



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

July 2, 2018

Ben Hendrix
Progressive Agriculture Management, LLC
P.O. Box 445
Wray, CO 80758

**RE: Bennett Pit, File No. M-2007-021, Division Response to “Is It Mining?”
Questionnaire**

Dear Mr. Hendrix,

On February 12, 2018, the Division of Reclamation, Mining and Safety (Division) received information for an “Is It Mining” questionnaire regarding the Bennett Pit, File No. M-2007-021. Progressive Agriculture Management, LLC has informed the Division they own the property on which the Bennett Pit is situated and have inquired if the extraction of gravel can continue at the Bennett Pit without a Reclamation Permit, provided the material is utilized on properties under their ownership.

The Bennett Pit has been issued a Reclamation Permit and is subject to the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials. All reclamation responsibility remains with the current Permittee, Mr. Mike Bennett, until such time as reclamation of the site has been completed and the Division has approved a request for release from further reclamation liability. Progressive Agriculture Management can assume responsibility of the site by submitting a Succession of Operators application to transfer the Reclamation Permit. The continued mining of gravel from the Bennett Pit and transport of material to properties owned by Progressive Agriculture Management will require a Reclamation Permit.

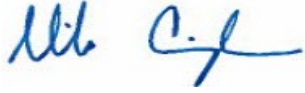
If you disagree with this decision, you may petition to appear before the Board during a formal public hearing for a Declaratory Order concerning this matter. Pursuant to Rule 2.5.2(1), the request must be submitted to the Board in writing and be received no later than 10 days prior to the hearing. The written request must contain the information required pursuant to Rule 2.5.2(2) (copy enclosed). The next available Board hearing will be held on July 25, 2018. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203. Please be advised the Division will oppose a Declaratory Order request for this proposed operation on the above stated reasons and other facts it may bring forth in testimony before the Board if necessary.



Mr. Hendrix
Page 2
July 2, 2018

If you have questions please contact me at (303) 866-3567 ext. 8116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike C.", is positioned above the printed name.

Michael A. Cunningham
Environmental Protection Specialist

CC: Russ Means, DRMS
Eric Scott, DRMS
Mike Bennett