

PETITION FOR DECLARATORY ORDER

APRIL 8, 2017

The Mined Land Reclamation Board of Colorado
1313 Sherman St., Room 215
Denver Colorado 80203

The statute to which this current petition relates is Construction Materials Rule 1.12. On behalf of Playfair Land Co., LLC ("Playfair"), I am seeking to transfer the current permit, M-1984-094, into the name of Playfair Land Co., LLC.

As a brief history, the land at issue was sold by Sandra and William Sanborn, along with with permit M-1984-094 and four Bank of the West CDs/Bonds to Lawrence J. McEvoy and Richard G. Pfister, my father. My father then purchased the property outright, and formed Playfair Land Co., LLC in 2002.

On May 1, 2015, my father passed away and my four siblings and I inherited the Company. I was designated Manager in his will. Despite my lack of proficiency in the mining business, I have worked to manage this business to the best of my ability in honor of my father's wishes.

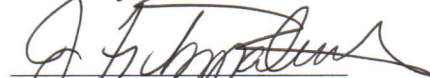
After my father's death, I petitioned this Board, once in 2015 and again in 2016, to transfer the permit, which is currently in the name of Sanborn Sand & Gravel, into Playfair's name. Unfortunately, I have been unsuccessful in my prior attempts as there is no one to sign on behalf of Sanborn Sand and Gravel. Mr. Sanborn is deceased and the entity is no longer in existence. Sanborn Sand & Gravel sold the stock in Sanborn Sand & Gravel to Richard Pfister, my father. See I have attached the Inadequate Letter and Denial Letter for your reference.

I would like to clarify that Playfair is the landowner, the Operator, and the financial warranties are in Playfair's name. Although the current permittee is Sanborn Sand & Gravel, this is a detail my father simply failed to rectify.

In consideration of the foregoing, we petition the Board to authorize the transfer of permit without a signatory from the current Permittee. Your consideration of this request is greatly appreciated.

Should you have any questions related to this matter, please do not hesitate to contact me.

Sincerely,



Jodi Fitzpatrick, Manager
Playfair Land Co., LLC
601 Bath Street
Metairie, Louisiana 70001



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

October 2, 2015

Jodi Fitzpatrick
Playfair Land Company LLC
601 Bath Street
Metairie, LA 70001

Re: Gloria Z Mine, Permit M-1984-094: Inadequate Application for Transfer of Mineral Permit and Succession of Operators, Revision SO-03

Dear Ms. Fitzpatrick:

On September 22, 2015, the Division of Reclamation, Mining and Safety received Application Form for Transfer of Mineral Permit and Succession of Operators for the Gloria Z Miner, Permit M-1984-094.

The following items are incomplete with your application:

1. Financial Warranty in the required amount of \$82,300.00. \$45,186.00 received for transfer of current cash bond on file. \$37,114.00 transfer of existing Certificates not received.
2. Structure Agreements between the owners of permanent man-made structures within 200 feet of the affected land and Playfair Land Company LLC were not provided. According to the Division's records, the following structures are within 200 feet of the affected land:
 - a. Platte Drive, a compacted dirt road owned by Park County.
 - b. Power poles and overhead power line along north side of Platte Drive owned by Xcel Energy.
 - c. Sacramento Storage Reservoir owned by Lower Sacramento Creek Reservoir Company.
 - d. Meatal and concrete bridge under Middle Fork of South Platte for Highway 9 owned by CDOT.
 - e. Westerman Ditch, owned by Westerman Ditch Company

In order to complete your Application and begin processing your request, please provide to the Division the required Financial Warranty in the amount of \$37,114.00 and Structure Agreements by **November 29, 2015**. Forms are available at <http://mining.state.co.us>.

Pursuant to Rule 6.4.19, where mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected land the applicant may provide a notarized agreement between the applicant and the person(s) having interest in the structure, that the applicant is to provide compensation for any damage to the structure. Where such structure agreement cannot be reached, the

applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation.

The Division approved an engineering evaluation as part of the approval of Amendment No. 2 on June 24, 2014. However, the Division does not have evidence that the Operator attempted to obtain structure agreements with the owners of the structures. Therefore, Playfair Land Company LLC may submit evidence that structure agreements were sent to the owners of the structures during the review of Amendment No. 2. If the successor operator is unable to demonstrate that structure agreements were sent, then new structure agreements must be provided to the structure owners along with proof of certified mailings. In the event that structure agreements cannot be obtained with the structure owners, the successor operator may use the engineering evaluation submitted with Amendment No. 2.

Additionally, the Annual Report for 2014-2015 received July 15, 2015 remains incomplete, as referenced in separate correspondence to Mr. Pfister, copied to you.

If you have any questions, contact me at (303) 866-3567 ext. 8148 or barbara.coria@state.co.us

Sincerely,



Barbara Coria
Financial Assurance Specialist

Certified Mail No. 7014 0150 0000 9138 0469, return receipt requested

*Arrived 10/13/2015
Delivered 10/13/2015*

cc: Michael Cunningham, Division of Reclamation, Mining & Safety
Jodi Fitzpatrick via email jodifitz@bellsouth.net
Michael Pfister
Sanborn Sand and Gravel dba
Golden Cross Aggregates
P O Box 1180
Alma. CO 80420-0420

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COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

December 11, 2015

Michael Pfister
Playfair Land Company LLC
P O Box 1180
Alma, CO 80420

Re: Gloria Z Mine, Permit No. M-1984-094, Succession Denial, Revision No. SO-3

Dear Mr. Pfister:

On December 11, 2015, the Division of Reclamation, Mining and Safety denied the succession of operators from Sanborn Sand and Gravel dba Golden Cross Aggregate for this operation due to an incomplete transfer application.

Sanborn Sand and Gravel dba Golden Cross Aggregate is still the permitted operator of the Gloria Z Mine, and as such, is responsible for all provisions in Permit No. M-1984-094, as well as those specified in the Rules and Regulations.

If you have any questions, please contact me.

Sincerely,

Michael A. Cunningham
Environmental Protection Specialist

CERTIFIED MAIL No. 7014 0150 0000 9138 0292, Return Receipt Requested

cc: Wally Erickson, Division of Reclamation, Mining and Safety
Jodi Fitzpatrick
Playfair Land Company, LLC
601 Bath Street
Metairie, LA 70001

CERTIFIED MAIL No. 7014 0150 0000 9138 0308, Return Receipt Requested

