

**WAGNER**  
**Rock LLC.**

**Spec aggregates**

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11-15-2016'

To; Russ Means  
RM&S

Re; Wagner Rock Pit #m99-018  
Reason to believe and notice of board hearing

Mr. Means,

Our survey is complete and I am advised by Lloyd Powers of Baker and Associates that the affected area is under 13 acres with the Pit excavation lying within the original permit boundary. No mining has occurred outside of the permit area.

It appears that two improperly placed monuments from 1999 have created this issue with the result of impacted acreage of stored equipment, stockpiled top-soil and stockpiled crushed aggregates remaining outside of the permit boundary.

It is not possible to confine this mine to the original permit boundary as the survey shows those boundaries extending so far to the Northeast, areas that are under permit will never be affected or utilized.

Clearly, in 1999 we missed with a poor survey and location of permit boundaries.

I have pulled back some aggregates that extend past the permitted area and can reseed other affected areas that have only been driven and parked on, but it seems a wise choice to seek advice from you as to whether we should re-draw the permit boundaries to contain the teen acre limit with a technical revision or if we should permit to a 40 acre site.

I am looking to you for guidance from here. As you know I will be disabled from December 15<sup>th</sup> for around 6 months so I am encouraging you to expedite your recommendations so that I can cure some of the issues before my surgeries.

Respectfully,  
Jay Wagner