

Staff Summary Form For Consent Agenda Items

Date	December 19, 2012	Operator	Donald R. Hart
Permit No.	M-1980-049	Site Name	Mott Gravel Pit
Specialist	Travis Marshall	Objecting Party	N/A

Type of Action:

Action	Check
Permit application with objections	
Violation	
Extension of Board-ordered deadline	
Other (specify). Request for Board affirm original amendment approval.	X

Resolution:

Donald R. Hart received Division approval of a 112c permit amendment application on April 13, 2009, but failed to submit the required financial warranty within one calendar year as required by Rule 4.1(2). Mr. Hart was under the impression that all the proper paperwork to increase the bond was submitted to his bank which was not the case. The applicant has completed re-notification per Rule 1.6, without receiving comment, placed the required reclamation bond with the Division of Reclamation, Mining and Safety (Division) and is requesting the Board affirm the Division's original approval of the permit amendment application.

The Division believes that the amendment application meets the requirements for approval. Therefore the Division makes the following recommendations:

- **The Board affirm the Division's original April 13, 2009 permit amendment application approval.**
- **Accept the financial warranty submitted to the Division for \$11,701.70**

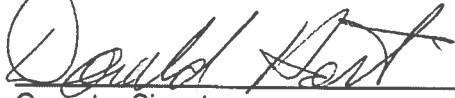
CHRONOLOGY:

- **March 6, 2009** – the Division received a complete 112c amendment application for the Mott Pit.
- **April 13, 2009** – the Division approved the application, following resolution of technical issues related to the application's content. The Division notified the applicant of the decision and sent the applicant the standard letter and materials related to posting the bond for the permit.
- **August 14, 2012** – Division staff inspected the site and discovered that the operator failed to post the required bond following the amendment approval. Also the operation was 0.73 acres outside of the approved affected area due to amendment not being considered complete for lack of additional required bond.

- **September 11, 2012** – the Division sent a "Reason to Believe a Violation Exists" letter to the operator.
- **October 4, 2012** – the Division received additional required reclamation bond in an approvable form.
- **October 28, 2012** – The operator published notice that the permit application would be reconsidered with a comment deadline of November 7, 2012.
- No comments were received prior to the comment period deadline.

Operator(s) Signature

By signing this, the Operator agrees with the above Staff Summary Form for Consent Agenda Items.


Operator Signature

12/20/12 Tuesday Rundle
Date Notary Public

My Commission expires: 9/4/16

