



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

June 28, 2021

Bruce Newell
P.O. Box 37
Divide, CO 80814

**RE: Consent Agenda Summary Form
Wellington Cattle Borrow Pit, File No. M-2021-025**

Dear Mr. Newell,

Enclosed you will find the Staff Summary Form for the Consent Agenda for the possible violation found at the Wellington Cattle Borrow Pit, File No. M-2021-025. As we discussed, if you wish to concede to the violation, please affix your notarized signature on the enclosed form and return the signed original copy no later than **July 8, 2021**. If properly executed and returned to the Division by the deadline, there will be no Board enforcement hearing for this matter as it will be placed on the Board's consent agenda.

However, if you wish to contest the possible violation or any of the conditions of the enclosed consent form, please inform the Division at your earliest convenience and do not sign the consent form. In the absence of a signed and notarized consent form, the Board enforcement hearing will be continued from July 21, 2021 to August 18, 2021.

If you need additional information or have any questions, please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,

Elliott R. Russell
Environmental Protection Specialist

Enclosure: Staff Summary Form for Consent Agenda M2021025

cc: Jason Musick with DRMS, Jason.Musick@state.co.us
Bruce Newell, blnewell64@gmail.com





STAFF SUMMARY FORM FOR CONSENT AGENDA

Date: June 28, 2021
Operator: Bruce Newell
File No.: M-2021-025
Permit Type: Possible Illegal
Specialist: Elliott Russell
Action: Possible Violation of C.R.S. §34-32.5-109(1)

Resolution:

Bruce Newell (Operator) voluntarily consents to a violation of C.R.S. §34-32.5-109(1), for failing to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation. The Operator also consents to a Cease and Desist Order, Corrective Actions, and Civil Penalties provided herein, for the Wellington Cattle Borrow Pit, File No. M-2021-2025.

Chronology:

- April 20, 2021 DRMS receives anonymous citizen complaint regarding an unpermitted operation occurring in Teller County on property owned by the Operator
- May 20, 2021 DRMS site inspection, report signed and mailed June 15, 2021
- June 15, 2021 RTB signed and mailed to Operator

Reason for Violation:

As detailed in the Division's inspection report, signed June 15, 2021, the Division investigated the alleged unpermitted operation and discovered borrow material had been hauled off-site from the property owned by the Operator and was used in construction projects. The Division acquired GPS data during the inspection and found that approximately 0.92 acres had been affected. Based on discussions with the Operator during the inspection, the Operator plans to mine an area approximately 2.3 acres in size to create large flat area used facilitate his cattle ranching activities.

Staff Recommendation:

Violation: Find the Operator in violation of C.R.S. §34-32.5-109(1), for failing to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation.

Cease and Desist Order: Issue a Cease and Desist Order, prohibiting any further activities, except those activities approved by the Division, in writing, as necessary to comply with the conditions of a Board Order, prevent damage to off-site areas, complete reclamation, or to protect public health and safety, until corrective actions have been resolved to the satisfaction of the Division.

Corrective Action(s): Require the Operator to submit a permit application to include all of the affected lands disturbed by the mining operation. The Operator shall submit the permit application



SIGNATURES MUST BE IN BLUE INK