



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

September 4, 2019

Mike Salyards  
Phillips County  
221 S. Interocean Ave.  
Holyoke, CO 80734

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing;  
State Land-Jensen Pit; Permit M-1983-050**

Mr. Salyards:

On August 12, 2019, the Division conducted an inspection of the Jensen Pit (Permit M-1983-050) and found the Operator had impacted an unpermitted area of approximately 1.1 acres.

Based on the findings of the inspection we believe this is a violation of:

- 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 and reclamation.

Therefore, the Division has reason to believe that 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 have scheduled this matter to appear before the Mined Land Reclamation Board.

A Formal Public Hearing will be held during the October 23-24, 2019 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 October 23, 2019 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 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 that the possible violation noted above does not exist or has been corrected, please provide it to the Division as soon as possible or bring it to the hearing. Any information to be considered by the Board during the hearing must be received by the Division on or before October 11, 2019.



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 Charles Kooyman, Colorado Department of Law, by fax at (720) 508-6037, or by email at [Charles.Kooyman@coag.gov](mailto:Charles.Kooyman@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, Camille Mojar by telephone at (303) 866-3567, ext. 8136 or by email at [Camille.Mojar@state.co.us](mailto:Camille.Mojar@state.co.us) on Monday, October 21, 2019 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Brock Bowles at (303) 866-3567, ext. 8142.

Sincerely,



for Virginia Brannon  
Division Director

CERTIFIED MAIL # 7018 2290 0001 8923 4374  
Return Receipt Requested

cc: Russ Means, DRMS  
Michael Cunningham, DRMS  
Brock Bowles, DRMS  
Jeff Fugate, AGO

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

**CERTIFIED MAIL®**



7018 2290 0001 8923 4374

7018 2290 0001 8923 4374

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ \_\_\_\_\_  
☐ Return Receipt (electronic) \$ \_\_\_\_\_  
☐ Certified Mail Restricted Delivery \$ \_\_\_\_\_  
☐ Adult Signature Required \$ \_\_\_\_\_  
☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage

\$

Total Postage :

\$

Sent To

Street and Apt.

City, State, ZIP+

Mike Salyards  
Phillips County  
221 S. Interocean Ave  
Holyoke, CO 80734

Postmark  
Here

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



**COLORADO**  
Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203-2243

3413000000

Mike Salyards  
Phillips County  
221 S. Interocean Ave  
Holyoke, CO 80734

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mike Salyards  
Phillips County  
221 S. Interocean Ave  
Holyoke, CO 80734



9590 9402 2543 6306 1149 62

2. Article Number (Transfer from service label)

7018 2290 0001 8923 4374

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X**

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
  - ☐ Adult Signature Restricted Delivery
  - ☒ Certified Mail®
  - ☐ Certified Mail Restricted Delivery
  - ☐ Collect on Delivery
  - ☐ Collect on Delivery Restricted Delivery
  - ☐ Insured Mail
  - ☐ Insured Mail Restricted Delivery (over \$500)
  - ☐ Priority Mail Express®
  - ☐ Registered Mail™
  - ☐ Registered Mail Restricted Delivery
  - ☐ Return Receipt for Merchandise
  - ☐ Signature Confirmation™
  - ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt