



**COLORADO**  
**Division of Reclamation,  
Mining and Safety**  
Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, CO 80203

### STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

<b>Date</b>	September 1, 2020	<b>Applicant</b>	Salisbury Gladstone LLC
<b>File No.</b>	M-2020-030	<b>Site Name</b>	Gladstone
<b>Specialist</b>	Peter Hays	<b>Objecting Party</b>	N/A
<b>County</b>	Clear Creek	<b>Permit Type</b>	110(1)

#### Action:

Possible violation of C.R.S. § 34-32-109(2) for failure to first obtain a reclamation permit from the Mined Land Reclamation Board (Board) prior to engaging in a new mining operation. Specifically, the Operator constructed a ball mill and sediment containment structure prior to obtaining a permit from the Division or Board.

#### Resolution:

Mr. Jeff A. Carter with Salisbury Gladstone LLC concedes to the violation of C.R.S. § 34-32-109(2) for failure to first obtain a reclamation permit from the Board prior to engaging in a new mining operation, and to the Cease and Desist Order, Corrective Actions, and Civil Penalties, provided herein, for the Gladstone site, File No. M-2020-030.

#### Chronology:

June 2, 2020	The Division received a 110(1) Hard Rock Limited Impact application for the Gladstone site.
July 27, 2020	The Division received an anonymous complaint by voicemail for possible illegal activity at the site. The complaint reported the Applicant was pouring a foundation for a ball mill and the foundation may or may not be located on their property.
August 3, 2020	The Division determined the application was complete for filing and established a decision date of September 2, 2020
August 4, 2020	The Division conducted an inspection of the site and determined the Applicant had begun construction of the ball mill and sediment



containment structure prior to the Division issuing the Reclamation Permit for the site.

- |                 |   |
|-----------------|---|
| August 10, 2020 | The Division determined the Limited Impact Operation 110(1) Reclamation Permit application under review by the Division was a Designated Mining Operation (DMO).  |
| August 11, 2020 | The Division notified the Applicant of a possible violation, and the MLRB hearing date (RTB). A cease and desist order was issued pursuant to C.R.S. § 34-32-123(1).                                    |
| August 18, 2020 | The Applicant notified the Division, pursuant to Rule 7.2.4, of their disagreement with the DMO determination.  |
| August 20, 2020 | The Applicant notified the Division of their disagreement with the cease and desist order.  |
| August 27, 2020 | The Division and the Applicant met, pursuant to Rule 7.2.4(1)(a), to discuss the DMO determination. The Applicant agreed to withdraw the 110(1) application and submit the appropriate DMO application. |
| August 28, 2020 | The Division received the notice of application withdrawal letter and withdrew the application.   |

**Reason for Violation:**

Pursuant to C.R.S. § 34-32-109(2) any Operator proposing to engage in a new mining operation must first obtain a permit. Construction of the ball mill and sediment containment structure constitutes “engaging in” a new mining operation. This activity is considered a “mining operation” as defined by C.R.S. § 34-32-103(8) and the land disturbed by the mining operation is considered “affected land” as defined by C.R.S. § 34-32-103(1.5).

Prior to conducting this mining operation, a reclamation permit was not obtained from the Board or the Division in accordance with C.R.S. § 34-32-109(2).

**STAFF RECOMMENDATION**

**Violation:**

Find a violation of C.R.S. § 34-32-109(2) for failure to first obtain a reclamation permit from the Board before engaging in a new mining operation.

**Cease and Desist Order:**

Affirm the Cease and Desist order issued by the Division for the above referenced affected lands except for environmental maintenance, reclamation, or corrective actions, until the violation is resolved to the satisfaction of the Division or Board.

**Corrective Action(s):**

1. Within 120 days of the effective date of the Board's Order, submit a reclamation permit application pursuant to C.R.S. § section 34-32-110 or 34-32-112 and 34-32-112.5 as appropriate.
2. Obtain approval of the reclamation permit within statutory timeframes.

**Civil Penalty:**

Pursuant to C.R.S. § 34-32-123(3), an operator who operates without a permit shall be subject to a civil penalty of not less than fifty dollars nor more than two hundred dollars per day for each day the land has been affected. Such penalties shall be assessed for not less than one day and not more than sixty days.

In this matter, the Board may assess a civil penalty of \$2,150 to \$8,600 for 43 days of violation. The 43 days of violation were calculated from the date of the Reason To Believe and Notice of MLRB Hearing (RTB) letter sent on August 11, 2020 to the Board meeting date scheduled for September 23, 2020.

In this matter the Division will assess a civil penalty of \$4,300 based on 43 days of violation at \$100 per day. The Board will suspend all of the assessed civil penalty with the exception of \$500, if the corrective actions cited above are completed to the satisfaction of the Division within the required deadlines.

The unsuspended portion of the civil penalty, \$500, is due within 30 days of the effective date of the Board's Order finding the violation that will be sent under a separate cover. Failure by the Operator to comply by the Board Order due date shall result in the suspended portions of the civil penalty, \$4,300 becoming effective and due.

**Operator's Notarized Signature:**

As an authorized representative of the Applicant, I hereby attest that the Applicant concedes to the above described violation and agrees to comply with the Cease and Desist Order, Corrective Action, and Civil Penalty proposed in this STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Applicant)

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020,

by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SIGNATURES MUST BE IN BLUE INK**