Confidential Settlement Communication Subject to F.R.E. 408

Nelson Tunnel Consent Decree Proposed Definition of Site

"Site" shall mean, for the purposes of this Consent Decree, the Nelson Tunnel/Commodore Waste Rock Pile Superfund Site, abutting West Willow Creek, approximately one mile upstream of the City of Creede, Mineral County, Colorado, as generally depicted on the map attached hereto as Appendix A, and all areas where releases of hazardous substances from the Nelson Tunnel or Commodore Waste Rock Pile have come to be located. "Site" shall not include the so-called "Imperious Tailings Pile" or any releases of hazardous substances from the Imperious Tailings Pile.