



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

January 23, 2017

Daniel Robinson  
Robinson Sons Inc  
1228 East 7<sup>th</sup> Street  
Trinidad, CO 81082

**RE: Reason to Believe a Violation Exists and Notice of Board Hearing,  
Robinson Sons Gravel Pit No. 1, Permit No. M-2008-076**

Mr. Robinson:

On November 23, 2016, the Division of Reclamation, Mining and Safety (Division) conducted an inspection of your operation and nearby lands (inspection report mailed separately) and found the following:

The operator has affected approximately 6.74 acres outside of the approved affected land boundary.

Based on these findings, the Division believes this is a violation of C.R.S. 34-32.5-109(1), for failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation.

Therefore, the Division has reason to believe 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 Board Hearing will be held during the February 22-23, 2017 Board meeting for consideration of this possible violation. The hearing will be held in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. on February 22<sup>nd</sup> 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 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 pursuant to C.R.S. 34-32.5-123(1), and assess a civil penalty in the amount of \$1,000.00 to \$5,000.00 for each day the land has been affected, not to exceed 365 days, pursuant to C.R.S. 34-32.5-123(2). Pursuant to C.R.S. 34-32.5-123(4), The Board shall also assess an additional civil penalty in an amount not less than the amount



necessary to cover costs incurred by the Division in investigating the violation. If you have evidence indicating that the possible violation noted above does not exist, please provide it to the Division as soon as possible or bring it to the hearing.

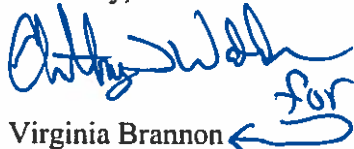
All parties have an opportunity to review and comment on a draft of the Board's Order before it becomes final. If you wish to do so, you must provide the Board with a written request to review the draft Order prior to or at the time of your hearing, or you must inform the Board orally during the hearing 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, via email at [John.Roberts@coag.gov](mailto:John.Roberts@coag.gov), or via fax at (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 Secretary, Camille Mojar, at (303) 866-3567 ext. 8136, or [Camille.Mojar@state.co.us](mailto:Camille.Mojar@state.co.us) on Tuesday, February 21, 2017 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, you may contact Amy Eschberger at (303) 866-3567, ext. 8129 or [Amy.Eschberger@state.co.us](mailto:Amy.Eschberger@state.co.us).

Sincerely,



Virginia Brannon  
Division Director

CERTIFIED MAIL NO. 7014 0150 0000 9138 7673  
Return Receipt Requested

Cc: Tony Waldron, DRMS  
Wally Erickson, DRMS  
Amy Eschberger, DRMS  
Michael Cunningham, DRMS  
Jeff Fugate, AGO for DRMS