



July 11, 2022

Mr. Nikolaus Arnusch
34527 WCR 6
Keensburg, CO 80643

**RE: Reason to Believe a Violation Exists and Notice of Board Hearing
Arnusch Gravel Pit #3; DRMS Permit M-1981-257**

Mr. Arnusch,

On June 14, 2022 the Division conducted an inspection of the Arnusch Gravel Pit #3 located off of WCR 6 in Weld County and found the following:

Approximately 4.1 acres of area have been affected outside of the approved permit boundary. This was verified by collection of GPS data at the site by DRMS on June 22, 2022.

Based on these findings, we believe this is a violation of:

- C.R.S. 34-32.5-109(1) for failure to obtain a reclamation permit prior to engaging in a new operation. Pursuant to 34-32.5-123(2), an operator who mines substantial acreage beyond the approved permit boundary may be found to be operating without a permit.

Therefore, the Division has reason to believe that a violation exists to the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. § 34-32.5-101 *et seq.*, and has scheduled this matter to appear before the Mined Land Reclamation Board (Board).

A Formal Public Hearing will be held during the August 17-18, 2022 Board meeting for consideration of the possible violation and corrective actions. Notice is hereby given that this Board hearing will be held by a virtual ZOOM hearing. All exhibits and materials you wish for the Board to consider related to this alleged violation must be submitted via email to the Board administrator, Camie Mojar at Camille.Mojar@state.co.us no later than 5:00 p.m. on August 5, 2022. Additionally, in order to receive an authorization code to attend the hearing, please contact Camie Mojar via telephone at 303-866-3567, ext. 8136 or by email at the addresses above. Please note, only Parties and those who will be testifying may attend the meeting via ZOOM. All other interested persons may view the hearing via the Board's YouTube Channel at: <https://www.youtube.com/channel/UCDrrAO8bIPFIowce-yH1fWA>.

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 \$1000.00 to \$5000.00 for each day of violation pursuant to C.R.S. 34-32.5-123(2). If you have evidence indicating the possible violation noted above does not exist or has been corrected, please provide it to the Division as soon as possible or provide it at the Board hearing. Any

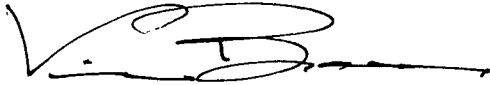


information to be considered by the Board during the hearing must be received by the Division on or before August 5, 2022.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Board administrator, Camie Mojar by telephone at 303-866-3567, ext. 8136 or by email at Camille.Mojar@state.co.us, on the Monday prior to the Board Hearing to confirm exactly which day your item will appear before the Board.

If you have any questions about this letter or the hearing, you may contact Eric Scott by telephone at 303-229-9414, or by email at Eric.Scott@state.co.us

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Brannon', with a long horizontal flourish extending to the right.

Virginia Brannon
Division Director

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Return Receipt Requested

cc: Michael A. Cunningham, DRMS
Russ Means, DRMS
Jeff Fugate, AGO

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**Mr. Nikolaus Arnusch
34527 WCR 6
Keensburg, CO 80643**



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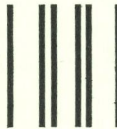
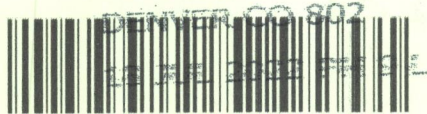
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M-1981-257
Reason to Believe Violation
Exists
WAC/GRM/ECS

03-22435

