



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 12, 2020

The First National Bank of Trinidad
100 E Main Street
Trinidad, Co 81082

Re: Notice of Board Hearing for Consideration of Final Forfeiture of Financial Warranty; Robinson Sons Gravel Pit No. 1, File No. M-2008-076, MV-2019-005

Dear Mr. Robinson,

On September 24, 2019 the Mined Land Reclamation Board ("Board") ordered that by October 22, 2019 the Robinson Sons, Inc. ("Robinson") comply with the corrective actions required by the May 30, 2019 Board order. As of the date of this letter, the Division has not received the increase in financial warranty or found that sufficient reclamation has occurred at the site to bring the financial liability down to the current bond amount held and therefore, Robinson has failed to comply with the Board's order.

Therefore, in accordance with C.R.S. 34-32.5-118(1)(b), the financial warranty for permit number M-2008-076 is subject to final forfeiture. The letter serves as the notice required by C.R.S. 34-32.5-118(2) that the financial warranty for this site may be ordered forfeited at a Board Hearing to be held at least thirty days after receipt of such notice.

The Division currently holds a financial warranty in the form of a Letter of Credit. The pertinent information for the Letter of Credit is:

Operator: **Robinson Sons, Inc**
Warrantor: **The First National Bank in Trinidad**
Bond Number: **101430**
Amount: **\$52,815.00**
Date of Issuance: **March 17, 2009**

A Formal Board Hearing will be held during the March 25th and 26th, 2020 Board meeting for consideration of final forfeiture of the financial warranty. The hearing will occur at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on March 25, 2020, 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.

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 your 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, Assistant Attorney General, Colorado Department of Law, by fax at (720) 508-6037, or by email at Charles.Kooyman@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's Secretary, Camille Mojar by telephone at (303) 866-3567, ext. 8136 or by email at Camille.Mojar@state.co.us on Monday, March 23, 2020, to confirm the specific date and time for the hearing.

If you have any questions about this letter or the hearing, please contact me at (303) 866-3567, ext. 8126.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Cunningham".

Daniel Cunningham
Environmental Protection Specialist

CERTIFIED MAIL NO. **7019 2280 0001 8255 2293**
Return Receipt Requested

cc: Russ Means, DRMS
Jared Ebert, DRMS
Jeff Fugate, AGO
Gabriel Benvenuti, DRMS