

February 24, 2021

Rhett Bennett
Black Mountain Sand Weld LLC
500 Main Street, Ste. 1200
Fort Worth, TX 76102

**Re: Black Mountain Sand Weld LLC; Lost Creek Mine; File No. M-2018-051;
Notice of Past Due Financial and Performance Warranties**

Mr. Bennett:

On January 22, 2020, the Mined Land Reclamation Board (Board) approved the 112c mining permit amendment application (AM-01) for the Lost Creek Mine, File No. 2018-051. The amount of financial warranty set by the Division for this operation is \$19,500,000.00. As of the date of this letter, our records indicate Black Mountain Sand Weld LLC has not posted the required Financial or Performance Warranties for the site.

Pursuant to Construction Materials Rule 4.1(2), if warranties are not received within one (1) calendar year of approval of an application for any new permit, the Mined Land Reclamation Board shall hold a hearing, in accordance with the notification and comment provisions of Rule 1.6, to reconsider the previous approval. If the Board affirms the original approval, the Board shall establish a new deadline for submittal of the Financial and Performance Warranties. If the required Warranties are not posted by the date set by the Board, the application shall be denied by the Division.

Prior to scheduling this matter before the Board, the Applicant is required to initiate the Public Notice procedures outlined in Construction Materials Rule 1.6. The Applicant shall place a copy of the application, all required exhibits and adequacy review responses with the County Clerk and Recorder. Notice of the Application, on a form approved by the Board, must be sent to the local Board of County Commissioners and the Board of Supervisors of the Soil Conservation District. In addition, the Applicant shall post notices at the mine site and publish a public notice in a newspaper of general circulation in the locality of the proposed mining operation. The public notice shall be published four times, once a week for four consecutive weeks. Immediately after the first publication, a copy of the notice shall be sent to all Owners of Record of the surface and mineral rights of the affected land and the Owners of Record of all



land surface within 200 feet of the boundary of the affected lands. Once the Applicant has provided the Division with proof that all required public notices have been sent, the Division will schedule this matter before the Board.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Ec: Jared Ebert; Division of Reclamation, Mining & Safety