



December 8, 2003

Mr. Chris Johnson  
Chief Surface Mine Reclamation Geologist  
Washington State Dept of Natural Resources  
1111 Washington St SE  
Olympia WA 98504-7007

RE: Inspection Report / Notice of Corrections for SMP #70-012438 ("Proctor Creek Pit")

Dear Mr. Johnson,

I am in receipt of the Inspection Report and Notice of Correction prepared by Ms. Carol Serdar dated October 13, 2003 for the surface mine mentioned above. After reviewing the letter and speaking with Hos Brothers Construction (the current owner of the surface mine), and Rinker has consulted its legal counsel, we have the following response to the SM-7B provided.

Item 1: Staking of mining limit setbacks, and submit a sketch showing stake locations. Rinker acknowledges this requirement per the current plan, and will complete by the date requested.

Item 2: Submit a revised reclamation plan with all the inclusions mentioned. Hos Brothers requests an extension on this item until June 30, 2004. The extension is requested to coincide with the transfer of ownership of the property, per the purchase option of the Lease Agreement between Hos Brothers and Rinker Materials. At this time, Hos Brothers will need to transfer the permits to Rinker, and provide the updates outlined in the SM-7B. It is therefore our desire to process the two updates at the same time, rather than update the plan, and the later transfer the plan.

We hope you will see the logic in delaying the revisions to the reclamation plan until the date requested. If not, please let us know a date that will work, and yet provide us enough time to complete the work requested.

Respectfully,

Warren Hawkrige  
Aggregate Division Manager  
Rinker Materials

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C: Mr. John Caunt – Hos Brothers Construction