



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

April 16, 2014

Randy Robins  
Robins Construction, LLLP  
P.O. Box 212  
Antonito, CO 81120

**RE: Reason to Believe a Violation Exists and Notice of Board Hearing,  
Robins Rock Pit, Permit No. M-2009-053**

Dear Mr. Robins:

On November 20, 2013, the Division of Reclamation, Mining and Safety (Division) conducted an inspection of the Robins Rock Pit, Permit No. M-2009-053, and nearby lands. A copy of the Division's inspection report, generated from the November 20, 2013 inspection, was previously forwarded to you on April 3, 2014. As described in the inspection report, during the inspection the Division found the mine operation had affected approximately four acres area outside of the approved permit boundary.

The Division believes this is a violation of the conditions of your permit and of the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 et seq., and specifically section 34-32.5-109(1) C.R.S., for failure to first obtain a reclamation permit prior to engaging in a new operation. Therefore, the Division has found reason to believe a violation exists to the Law and has scheduled this matter before the Mined Land Reclamation Board (Board).

A Formal Board Hearing will be held during the May 21 - 22, 2014, Board meeting for consideration of these possible violations. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on May 21 - 22, 2014, or as soon thereafter as the matter can be considered. At the hearing you will have the opportunity to present your defense.

**This is an important legal proceeding and you must appear in person for this hearing. If you fail to appear an order and money judgment may be entered against you. In addition, 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.**



If the Board finds a violation of section 34-32.5-109(1) C.R.S., for failure to first obtain a reclamation permit prior to engaging in a new operation, it may issue a Cease and Desist Order and assess a Civil Penalty in the amount of \$1,000.00 to \$5,000.00 for each day of violation. If you have evidence indicating the possible violations noted above do not exist or have been corrected, please provide it to the Division as soon as possible or bring it to the hearing.

All parties have an opportunity to review and comment on a draft of the Board's order before it becomes final. If you wish to do so, you must provide the Board with a written request to review the draft order prior to or at the time of your hearing, or you must inform the Board orally during the hearing your request to review the draft order. The Board's attorney must receive your comments on the draft order within three calendar days of the date the draft order is e-mailed, unless that deadline is extended by the Board's attorney. Submit all comments in writing, by e-mail or fax, to Mr. John Roberts, [jj.roberts@state.co.us](mailto:jj.roberts@state.co.us), Fax: 720-508-6037.

Please note the Division has requested and will be allowed to review and comment on the draft Board Order.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Division's office in Denver, phone (303) 866-3567, extension 8136, on May 19, 2014, to confirm the specific date for your hearing.

If you have any questions about this letter or the hearing, please contact Wally Erickson at (970) 247-5469.

Sincerely,



Virginia Brannon  
Division Director

CERTIFIED MAIL NO. 7012 3460 0000 6384 5610  
Return Receipt Requested

cc: John Roberts, Esq., AGO for the Board  
Julie Murphy, Esq., AGO for the Division  
Tony Waldron, Division Minerals Program Supervisor  
Russ Means, Division Senior Environmental Protection Specialist  
Wally Erickson, Division Environmental Protection Specialist