



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

September 25, 2014

James Ross
James H and Kathleen H Ross
5529 Highway 394
Craig, CO 81625

**RE: ROSS PIT (PERMIT #M-1990-134)
NOTICE OF VIOLATION, MV-2014-034, CIVIL PENALTIES, AND CEASE AND DESIST
ORDER**

Dear Mr. Ross:

C.R.S. 34-32.5-116(3)(a) and (b), 1989 Supp., and Permit No. M-1990-134 require you to submit to the Division of Reclamation, Mining and Safety (the "Division") \$323.00 in annual fees and an annual report on or before April 10 of each year. As of the date of this letter the Division has not received your 2014 annual fee and report for April 10, 2014. Therefore, you are in violation of the above cited statute and the provisions of Permit M-1990-134. Pursuant to C.R.S. 34-32.5-124, the Mined Land Reclamation Board hereby assesses Notice of Violation MV-2014-034, Civil Penalties in the amount of \$323.00, and Order to Cease and Desist from ALL mining related activities associated with Permit No. M-1990-134.

NOTE: NO PERMITS FOR NEW MINING OPERATIONS SHALL BE GRANTED TO ANY OPERATOR WHO IS CURRENTLY FOUND TO BE IN VIOLATION IN THIS STATE (C.R.S. 34-32.5-120) UNTIL THE VIOLATION IS ABATED. The Annual Report and Fee requirement will be considered submitted when we have received the following components:

1. **APPROPRIATE 2014 ANNUAL FEE (\$323.00)**
2. **COMPLETED 2014 REPORT**
3. **ASSOCIATED 2014 MAP**
4. **ASSESSED CIVIL PENALTY (\$323.00)**

If you fail to comply with the above requirements, the Board Meeting for consideration of permit revocation and forfeiture of the following warranty(ies) will be held on October 29, 2014 (or the following day), in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. or as soon thereafter as the matter can be considered.

<u>Bond Type(s)</u>	<u>Bond Number(s)</u>	<u>Bond Amount(s)</u>
CD	018203737	\$7,040.00
CD	874850605	\$5,000.00



You will have the opportunity to be represented and heard.

If you submit all past due annual fees, reports, and the Civil Penalties by Monday, October 27, 2014, this matter will be withdrawn from Board consideration.

IN ORDER TO AVOID PERMIT REVOCATION, PLEASE SUBMIT \$323.00 FOR 2014 ANNUAL FEES DUE AND \$323.00 FOR CIVIL PENALTIES ASSESSED (FOR A TOTAL OF \$646.00) AND YOUR 2014 ANNUAL REPORT AND MAP BY October 27, 2014.

Following 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 that you request to review the draft Order. You must include your mailing address and, if possible, a fax number. You will be provided a copy of the draft Order for your review as soon as it is available. The Board must receive your comments on the draft Order within ten (10) calendar days of the date the draft Order is mailed, unless that deadline is extended. Please note that the Division of Reclamation, Mining and Safety has requested and will be allowed to review and comment on the draft Board Order prior to mailing to any party. Please submit all comments in writing to: Mr. John Roberts, Colorado Department of Law, Business and Licensing Section, Ralph L. Carr Colorado Judicial Center 1300 Broadway, 8th Floor Denver, Colorado 80203, telephone no. 720-508-6434, fax no. 720-508-6037 or jj.roberts@state.co.us. The Board will resolve any issues regarding the form of the Order. This process does not affect your right to request reconsideration by the Board or appeal the substance of the Order.

Please contact the Board Secretary, Johnie Abad at (303) 866-3567 ext. 8136 by Monday, October 27, 2014 to confirm which day your item will appear before the Board.

If you have any questions about this letter or the hearing, please contact Michelle Ramirez at (303) 866-3567 ext. 8114 or you may also contact Russ Means at (970) 241-1117 or russ.means@state.co.us.

Sincerely,



Virginia Brannon
Division Director

USPS CERTIFIED MAIL 7012 3460 0000 6385 0225
Return Receipt Requested

cc: Stephanie Mitchell, DFO
Russ Means, GJFO
Tony Waldron, DRMS