



Scott A. Clark  
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April 7, 2023

Virginia Brannon  
Division Director  
Colorado Division of Reclamation, Mining, and Safety  
1313 Sherman Street, Room 215  
Denver CO 80203

**Re: Request for Vacation and Continuance of Hearing for Butala Construction Company**

Dear Ms. Brannon:

This firm represents Butala Construction Company (“Butala”) with regard to the Butala Gravel Pit, DRMS Permit No. M-1977-170. Butala received a letter from the Division of Reclamation, Mining, and Safety (“Division”) regarding a “Reason to Believe a Violation Exists and Notice of Board Hearing; Butala Gravel Pit, DRMS Permit No. M-1977-170” on March 16, 2023 (“Letter”). The Letter stated that Butala is to appear at a hearing before the Mined Land Reclamation Board (“Board”) at 9:00am on April 19, 2023.

After receipt of the Letter, we discussed the issue with Senior Assistant Attorney General Scott Schultz, including Butala’s ongoing cooperative efforts with the U.S. Environmental Protection Agency and Colorado Department of Public Health and Environment regarding the same circumstances identified in the Letter. Due to the ongoing effort involving Butala’s permitted mining activities, and in order to allow time to pursue a possible settlement of the Division’s claims, Mr. Schultz indicated that the Division would not object to a continuance of the enforcement hearing scheduled for April 19, 2023, to the next scheduled hearing date of May 17, 2023.

Therefore, Butala requests its currently scheduled hearing date be vacated and its enforcement hearing be continued to the Board’s next scheduled hearing on May 17, 2023. Please let us know if the Division agrees with Butala’s request, or if you have any further questions regarding this matter.

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Sincerely,

BURNS, FIGA & WILL, P.C.



Scott A. Clark

SAC/mjf

cc: Scott Schultz, AGO  
Russ Means, DRMS  
Travis Marshall, DRMS  
Lucas West, DRMS  
Jeff Fugate, AGO  
Chuck Kellerman, Butala Construction Company  
Thomas Eve, Butala Construction Company