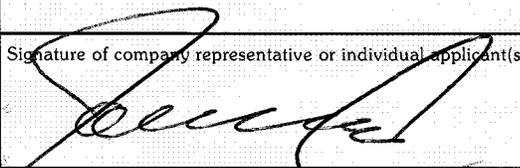




WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

**COUNTY OR MUNICIPALITY  
APPROVAL FOR  
SURFACE MINING  
(Form SM-6)**

NAME OF COMPANY OR INDIVIDUAL APPLICANT(S) Same as name of the exploration permit holder. (Type or print in ink.)  <b>Polaris Properties, Inc.</b>		TOTAL ACREAGE AND DEPTH OF PERMIT AREA (Include all acreage to be disturbed by mining, setbacks, and buffers, and associated activities during the life of the mine.) (See SM-8A.) Total area disturbed will be <u>14.739123</u> acres Maximum vertical depth below pre-mining topographic grade is <u>95</u> feet Maximum depth of excavated mine floor is <u>175</u> feet relative to mean sea level					
MAILING ADDRESS  <b>3563 Brown Road Ferndale, WA 98248</b>		COUNTY <u>Whatcom</u> No attachments will be accepted. Legal description of permit area:					
Telephone (360) 366-0512		1/4	1/4	Section	Township	Range	
		NE	SW	10	39 N	01 E	
Proposed subsequent use of site upon completion of reclamation  <b>Rural pasture and woodlot.</b>							
Signature of company representative or individual applicant(s) 		Name and title of company representative (please print) <b>James F. Carr, President Polaris Properties, Inc.</b>			Date signed <b>7/24/07</b>		
<b>TO BE COMPLETED BY THE APPROPRIATE COUNTY OR MUNICIPALITY:</b>							
Please answer the following questions 'yes' or 'no'.						Yes	No
1. Has the proposed surface mine been approved under local zoning and land-use regulations? <i>per ADM 2005 00015</i>						<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed subsequent use of the land after reclamation consistent with the local land-use plan/designation?						<input checked="" type="checkbox"/>	<input type="checkbox"/>
When complete, return this form to the appropriate Department of Natural Resources regional office.							
Name of planning director or administrative official (please print) <b>DOUGLAS GOLDTHORP</b>			Address  <b>WHATCOM COUNTY PLANNING &amp; DEVELOPMENT SERVICES 5280 NORTHWEST ROAD BELLINGHAM, WA 98226</b>				
Signature 							
Title (please print) <b>SURFACE MINING ADMINISTRATOR</b>							
Telephone <b>(360) 676-6907</b>		Date <b>7/24/07</b>		FOR DEPARTMENT USE ONLY:		DNR Reclamation Permit No.  <b>RECEIVED</b>	



WASHINGTON STATE DEPT OF  
**NATURAL  
RESOURCES**

**COPY**  
APPLICATION FOR  
**RECLAMATION PERMIT AND PLAN**  
(Form SM-8A)

Check appropriate box(es):  new permit  revision of existing permit  transfer of permit  expansion

NOTE: Do not attempt to complete this form until you have carefully read "Instructions for Form SM-8A".

1. NAME OF APPLICANT/PERMIT HOLDER(S) Ferndale Ready Mix & Gravel, Inc.			
2. MAILING ADDRESS 144 River Road, Lynden, WA 98264			
3. Telephone (360) 354-1400      Email			
4. NAME OF MINE Polaris Surface Mine			
5. Street address and milepost of surface mine 3563 Brown Road, Ferndale, WA 98248			
6. Distance (miles) 3	7. Direction from West	8. Nearest community Ferndale	
9. COUNTY Whatcom No attachments will be accepted. Legal Description of permit area:			
1/4	Section	Township	Range
SW	10	39N	01E
10. Do you or any person, partnership, or corporation associated with you now hold, or have you held, a surface mining operating or reclamation permit? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no If you answered yes to the above, please list:			
11. Are all of these mines now in compliance with RCW 78.44, WAC 332-18, and conditions of the permits? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no Have you ever had a surface mine operating or reclamation permit revoked? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no Have you ever had a reclamation security forfeited? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no If you answered yes to either of the above, give permit number(s): 12664, 11012, & 11870			

12. TOTAL ACREAGE OF PERMIT AREA APPLIED FOR: (Include all acreage to be permitted. See Form SM-6.) 14.74 acres	
13. Total disturbed acreage (Include all acreage to be disturbed by mining and reclamation during the life of the mine.) Total area to be disturbed: 14.66 acres. Area to be disturbed in next 36 months: 5 acres.	
14. Maximum vertical depth (thickness) mined below pre-mining topographic grade will be 95 feet.	
15. Lowest elevation of excavated mine will be 175 feet relative to mean sea level. Highest elevation of excavated mine will be 270 feet relative to mean sea level.	
16. Type of proposed or existing mine: <input checked="" type="checkbox"/> pit <input type="checkbox"/> quarry	
17. Material(s) to be mined: <input checked="" type="checkbox"/> sand and gravel <input type="checkbox"/> rock or stone <input type="checkbox"/> clay <input type="checkbox"/> metal <input type="checkbox"/> limestone <input type="checkbox"/> silica <input type="checkbox"/> other _____	
18. Deposit type: <input checked="" type="checkbox"/> glacial <input type="checkbox"/> river floodplain (alluvial) <input type="checkbox"/> river channel deposits <input type="checkbox"/> talus <input type="checkbox"/> bedrock <input type="checkbox"/> lode <input type="checkbox"/> other _____	
19. Expected start date of mining: Underway	20. Estimated number of years: 15
21. Total quantity to be mined over life of mine (estimated): 1,600,000 <input type="checkbox"/> tons or <input checked="" type="checkbox"/> cu yds	22. Estimated annual production: 150,000 <input type="checkbox"/> tons or <input checked="" type="checkbox"/> cu yds
23. Subsequent land use: <input type="checkbox"/> industrial <input type="checkbox"/> commercial <input type="checkbox"/> residential <input checked="" type="checkbox"/> agricultural <input type="checkbox"/> forestry <input type="checkbox"/> wetlands and lakes <input type="checkbox"/> other	
County or Municipality Approval for Surface Mining (Form SM-6) attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
24. Reclaimed elevation of floor of mine: 274 feet relative to mean sea level Reclaimed elevation is shown on cross sections? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
25. SEPA Checklist required? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
26. Application fee for a new reclamation permit is herewith attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	

# APPLICATION FOR RECLAMATION PERMIT AND PLAN

## 22. SEGMENTAL RECLAMATION

Permit area has been divided into segments for mining and a mining schedule has been developed?  yes  no

If no, explain:

Permit area has been divided into segments for reclamation and a reclamation schedule has been developed?  yes  no

If no, explain:

## 23. SITE PREPARATION

### 23A. Saving Topsoil, Subsoil, and Overburden for Reclamation

Thickness of topsoil is 4 feet                      Thickness of subsoil is 4-6+ feet                      Depth to bedrock is N/A feet

Total volume of topsoil is 20,000 cubic yards                      Total volume of subsoil is 80,000 cubic yards

Volume of stored topsoil/subsoil is 100,000 cubic yards and will require 1\* acres for storage.

\*The storage of topsoil and subsoil will take place in phases.

Storage areas are shown on maps and will be marked on the ground with permanent boundary markers?  yes  no

Topsoil will be salvaged?  yes  no

If no, explain:

Topsoil and overburden will be moved to reclaim an adjacent depleted segment?  yes  no

If no, explain:

Before materials are moved, vegetation will be cleared and drainage planned for soil storage areas?  yes  no

If no, explain:

Soil storage areas will be stabilized with vegetation to prevent erosion if materials will be stored for more than one season?  yes  no

If no, explain:

### 23B. Permit and Disturbed Area Boundaries

Boundary of the permit area will be marked on the ground with permanent boundary markers?  yes  no

Explain boundary markers: **Fence posts.**

### 23C. Setbacks Screens and Buffers

Are Screens required and are shown on maps?  yes  no

The reclamation setback for this site will be 50 feet wide on the West side. The northern property area is not included in the permit and will be a buffer.

Is a permanent, undisturbed buffer planned for this site?  yes  no

If no, explain:

Setbacks and buffers are shown on maps and have been marked on the ground with permanent boundary markers?  yes  no

If no, explain: **Setbacks have been marked for the areas of new activity.**

### 23D. Buffers to Protect Streams and Flood Plains

Will the site include a stream or flood plain? N/A  yes  no

If yes, see "Additional Requirements for Mines in Flood Plains" in "Instructions for SM-8A".

If no, skip to 23E.

A stream buffer of at least 200 feet has been marked on the ground with permanent boundary markers? N/A  yes  no

A buffer of at least 200 feet from the 100-year flood plain has been marked on the ground with permanent boundary markers?  yes  no

If no, explain: N/A

# APPLICATION FOR RECLAMATION PERMIT AND PLAN

Copy of Shoreline Permit from local government or the Department of Ecology is attached? <b>N/A</b> <span style="float: right;"><input type="checkbox"/> yes <input type="checkbox"/> no</span>
Hydraulic Project Approval from the Department of Fish and Wildlife is attached? <b>N/A</b> <span style="float: right;"><input type="checkbox"/> yes <input type="checkbox"/> no</span>
<b>23E. Conservation Buffers</b>
Are there any conservation buffers? <b>N/A</b> <span style="float: right;"><input type="checkbox"/> yes <input type="checkbox"/> no</span>
<b>If no, skip to 23F</b>
Conservation buffers will be established for the following purpose(s): <i>(Check all that apply)</i> <b>N/A</b> <input type="checkbox"/> unstable slopes <input type="checkbox"/> wildlife habitat <input type="checkbox"/> water quality <input type="checkbox"/> other
Describe the nature and configuration of the conservation buffer(s):
Conservation buffers are shown on maps and have been marked on the ground with permanent boundary markers? <b>N/A</b> <span style="float: right;"><input type="checkbox"/> yes <input type="checkbox"/> no</span>
<b>23F. Ground Water</b>
High water table depth is <u>90</u> feet <input checked="" type="checkbox"/> relative to mean sea level, <input type="checkbox"/> below original surface, or <input type="checkbox"/> unknown. Low water table depth is <u>85</u> feet <input checked="" type="checkbox"/> relative to mean sea level, <input type="checkbox"/> below original surface, or <input type="checkbox"/> unknown. Annual fluctuation of water table is from <u>90</u> feet on <u>wet season</u> to <u>85</u> feet on <u>dry season</u> .
Are well logs attached? <span style="float: right;"><input checked="" type="checkbox"/> yes <input type="checkbox"/> no</span>
The shallowest aquifer is <input type="checkbox"/> confined <input checked="" type="checkbox"/> unconfined
The site will be mined: <input type="checkbox"/> wet <input checked="" type="checkbox"/> dry <input type="checkbox"/> both
Describe mining method: <b>Excavators and loaders will be used to remove material from the dry bank.</b>
The site is in a: <input checked="" type="checkbox"/> critical aquifer recharge area <input checked="" type="checkbox"/> sole source aquifer <input type="checkbox"/> public water supply watershed <input type="checkbox"/> wellhead protection area <input type="checkbox"/> special protection area <input type="checkbox"/> designated aquifer protection area
<b><i>If checked above, see "Additional Requirements for Mines in Hydrologically Sensitive Areas" in "Instructions for SM-8A".</i></b>
Ground water study attached? <span style="float: right;"><input checked="" type="checkbox"/> yes <input type="checkbox"/> no</span>
<b><i>If no, explain:</i></b>
<b>23G. Archeology</b>
Are archeological/cultural resource sites present? <span style="float: right;"><input type="checkbox"/> yes <input checked="" type="checkbox"/> no</span>
If yes, describe how you will protect these resources:
<b>24. MINING PRACTICES TO FACILITATE RECLAMATION</b>
<b>24A. Soil Replacement</b>
Topsoil and (or) subsoil will be restored? <span style="float: right;"><input checked="" type="checkbox"/> yes <input type="checkbox"/> no</span>
If "no", explain:
Subsoil will be replaced to an approximate depth of <u>3</u> feet on the pit floor and a depth of <u>3</u> feet on slopes. Topsoil will be replaced to an approximate depth of <u>4</u> feet on the pit floor and a depth of <u>4</u> feet on slopes.
If topsoil is in short supply, it will be strategically placed in depressions and low areas in adequate thickness to conserve moisture and promote revegetation? <span style="float: right;"><input checked="" type="checkbox"/> yes <input type="checkbox"/> no</span>
If no, explain:
Topsoil will be moved when conditions are not overly wet or dry? <span style="float: right;"><input checked="" type="checkbox"/> yes <input type="checkbox"/> no</span>
If no, explain:

## APPLICATION FOR RECLAMATION PERMIT AND PLAN

Topsoil will be restored to promote effective revegetation and to stabilize slopes and mine floor? If "no", explain: See attached narrative.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Topsoil will be replaced with equipment that will minimize compaction, or it will be plowed, disked, or ripped following placement? If no, explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Topsoil will be immediately stabilized with grasses and legumes to prevent loss by erosion, slumping, or crusting? If no, explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Segmental topsoil removal and replacement is shown on maps? If no, explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Topsoil will be imported? If yes, describe source. Estimated volume is _____ cubic yards.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Synthetic topsoil made from compost, biosolids, or other amendments will be used and (or) made on site to supplement existing topsoil?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Materials such as till, loess, and (or) silt are available on site that could be used to supplement topsoil for reclamation. If yes, explain:	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Silt from settling ponds or a filter press will be used for reclamation?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Settling pond clay slurries will be pumped or hauled to other segments for reclamation? If yes, explain:	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
<b>24B. Removal of Vegetation</b>	
Vegetation will be removed sequentially from areas to be mined to prevent unnecessary erosion? If no, explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Small trees and other transplantable vegetation will be salvaged for use in revegetating other segments? If yes, give details. If no, explain: <b>There is no vegetation that can be salvaged.</b>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Wood and other organic debris will be: <input type="checkbox"/> recycled <input type="checkbox"/> removed from site <input checked="" type="checkbox"/> chipped <input type="checkbox"/> burned <input type="checkbox"/> buried <input type="checkbox"/> used to synthesize topsoil or mulch <input type="checkbox"/> other ( <i>explain</i> )	
Solid waste disposal, burning, and land use permits are attached? N/A	<input type="checkbox"/> yes <input type="checkbox"/> no
Some coarse wood (logs, stumps) and other large debris will be salvaged for fish and wildlife habitats? If yes, give details. If no, explain: <b>No large debris is available on site.</b>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
<b>24C. Stormwater and Erosion control for Reclamation</b>	
Pit floor will slope at gentle angles toward highwall, sediment retention pond, or proper drainage? If yes, give details. If no, explain: <b>The drainage will be routed to a retention pond. The stormwater from off site will be routed around the site.</b>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Revegetation, sheeting, and (or) matting will be used to protect areas susceptible to erosion? If yes, give details. If no, explain: <b>If erosion becomes a concern based on weather conditions matting will be used as a protective cover.</b>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

# APPLICATION FOR RECLAMATION PERMIT AND PLAN

Water control systems used during segmental reclamation will:	
Divert clean water around pit?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Trap sediment-laden runoff before it enters a stream?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Be established to prevent erosion of setbacks and neighboring properties?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Be removed or reclaimed?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If any answers are no, explain: <b>The pit walls will serve to retain water therefore no calculation is necessary as the area is extremely large.</b>	
Stormwater system design will be capable of carrying the peak flow of the 25-year, 24-hour precipitation event? <i>(Data are available at the National Oceanic And Atmospheric Administration (NOAA))</i>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes, are calculations attached?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes, give details. If no, explain: <b>see narrative</b>	
Natural and other drainage channels will be kept free of equipment, wastes, stockpiles, and overburden?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no, explain:	
<b>25. RECLAMATION TOPOGRAPHY</b>	
<b>25A. Final Slopes</b>	
Final slopes will be created using the cut-and-fill method? Explain procedure to be used: <b>The site will be backfilled.</b>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Slopes will be created by mining to the final slope using the cut method? Explain procedure to be used: <b>The site is in the process of being filled to grade.</b>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Slopes will vary in steepness? If no, explain: <b>The site is in the process of being filled to grade.</b>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Slopes will have a sinuous appearance in both profile and plan view? If no, explain: <b>The site is in the process of being filled to grade.</b>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Large rectilinear (that is, right angle, or straight, planar) areas will be eliminated? If no, explain: <b>The site is in the process of being filled to grade.</b>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Where reasonable, tracks of the final equipment pass will be preserved and oriented to trap moisture, soil, and seeds, and to inhibit erosion? If no, explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>25B. Slope Requirements for Pits and Overburden/Waste Rock Dumps (non-saleable products)</b>	
<i>If the mine is a quarry or in hard rock, skip to Quarry section (25C).</i>	
Slopes will vary between 2 and 3 feet horizontal to 1 foot vertical or flatter, except in limited areas where steeper slopes are necessary to create sinuous topography and control drainage? If no, explain: <b>The site is in the reclamation process and is being filled.</b>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
For pits, slopes will not exceed 2 feet horizontal to 1 foot vertical except as necessary to blend with adjacent natural slopes? Give details: <b>The final contours will blend into the adjacent properties.</b>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>Review "Additional Requirements for Mines with Steep or Potentially Unstable Slopes" in "Instructions for SM-8A".</b>	
Slope stability analysis required? If yes, attach analysis.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no

## APPLICATION FOR RECLAMATION PERMIT AND PLAN

<b>25C. Slope Requirements for Quarries and Hardrock Metal Mines</b>	
<i>If mine is a pit in unconsolidated materials covered by Section 25B, go to Section 25D</i> N/A	
Check the appropriate box(es)	
<input type="checkbox"/> Slopes will not exceed 2 feet horizontal to 1 foot vertical.	
<input type="checkbox"/> Slopes steeper than 1 foot horizontal to 1 foot vertical are an acceptable subsequent land use as confirmed on Form SM-6.	
<input type="checkbox"/> Hazardous slopes or cliffs are indigenous to the immediate area and already present a potential threat to human life. Photo and maps attached to document presence of cliffs.	
<input type="checkbox"/> Geologic or topographic characteristics of the site preclude slopes being reclaimed at a flatter angle and are an acceptable subsequent land use as confirmed on Form SM-6.	
<b>Review "Additional Requirements for Mines with Steep or Potentially Unstable Slopes" in "Instructions for SM-8A".</b>	
Slope stability analysis required?	<input type="checkbox"/> yes <input type="checkbox"/> no
If yes, attach analysis.    N/A	
Measures will be taken to limit access to the top and bottom of hazardous slopes?	<input type="checkbox"/> yes <input type="checkbox"/> no
Describe measures, or if no, explain: N/A	
Selective blasting will be used to remove benches and walls and to create chutes, buttresses, spurs, scree slopes, and rough cliff faces that appear natural?	<input type="checkbox"/> yes <input type="checkbox"/> no
Blasting plan attached?	<input type="checkbox"/> yes <input type="checkbox"/> no
If no, explain: N/A	
Reclamation blasting will be used to reduce the entire highwall to a scree or rubble slope less than 2 feet horizontal to 1 foot vertical?	<input type="checkbox"/> yes <input type="checkbox"/> no
Blasting plan is attached?	<input type="checkbox"/> yes <input type="checkbox"/> no
If no, explain: N/A	
Access to benches will be maintained for reclamation blasting?	<input type="checkbox"/> yes <input type="checkbox"/> no
If no, explain: N/A	
Small portions of benches will be left to provide habitat for raptors and other cliff-dwelling birds?	N/A <input type="checkbox"/> yes <input type="checkbox"/> no
<b>25D. Backfilling</b>	
The site will require backfilling?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>If no, skip to 25E.</b>	
Maximum depth of backfilling is <u>95'</u> feet.	
Backfill will be <input checked="" type="checkbox"/> onsite materials <input checked="" type="checkbox"/> imported materials <input type="checkbox"/> both	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Provide a written screening method that ensures importation of acceptable soil for reclamation.	
Backfilling plan is attached?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no, explain: <b>see narrative</b>	
Backfill stockpiles are shown on maps and will be marked on the ground with markers?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Backfill stockpiles are shown on maps and will be marked on the ground with markers?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
All grading/backfilling will be done with non-noxious, non-combustible, and relatively incompactible solids?	
If no, explain: <b>On site materials will be utilized.</b>	
Backfill will require compaction?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no, explain: <b>The excavator will be used to pack down material. Additional details are contained in the narrative.</b>	
Will you be backfilling to create slopes?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Is slope stability analysis attached?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If no, explain. <b>The site will be filled to match adjacent grades. No slopes will remain.</b>	
<b>25E. Mine Floors</b>	
Flat areas will be formed into gently rolling mounds?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes, give details. If no, explain: <b>see narrative</b>	

# APPLICATION FOR RECLAMATION PERMIT AND PLAN

Mine floor will be gently graded into sinuous drainage channels to preclude sheetwash erosion during intense precipitation? If yes, give details. If no, explain: <b>see narrative</b>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Mine floor and other compacted areas will be bulldozed, plowed, ripped, or blasted to foster revegetation? If yes, give details. If no, explain: <b>see narrative</b>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>25F. Lakes, Ponds, and Wetlands</b>	
Is water currently present in the area or will the mining penetrate the water table? <i>If no, go to Section 25G.</i>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Reclaimed areas below the permanent low water table in soil, sand, gravel, and other unconsolidated material will have a slope no steeper than 1.5 feet horizontal to 1 foot vertical? If yes, give details. If no, explain: <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no
If not already present, soils, silts, and clay-bearing material will be placed below water level to enhance revegetation? If yes, give details. If no, explain: <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no
Some parts of pond and lake banks will be shaped so that a person can escape from the water? <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no
Armored spillways or other measures to prevent undesirable overflow or seepage will be provided to stabilize bodies of water and adjacent slopes? If yes, give details. If no, explain: <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no
Wildlife habitat will be developed, incorporating such measures as: Sinuous and irregular shorelines? Varied water depths? Shallow areas less than 18 inches deep? Islands and peninsulas? Give details: <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no
Ponds or basins will: Be located in stable areas? Have sufficient volume for expected runoff? Have an emergency overflow spillway? Spillways and outfalls will be protected (for example, rock armor) to prevent failure and erosion? If any answers are no, explain: <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no
Proper measures will be taken to prevent seepage from water impoundments that could cause flooding outside the permitted area or adversely affect the stability of impoundment dams or adjacent slopes? If yes, give details. If no, explain: <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no
Written approval from other agencies with jurisdiction to regulate impoundment of water is attached? If no, explain: <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no
<b>25G. Final Drainage Configuration</b>	
Drainages will be constructed on each reclaimed segment to control surface water, erosion, and siltation? Result in essentially natural conditions of volume, velocity, and turbidity? Clean runoff is directed to a safe outlet? If yes, give details. If no, explain: <b>see narrative</b>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Are these shown on maps?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no

# APPLICATION FOR RECLAMATION PERMIT AND PLAN

26. SITE CLEANUP AND PREPARATION FOR REVEGETATION	
<b>26A. Dealing with Hazardous Materials</b>	
Hazardous materials are present at the mine site? <i>If no, go to Section 26B</i>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
The final ground surface drains away from any hazardous natural materials? If yes, give details. If no, explain: <b>None present.</b>	<input type="checkbox"/> yes <input type="checkbox"/> no
Plan for handling hazardous mineral wastes indigenous to the site is attached? <b>None Present</b> If no, written approval from all appropriate solid waste regulatory agencies attached? <b>N/A</b>	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no
<b>26B. Removal of Debris</b>	
All debris (garbage, 'bone piles', treated wood, old mining equipment, etc.) will be removed from the mine site?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
All sheds, scale houses, and other structures will be removed from the site? If either answer is yes, give details. If no, explain: <b>see narrative</b>	
<b>27. REVEGETATION</b>	
The mine site is in: <input type="checkbox"/> eastern Washington <input checked="" type="checkbox"/> western Washington	Revegetation area is: <input type="checkbox"/> wet <input checked="" type="checkbox"/> dry <input type="checkbox"/> both
The average precipitation is <b>40"</b> per year.	
Revegetation will start during the first proper growing season (fall for grasses and legumes, fall or late winter for trees and shrubs) following restoration of mine segments? If yes, give details. If no, explain: <b>see attached</b>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
The site will not be revegetated because: <input type="checkbox"/> It is a rural area with a rainfall exceeding 30 inches annually and erosion will not be a problem (requires approval of DNR). <input type="checkbox"/> Revegetation is inappropriate for the approved subsequent use of this surface mine. Explain: <b>N/A</b>	
<b>27A. Recommended Pioneer Species</b>	
In the Sections below, check the species that will be planted at your mine site: <i>* indicates nitrogen-fixing species</i>	
<b>Western Washington Dry Areas</b>	
<input type="checkbox"/> alfalfa* <input type="checkbox"/> lupine* <input checked="" type="checkbox"/> clover* <input checked="" type="checkbox"/> orchard grass	<input type="checkbox"/> cereal rye <input type="checkbox"/> perennial rye <input type="checkbox"/> colonial bent grass <input type="checkbox"/> ponderosa pine
<input type="checkbox"/> creeping red fescue <input type="checkbox"/> red alder* <input type="checkbox"/> Douglas fir <input type="checkbox"/> shore pine	<input type="checkbox"/> ground cover <input type="checkbox"/> shrubs <input checked="" type="checkbox"/> other
<b>Western Washington Wet Areas</b>	
<input type="checkbox"/> birdsfoot trefoil <input type="checkbox"/> sedges <input type="checkbox"/> cedar <input type="checkbox"/> tubers	<input type="checkbox"/> cottonwood <input type="checkbox"/> wetland grasses <input type="checkbox"/> creeping red fescue <input type="checkbox"/> willow
<input type="checkbox"/> red alder* <input type="checkbox"/> other	
<b>Eastern Washington Dry Areas</b>	
<input type="checkbox"/> alder* <input type="checkbox"/> grasses <input type="checkbox"/> alfalfa* <input type="checkbox"/> juniper	<input type="checkbox"/> black locust <input type="checkbox"/> lodgepole pine <input type="checkbox"/> clover <input type="checkbox"/> lupine*
<input type="checkbox"/> deciduous trees <input type="checkbox"/> ponderosa pine <input type="checkbox"/> shrubs <input type="checkbox"/> deep-rooted ground cover	<input type="checkbox"/> diverse evergreens <input type="checkbox"/> other
<b>Eastern Washington Wet Areas</b>	
<input type="checkbox"/> alder* <input type="checkbox"/> cottonwood <input type="checkbox"/> poplar <input type="checkbox"/> sedges	<input type="checkbox"/> serviceberry <input type="checkbox"/> tubers <input type="checkbox"/> willow
<input type="checkbox"/> other	

# APPLICATION FOR RECLAMATION PERMIT AND PLAN

Give planting details (stems/acres of trees and shrubs, see Forest Practices manual; lbs/acre of grass, legume, or forb mixture):

See attached narrative.

Describe weed control plan:

See attached narrative.

## 27B. Planting Techniques

Revegetation at this site will require:

- |  |   |  |
|--|---|--|
| Ripping and tilling?                         | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no            |
| Blasting to create permeability?             | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no |
| Mulching?                                    | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no            |
| Irrigation?                                  | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no |
| Fertilization?                               | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no |
| Importation of clay- or humus-bearing soils? | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no |
| Other soil conditioners or amendments?       | <input type="checkbox"/> yes            | <input checked="" type="checkbox"/> no |

Give details: see narrative

Trees and shrubs will be planted in topsoil or in subsoil amended with generous amounts of organic matter?  yes  no

If yes, give details. If no, explain: See attached.

Mulch will be piled around the base of trees and shrubs?  yes  no

High quality stock will be used?  yes  no

Trees and shrubs will be planted while they are dormant?  yes  no

Stock will be properly handled, kept cool and moist, and planted as soon as possible?  yes  no

Seeds will be covered with topsoil or mulch no deeper than one-half inch?  yes  no

If any answers are no, explain:

## 28. FINAL CHECKLIST

All required maps are attached? (See "Instructions for SM-8A" for detailed requirements.)  yes  no

All required cross sections are attached? (See "Instructions for SM-8A" for detailed requirements.)  yes  no

Geologic map attached (if required)? (See "Instructions for SM-8A" for detailed requirements.)  yes  no

All documents submitted have the date, the name and address of the permit holder, and the application number?  yes  no

Have you completed the SM-6 and has it been signed by the local jurisdiction?  yes  no

Have you provided the SEPA checklist?  yes  no

Have you provided a copy of the SEPA determination (DNS, MDNS, or DS)?  yes  no

Have you attached photographs (as needed)?  yes  no

Are additional supplemental studies included?  yes  no

If yes, check the appropriate box(es) below:

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Archeological | <input checked="" type="checkbox"/> Geohydrologic | <input type="checkbox"/> Backfill       | <input type="checkbox"/> Slope stability |
| <input type="checkbox"/> Topsoil       | <input type="checkbox"/> Flood plain              | <input type="checkbox"/> Conservational | <input type="checkbox"/> Vegetation      |
| <input type="checkbox"/> Other         |   |   |  |

Other permits required?  yes  no

If yes, check the appropriate box(es) below:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Shoreline Permit                  | <input type="checkbox"/> Water Discharge Permit                      | <input type="checkbox"/> Solid Waste Permit         |
| <input type="checkbox"/> Air Quality Permit                | <input checked="" type="checkbox"/> NPDS or General Discharge Permit | <input type="checkbox"/> Hydraulic Project Approval |
| <input type="checkbox"/> Special or Conditional Use Permit | <input type="checkbox"/> Other                                       |   |

# APPLICATION FOR RECLAMATION PERMIT AND PLAN

## IDENTIFICATION OF LANDOWNER(S)

Identify names and addresses of all landowners. Provide written evidence of landowner approval of the extraction of minerals by surface mining methods and of the reclamation plan and/or provide the signature of all landowners below. If landownership has been severed between surface and mineral rights ownership, identify all affected mineral rights owner(s) and provide their approval. *(Attach signed copies of this page if more than one.)*

Print Name(s): Ferndale Ready Mix and Gravel, Inc.

James and Mary Schwisow

Address(es): 144 River Road, Lynden, WA 98264

3587 Brown Road, Ferndale, WA 98248

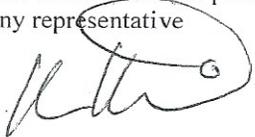
RECEIVED

JUN 12 2019

## APPLICANT ACKNOWLEDGMENT Washington Geological Survey

By signing this application, the applicant acknowledges the following:

- **Application's Information True.** The applicant verifies that all information on this application and reclamation plan is true.
- **Reclamation Plan Contents.** The applicant's reclamation plan consists of this document (SM-8A), SM-6, associated maps, cross sections, reclamation narrative, and other attachments. The department's approval of this application would reflect approval of the applicant's reclamation plan.
- **Applicant/Permit Holder Must Comply.** If the department approves this application, the applicant shall be the permit holder and shall be responsible for compliance with Chapter 78.44 RCW, Chapter 332-18 WAC, the terms and conditions of the permit, and the approved reclamation plan and attachments. *The permit holder shall comply with the permit and may not significantly deviate from the reclamation plan without prior written approval by the department for the proposed change.* Revised permits or modified plans might be necessary following significant deviations.
- **Applicant/Permit Holder Consents to Inspection.** All permitted surface mines are subject to regular inspection. See RCW 78.44.161 and WAC 332-18-050. The applicant verifies that it has authority to consent to department inspections on behalf of itself and the landowner(s). *Applicant authorizes the department to enter and inspect any property covered by this application during any day or time determined necessary by the department to ensure compliance with the Surface Mining Act, Surface Mining Rules, the Reclamation Permit, and the Reclamation Plan.*

<b>APPLICANT</b> Signature of surface mine permit applicant or applicant's company representative 	Name and Title of Company Representative (Please print)  Keith Korthuis, Manager Whatcom Division	Date signed  5/31/19
---	--	----------------------------

**LANDOWNER(S)**

As landowner, I Ferndale Ready Mix & Gravel, Inc. (name) authorize the applicant to extract minerals from my land using surface mining methods and I approve this reclamation plan.

Signature:  Date signed: 5/31/19

FOR DEPARTMENTAL USE ONLY			
Date accepted	Accepted by:	Title:	Reclamation Permit No.

**NARRATIVE OF PROPOSAL  
and  
NARRATIVE OF RECLAMATION TECHNIQUES**

**Ferndale Ready Mix & Gravel, Inc.  
POLARIS  
Reclamation Permit 70-013095**

This is an update to an existing reclamation permit for property in Whatcom County.

The site is adjacent to a related active surface mining permit issued to Randy Arestad under permit number 70-010647 ("Northstar"). The Polaris site will share access to the North Star Road through an easement over the Northstar property.

**Current Site Description:**

The east half of the permit area is an active extraction site. The west half of the permit area is currently pasture land. Two homes and several outbuildings exist at the northern portion of the site. This portion of the site will not be mined and is not included within the permit area.

**Final Reclamation:**

Following completion of the extraction and filling activity the site will be returned to pasture land. The site will be vegetated in grass. The fill for the site will not be structural fill. Therefore, the permit area will be noted as a non-buildable area. A notice on title to that effect can be filed against the property title.

The trees that are planted around a portion of the site perimeter will be retained at the time of final reclamation. However, no new trees will be introduced into the site through the final reclamation process.

**Initial Screening:**

The boundaries of the property that don't adjoin another surface mine or common ownership will be fenced or bermed. Any fencing installed will be a five strand barbed wire fence with wood and/or metal posts. Provided, however, at the applicant's option that portion of the fence on the northern portion of the permitted area that is adjacent to the applicant's residence will be a board fence that is of equal height to the five strand barbed wire fence.

In accordance with the requirements of the Whatcom County permit, prior to commencing any surface mining activity on the property the western boundary of the permitted area up to the existing trees on the south was vegetated to allow the vegetation to mature prior to activity nearing the western boundary. Said vegetation provided for

Western Hemlocks to be planted in two rows running along the complete western edge of the property. Said rows were to be five (5) feet apart. The trees in each row were to be fifteen feet apart and the plantings of each row were to be staggered so that there is a tree every seven and one-half feet when viewing the plantings from the east or west. The initial plantings have not survived well. New trees will be introduced on site to ensure this buffer is in place. The trees will be watered and will be replaced in the event that they do not survive.

Prior to Phase II, a berm will be constructed along the western exterior property line. The initial topsoil and subsoil from Phase II will be utilized to create this berm. Said berm shall be planted with a partner blend of turf type ryegrass and turf type fescue. Wildflower seeds, wild roses and wild blueberries shall be placed along the shoulders of this perimeter berm. The berm will be removed at the time of the final reclamation. However, the trees along the outside of the berm will be intact and mature and will provide a screen for the adjacent property owners during this final stage of activity.

Additional topsoils and a portion of the subsoil from the first phase are now stored in an interior berm. This subsoil and topsoil will then be available for replacement on a portion of the first phase of activity during the reclamation of this phase. Said berm shall be planted with a partner blend of tuft type ryegrass and turf type fescue.

The 20 acres to the south of this project site is owned in a related ownership. The applicant will retain a 50' buffer area to provide stability for the slopes. Provided, this buffer is not intended to be a permanent buffer nor an undisturbed buffer but is included to ensure that the mining activity or sluffing of soils does not encroach beyond the south property line.

The eastern boundary of the site adjoins an active surface mine. This site has mined to the property line. The subject property will match the grade of the existing surface mine to the east and will not maintain a setback or buffer.

### **Soil Handling:**

The vegetation on the site that still remains to be removed is limited to pasture grasses, weeds and some trees that may be used as firewood. The trees will be chopped down and will be removed from the site as firewood or to make fence posts. The grasses and weeds will be removed along with the soils and will be left as organic matter within the stored soils.

The various lifts of soil will be removed separately and will be stored separately. The applicant will remove the soils when it is not too wet or too dry so that porosity and structure are not damaged. The first phase soils will be stored in the berms and will not have other materials or stockpiles placed on top. The berms will be vegetated and clearly marked as containing materials that are not to leave the site. The berms will be constructed to a height of no more than 12 feet to minimize size. The berms will be vegetated with a partner blend of tuft type ryegrass and turf type fescue.

Once backfilling has been complete for a portion of each Phase, "live topsoiling" will be used to place these soils along those areas that are ready for seeding. Soils will be replaced in the same sequence as they were removed.

The site will be monitored for noxious weeds. Weeds will be controlled through the application of environmentally friendly weed control sprays.

### **Phasing / Segments:**

The permit area is divided into two phases. The first segment of the phasing plan is currently being mined. Extraction is taking place with a front end wheel loader and excavator. The second and subsequent lifts of material will be removed by again working from south to north from the mid point of the property. By mining the material in two or more lifts, problems with a high working face can be minimized. A portion of the first segment will continue to be utilized to stage the operation and to provide the interior access road. Therefore, the entire segment will not be reclaimed until the project is near completion. However, back fill material will be brought in and placed into the portion of the completed project area that is not used for staging and access.

The length of time between beginning a segment and reclaiming a segment will depend upon market demand of the material.

### **Mining Plan:**

Mining will take place with a front end loader and with an excavator. Although, as extraction progresses additional equipment may be required if dictated by site conditions. The site has been divided into two phases or segments with the extraction activity moving from the eastern edge. The boundaries of each segment will be staked.

The method of mining that will be used will typically be the cut and fill method for the first phase of the mining activity. However, in the event that the material content of the site changes in an area from the current assumed conditions, portions of the site will be mined to a final slope. The portion of the site that will be cut and filled will utilize overburden and other screenings from the site as back fill material. The initial boundaries for mining to a final slope will be staked and then as the amount of fill available on the site becomes known, the stakes will be moved over to allow for additional extraction. In this manner, the amount of fill necessary for the creation of the slopes will always be available and on site.

However, the retention of available soils on site for slope creation is a back up plan to ensure that the slopes will be stable and in accordance with DNR reclamation standards. The reclamation plan intended is to bring in back fill material from off site to restore the site to original grade. The source of this fill material will be from construction projects. The material will be reviewed for compliance with the applicant's material handling policy. A copy of this policy is attached.

To restore the site to pre-existing grade will require up to 2,000,000 cubic yards of imported material to supplement the overburden material on site.

The backup plan, to keep sufficient material on site for slope creation in the event that import material is not available will be as follows:

Using the most likely figures it is determined that it will take about 417 yards of backfill material per lineal foot of pit wall assuming it is dug to the permitted depth of 95 feet and assuming it will be evenly divided between a 2:1 slope and a 3:1 slope.

Over the entire site, the total need for topsoil for revegetation will be approximately 30,000 cubic yards. The need for slope backfill material will be somewhere near 750,000 cubic yards. The total production of backfill material for overburden waste will be somewhere around 200,000 cubic yards which leaves a debt of about 510,000 after all things are considered.

With this in mind, it is realized we will only be able to mine to a cut slope on the first 500 or so feet of pit wall, after that time we will have to mine to a finish slope. It is not known what the various horizons of material will contain as far as saleable value and it will be chosen between the higher value aggregates and the lesser value more sandy material in deciding when to cut and fill the slope and mine to slope.

The placement of the areas where mining is to the wall and backfilling will take place in the first segment of slope backfill.

The material removed as overburden is a glacial marine drift which tends to be 85% sand or higher with the balance passing a 200 screen perhaps 15%. This material is very permeable. In the first few years, the material will compact very easy if placed with optimum moisture and in very shallow lifts as will be done when placed at the top of an embankment. The material will be dozed down the slope in a very shallow lift. Treatment in this manner has generally shown that it will be compacted to at least 90% of maximum density and remains very stable, the GMD will be covered as fast as a suitable area is prepared for seeding. By cat tracking up and down the slope a finished surface is achieved with a natural holding between lifts and for the final area before planting.

When the first rain begins this fill material will absorb moisture which will percolate down through the material, this process will tend to increase the compaction and resistance to compression. Because it does not hold water and it is a high percentage of coarse aggregate it is not prone to sliding.

This process with this material creates a very stable slip resistant slope and because it is done in the summer months there is very little exposure to torrential rainfall or prolonged rainy spells, this material will allow a very high amount of water to penetrate and soak down and not create slip zones. By later summer it will be seeded and be able to establish a vegetative cover before the rainy season sets in.

Furthermore, by doing this early in the life of the pit if some sort of problem should develop we will still be on site to maintain and/or make repairs.

For imported backfill material, the compaction will be monitored and the stability provided by allowing the material to settle and then using equipment to compact it. This process will be repeated as necessary to create a stable slip resistant surface.

The final area that will be filled is the staging area and access road that connects to the adjacent Northstar site. The road construction material will be removed as the fill material is placed into the site.

### **Stormwater Controls:**

Stormwater from outside of the permit area will be routed around the active extraction area. The reclamation plan for the site shows the seasonal road run off drainage from the north that has been relocated by the property farmer to different areas of the property over the years, will be routed down the west side of the permit area. This run off will discharge from the property in the same manner it does now and in the same location it does now. Essentially, a level spreader will be created through a depression on the south side of the permit area that will allow the runoff to flow to the south as it currently does.

Within the permit area, stormwater control measures will be implemented to route stormwater into depressions or channels that are stabilized with vegetation or aggregate. The purpose of the stormwater channels will be to prevent any runoff to the adjacent properties and to ensure that erosion of the banks during the extraction activity does not occur.

### **Reclamation:**

As each segment is completed, the topsoil and subsoil will be replaced on the just completed segment. Prior to replacing the soil, ripping of the floor of the extraction area will take place. The soils will then be spread evenly in the same sequence as they were removed.

Grasses will be established from seed. The seeds will be planted no deeper than ¼ inch. Ideally, the topsoil will be spread between September 15 and October 15. Seeding with grasses will be done within 3 days after final shaping. The local county extension service will be consulted for information on planting dates for any given year.

Seeding will be completed with fescue at the rate of 10 PLS per acre and some clover at the rate of 6-8 PLS per acre. Mulch will be placed over the seeded areas as necessary to retain moisture, prevent erosion and to moderate soil temperature fluctuations. Among materials that may be used as mulch are hay or straw, wood chips or grass clippings.

The *Best Management Practices for Reclaiming Surface Mines in Washington and Oregon* distributed by the Washington State Department of Natural Resources will be consulted to provide guidance on a number of aspects of the reclamation process.

# FERNDALE

Ready Mix & Gravel, Inc.

Phone: 360-354-1400

144 River Road Lynden, Wa 98264

Fax: 360-354-0486

## Clean Soil Acceptance Agreement

Before Ferndale Ready Mix & Gravel, Inc. can accept any material for deposit on property owned or leased by Ferndale Ready Mix & Gravel, Inc., this agreement must be executed. **Ferndale Ready Mix & Gravel, Inc. requires that this agreement be executed by an owner or officer of your firm (the Company).**

By signing this agreement, the signatory certifies that all material delivered to Ferndale Ready Mix & Gravel, Inc. is clean virgin soil, FREE of any contaminates, which does not contain radioactive wastes, dangerous or extremely hazardous wastes (as defined by WAC 173-303), hazardous substances (as defined in WAC 173-340), petroleum or its by-products, soil removed as part of any cleanup action ("problem wastes"), demolition waste, wood waste, any other solid waste, including but not limited to rubbish, ashes, or materials which are not the primary products of public, private, industrial, agricultural, commercial or mining operations, or any material regulated by federal, state or local environmental laws.

Ferndale Ready Mix & Gravel, Inc. reserves the right to inspect, sample and/or require the Company to sample any and all material before accepting the material. This right does not relieve the Company of its responsibility to tender only clean soil as defined in the preceding paragraph. Any material that is not clean soil will be rejected. Removal and disposal of rejected material is the sole responsibility of the Company. If, after acceptance, the material is discovered not to be clean soil, Ferndale Ready Mix & Gravel, Inc. will notify the Company. If requested, the Company must remove the material within 24 hours of notification.

The Company agrees to defend, indemnify, and hold Ferndale Ready Mix & Gravel, Inc. harmless from and against any and all claims, demands, causes of action, damages, liabilities, losses, expenses, penalties and all costs of defense relative thereto, including legal fees, caused by or resulting from the Company's breach of this agreement, specifically including any breach of the Company's obligation to deliver only clean soil.

Project Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Owner/Officer: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Date: \_\_\_\_\_

FRM&G Representative: \_\_\_\_\_