

Abbott Ranch

Cevey and Ashley Pennington

35205 Comanche Creek Road

Kiowa, CO 80117

February 12, 2025

RE: Consideration of Construction Materials Reclamation Permit Surety Release Request

This letter is in response to the afore mention release request by The Denver Brick Company in re, the Bijou Mine # M1997007. The Denver Brick Company should not be released from their fiscal responsibility for the surety bond for the following reasons: to wit.

1, The reclamation initiated by the Denver Brick Company or their contractors/representatives was executed poorly. Specifically.

a). The ground preparation was conducted during a period of drought (can be validated by the National Weather Service record). With no follow up as to the progress of the said ground preparation.

B. As per your agency's and guidelines as outlined by the Natural Resource Conservation Service, a division of the USDA, native grasses are supposed to be integrated with an appropriate cover crop in reclamation efforts, The Denver Brick Company instead planted wheat, which is not a recognized cover drop, and of which also injects a toxin into the ground, thus inhibiting any other plant growth . This is a cheap and inappropriate solution. Buffalo grass, Gramma grass and/or a combination of both should have been utilized with a cover crop. Consequently this portion of the supposed reclamation effort failed.

c). Erosion mitigation efforts that were executed have completely failed. There are numerous deep washout ruts in the roads leading to and around the mine, consequently any equipment has to go around the washouts and onto the defunct reclamation grassed area, further degrading the effort to establish reclamation roots in seeded areas.

D)/ Because of the failure to reclaim the area with native grasses, the area has reverted to a breeding ground for noxious weeds, specifically; Scotch thistles, Prairie poppy, Canadian Thistle and Mullen, among others. These noxious weeds do not contribute to the natural environment and in fact deprive native wildlife, (Mule deer, Pronghorn, Prairie Dogs and other animals of their natural food source,

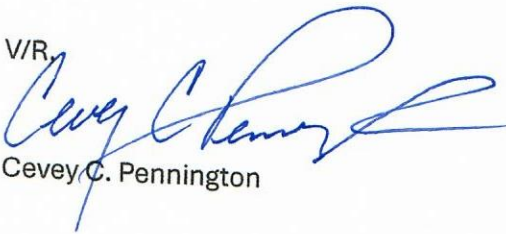
e). The catch basin pond erected initially was washed out in the spring floods of 2023 and was never addressed, this further deprived native wildlife of a vital source of water since there are no natural streams or any water source from which they can derive nourishment.

2. The fencing around the property was poorly executed when established. The fence is washed out in several areas, the use of existing and deteriorated wire was used, the gates were not made to any level of ranching standard (square [posts used for a gate post]), the electrical fence was not properly installed and has never worked,

The company has been out and made some cosmetic improvements to the erosion issues, but did not address them all. Essentially, they put a band aid on the problems. The ruts re-established themselves with the next rain after being filled in,

The Colorado Division of Reclamation, Mining and Safety should send an inspection team or representative to the property to see the reclamation efforts, or lack thereof, firsthand,

V/R,



Cevey C. Pennington