



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

April 18, 2016

Peter Babin  
Calx Minerals, LLC  
5501 Lakeshore Drive  
Littleton, CO 80123-1544

1313 Sherman Street, Room 215  
Denver, CO 80203

**RE: Reason to Believe a Violation Exists and Notice of Board Hearing; Mid- Continent LST;  
Permit No. M-1982-121**

Mr. Babin:

On November 19, 2015 the Division of Reclamation, Mining and Safety (Division) mailed notice to Calx Minerals, LLC requiring a financial warranty increase in the amount of \$49,583 for a total bond amount of \$172,376 to be submitted within sixty days for the above noted operation. An objection and extension request was received. The letter dated March 3, 2016 granted a one-time 30-day extension. To date, the required additional financial warranty has not been submitted to the Division and we believe this is a violation of:

- C.R.S. 34-32.5-117(4)(c)(ii) a financial warrantor shall have sixty days after the date of notice of any adjustments to fulfill the new requirements.

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.

A Formal Public Hearing will be held during the May 25-26, 2016 Board Meeting for consideration of these possible violations. The hearing will be held in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. on May 25-26 2016 or as soon thereafter as the matter can be considered. At that 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 financial 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 \$100.00 to \$1,000.00 for each day of violation pursuant to C.R.S. 34-32.5-124(7). If you have evidence indicating that 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 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 to John J. Roberts, First Assistant Attorney General, Colorado Department of Law, by fax at (720) 508-6037, or by email at [John.Roberts@coag.gov](mailto:John.Roberts@coag.gov).

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 by telephone at (303) 866-3567, ext. 8136 or by email at [johnie.A.Abad@state.co.us](mailto:johnie.A.Abad@state.co.us) on Monday, May 23, 2016 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Amy Yeldell at (303) 866-3567, extension 8183.

Sincerely,



Virginia Brannon  
Division Director

CERTIFIED MAIL NO. 7014 0150 0000 9138 8212  
Return Receipt Requested

cc: Tony Waldron, DRMS  
Russ Means, DRMS  
Jeff Fugate, AGO  
Amy Yeldell, DRMS