

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

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John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

July 15, 2013

Ms. Pamela Wedige
First Bentonite Company Colorado
215 Teller St.
Salida, CO 81201

**RE: LBC Bentonite Pit; DRMS File No. M-1977-231;
Annual Report Discrepancies**

Dear Ms. Wedige:

On July 9, 2013 the Division of Reclamation, Mining and Safety (Division) received your 2013 Annual Report. The following discrepancies were noted:

- I. Item 6 – The report indicates LBC Bentonite Pit has been granted approval for intermittent operation.

Discrepancy – Pursuant to C.R.S. § 34-32.5-103(11)(b); Rule 1.13.5(1) and the Division's February 28, 2013 letter, "Review of Current Permit Status Regarding Temporary Cessation"; Operators must apply for IS in a permit, amendment, or technical revision. The Division has been unable to find a statement that the affected lands are to be used for less than one hundred eighty days per year in the permit files.

Action Required – **Please provide the Division with one of the following:**

- a. Previously submitted Documentation including a statement that the affected lands are to be used for less than one hundred eighty days per year, or
 - b. A technical revision requesting intermittent status along with the \$216 fee (a form is attached for your convenience), or
 - c. A corrected Annual report claiming not to be in intermittent status.
- II. Item 7 – Number of acres currently affected (mining + incomplete and/or unreleased reclamation): 1
- III. Item 12 – Total acres in various stages of reclamation since permitted mining activities began:
- a. Total acres backfilled: 3.
 - b. Total acres seeded w/ approved mix: 3.
 - c. Total acres w/ topsoil replaced: 2.

Discrepancy – the number of acres currently affected includes mined areas and incomplete and/or unreleased reclamation. The Division has no record of a request for acreage release for this permit that would remove the 3 acres listed in Item 12 from the permit area.

Action Required – The 3 acres should be included in the total for Item 7. Please **submit a corrected annual report by August 15, 2013.**

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, reading "Timothy A. Cazier". The signature is fluid and cursive, with the first name being the most prominent.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

Enclosure

cc: Tom Kaldenbach, DRMS (w/o enclosure)
DRMS file (w/o enclosure)