



BENTONITE
Performance Minerals LLC

Colony, Wyoming Plant
554 US Hwy 212,
Belle Fourche, SD 57717
Phone (307)896-2596/Fax (307)896-4588

September 22, 2017

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
VIA EMAIL

2U Ranch, LLC	GLAM, LLC	Sextus, LLC
426 Lonesome Country Road	44 Willow Wisp Terrace	44 Willow Wisp Terrace
Alzada, Montana 59311	Henderson, Nevada 89074	Henderson, Nevada 89074

RE: BENTONITE PERFORMANCE MINERALS, LLC SURFACE OWNER CONSENT

Dear Surface Landowners:

This letter is to follow up on the email correspondence between you and Bentonite Performance Minerals, LLC (BPM) on August 14-15, 2017, enclosed with this letter as Exhibit A. As detailed in that correspondence, Mr. Roland Ericsson and Mr. Ronald Ericsson, apparently acting on the behalf of the respective members of 2U Ranch, LLC, Sextus, LLC and GLAM, LLC (collectively the "Surface Landowners"), categorically rejected to even discuss certain terms of a proposed surface use agreement. Mr. Roland Ericsson and Mr. Ronald Ericsson stated in no uncertain terms that critical portions of the proposed surface use agreement were simply non-negotiable, and if BPM was not willing to accept the proposed terms, it should move forward with asking the Wyoming Department of Environmental Quality (DEQ) for an order in lieu of consent. Based on these communications and the more than two years of failed negotiations over a surface use agreement, BPM is moving forward with those proceedings.

As you are aware, BPM owns and leases bentonite underlying certain surface lands owned by 2U Ranch, LLC and Sextus, LLC. BPM is in the process of finalizing the expansion of its existing bentonite mining operations, and said operations will be conducted on surface lands owned by 2U Ranch, LLC. The Surface Use and Haulage Agreement (SUA) formerly providing BPM access across 2U Ranch, LLC surface lands expired by its terms on May 31, 2017. In anticipation of the SUA's expiration, BPM conducted extensive negotiations with you, initiated in February 2015, in an effort to reach an amenable arrangement for all interested

BPM 67

parties. Unfortunately, the negotiations have been unsuccessful, and 2U Ranch, LLC has withheld consent to the proposed mine expansion required to finalize the mine expansion permitting process.

The purpose of this letter is to (1) summarize BPM's negotiation efforts to date, (2) confirm the receipt by all interested parties of the proposed mining and reclamation plan, (3) verify 2U Ranch, LLC's unwillingness to consent to the proposed mining and reclamation plan and (4) inform you of BPM's intention to proceed with completing the mine permitting process absent the consent of 2U Ranch, LLC as prescribed by the Wyoming Environmental Quality Act.

With respect to surface access negotiations, BPM first communicated to you in February 2015 a desire to amend the then-existing SUA to (1) add additional lands not covered by the agreement and (2) extend the term of the SUA, set to expire on May 31, 2017. As evidenced in our considerable correspondence, BPM worked diligently with the Surface Landowners' representatives, primarily Mr. Roland Ericsson, Mr. Ronald Ericsson and Mr. Scott A. Ericsson, for over two years in an effort to reach an accord. The following summarizes the length to which BPM sought to address and accommodate your ever-evolving concerns and demands:

- At your request, BPM agreed to negotiate a new surface access agreement covering all surface lands, rather than amend the existing agreement to incorporate the new surface lands; this demand evolved to require two separate surface use agreements by July 2016; as of August 2017, as the result of the formation of GLAM, LLC and the further subdivision of your surface lands, you now apparently require three separate surface use agreements;
- BPM incorporated your specific requested revisions into the proposed mining and reclamation plan;
- BPM accepted your original \$300/acre surface disturbance payment proposal, a 20% increase from that required by the then-existing SUA; by February 2016, your request increased to \$325/acre, to which BPM agreed;
- BPM agreed to expand and enhance up to 5 existing reservoirs, build 2 additional reservoirs and ponds, and construct permanent ranch roads upon completion of mining; these changes were incorporated into the mining and reclamation plan submitted to the DEQ;
- BPM agreed to construct requested improvements *outside* of the mining and reclamation plan boundary, on lands wholly unaffected by BPM's operations;
- BPM agreed to cease all mining activities during deer hunting season, a significant portion of the calendar year when bentonite mining is possible;
- BPM agreed to reseed disturbed surface lands with specific grasses requested by the respective surface owner;
- BPM agreed to coordinate the harvest of pine trees prior to initiating mining operations, as well as compensate you for other anticipated disturbance; and
- BPM agreed to construct new fences on the boundaries of the Lonesome Country Limited subdivided properties 2U Ranch, LLC and Sextus, LLC.

BPM repeatedly shared requested information and discussed and answered your questions regarding the mining and reclamation plan. BPM listened to your concerns and made significant changes to the mining and reclamation plan to accommodate your concerns. Those

changes are incorporated in the mining and reclamation plan submitted to the DEQ. There is no question that you understood the mining and reclamation plan and had significant opportunity to participate in the entire permitting process.

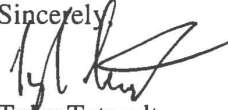
BPM has expended considerable time, effort and resources to include you in this process and inform you regarding our proposed mining and reclamation plan. On January 8, 2016, BPM first provided you with maps of the proposed mining and reclamation operations for your review and input. The maps detailed the proposed surface disturbances and uses, ingress and egress routes, and reclamation. On February 2, 2016, Mr. Scott A. Ericsson and Mr. J. Ronald Ericsson requested substantive revisions to the proposed reclamation plan, enclosed as Exhibit B. BPM incorporated the requested revisions and provided you copies of the revised reclamation plan maps on February 4, 2016, enclosed as Exhibit C. BPM specifically informed you that, pursuant to the proposal, approximately 180 acres of surface lands would be disturbed and approximately one million tons of bentonite mined, enclosed as Exhibit D. BPM further informed you that mining under the new mine plan would commence in 3-6 years, with a projected mine life of twenty years. *Id.* In January 2017, BPM provided you with short-term disturbance maps and projected tonnages to be mined on a yearly basis for the existing operations, enclosed as Exhibit E.

For more than two years, you have had the opportunity to review the mining and reclamation plan and have provided significant input into the plan. In the event that you have misplaced the plan or have forgotten any detail of the plan, I am once again enclosing for your review the complete mining and reclamation plan as submitted to the DEQ, together with all associated permit documentation, enclosed in electronic format as Exhibit F. Given its prodigious size, Exhibit F has only been provided to 2U Ranch, LLC, Sextus, LLC, and GLAM, LLC and not the cc'd parties. The mining and reclamation plan illustrates the full proposed surface use, including proposed routes of ingress and egress, temporary roads, and all areas of associated disturbance, overburden, water, powerlines, and culverts. The mining and reclamation plan details the proposed mining plan, including the mining operation, mining progression and time schedule, as well as the anticipated life of the mine.

The DEQ Land Quality Division has completed its review of and determined adequate the proposed mining and reclamation plan, absent only the consent of surface owner 2U Ranch, LLC. Based on our negotiations and your August 15, 2017 correspondence claiming that certain demands on your part were non-negotiable (*i.e.*, the term of the surface access agreement), we understand that 2U Ranch, LLC will not provide such consent. If this is not the case, please inform BPM immediately as BPM has elected to cease negotiations and obtain an order in lieu of consent from the Wyoming Environmental Quality Council (EQC). A hearing before the EQC will be requested in short order.

During this extended negotiation process, BPM has been more than reasonable in seeking to accommodate the ever-evolving demands of Lonesome Country Limited Corporation, as now rebranded by you as 2U Ranch, LLC, Sextus, LLC and GLAM, LLC. BPM places great value on establishing and maintaining positive and productive working relationships with the surface owners affected by its mining operations. While BPM genuinely regrets that the parties were unable to reach a surface access agreement, BPM is simply unwilling and unable to accept the terms required to date.

Sincerely,



Tyler Tetrault
Mineral Resource Coordinator

cc: Ronald J. Ericsson
ericsson@childselect.com

Anthony & Meredith Tavaglione
tavaglione.meredith@gmail.com

Leslie Cody
lesliecody@cox.net

Roland J. Ericsson
rolandericsson@cox.net

Scott A. Ericsson
scottaericsson@gmail.com

Patricia Ericsson
pericsson1237@gmail.com

EXHIBIT A

From: rolandericsson@cox.net [mailto:rolandericsson@cox.net]
Sent: Tuesday, August 15, 2017 3:07 PM
To: Mazzone, Michael J.
Cc: Ronald J. Ericsson; Scott A. Ericsson; Meredith & Anthony Tavaglione; Leslie Cody
Subject: No Meeting

Hello Michael !

I thought my counter-proposal was clear. Since you are uncertain on some of the provisions, I will attempt to clarify them.

4. You should be familiar with the incentive payment provision since it was a part of the previous BPM agreement. The purpose of the incentive payment is to assure that bentonite is mined and hauled in a timely manner. If nothing is mined or hauled, payment still must be paid. The incentive payment deals only with the haulage and has nothing to do with the disturbance fee.

3. Since the estimated tonnage contained in these mining claims was not provided as requested, it is difficult to determine whether a 20 year term assumption by BPM is accurate or not. It can easily be perceived that BPM would rather have the clay remain in the pits than have it stockpiled at its processing facility. The maximum term of 7 years remains steadfast.

2. Three property owners - three trespass fees.

1. We agreed to a meeting when it was proposed as being a "face to face" meeting. Since BPM has now decided that it does not want a "face to face" meeting, but is insisting upon having an attorney present, the terms of the meeting have changed, and we are not willing to agree to this

change. As clearly and succinctly stated - Attorneys present, NO meeting. You stated in your letter that BPM was acting in good faith. Its actions appear to contradict this statement.

If BPM does not have anyone in its administrative offices who is willing, capable, and authorized to make an independent decision concerning the rights of the surface owners, it looks like the next step is to meet with the Wyoming Environmental Quality Council.

Roland

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From: Ronald Ericsson [<mailto:rjericsson@outlook.com>] **On Behalf Of** Ronald Ericsson
Sent: Tuesday, August 15, 2017 8:58 AM
To: Joel Severin; Jennifer Hartman; Tyler Tetrault
Subject: [EXTERNAL] Fw: RE: BPM--Your proposal of Aug 8

External Sender: Use caution with links/attachments.

From: Ronald Ericsson on behalf of Ronald Ericsson <ericsson@childselect.com>
Sent: Tuesday, August 15, 2017 8:41 AM
To: rolandericsson@cox.net; Scott A. Ericsson; Meredith & Anthony Tavaglione; Leslie Cody
Subject: Re: RE: BPM--Your proposal of Aug 8

No to all four items: No, to having lawyers - no, to putting all three LLCs into one - no, to 20 years - no, to not getting paid at the start of an agreement. No, No, No, No, RJE

From: rolandericsson@cox.net <rolandericsson@cox.net>
Sent: Monday, August 14, 2017 7:51 PM
To: Ronald J. Ericsson; Scott A. Ericsson; Meredith & Anthony Tavaglione; Leslie Cody
Subject: Fw: RE: BPM--Your proposal of Aug 8

-----Original Message-----

From: Mazzone, Michael J.
Date: 8/14/2017 5:03:54 PM
To: 'rolandericsson@cox.net'
Cc: Ronald J. Ericsson; Scott A. Ericsson; Meredith & Anthony Tavaglione; Leslie Cody
Subject: RE: BPM--Your proposal of Aug 8

Roland:

Thank you for the proposal, and thank you for letting me know that your group has confirmed to meet in Las Vegas on Saturday, August 26.

There are a number of items in your proposal that I think the parties may be able to agree on after some back and forth negotiations. However, there are some other things that are serious issues for BPM that, if they are not negotiable, will make our planned meeting a waste of everyone's time. Therefore, I want to get your groups' view on this subset of issues. Here they are:

Lawyer attendance. We believe it is important for lawyers to attend this meeting. We would like to conclude the meeting with a clear and enforceable agreement. We think lawyer attendance is important to achieve this goal. BPM is insisting that at least one of its lawyers attend. Please let me know if you are willing to meet with a BPM lawyer in attendance.

It is not clear to us from the proposal if your group is seeking \$0.28 *per owner* for hauling such that, if we haul from point A to point B and cross the property of all three owners, BPM would be required to pay \$0.84/ton for hauling. Please let me know if this is what your group is proposing. If it is, please let me know if your group is willing to cap the total amount that BPM pays for hauling at \$0.28 (regardless of the number of owners). The rate of \$0.28 is already quite a bit above market.

BPM's assumption is that it will take 20 years to mine its bentonite. Therefore, a seven year term will not work for us. Please let me know if your group is willing to consider a 20-year term.

Is the incentive payment expected to be an advance payment of hauling fees and surface disturbance payments or is it being requested on top of these other fees?

BPM needs your input on these four items. We've not yet made travel arrangements for the Las Vegas meeting. If your proposal on these items is non-negotiable, I'm afraid we will need to cancel the meeting and proceed another way.

I look forward to hearing from you.

MJM

haynesboone

Michael J. Mazzone

Partner

michael.mazzone@haynesboone.com

Haynes and Boone, LLP

1221 McKinney Street

Suite 2100

Houston, TX 77010

(t) 713.547.2115

(f) 713.236.5662

(m) 713.205.6625

[vCard](#) | [Bio](#) | [Website](#)

From: rolandericsson@cox.net [<mailto:rolandericsson@cox.net>]

Sent: Tuesday, August 08, 2017 1:25 PM

To: Mazzone, Michael J.

Cc: Ronald J. Ericsson; Scott A. Ericsson; Meredith & Anthony Tavaglione; Leslie Cody

Subject: BPM counterproposal



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EXHIBIT B

Tyler Tetrault

From: Scott Ericsson <scottaericsson@gmail.com>
Sent: Tuesday, February 02, 2016 9:24 AM
To: Tyler Tetrault; Ronald Ericsson
Subject: Re: FW: [EXTERNAL] Logging on BMP mining areas
Attachments: Mine Plan - edited.pdf

Tyler:

Attached is the revised mining map. Thanks, Scott

On Tue, Feb 2, 2016 at 10:23 AM, Scott Ericsson <scottaericsson@gmail.com> wrote:

Tyler:

Attached are some questions and comments regarding the mining and reclamation maps. I will have to send the revised mining map separately due to size limitations on your server. When do you want to resume negotiations on the Amendment to Surface Use? Best, Scott

On Tue, Feb 2, 2016 at 10:18 AM, Scott Ericsson <scottaericsson@gmail.com> wrote:

Tyler:

Attached are some questions and comments regarding the mining and reclamation maps. When do you want to resume negotiations on the Amendment to Surface Use? Best, Scott

On Mon, Feb 1, 2016 at 10:22 AM, Scott Ericsson <scottaericsson@gmail.com> wrote:

Tyler:

Sorry for the delay in responding, but I have been at a conference in San Diego. I will review the mining plan and get back to you tomorrow after I have discussed it with Ronald. Best, Scott

On Mon, Jan 25, 2016 at 2:56 PM, Tyler Tetrault <Tyler.Tetrault@halliburton.com> wrote:

All,

Did either of you have a chance to look over the mine plan and reclamation plan maps that I sent out earlier this month? I was just curious of what your thoughts, issues or inputs might be on the plans. Please let me know when you get a chance so we can begin finalizing the maps for permitting. Thank you.

Tyler Tetrault
Bentonite Performance Minerals, LLC
Colony, WY
307-896-8532

From: Tyler Tetrault
Sent: Friday, January 08, 2016 12:51 PM
To: 'Ronald Ericsson'; scottaericsson@gmail.com
Cc: Joel Severin; Jennifer Hartman
Subject: RE: [EXTERNAL] Logging on BMP mining areas

Ron and Scott,

Attached is the mine plan map for your review. This includes the total disturbance for the new area, which would be the most disturbance that would occur due to mining. Actual disturbance could be less once mining begins, as we tend to have a larger disturbance area submitted to DEQ because that is the "sandbox" in which DEQ holds us to unless we update our plan in the future. Also, depending upon jurisdictional determination from the Army Corps of Engineers, our mining could decrease in size if specific areas are deemed as "wetlands" and therefore cannot be disturbed. If this is the case, we will submit new maps to both of you for review of the new mining plan and disturbance. Please let me know if you have any questions. I will send a second email with the reclamation plan. Thanks.

Tyler Tetrault
Bentonite Performance Minerals, LLC
Colony, WY
307-896-8532

From: Ronald Ericsson [<mailto:ericsson@childselect.com>]
Sent: Monday, January 04, 2016 9:36 AM
To: Tyler Tetrault; scottaericsson@gmail.com <<mailto:scottaericsson@gmail.com>>
Subject: RE: [EXTERNAL] Logging on BMP mining areas

TYLER,

Scott and I are in Texas and I did not bring all of the files/maps from Halliburton and Colloid over mining areas. Please provide us with the map of the proposed new area to be mined.

Now with timber sales - mining income – and hunting these three sources of income are greater than income from grazing. It is nice to have land with diversity so as to not be totally dependent on grass. RJE
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From: Tyler Tetrault<<mailto:Tyler.Tetrault@halliburton.com>>
Sent: Thursday, December 31, 2015 1:06 PM
To: Ronald Ericsson<<mailto:ericsson@childselect.com>>
Cc: scottaericsson@gmail.com<<mailto:scottaericsson@gmail.com>>; Bill Coburn<<mailto:bcoburn@spearfishfp.com>>; rolandericsson@cox.net<<mailto:rolandericsson@cox.net>>; Joel Severin<<mailto:Joel.Severin@Halliburton.com>>
Subject: RE: [EXTERNAL] Logging on BMP mining areas

Ronald,

I sent Bill a shapefile earlier this year that included the areas to be mined in the new agreement and it sounds like that will be the areas that will begin logging in January. Maybe we can look at the area this coming summer after it has been logged and discussed terms for the new agreement in regards to non-timber tress. However, we can begin discussions sooner if you would like. Thanks.

Tyler.

Tyler Tetrault
Bentonite Performance Minerals, LLC
Colony, WY
[307-896-8532](tel:307-896-8532)

From: Ronald Ericsson [<mailto:ericsson@childselect.com>]
Sent: Thursday, December 31, 2015 11:58 AM
To: Tyler Tetrault; scottaericsson@gmail.com<<mailto:scottaericsson@gmail.com>>; rolandericsson@cox.net<<mailto:rolandericsson@cox.net>>; Bill Coburn
Subject: FW: [EXTERNAL] Logging on BMP mining areas

Tyler,

In addition to what Bill wrote in his email below please provide him with the areas to be mined in the upcoming new agreement with Halliburton as we want timber trees there to be logged (100%). Either these timber trees get logged or destroyed when the mines are opened.

We will discuss with Halliburton later about putting in the agreement compensation for non-timber tress that will be permentaly removed when mining starts. This as never been an issue until now as all mining in the past as been in areas without trees. We have come to terms with Colloid over this same issue. RJE

Sent from Mail<https://urldefense.proofpoint.com/v2/url?u=http-3A_go.microsoft.com_fwlink_-3FLinkId-3D550986&d=CwMFaQ&c=PskvixtEUDK7wuWU-tlg6oKuGYBRbrMXk2FZvF0UfTo&r=14SoV5Uc2tXTvbQJtJf1TwtTdEFP1X5M4bZJLs4S8QM&m=nJ2uMt45OOOHpgqD7Y22rKFXAZVCja4aYNkQ5E8oFIw&s=Izdo4K5SGUDvOIRdh0_cYrsAqsSBjbXlx17jxavvUW8&c=>> for Windows 10

From: Bill Coburn<mailto:bcoburn@spearfishfp.com>
Sent: Wednesday, December 30, 2015 4:28 PM
To: 'Ronald Ericsson'<mailto:ericsson@childselect.com>
Subject: FW: [EXTERNAL] Logging on BMP mining areas

FYI

From: Bill Coburn [mailto:bcoburn@spearfishfp.com]
Sent: Wednesday, December 30, 2015 12:23 PM
To: Tyler Tetrault
Subject: Re: [EXTERNAL] Logging on BMP mining areas

Hi Tyler,

We appeared to have worked out an agreement with the Ericsson's on their timber. I have your proposed pit layout on our timber sale map. We plan whole tree harvesting all of the commercial trees within the boundary of the proposed pit. Hopefully we will have a contractor get started in late January. If you need anything or having anything to add that we should know about please contact me.

Bill Coburn

On Wed, Jul 15, 2015 at 8:30 AM, Tyler Tetrault
<Tyler.Tetrault@halliburton.com<mailto:Tyler.Tetrault@halliburton.com>> wrote:
Here you go Bill. Please let me know if you have questions or troubles with the file. Thank you.

Tyler Tetrault
Bentonite Performance Minerals, LLC
Colony, WY
[307-896-8532](tel:307-896-8532)<tel:[307-896-8532](tel:307-896-8532)>

From: Bill Coburn [mailto:bcoburn@spearfishfp.com<mailto:bcoburn@spearfishfp.com>]
Sent: Wednesday, July 15, 2015 6:41 AM
To: Tyler Tetrault

Subject: RE: [EXTERNAL] Logging on BMP mining areas

Tyler,
NAD_83_UTM_Zone_13N. Thanks for your quick response.

Bill Coburn
Certified Forester
Neiman Timber Co.

PO Box 910
Spearfish, SD
57783

[605-642-7741](tel:605-642-7741) ext. 220<tel:605-642-7741%20ext.%20220>
645-1199

[cid:image001.jpg@01CF223F.4A478980]

From: Tyler Tetrault [mailto:Tyler.Tetrault@halliburton.com]
Sent: Wednesday, July 15, 2015 6:35 AM
To: Scott Ericsson; bcoburn@spearfishfp.com<mailto:bcoburn@spearfishfp.com>
Cc: Joel Severin
Subject: RE: [EXTERNAL] Logging on BMP mining areas

I think that yesterday's meeting went well for the initial phases of planning. I will send Bill Coburn a shapefile of our disturbance area for our mining sequence. Bill is there a certain projection that you would like the shapefile in? Please let me know what will work best for you. Thank you

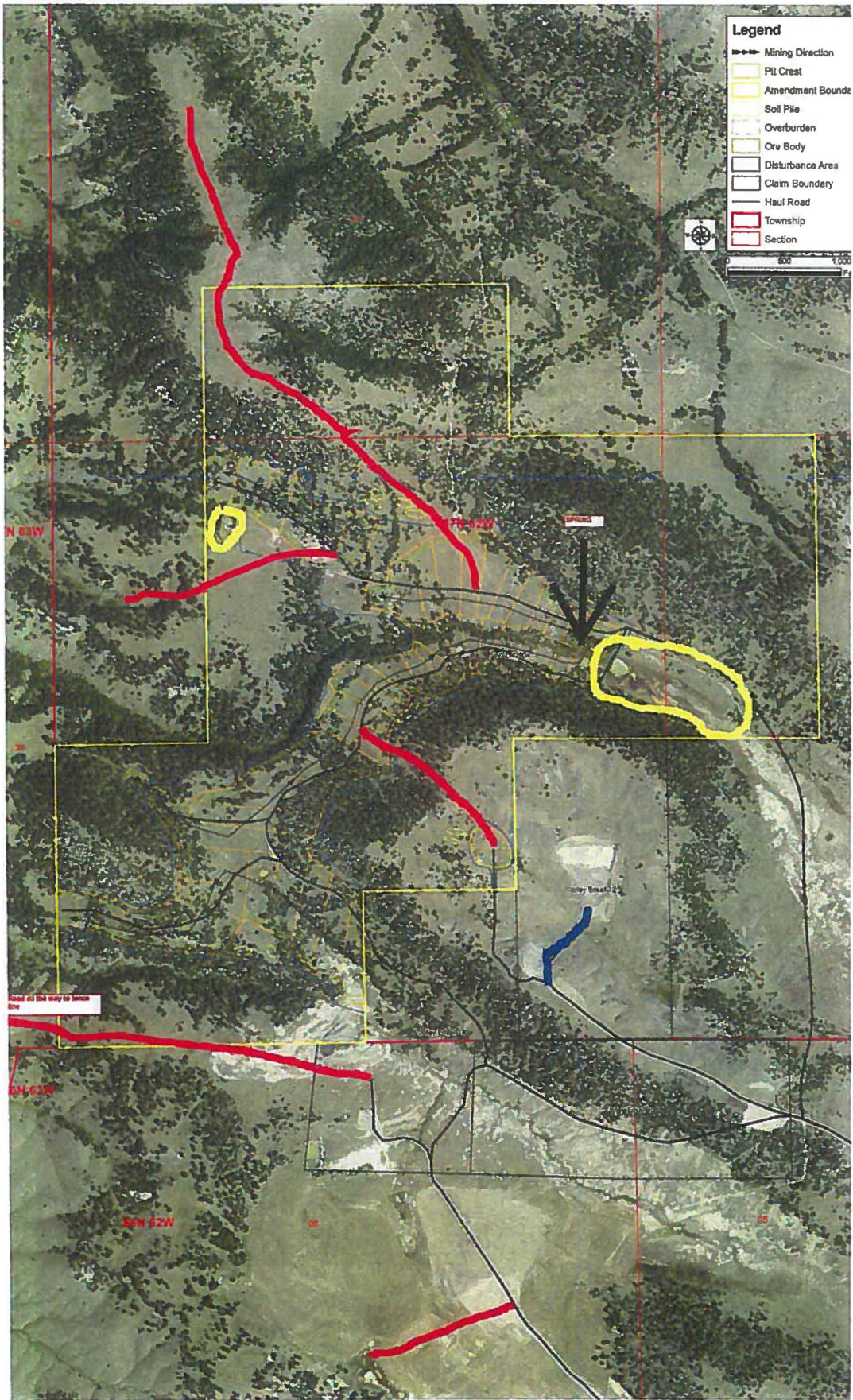
Tyler Tetrault
Bentonite Performance Minerals, LLC
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[307-896-8532](tel:307-896-8532)<tel:[307-896-8532](tel:307-896-8532)>

From: Scott Ericsson [mailto:scottaericsson@gmail.com]
Sent: Tuesday, July 14, 2015 4:41 PM
To: Joel Severin; Tyler Tetrault; bcoburn@spearfishfp.com<mailto:bcoburn@spearfishfp.com>
Subject: [EXTERNAL] Logging on BMP mining areas

Joel and Tyler:

I think that we had a productive meeting today. Bill Coburn the Certified Forester, Procurement Forester for Neiman Timber Co., L.C. requested that you send the ArcGIS shapefiles of where you will be mining and the trees that will need to be removed in order for him to calculate the logging. Cheers, Scott

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Tyler:

We have reviewed the mining and reclamation maps and have the following questions and comments (see attached revised mining map):

Your map shows a spring being mined on the other side of the dam by the long reservoir (approximately lat 44.890169⁰ and lon -104.334118⁰) which we want left intact (thick black arrow indicates location).

Your reclamation map shows one reservoir to be rebuilt, but will the other two reservoirs that you are mining right next to be rebuilt (circled with thick yellow lines)?

Can areas that are to be reseeded be sloped such that it is possible to harvest the grass seed with a combine.

We would like as many reservoirs that can be built. Can the mining pits be reclaimed as reservoirs?

The mining map shows a pit where the new haul road was constructed, does this necessitate that this road be moved?

We would like most of the mining roads to be converted to two-track roads. New two track roads are indicated with thick red lines and a road to be removed shown with thick blue line.

We would also like additional two-track roads to be built to access parts of the ranch that are not shown on the revised mining map. These areas of the ranch are in thick yellow circles on the below map. The smaller circle is a reservoir that needs to have road access.

Thanks, Scott

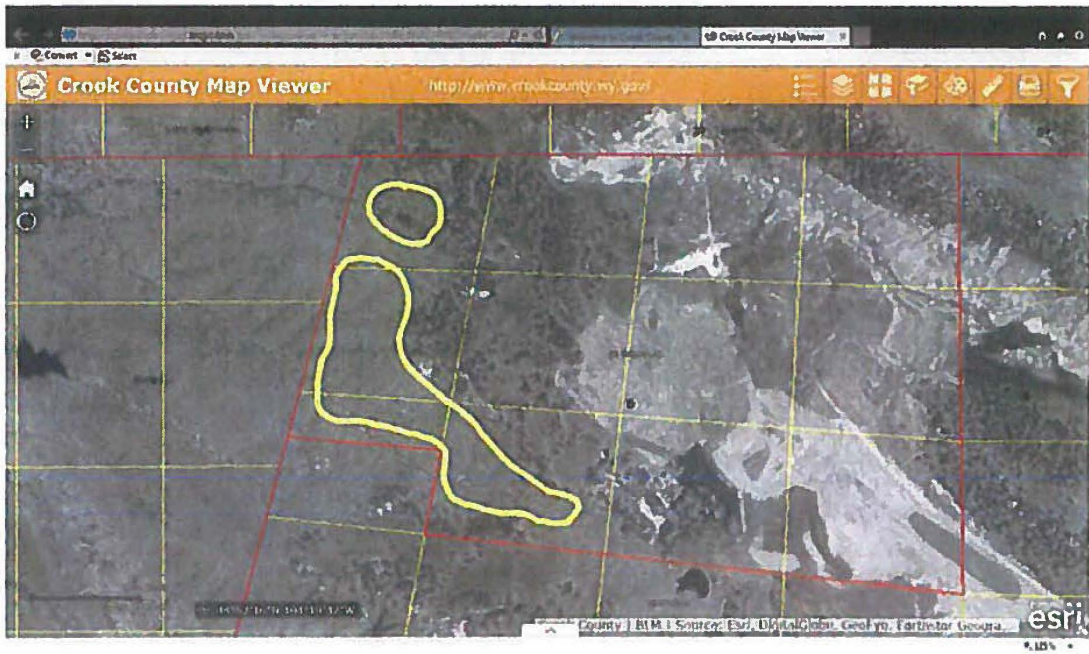


EXHIBIT C

Tyler Tetrault

From: Scott Ericsson <scottaericsson@gmail.com>
Sent: Thursday, February 04, 2016 1:10 PM
To: Tyler Tetrault
Subject: Re: FW: FW: [EXTERNAL] Logging on BMP mining areas

Tyler:

Ron and I will go over this tonight and I will email you tomorrow. Scott

On Thu, Feb 4, 2016 at 10:13 AM, Tyler Tetrault <Tyler.Tetrault@halliburton.com> wrote:

Scott,

Attached is the revised reclamation map, as I did not change the mine map. Please review with the additional ponds and permanent roads. As mentioned before, we will construct the other roads that are not on ACC's permit but DEQ does not want to see these roads on a map, as it is more contractor work and not mining related. Please complete the surface owner consent form that is attached and scan back to me or mail when you get a chance. I will follow this email up with the word document you sent earlier and answers to your questions so we have some documentation of what was discussed. Thank you and let me know if you have any questions.

Tyler Tetrault
Bentonite Performance Minerals, LLC
554 US HWY 212
Belle Fourche, SD 57717
Office – [307-896-8532](tel:307-896-8532)
Cell – [307-622-6932](tel:307-622-6932)

From: Scott Ericsson [<mailto:scottaericsson@gmail.com>]
Sent: Wednesday, February 03, 2016 7:48 AM
To: Tyler Tetrault; Ronald Ericsson
Subject: Re: FW: [EXTERNAL] Logging on BMP mining areas

Tyler:

I will try and call you this morning after I finish lecturing. I have attached the edited mining map in which I added one more two-track road. Thanks, Scott

On Tue, Feb 2, 2016 at 11:13 AM, Tyler Tetrault
<Tyler.Tetrault@halliburton.com<<mailto:Tyler.Tetrault@halliburton.com>>> wrote:
Scott,

I just got done reviewing your comments and edits you just sent back. I was wondering if you were available sometime today for a phone call to further discuss some of the items you brought up. We just want to get some

Tyler Tetrault

From: Tyler Tetrault
Sent: Thursday, February 04, 2016 9:09 AM
To: 'Scott Ericsson'
Cc: Roland Ericsson
Subject: RE: FW: [EXTERNAL] Logging on BMP mining areas
Attachments: Rec Map 4.zip; REVISED noncoal-Surface-Owner-Consent-Form-8.pdf

Scott,

Attached is the revised reclamation map, as I did not change the mine map. Please review with the additional ponds and permanent roads. As mentioned before, we will construct the other roads that are not on ACC's permit but DEQ does not want to see these roads on a map, as it is more contractor work and not mining related. Please complete the surface owner consent form that is attached and scan back to me or mail when you get a chance. I will follow this email up with the word document you sent earlier and answers to your questions so we have some documentation of what was discussed. Thank you and let me know if you have any questions.

Tyler Tetrault
Bentonite Performance Minerals, LLC
554 US HWY 212
Belle Fourche, SD 57717
Office – 307-896-8532
Cell – 307-622-6932

From: Scott Ericsson [mailto:scottaericsson@gmail.com]
Sent: Wednesday, February 03, 2016 7:48 AM
To: Tyler Tetrault; Ronald Ericsson
Subject: Re: FW: [EXTERNAL] Logging on BMP mining areas

Tyler:

I will try and call you this morning after I finish lecturing. I have attached the edited mining map in which I added one more two-track road. Thanks,
Scott

On Tue, Feb 2, 2016 at 11:13 AM, Tyler Tetrault <Tyler.Tetrault@halliburton.com> wrote:

Scott,

I just got done reviewing your comments and edits you just sent back. I was wondering if you were available sometime today for a phone call to further discuss some of the items you brought up. We just want to get some clarification for some of these items. Please let me know if that works for you. Thank you.

SURFACE LANDOWNER'S CONSENT

I, _____, CERTIFY that I hold surface access rights on the following lands on which Bentonite Performance Minerals holds mineral estate rights:

<u>SE4SW4, SW4SE4</u>	Section <u>30</u> ,	T. <u>57</u>	N., R. <u>62</u>	W.
<u>NE4, NE2NW4, SW4, NW4SE4</u>	Section <u>31</u> ,	T. <u>57</u>	N., R. <u>62</u>	W.
<u>W2NW4</u>	Section <u>32</u> ,	T. <u>57</u>	N., R. <u>62</u>	W.
_____	Section _____,	T. _____	N., R. _____	W.
_____	Section _____,	T. _____	N., R. _____	W.
_____	Section _____,	T. _____	N., R. _____	W.
_____	Section _____,	T. _____	N., R. _____	W.

County of Crook.

I have examined the mining and reclamation plans, prepared by Tyler Tetrault, BPM, in compliance with the Wyoming ENVIRONMENTAL QUALITY ACT, and do hereby approve said plans, and give my consent to enter and carry out said mining and reclamation programs on said lands as proposed therein. I do hereby also grant unrestricted access to the mine site to the Department of Environmental Quality, Land Quality Division to enter and carry out mine inspections on said lands during normal business hours.

Dated this _____ day of _____, 20_____.

Surface Landowner (Signature)

Name (printed or typed)

Witness (Signature) (Date)

Witness Name (printed or typed)



Tyler Tetrault

From: Tyler Tetrault
Sent: Thursday, February 04, 2016 2:03 PM
To: 'Scott Ericsson'
Cc: 'ericsson@childselect.com'
Subject: RE: [EXTERNAL] Re: Surface Owner Form
Attachments: BPM - Response to mining and reclamation maps.docx

Scott,

Attached is the response to the questions you had with mining, reclamation, roads, reservoirs, etc. Please let me know if you feel something is not correct on the attachment. Thank you.

Tyler Tetrault
Bentonite Performance Minerals, LLC
554 US HWY 212
Belle Fourche, SD 57717
Office – 307-896-8532
Cell – 307-622-6932

From: Scott Ericsson [mailto:scottaericsson@gmail.com]
Sent: Thursday, February 04, 2016 1:17 PM
To: Tyler Tetrault
Subject: [EXTERNAL] Re: Surface Owner Form

Tyler:

The form did not come through to my email. Also you inadvertently send the emails to Roland not Ronald. Thanks, Scott

On Thu, Feb 4, 2016 at 10:14 AM, Tyler Tetrault <Tyler.Tetrault@halliburton.com> wrote:
I needed to send separate emails as the first one was too large.

From: Tyler Tetrault
Sent: Thursday, February 04, 2016 9:08 AM
To: 'Scott Ericsson'
Cc: Roland Ericsson
Subject: RE: FW: [EXTERNAL] Logging on BMP mining areas

Scott,

Attached is the revised reclamation map, as I did not change the mine map. Please review with the additional

ponds and permanent roads. As mentioned before, we will construct the other roads that are not on ACC's permit but DEQ does not want to see these roads on a map, as it is more contractor work and not mining related. Please complete the surface owner consent form that is attached and scan back to me or mail when you get a chance. I will follow this email up with the word document you sent earlier and answers to your questions so we have some documentation of what was discussed. Thank you and let me know if you have any questions.

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Sent: Wednesday, February 03, 2016 7:48 AM
To: Tyler Tetrault; Ronald Ericsson
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<Tyler.Tetrault@halliburton.com<mailto:Tyler.Tetrault@halliburton.com>> wrote:
Scott,

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From: Scott Ericsson [mailto:scottaericsson@gmail.com<mailto:scottaericsson@gmail.com>]
Sent: Tuesday, February 02, 2016 9:23 AM
To: Tyler Tetrault; Ronald Ericsson
Subject: Re: FW: [EXTERNAL] Logging on BMP mining areas

Tyler:

Attached are some questions and comments regarding the mining and reclamation maps. I will have to send the revised mining map separately due to size limitations on your server. When do you want to resume negotiations on the Amendment to Surface Use? Best, Scott

On Tue, Feb 2, 2016 at 10:18 AM, Scott Ericsson
<scottaericsson@gmail.com<mailto:scottaericsson@gmail.com>> wrote:
Tyler:

Attached are some questions and comments regarding the mining and reclamation maps. When do you want to

Tyler:

Scott:

We have reviewed the mining and reclamation maps and have the following questions and comments (see attached revised mining map):

Your map shows a spring being mined on the other side of the dam by the long reservoir (approximately lat 44.890169⁰ and lon -104.334118⁰) which we want left intact (thick black arrow indicates location). **As we discussed on the phone, BPM will mine through the spring area and reclaim a reservoir when completed. This reservoir will collect any water that spills from the current reservoir to the east and additional water from the spring.**

Your reclamation map shows one reservoir to be rebuilt, but will the other two reservoirs that you are mining right next to be rebuilt (circled with thick yellow lines)? **BPM will rebuild one reservoir, construct a new reservoir as discussed above. BPM will also increase the size of the reservoir in the northwest that is adjacent to mining and clean the large reservoir in the northeast area.**

Can areas that are to be reseeded be sloped such that it is possible to harvest the grass seed with a combine. **BPM will reclaim the sloped area at a 5:1 ratio and should still be able to harvest grass seed from the reclaimed area.**

We would like as many reservoirs that can be built. Can the mining pits be reclaimed as reservoirs? BPM will construct a new reservoir at the spring area. **BPM can also add new reservoirs once mining has commenced with the revision of a reclamation plan. This item will be discussed on the ground between the BPM and LC to determine new locations if applicable.**

The mining map shows a pit where the new haul road was constructed, does this necessitate that this road be moved? **BPM will have to temporary move the road that ACC installed in order to recover the bentonite beneath the road. Once mining has been completed in this area, BPM will move the road back to the original location.**

We would like most of the mining roads to be converted to two-track roads. New two track roads are indicated with thick red lines and a road to be removed shown with thick blue line. **BPM will reclaim mining roads to narrower roads for landowner access. BPM will also create new roads as agreed upon between BPM and LC. However, BPM cannot create new roads that are in ACC's permit that is south of BPM's permit. Construction of new roads that are not part of mining operations should be discussed with LC to agree upon correct locations for landowner accessibility. BPM will also reclaim the road identified in blue on the revised map.**

We would also like additional two-track roads to be built to access parts of the ranch that are not shown on the revised mining map. These areas of the ranch are in thick yellow circles on the below map. The smaller circle is a reservoir that needs to have road access. **The road areas listed below will have to cross ACC's reclaimed permit area and cannot be constructed by BPM due to ACC's reclamation liability.**

Thanks, Scott

Thanks, Tyler

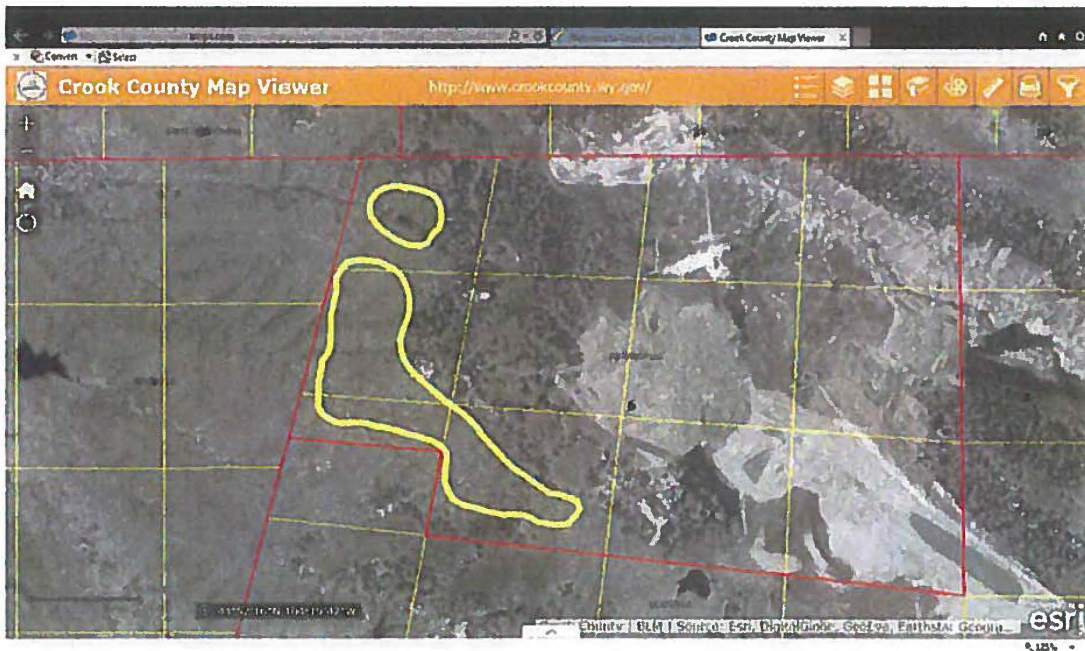


EXHIBIT D

Tyler Tetrault

From: Tyler Tetrault
Sent: Friday, February 05, 2016 10:38 AM
To: 'Scott Ericsson'
Cc: 'ericsson@childselect.com'
Subject: RE: [EXTERNAL] Re: Surface Owner Form

Scott,

The total disturbed acres for the mine plan and reclamation plan that I sent is 180 acres. Keep in mind that this would be the most acres we would disturb and actual disturbance is typically less. This is due to the fact that when we permit something, the proposed disturbance is the boundary in which we are permitted to disturb and therefore we tend to make it larger to avoid re-permitting an area because our proposed disturbance is too small. Also, this disturbance does not include the additional roads that LC would like built that are not associated with mining. In this permit application there are approximately 1,000,000 tons based upon current drilling results. As far as mining commencing in this amendment package, it could be anywhere from 3-6 years, which is dependent upon market demands. The same can be said for duration of mining which could take anywhere from 15-20 years to complete. We are planning on incorporating more of bentonite from this area into our current and future clay uses. I discussed the additional reservoirs with Joel and he believes that there is not enough drainage to make the additional reservoirs beneficial, as they would not catch enough runoff. However, reclamation plans can be revised later on to include reservoirs if we find additional water resources once mining has begun. Additionally, LQD will most likely be hesitant to approve reclamation plans that have 4 additional reservoirs on a map at the same time but if we sneak another pond in the future, we seem to have better success when revising the plans to add ponds. As far as the surface owner consent, this is what is required by DEQ in the permitting process before we can begin mining. However, we need to have an agreement in place between BPM and LC to mine the new area. The current agreement will expire before we will mine this area. When we begin the new agreement, we will include these lands in the new agreement once finalized. So in a sense we are going a little different route with the surface owner consent first but we are looking at getting permit process started while we continue with the surface agreement renewal. As I believe we agreed that the new agreement will start once the current one expires but we will continue discussions for language in the new agreement.

Thank you and please let me know if you have any questions.

Tyler Tetrault
Bentonite Performance Minerals, LLC
554 US HWY 212
Belle Fourche, SD 57717
Office – 307-896-8532
Cell – 307-622-6932

From: Scott Ericsson [mailto:scottaericsson@gmail.com]
Sent: Friday, February 05, 2016 9:23 AM
To: Tyler Tetrault; Ronald Ericsson
Subject: Re: [EXTERNAL] Re: Surface Owner Form

Tyler:

I talked to Ron and he would like to know the total number of acres that will be disturbed, the number of tons of bentonite that will be mined and the time frame (mining start and end dates). I have attached a revised

reclamation map with three additional ponds (illustrated by solid blue circles). See if you think this will work and whether there is adequate watershed to fill these ponds. Are we not putting the cart before the horse if we give surface landowners consent before we have agreed on the amended surface use agreement? Thanks, Scott

On Thu, Feb 4, 2016 at 3:02 PM, Tyler Tetrault <Tyler.Tetrault@halliburton.com> wrote:

Scott,

Attached is the response to the questions you had with mining, reclamation, roads, reservoirs, etc. Please let me know if you feel something is not correct on the attachment. Thank you.

Tyler Tetrault

Bentonite Performance Minerals, LLC

554 US HWY 212

Belle Fourche, SD 57717

Office – 307-896-8532

Cell – 307-622-6932

From: Scott Ericsson [<mailto:scottaericsson@gmail.com>]

Sent: Thursday, February 04, 2016 1:17 PM

To: Tyler Tetrault

Subject: [EXTERNAL] Re: Surface Owner Form

Tyler:

The form did not come through to my email. Also you inadvertently send the emails to Roland not Ronald. Thanks, Scott

EXHIBIT E

Tyler Tetrault

From: Tyler Tetrault
Sent: Tuesday, January 10, 2017 9:24 AM
To: 'Scott Ericsson'
Cc: ericsson@childselect.com; Joel Severin
Subject: RE: [EXTERNAL] LAND DISTURBED =2016
Attachments: 3 Year Dist.pdf

Scott,

Attached is a map that illustrates the areas we would disturb in the next 3 years. We will continue mining the pit sequences that are adjacent to the current pits that are on the 2015 aerial image map. We plan on mining 50,000 tons each year, which part would come from 2U Ranch and from Sextus. Please let me know if you have any questions the attached map. Thank you.

Tyler Tetrault

Associate Environmental Specialist

554 Us Hwy 212
Belle Fourche, SD 57717
Email: tyler.tetrault@halliburton.com
Office: +1 307-896-8532
Mobile: +1 307-622-6932

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From: Scott Ericsson [<mailto:scottaericsson@gmail.com>]
Sent: Monday, January 09, 2017 4:33 AM
To: Tyler Tetrault
Cc: ericsson@childselect.com; Joel Severin
Subject: Re: [EXTERNAL] LAND DISTURBED =2016

External Sender: Use caution with links/attachments.

Tyler:

