



December 7, 2017

Via e-mail

Mr. Tim Cazier
Colorado Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

**RE: SOKOL PIT, PERMIT NO. M-1980-193
EL PASO COUNTY, COLORADO
PROBLEM/POSSIBLE VIOLATION – LACK OF STRUCTURES AGREEMENT
REQUEST FOR EXTENSION OF COMPLIANCE DUE DATE**

Dear Mr. Cazier,

Martin Marietta received a copy of the 2017 Minerals Program Inspection Report for our Sokol Pit, Permit Number M-1980-193. A problem/possible violation was noted related to the Nextera transmission powerline that runs along the south side of the property. The problem relates to the powerline being within 200 feet of the permitted mining area, thus requiring us to enter into a Structures Agreement with Nextera, or otherwise demonstrate that our activities will not damage the transmission powerline.

The power line that is the subject of the “problem/possible violation” was constructed in 2015, and is associated with the wind farms in the area. These wind farms were not even contemplated when the Sokol pit was permitted in 1980, and the area of the pit that is within 200 feet of the line was mined before October 8, 1999 (the date of the oldest Google Earth images for the site) and so predates the line by at least 16 years. Our mine predates the power line by about 35 years. As written in the regulations, a structures agreement is part of the application process for the permit. That notwithstanding, we understand that the Reclamation Board has taken the stance that it is the responsibility of the mine owner to obtain a structures agreement even though a transmission powerline was constructed within the 200 foot setback after the fact.

While we disagree with this interpretation and requirement, we contacted Florida Light and Power (FLP) who owns Nextera, and have requested that they provide us with a Structures Agreement. It took us approximately two weeks to determine who owned the powerlines, Due to the size and compartmentalization of FLP, complicated by issues related to the after effects of Hurricane Irma in Florida where FLP’s land department is located, it took an additional two weeks to track down a person in the appropriate department. We provided FLP with the documentation to complete for the Structures Agreement on November 27, 2017, and have received no response to date. We understand that if FLP is unwilling or unable to provide the Structures Agreement, that we can

contract for an independent analysis to determine whether our activities will affect the powerline. We are requesting an extension of the time until March 1, 2018 to obtain the Structures Agreement from FLP, or failing that, to provide other proof that our operations do not affect the stability of the FLP/Nextera transmission powerline.

If you have questions about this response, please contact me at (720) 245-6423 or e-mail at david.bieber@martinmarietta.com.

Sincerely,

Martin Marietta Materials Inc.

A handwritten signature in black ink, appearing to read "D. W. Bieber". The signature is written in a cursive, flowing style.

David Bieber, Manager of Geology/Survey, Rocky Mountain Division