



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

March 6, 2018

Keith McFarland  
P.O. Box 617  
Silverton, CO 81433

**Re: Hobo Mine, Permit No. M-2017-044, Amended Board Order, Extension Request Approval**

Dear Mr. McFarland,

On December 13, 2017 the Division of Reclamation Mining and Safety (Division) received your request to amend the Mined Land Reclamation Board's Order dated November 8, 2018. Your request was to amend the language of the Order to submit a regular 110 permit application within ninety (90) days of the amended Order. The request was heard at the January meeting of the Mined Land Reclamation Board and **approved** by consent agenda.

Attached is the amended board order, signed March 5, 2018. The Order outlines that within Ninety (90) days of the effective date of the Order, submit a reviewable 110 Permit Application to the Division. The application must be submitted in compliance with the Act and Rules, including all notices and proof of filings and must be considered complete for filing no later than **Monday June 4, 2018**.

If you have any questions, comments or concerns please feel free to contact me at the Division's Grand Junction Field office, by phone at (970)-243-6368 or by email at [lucas.west@state.co.us](mailto:lucas.west@state.co.us).

Sincerely,

**Lucas West**  
Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203  
**Phone:** (970)-243-6368



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Enclosure: MV-2017-049 Amended Board Order

Cc: Russ Means, Senior Environmental Protection Specialists

Ec: Keith McFarland, Via Email





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P.O. Box 617  
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Re: Findings of Fact, Conclusions of Law, and Order, Otis Jr. and Patricia M. Gordley  
File No. M-2017-044, MV-2017-049

On March 1, 2018 the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. We strongly advise that you read this document carefully since it may contain deadlines for corrective actions, civil penalties, cease and desist orders or other actions that may require your immediate attention to avoid future board actions.

Sincerely,

  
Camille Mojar  
Board Secretary

Enclosure(s)

Certified Mail

7017 2400 0000 9205 7141

cc:  
Lucas West  
Russ Means  
John Roberts  
Jeff Fugate  
Scott Schultz  
Charles Kooyman



BEFORE THE MINED LAND RECLAMATION BOARD  
STATE OF COLORADO

Violation No. MV-2017-049

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

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IN THE MATTER OF A POSSIBLE VIOLATION BY KEITH MCFARLAND,  
CEASE AND DESIST ORDER, CORRECTIVE ACTION, AND CIVIL  
PENALTIES FOR FAILING TO OBTAIN A RECLAMATION PERMIT  
BEFORE ENGAGING IN A NEW MINING OPERATION, File M-2017-044

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THIS MATTER came before the Mined Land Reclamation Board ("Board") on January 24, 2018 in Denver, Colorado as a consent agenda item to consider modifications to the Board's Order signed November 8, 2017 and served on November 20, 2018, file number M-2017-044.

The Board, having considered the materials presented with this consent agenda item and having been otherwise fully informed of the facts in the matter, enters the following:

**FINDINGS OF FACT**

1. The Hobo Mine is located in Section 17, Township 42 North, Range 6 West, 10<sup>th</sup> Principal Meridian in San Juan County, approximately ten miles northeast of Silverton.
2. Following a hearing held on October 25, 2017 where testimony was presented regarding a possible violation by Keith McFarland ("Operator") for mining without a permit, the Board issued an Order dated November 8, 2017 (the "Order").
3. The Order required corrective actions from Operator, including that he submit an interim financial warranty of \$10,000 within sixty days of the effective date of the Order and submit a reviewable 110 reclamation-only permit application within ninety days of the effective date of the Order and obtain approval within one hundred eighty days.
4. The Order also assessed a civil penalty of \$5,000, with all but \$500 of the civil penalty suspended if Operator complied with the corrective actions within the stated time frames. The \$500 portion of the civil penalties not suspended was due and payable within 30 days of the effective date of the Order.

5. The Division and Operator request that the corrective actions in the Order be modified to require Operator to apply for the appropriate hard rock mining permit rather than a reclamation only permit and that a reviewable application will be submitted to the Division within one hundred eighty days of the effective date of this order.

### CONCLUSIONS OF LAW

6. The Board has jurisdiction over this matter pursuant to the Colorado Mined Land Reclamation Act, Article 32 of Title 34, C.R.S. (2017).

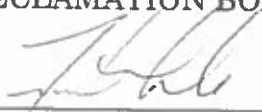
### ORDER

Based on the foregoing findings of fact and conclusions of law, the Board hereby grants the request for changes to the corrective action against Robert McFarland as follows:

- A. Operator shall, within ninety days of the effective date of this Order, submit a reviewable 110 permit application to the Division.

DONE AND ORDERED this 5th day of March 2018.

FOR THE COLORADO MINED LAND  
RECLAMATION BOARD

  
\_\_\_\_\_  
Forrest Luke, Chair

### NOTICE OF JUDICIAL REVIEW RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing a complaint with the district court within thirty-five (35) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2017) and the Colorado Rules of Civil Procedure. In the event that a complaint for judicial review is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Camie Mojar.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 5<sup>th</sup> day of March 2018 addressed as follows:

*By certified mail to:*

7017 2400 0000 9205 7141

Keith McFarland  
P.O. Box 617  
Silverton, CO 81433

*By electronic mail to:*

Lucas West  
Grand Junction Field Office  
Division of Reclamation, Mining & Safety  
101 South 3rd, Suite 301  
Grand Junction, CO 81501

Russ Means  
Grand Junction Field Office  
Division of Reclamation, Mining & Safety  
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Camille Mojar, Board Secretary