

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



January 4, 2012

Bob Sutherland
West End Gravel Company
P.O. Box 889
Nucla, CO 81424

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

**RE: Notice of Hearing for Rescheduled Reason to Believe a Violation Exists, Failure to Reclaim,
West End Pit, Permit No. M-1994-011.**

Dear Mr. Sutherland:

Per Rule 3.1.3 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials, all reclamation shall be carried to completion by the operator with all reasonable diligence, and each phase of reclamation shall be completed within 5 years from the date the operator informs the office that such phase has commenced.

On July 19, 2011 the Division inspected the above referenced pit. The Division noted the lack of completion of reclamation as a problem in the inspection report with a correction date of October 3, 2011. West End Gravel committed to completing reclamation by April 23, 2012 so the enforcement hearing was continued from the February 8th, 2012 Mined Land Reclamation Board meeting to afford West End time to complete the tasks. To date the Division has not received documentation noting the required reclamation was completed.

As noted previously, the Division believes this is in violation of the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-116(4)(q) et. seq., for failure to reclaim the site with reasonable diligence and within five (5) years of notifying the Board through annual reports that reclamation had commenced. Therefore, the Division has reason to believe West End Gravel is in violation of Permit M-1994-011 and the Law, and has scheduled this matter before the Mined Land Reclamation Board (Board).

The rescheduled Formal Hearing will be held during the June 13~14th, 2012 at the Mined Land Reclamation Board meeting for consideration of the violation. The hearing will be held in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. or as soon thereafter as the matter can be considered. Also, you have the right to be represented and heard at the hearing.

If the Board finds a violation at this hearing, it may issue a cease and desist order, assess a civil penalty in the amount of \$100.00 to \$1000.00 for each day of violation, or order the permit be suspended, modified, or revoked. In addition it may set the matter for consideration of forfeiture of the financial warranty at a subsequent hearing.

NOTE: NO PERMITS FOR NEW MINING OPERATIONS SHALL BE GRANTED TO ANY OPERATOR WHO IS CURRENTLY FOUND TO BE IN VIOLATION IN THIS STATE (C.R.S. 34-32.5-120) UNTIL THE VIOLATION IS ABATED.

Following the hearing, all parties have an opportunity to review and comment on a draft of the Board's order before it becomes final. If you wish to do so, you must provide the Board with a written request to review the draft order prior to or at the time of your hearing, or you must inform the Board orally during the hearing that you request to review the draft order. You must include your mailing address and, if possible, a fax or email address. You will be provided a copy of the draft order by e-mail for your review as soon as it is available, unless a hard copy by mail is requested. The Board's attorney must receive your comments on the draft order within three calendar days of the date the draft order is e-mailed, unless that deadline is extended by the Board's attorney. Submit all comments in writing, by e-mail or fax, to Mr. John Roberts, jj.roberts@state.co.us, Fax: number 303-866-5395. Please note that the Division of Reclamation, Mining, and Safety has requested and will be allowed to review and comment on the draft Board Order prior to mailing to any party. The Board will resolve any issues regarding the form and substance of the order. This process does not affect your right to request reconsideration by the Board or appeal the form or substance of the order.

Please contact the Board's secretary, Ms. Sitira Pope, at the Division's Denver Office, phone (303) 866-3567 ext. 8136, to confirm the specific date for the hearing. The Board's agenda may not be finalized prior to the week of the Board meeting. Therefore, we recommend that you contact Ms. Pope on June 11, 2012. If you find that you are having difficulty contacting Ms. Pope on that date, you may contact the Division receptionist at (303) 866-3567 ext. 0.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, by telephone at 970.241.1117, or by e-mail at russ.means@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Russell Means".

G. Russell Means
Environmental Protection Specialist II

Ec: Tony Waldron, DRMS Denver
Steve Shuey, DRMS, Grand Junction Field Office