

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



March 7, 2014

Walter Brown
Brown & Wills, LLP
801 Colorado Avenue
Glenwood Springs, CO 81601

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

RE: White Banks Mine, Permit No. M-1999-042, Notice of Board Hearing on Extension Request

Mr. Brown:

On February 28, 2014, the Division of Reclamation, Mining and Safety (Division) received a copy of your correspondence requesting that the Mined Land Reclamation Board (Board) allow you until May 1, 2014, to comply with the conditions of the January 2014 Board Order that required you to submit additional financial warranty in the amount of \$26,402.00 by March 3, 2014. Your request has been scheduled for consideration by the Board at the March 26-27, 2014 Board meeting. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on March 26, 2014, or as soon thereafter as the matter can be considered. At the hearing you will have the opportunity to present your request.

This is an important legal proceeding and you must appear in person for this hearing. Failure to appear at the hearing may result in legal consequences including, but not limited to, loss of party status and your ability to seek reconsideration from the Board or seek judicial appeal in district court.

Since the Division did not receive the required financial warranty increase by the March 3, 2014 deadline, the Division believes this is a violation pursuant to C.R.S. 34-32.5-124 of the *Colorado Land Reclamation Act for the Extraction of Construction Materials* (Act) due to the operator's failure to comply with the conditions of a Board Order, and has reason to believe that a violation exists. The Division has scheduled an enforcement hearing regarding the potential violation before the Board during the May 21-22, 2014 Board meeting. Notice of the enforcement hearing has been sent under separate cover.

If, at the March 2014 meeting, the Board approves your request for extension, and the required financial warranty increase is received and approved by the Division by the May 1, 2014 deadline, the Division will withdraw the enforcement item from the May 2014 Board agenda. However, if the Board denies your request, the Division will proceed with the enforcement hearing on May 21, 2014, including seeking possible civil penalties, a cease and desist order, and a request to find the permit is subject to revocation and current bond forfeiture.

The Division will support your request for extension before the Board if, as a condition of the extension, you consent to a hearing on May 21, 2014, before the Board in the event the additional financial warranty is not submitted to and approved by the Division on or before May 1, 2014. Please confirm in writing whether you agree to the above condition on or before March 21, 2014.

White Banks Mine

March 7, 2014

Page 2

If you have any questions or need assistance prior to this meeting, please contact me.

Sincerely,



Dustin Czaplak

Environmental Protection Specialist

Department of Natural Resources

Division of Reclamation, Mining and Safety

101 South 3rd, Suite 301

Grand Junction, CO 81501

Phone: (970) 243-6299

Fax: (970) 241-1516

Cc:

Avalanche Creek Marble and Alabaster, LLC

Thomas Swint

P.O. Box 277

Palatine, IL 60078

Robert Congdon

Elbram Stone, LLC

801 Colorado Avenue

Glenwood Springs, CO 81601