



January 19, 2022

Fred Barlow  
Red Feather Excavating, Inc.  
PO Box 74  
Red Feather Lakes, CO 80545

**RE: Red Feather Excavating Pit (Permit No. M-2021-065)**  
**Notice of Board Item Withdrawal**

Dear Mr. Barlow:

On December 1, 2021, the Division of Reclamation, Mining and Safety (Division) notified you that Red Feather Excavating, Inc. was scheduled to appear before the Mined Land Reclamation Board (Board) on January 19, 2022 for failure to obtain a reclamation permit prior to engaging in a new operation (C.R.S. 34-32.5-109).

Upon further consideration of the nature of the mining operation and the reclamation required to stabilize the affected lands, the Division has withdrawn this item from the agenda for the January 19, 2022 Board meeting. This means the enforcement hearing described in the Division's December 1, 2021 Reason to Believe letter has been vacated.

Please be advised, this circumstance will be viewed as a warning. If the Division should be called to investigate an additional complaint, the Division will fully enforce the following laws:

C.R.S. § 34-32.5-123(2), an operator who operates without a permit shall be subject to a civil penalty of not less than \$1,000 per day nor more than \$5,000 per day for each day the land has been affected, not to exceed 365 days. The number of days the land has been affected is the number of days from the date of the inspection to the date of the Board hearing (minimum 30 days).

C.R.S. 34-32.5-123(4), the Board shall also assess a civil penalty in an amount not less than the amount necessary to cover costs incurred by the Division in investigating the alleged violation.

If you have any questions, please contact me at (720) 774-0040 or [brock.bowles@state.co.us](mailto:brock.bowles@state.co.us).

Sincerely,

Brock Bowles  
Environmental Protection Specialist

CC: Michael Cunningham, DRMS

