

Hull & associates, inc.

January 12, 2010

Mr. Robert C. Kailer Jr., P.E, P.S.
Cuyahoga County Engineer
2100 Superior Viaduct
Cleveland, Ohio 44113

RE: Communication Documentation Regarding Road Use for Industrial Surface Mining Activities
for Property Along Bradley Road in Cleveland; TY1002.600.0014.DOC

Dear Mr. Kailer:

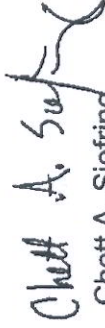
TY, Inc. (TY) is in the process of submitting a Surface Industrial Mining Permit Application (Application) to the Ohio Department of Natural Resources Division of Mineral Resources Management (ODNR). The proposed surface mine is to be located at 4300 Bradley Road in the City of Cleveland, Cuyahoga County, Ohio (Site). As part of the Application process, TY is required to provide a "statement certifying that they have communicated with the county engineer regarding roads within the county engineer's jurisdiction that will be used by vehicles entering or leaving the proposed surface mining site".

On October 30, 2009 Chett Siefing of Hull and Associates, Inc. (Hull), acting on behalf of TY, contacted your office regarding roads within your jurisdiction that may be used by vehicles entering or leaving the proposed Site as related to the proposed mining activities. Mr. Siefing spoke with Marty Salzman in your office and communicated that on-road trucks would be used for the mining operations; the trucks would likely travel to and from the Site on a combination of Bradely Road, Jennings Road and Jennings Freeway; and that the trucks would adhere to gross load limits when loaded. Mr. Salzman did not identify any concerns with the propose use of the roads.

This letter is to document that TY has contacted your office regarding roads within your jurisdiction that will be used by vehicles entering or leaving the proposed Site as part of surface mining activities.

Please call Shawn McGee in our Bedford office at (440) 232-9945 with any questions or comments that you may have related to the proposed road use.

Sincerely,


Chett A. Siefing
Engineer II



Shawn D. McGee, P.E.
Project Manager

cc: Tom Simich, TY Inc.