASE TO REFLECT THE RELEASE, STATING THE TYPE AND QUANTITY OF MATERIAL RELEASED, THE DATE OF THE RELEASE, THE CIRCUMSTANCES OF THE RELEASE, AND ACTIONS TO BE TAKEN TO PREVENT FURTHER SPILLS.

IF FUELS, OILS, OR OTHER SUBSTANCES ARE TO BE PRESENT ONSITE, IT IS IMPERATIVE THAT CLOSED CONTAINERS BE PROVIDED ALONG WITH SECONDARY CONTAINMENT AREAS FOR LARGE-QUANTITY SPILLS. HAZARDOUS CHEMICALS INCLUDE FERTILIZERS, PAINTS, OILS, GREASE, PESTICIDES, AND FUELS, ALONG WITH OTHER CONSTRUCTION CHEMICALS. WHILE MUCH OF THE MANUAL FOCUSES ON THE SEDIMENT- AND EROSION-CONTROL ASPECTS OF THE SWPPP, THE POTENTIAL FOR DAMAGING POLLUTION FROM CHEMICALS IS GREAT. PROVISIONS MUST BE MADE TO ADDRESS POTENTIAL POLLUTION THROUGH THE USE OF THE BMPs, AS WELL AS COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) AND OTHER REGULATORY REQUIREMENTS.

**STABILIZATION REQUIREMENTS FOR INACTIVE AREAS**

DURING CONSTRUCTION, SOME AREAS MAY BE INACTIVE FOR LONG PERIODS OF TIME. THE GENERAL PERMIT REQUIRES AREAS INACTIVE FOR MORE THAN 14 DAYS TO BE TEMPORARILY STABILIZED, UNLESS IT IS ANTICIPATED THAT CONSTRUCTION WILL RESUME WITHIN 21 DAYS.

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<b>SWPPP NOTES</b>		REVISIONS NO./DATE 00/00/00 00/00/00		FILE NAME 20131113-18-SWPPP		SHEET 18			

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