



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

September 20, 2019

Bryan Lees  
Colorado Calumet Co., Inc.  
PO Box 1169  
Golden, CO 80402

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing  
Detroit City Mine, Permit No. M-2017-003**

Dear Mr. Lees:

On August 29, 2019, the Division of Reclamation, Mining, and Safety (Division) conducted an inspection of the Detroit City Mine and nearby lands. During the inspection the Division observed approximately 0.3 acres of lands affected by the mining operation located outside of the approved permit boundary. Based on the findings of the inspection report, the Division believes this is in violation of:

- C.R.S. 34-32-116(7)(h), for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

Therefore, the Division has reason to believe a violation exists to the Colorado Mined Land Reclamation Act C.R.S. 34-32-101 *et seq.*, and has scheduled this matter to appear before the Mined Land Reclamation Board.

A Formal Board Hearing will be held during the 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<sup>rd</sup> 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 \$50.00 to \$200.00 for each day of violation pursuant to C.R.S. 34-32-124(7). 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 orally request to review the draft Order during the hearing. 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 Charles J. Kooyman, Assistant Attorney General, (720) 508-6037 (fax), or [Charles.Kooyman@coag.gov](mailto:Charles.Kooyman@coag.gov). The Division has requested and will be allowed to review and comment on the draft Board Order.



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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 October 21, 2019 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Elliott Russell at (303) 866-3567, ext. 8132, or [Elliott.Russell@state.co.us](mailto:Elliott.Russell@state.co.us).

Sincerely,

  
for Virginia Brannon  
Division Director

CERTIFIED MAIL NO. 7017 2400 0000 9205 5253

Return Receipt Requested

cc: Russ Means, DRMS  
Michael Cunningham, DRMS  
Elliott Russell, DRMS  
Jeff Fugate, AGO for DRMS