

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 <u>seq</u>., 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.



Mr. Salyards Page 2 of 2 September 4, 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.

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 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.

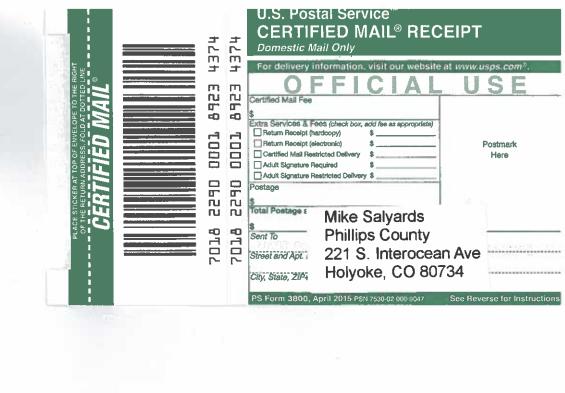
Sincerelly

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





COLORADO

Division of Reclamation, Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215 Denver, CO 80203-2243 341300000 Mike Salyards Phillips County 221 S. Interocean Ave Holyoke, CO 80734

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you	A. Signature C. Agent Addressee
Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name) C. Date of Delivery
1. Article Addressed to:	12
Mike Salyards Phillips County	If YES, enter delivery address below:
221 S. Interocean Ave Holyoke, CO 80734	
	1000
9590 9402 2543 6306 1149 62	surced Delivery
2. Article Number (Transfer from service label) 7018 2290 0001 8923 4374	□ Collect on Delivery Restricted Delivery □ Signature Confirmation □ Insured Mail Restricted Delivery □ Signature Confirmation □ Insured Mail Restricted Delivery Restricted Delivery (over £500)
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Reveint