



April 14, 2023

Keegan Brennan
Rieth-Riley Construction Co., Inc.
3626 Elkhart Road
P.O. Box 477
Goshen, IN 46527

Via Email

RE: Gravel Pit Located in Hayes Township, Charlevoix County, Michigan
Our File No. 1932.09

Dear Mr. Brennan:

In follow up to the meeting at Hayes Township on April 6, 2023, I have been asked by the Township Board to address this letter to you regarding some of the concerns expressed by residents at that meeting.

1. As it relates to Ms. Anderson and her concerns over damage to her home, it is our understanding that you have attempted to coordinate an inspection of her home to document the home's condition. You also expressed your willingness to address concerns over damage to any homeowner's property. The Township is appreciative of this position and would like to encourage Rieth Riley to further communicate this willingness to address these issues to the residents in the area.
2. As you will recall, the alleged time limit on the mining operations was a significant concern of the residents. The Consent Judgement does suggest an approximate timeframe for mining to be 30 years. It also provides that this is adjustable based on market conditions. However, a closer review of the court documents does reveal that the life span of the mining operation was of significant concern to the intervenors back in 1989. We are currently in year 35 of the mining operation pursuant to the consent judgment. Rieth Riley indicated that the amount of material estimated to still be on site suggested that the mine could be viable for another 36 years. The Township does not believe that a 71-year life span for this operation was contemplated by anyone in 1989 when the consent judgement was approved by the intervenors. The Township would like to see this time period significantly shortened. If we cannot come to an understanding on a shortened time frame, the Township Board may decide to pursue an amendment to the consent judgement to limit the life span of the project.
3. Traffic safety, dust and silica is also a concern. It is important to convey to the residents that OSHA does have requirements to protect Rieth Riley employees as it relates to Silica. I don't think that was discussed at the meeting. Rules regarding tarping of trucks was

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discussed. I am also aware that Kim Fary has already complained about trucks not being tarped. Rieth Riley responded to that concern. I have not heard any concerns about safety and I know it is Rieth Riley's desire to have mining completed before the busy traffic season starts. However, it might also do some good to educate the residents on the rules as it relates to trucking of materials from the pit to the processing facility.

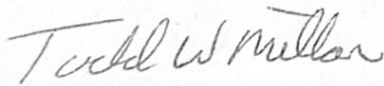
4. Ron Vanzee will be following up with Jim regarding the requested permits if he has not already done so.
5. It is the Township Board's recommendation that we include a representative of the intervenors in any future inspection of the site by Mr. Bauer or other expert.
6. Residents expressed their potential desire to purchase the pit when mining is complete and reclamation has occurred. The Township would encourage Rieth Riley to consider giving residents the first opportunity to purchase the property when Rieth Riley is finished.

As it relates to communicating with nearby residents, the Township can provide Rieth Riley with mailing addresses of all property owners within a certain distance from the pit. For example, the Township must give notice to property owners within 300 feet of a parcel of property that is the subject of a public hearing. A similar list of properties within 300 or more feet of this pit could be provided to Rieth Riley. A letter to these property owners might go a long way to helping with communication. It would also be suggested that Rieth Riley provide in this letter a name and telephone number of who to call if issues need to be addressed.

I thank you for your attention to this matter. Please do not hesitate to contact me with any question you might have.

Very truly yours,

PARKER HARVEY PLC



Todd W. Millar

TWM:jls

cc: Ron VanZee (Via Email)