

January 17, 2017

Greg Dangler
RMR Aggregates, Inc.
9301 Wilshire Blvd, Suite 312
Beverly Hills, CA 90210



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Mid-Continent LST, Permit No. M-1982-121, Commitment Until Amendment is Submitted

Dear Mr. Dangler:

On November 1, 2016 the Colorado Division of Reclamation, Mining and Safety (Division) received a letter in response to the Approved Acreage and Map Boundaries letter sent by the Division on May 2, 2016. The letter was sent by RMR Aggregates, Inc. who at the time had not completed the succession of operator process and therefore no discussions could occur at the time. On January 12, 2017 the succession of operator (SO-3) was approved.

In your letter RMR stated that 50-75 feet may be disturbed beyond the approved permit boundary. Additionally it is noted that the HCE maps (red) delineate the previous operator's desired permit boundary rather than the approved permit boundary (green). Based on these statements the Division believes that there may be off-site damage issues which will require that all affected lands be incorporated into the permit boundary in the form of an amendment. The Division acknowledges that RMR must also do a Plan of Operations (POO) modification with the BLM. The Division proposes that RMR completes their BLM permitting requirements first. Then once all BLM approvals are obtained submit an amendment to the Division to make the permits concur. In order for this to happen and avoid an enforcement issue now, the operator will need to submit a signed commitment letter to the Division.

The commitment letter from RMR shall include the following statements:

- The active operation will not make any further disturbances in the area identified as potentially being out of the approved permit boundaries.
- RMR will provide the Division with copies of all material submitted to BLM.
- Upon submittal of the BLM POO modification RMR shall provide the Division with a progress update quarterly until the matter is resolved.
- Within 60 days of the BLM POO modification approval RMR will submit an amendment to the Division.
 - The amendment at a minimum will incorporate all affected lands within the permit boundary.
 - The amendment will modify all exhibits to meet the standards of the current Rules.
- RMR agrees that if any of these stipulations are violated the Division may set this matter for a hearing before the Mined Land Reclamation Board.

The commitment shall be received in the Division's Denver office by **Tuesday, February 28, 2017**. Please note that all correspondence needs to go through the Divisions Denver office rather than the Grand Junction field office.



DRMS would like to address the additional requirements noted in the May 2, 2016 letter to CalX that have not been complied with:

- The site will be resurveyed and provide updated, corrected maps to the Division by June 1, 2017.
 - Please clarify and depict the total affected land to date.
 - Delineate both the approved permit boundary and the affected land boundary on one map.
 - Please provide the Division with clarification of the acreage depicted in the AM-2 boundary
 - If it is proven to be 32.8 acres, please provide documentation all boundary markers have been replaced to the shape depicted in the approved AM-2 map.
 - If the boundary depicted in AM-2 is larger than 32.8 acres notify the Division and a resolution will be discussed.

Please submit the outstanding mapping and survey requirements as required above to the Divisions Denver office by **Thursday, June 01, 2017**.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,



Amy Yeldell
Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
Phone: (970) 254-8511

Ec: Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS
Jessica Lopez Pearce, Colorado River Valley BLM Field Office