



## COLORADO

Division of Reclamation,  
Mining and Safety

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

July 17, 2017

Kym A. Schure  
12826 CR 37  
Sterling, CO 80751

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing  
Dollerschell Pit, Permit No. M-1986-074**

Dear Kym Schure:

On September 27, 2016, the Division of Reclamation, Mining and Safety (Division) received a complaint from a landowner for the Dollerschell Pit, asserting the loss of legal right to enter portions of the permit area. Although ample time has been allotted for you to demonstrate a valid right to enter, none is forthcoming. Therefore, the Division believes a violation has occurred for the following:

- Rule 6.4.14, for failure to maintain legal right to enter, and
- Pursuant to C.R.S. 34-32.5-124(1), for failure to comply with the conditions of a permit or regulation

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 August 23 and 24, 2017 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 August 23 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). Pursuant to C.R.S. 34-32.5-124(6)(a), the Board may suspend, modify or revoke the permit. 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](mailto:John.Roberts@coag.gov).

Please note 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 August 21, 2017, to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Jared Ebert at (303) 866-3567, ext. 8120, or [Jared.Ebert@state.co.us](mailto:Jared.Ebert@state.co.us).

Sincerely,



Virginia Brannon  
Division Director

CERTIFIED MAIL NO. 7016 2140 0000 2346 2145  
Return Receipt Requested

cc: Tony Waldron, DRMS  
Wally Erickson, DRMS  
Jared Ebert, DRMS  
Jeff Fugate, AGO for DRMS  
Christopher Hayes, The Hayes Law Firm LLC