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COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

✓ May 26, 2015

TO: Todd Haynes  
12696 6450 Road  
Montrose, CO 81401

**RE: Todd Haynes Unpermitted Mining Operation, File No. M-2015-024,**  
✓ **Reason to Believe a Violation Exists and Notice of Board Hearing**

Dear Mr. Haynes:

On May 19, 2015 the Division of Reclamation, Mining and Safety (Division) conducted an inspection of your property located in Ouray County, in the Northwest Quarter of Section 8, Township 46 North, Range 9 West, New Mexico Principal Meridian (Please see attached inspection report). Based on the findings of the inspection we believe the observed activities are in violation of:

- C.R.S. 34-32.5-109(1) for failure to obtain a Mined Land Reclamation Board Reclamation Permit prior to engaging in a new mining operation.

Therefore, the Division has reason to believe that a violation exists to the Mined Land Reclamation Act, C.R.S. 34-32.5-101 *et seq.*, and have scheduled this matter to appear before the Mined Land Reclamation Board (Board).

A Formal Public Hearing will be held during the July 29-30, 2015 Board meeting for consideration of this possible violation. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on July 29, 2015 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 at this hearing, it may issue a Cease and Desist Order and/or assess a Civil Penalty in the amount of one thousand (\$1,000) to five thousand (\$5,000) for each day of violation pursuant C.R.S. 34-32.5-123 (1) and (2). If you have evidence indicating that the possible violations



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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 that you 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 that 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 Board's Secretary, Johnie Abad, at (303) 866-3567 ext. 8136, on July 27, 2015 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Dustin Czapla at (970) 243-6299.

Sincerely,



Virginia Brannon  
Division Director

CERTIFIED MAIL NO. 7012 3460 0000 6385 3677  
Return Receipt Requested

cc: Tony Waldron, DRMS Denver  
Russ Means, DRMS GJFO  
Dustin Czapla, DRMS GJFO

## **OBSERVATIONS**

This was an inspection of an unpermitted mining operation. Todd Haynes, landowner and operator, was present during the inspection. Photographs are included with this report in order to illustrate the conditions observed.

The site is located in Ouray County in the Northwest Quarter of Section 8, Township 46 North, Range 9 West, New Mexico Principal Meridian (38.252973°, -107.887497°), approximately 8 miles southwest of Colona, and accessed from Mariposa Drive off of Government Springs Road.

The operation removes surplus sandstone boulders from Mr. Haynes property that are generated during land improvement projects on the property. The boulders are used for projects on the property, but also for off-site construction projects, such as the Montrose River Park.

Approximately one acre, on the east side of the gymnasium facility, is currently disturbed by the operation. No imminent hazards, erosion or stability concerns were noted during the inspection.

Responses to this inspection report should be directed to Dustin Czapla at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 South 3<sup>rd</sup> Street, Room 301, Grand Junction, Colorado 81501, phone number (970) 243-6299.

### GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>PV</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(SB) COMPLETE INSP---- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

### Inspection Contact Address

Todd Haynes  
12696 6450 Road  
Montrose, CO 81401

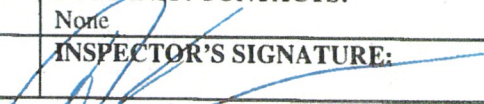




**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY**  
**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Todd Haynes Unpermitted Operation	<b>FILE #:</b> M-2015-024	<b>MINERAL:</b> Sandstone	<b>COUNTY:</b> Ouray
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Dustin Czapla, Lucas West	<b>INSP. DATE:</b> May 19, 2015	<b>INSP. TIME:</b> 11:00
<b>OPERATOR:</b> Todd Haynes	<b>OPERATOR REPRESENTATIVE:</b> Todd Haynes	<b>TYPE OF OPERATION:</b> ILL - Illegal	

<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> None
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Raining	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 22, 2015

**The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.**

**INSPECTION TOPIC:** Availability Of Records

**POSSIBLE VIOLATION:** Failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by 34-32.5-109(1) C.R.S.

**CORRECTIVE ACTIONS:** This possible violation will require a hearing before the Mined Land Reclamation Board. The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the operator.



**PHOTOGRAPHS**

