

To: Colorado Division of Reclamation Mining & Safety

Name: Tom Kaldenbach

#: 1-303-832-8106

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NOV 18 2014

DIVISION OF RECLAMATION  
MINING AND SAFETY

From: Kendra Schlachter

Holyoke Gun Club

# 1-970-854-5802

Message: Tom, here is the signed consent agenda  
Thanks for your help.

**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

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**DIVISION OF RECLAMATION  
MINING AND SAFETY**

**STAFF SUMMARY FORM FOR  
CONSENT AGENDA ITEMS**

<b>Date</b>	October 24, 2014	<b>Operator</b>	Holyoke Gun Club
<b>Permit No.</b>	M-1977-075	<b>Site Name</b>	Holyoke Gun Club Pit
<b>Specialist</b>	Elliott Russell	<b>Objecting Party</b>	N/A
<b>Permit Type</b>	110c	<b>Permit Acreage</b>	7.0

**Action:**

<b>Action</b>	<b>Check</b>
Permit application with objections	
Violation	<b>X</b>
Extension of Board-ordered deadline	
Other (specify).	

**Resolution:*****NATURE OF VIOLATION:***

This item is in regard to a Notice of a Possible Violation, corrective actions, a Cease-and-Desist Order, and civil penalties for a possible violation C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

***CHRONOLOGY:***

July 5, 2013- The Division of Reclamation, Mining and Safety (Division/DRMS) approved the Conversion Application (CN-01) submitted April 4, 2013.

July 5, 2014- The Operator's last day to post the additional financial warranty, in the amount of \$35,522.89, for the Division to finalize the Conversion Application approval.

September 15, 2014 - The Division conducted a normal monitoring inspection of the site. The Division cited a possible violation for a mining disturbance, approximately 1.45 acres in size, outside of the approved permit boundaries.

October 17, 2014 - The Division sent the operator a copy of the inspection report and a Reason To Believe letter for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.



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**REASON FOR VIOLATION:**

The Operator failed to protect areas outside of the affected land from slides or damages occurring during the mining operation as required by C.R.S. 34-32.5-116(4)(i).

**STAFF RECOMMENDATION:**

**Violation:**

Find a violation of C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

**Cease and Desist Order:**

Issue a Cease-and-Desist Order, in accordance with C.R.S. 34-32.5-124(2), prohibiting any further activity on affected lands, with the exception of environmental maintenance, reclamation, or corrective actions, until the interim financial warranty is submitted and approved. The Cease-and-Desist Order shall remain in effect on lands affected outside the approved 110c permit boundary, with the exception of environmental maintenance, reclamation, or corrective actions, until violations have been resolved to the satisfaction of the Division and the MLRB.

**Corrective Action(s):**

Require the Operator to submit an interim financial warranty of \$18,625.00 within 30 days of the mailing date of the Board Order to cover all existing disturbances (based on \$2,500.00 per acre excluding the current \$2,500.00 financial warranty held).

Require the Operator, after re-notifying the public and adjacent landowners, to request that the Board reaffirm the Division's original approval of the conversion application (CN-01) during the February 2015 Board Meeting.

**Civil Penalty:**

For a violation of C.R.S. 34-32.5-116(4)(i), a Civil Penalty may be assessed at a rate of \$100.00 to \$1,000.00 for each day of violation. In this case, there are 65 days of violation from date of the inspection (September 15, 2014) to the November 19, 2014 Board Meeting; the Board may assess a civil penalty of \$6,500.00 to \$65,000.00.

The Board will assess a civil penalty of \$100.00 per day of violation for 65 days, for a civil penalty amount of \$6,500.00 with all but \$500.00 suspended if the Operator complies with the corrective action.

Payment of the un-suspended portion (\$500.00) of the civil penalties is due within 30 days of the mailing date of the Board Order, unless otherwise specified by the Board in the Board Order. Where corrective actions are not completed by the Board Ordered Corrective Action date stated in the Board Order, the suspended civil penalties (\$6,000.00) are due in full within 30 days of the deadline for Board Ordered corrective actions.

(Failure to submit any portion of the civil penalties by the dates specified in the Board Order shall result in immediate submittal of such penalties to State collections.)

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**Operator(s) Signature:**

By signing this, the Operator agrees to the stated violation and will comply with the Corrective Action(s) and Civil Penalty outlined above on the Staff Summary Form for Consent Agenda Items.

*Vanda Schuchter* 11-18-14  
Operator Signature Date

*Alexandra C. Brunken*  
Notary Public

My Commission expires: 4/30/2016

