



COLORADO

Division of Reclamation,
Mining and Safety

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

July 29, 2016

Marcy Brossman
Cheyenne County
P.O. Box 567
Cheyenne Wells, CO 80810

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing
Munsch Pit (Permit No. M-2000-018)**

Dear Ms. Brossman:

On June 29, 2016, the Division of Reclamation, Mining, and Safety (Division) conducted an inspection of the Munsch Pit (Permit No. M-2000-018) and nearby lands (please see the attached inspection report). During the inspection the Division observed that Ladder Creek had breached into the pit and lands located outside of the approved permit boundary have been affected. Based on the findings of the inspection report, the Division believes this is a violation pursuant to:

- C.R.S. 34-32.5-116(4)(h) for failure to minimize disturbance to the prevailing hydrologic balance; and
- 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.

Therefore, the Division has reason to believe a violation exists to the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 *et seq.*, and has scheduled this matter to appear before the Mined Land Reclamation Board.

A Formal Board Hearing will be held during the September 28-29, 2016 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 September 28th 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 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). In addition, the Board may order the permit to be suspended, modified, or revoked, pursuant to C.R.S. 34-32.5-124(6)(a). 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 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 John J. Roberts, First Assistant Attorney General, Colorado Department of Law, (720) 508-6037 (fax), or 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 Secretary, Johnie Abad, at (303) 866-3567 ext. 8136, or Johnie.A.Abad@state.co.us on September 26, 2016 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Elliott Russell at (303) 866-3567, ext. 8132, or Elliott.Russell@state.co.us.

Sincerely,



Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7014 2120 0001 7871 1011
Return Receipt Requested

Enclosure: DRMS June 29, 2016 Inspection Report, signed August 1, 2016

cc: Tony Waldron, DRMS
Wally Erickson, DRMS
Elliott Russell, DRMS
Jeff Fugate, AGO for DRMS