

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

September 14, 2016

Capital Materials, LLC
ATTN: Chris Thiltgen
P.O. Box 104868
Jefferson City, MO 65110

Re: Capital Materials; LLC, 80-Acres; Site Transfer Permit Application; Creighton Quarry;
Sections 06, Township 43N, Range 28W; Henry County

Dear Mr. Thiltgen,

On June 1, 2016, the Missouri Department of Natural Resources, Land Reclamation Program received from Capital Materials, LLC, a site transfer permit application to mine limestone in Benton County, Missouri. As authorized by section 444.772.10(2) RSMo: "... comments may be made by any person with a direct, personal interest in one or more of the factors the director may consider in issuing a permit..." A public meeting was held on August 11, 2016, as part of the public notice process. Attachment I, which is part of this decision, is a record of public comments provided to the director as a result of the public notice permit application process.

Attachment I, along with the permit certificate, and this letter can be found on the web at:

<http://dnr.mo.gov/geology/lrp/meetingcommentsresponses.htm>.

A hard copy of Attachment I and permit certificate can also be requested by calling 573-751-4041.

The director may address environmental issues within the jurisdiction of the Department of Natural Resources such as air and water pollution concerns produced at the mine site.

The director does not have jurisdiction to address public concerns commonly raised during the review of an application for industrial mineral mining activity such as road traffic, road conditions, blasting, or noise created by the mining operation. The staff director shall consider any public comments in making a decision to issue or deny the permit as required at 444.773.1 RSMo.

Having reviewed and considered the administrative record related to the site transfer permit application, including public comments and compliance history, I have made a decision to **issue** the permit pursuant to Section 444.773 RSMo of the Land Reclamation Act with the **condition** that no mining can be conducted until Bogard Township Planning and Zoning has appropriately rezoned the land where the mine plan boundary resides. This condition is placed upon your

permit due to the interpretation of the legal right to mine, which includes having the land zoned appropriately. Once Bogard Township Planning and Zoning requirements have been met and sufficient documentation submitted to the Land Reclamation Program, you may request removal of this condition placed upon your permit.

This decision can be appealed to the Administrative Hearing Commission as provided by 621.250.3 RSMo: "If you were adversely affected by this decision, you may be entitled to pursue an appeal before the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission." The mailing address of the Administrative Hearing Commission is:

Administrative Hearing Commission
PO Box 1557
Jefferson City, MO 65102

Additional information about the Administrative Hearing Commission can be found on their web site at: <http://ahc.mo.gov/>.

If you have any questions concerning the content of this letter, please contact Ashley Harrison, of my staff, by telephone at 573-751-5977.

Sincerely,

LAND RECLAMATION PROGRAM



Carey Bridges, R.G.
Interim Staff Director

CB:ah:j

c: Laura Elsbury, AGO