



Waitkus 2



The State of Wyoming

Department of Environmental Quality

Dave Freudenthal, Governor

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January 16, 2004

Mr. William Sansing
Mountain Cement Co.
5 Sand Creek Road
Laramie, WY 82070

**RE: TFN 4 3/119, Mine Sequence & Haul Road Revision,
Permit 298, Mountain Cement Company (MCC), Change No. 19**

Dear Mr. Sansing:

This letter serves as Land Quality Division (LQD) approval of the Mine Sequence and Haul Road Major Revision. This revision was processed as Change No. 19. The following special condition will be placed on LQD's approval of this major Revision.

1.0 Mountain Cement will submit and gain LQD approval of a mine plan revision for the Etchepare 7A pit prior to the start of mining. This mine plan revision will address the conflicting plan that is now approved for the Etchepare 7A pit. The plan should address the sediment control and drainage issues that have not been previously clarified.

This Major Revision was protested by Mr. Brian Waitkus. An informal meeting was held on January 7, 2004, where Mr. Waitkus withdrew his protest after MCC agreed to the following Stipulated Conditions to be placed on the 298 Permit.

2.0 MCC agrees that it will not mine within the area identified as "Area S-1" on the attached USGS quadrangle map. The foregoing restriction does not prohibit MCC from placing or stockpiling topsoil or overburden within Area S-1.

Area S-1 encompasses the area within the SW1/4SW1/4 of Section 30, T15N, R72W, Albany County, Wyoming, lying between the western section line of Section 30 and a line beginning at the SW corner of Section 30 and then extending northeast on a 45° angle to a point 200 feet from the western section line and the southern section line of Section 30, and then extending north from that point to a point located 200 feet east of the western section line of Section 30 along the northern most boundary line of the SW1/SW1/4.

3.0 MCC agrees to the following conditions for mining within "Area A" on the attached USGS quadrangle map, also described as the SW1/4SW1/4 of Section 30, T15N, R72W, Albany County, Wyoming, less Area S-1:

- (i) MCC agrees to notify Mr. Waitkus and LQD of its intent to mine within Area A no later than July 1, 2004;
- (ii) In the event that MCC elects to mine within Area A it agrees to file an amendment to Permit No. 298C-A5, as amended, to allow such mining activity no later than September 1, 2004;
- (iii) Any mining within Area A shall take place prior to commencing mining in the area identified as Etchepare 7B; and
- (iv) Upon MCC's (1) failure to notify of its intent to mine in Area A within the time provided above, (2) failure to apply for a permit amendment for Area A within the time provided above, or (3) commencing mining operations in Etchepare 7B, it agrees that its right to mine within Area A are forfeited and that it will not return at any time to mine Area A.

4.0 MCC agrees that it will not mine within the area identified as "Area S-2" on the attached USGS quadrangle map. The foregoing restriction does not prohibit MCC from placing or stockpiling topsoil or overburden within Area S-2.

Area S-2 encompasses an area 200 feet in width along the length of the northern most boundary line of NE1/4NE1/4 of Section 36, T15N, R73W, Albany County, Wyoming.

5.0 MCC agrees to the following conditions for mining within "Area C" on the attached USGS quadrangle map, also described as the NE1/4NE1/4 of Section 36, T15N, R73W, Albany County, Wyoming, less Area S-2:

- (i) In the event that MCC desires to mine limestone within Area C it agrees to notify Mr. Waitkus and LQD of its intent to mine within Area C no later than July 1, 2005;
- (ii) In the event that MCC desires to mine limestone within Area C it agrees to file an amendment to Permit No. 298C-A5, as amended, to allow such mining activity no later than September 1, 2005;
- (iii) Any mining within Area C shall take place prior to commencing mining in the area identified as Etchepare 7B; and

- (iv) *Upon MCC's (1) failure to notify of its intent to mine in Area C within the time provided above, (2) failure to apply for a permit amendment for Area C within the time provided above, or (3) commencing mining operations in Etchepare 7B, it agrees that its right to mine within Area C are forfeited and that it will not return at any time to mine Area C.*

Please contact Ramona Christensen at (307) 777-7053 to arrange for the pagination and inserting of the approved material.

If you have questions regarding this letter, please contact Bill Hogg at 307-777-7057.

Sincerely,



Richard A. Chancellor
Administrator
Land Quality Division

CC: Ramona Christensen
Brian Waitkus