

MINED LAND RECLAMATION BOARD MEETING

TENTATIVE AGENDA

WEDNESDAY, SEPTEMBER 27, 2017

Public Notice in conformance with the Colorado Open Meetings Law: The Colorado Mined Land Reclamation Board will hold its monthly meeting on Wednesday, September 27, 2017 at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m., unless otherwise noticed.

Due to the statutory deadlines and other responsibilities and requirements, the following Mined Land Reclamation Board meeting agenda will be revised up to the day of the meeting. If you have any questions on specific agenda items, please contact Camille Mojar, Board Secretary, at 303.866.3567, ext. 8136 or at camille.mojar@state.co.us

In accordance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and or services for the meeting may call Camille Mojar at 303.866.3567, ext. 8136.

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1. *Approval of the August 2017 Summary of Minutes*
 2. *Approval of Continuances and Withdrawals*
 3. *Executive Director's Office and Division Director Reports*
 4. *Consent Agenda*

A. *Consent Agenda*

Jeannette J. Yaklich-Houston
Edward M. Yaklich
1180 County Road 129
Westcliffe, CO 81252

...*File No. M-1989-024*

Custer County: Section 30, T22S, R72W, 6th P.M., 9.9 acres, 110(c), Gravel, Shangri La Pit.
Consideration of the Operator's petition for reinstatement of the revoked permit. (Tim Cazier)

B. Consent Agenda

Otis Jr. and Patricia M. Gordley
19433 Road Q
Fort Morgan, Colorado 80701

...**File No. M-1993-070**

Morgan County: Section 8, T3N, R57W, 6th P.M., 9.64 acres, Sand & Gravel, Gordley 1 Pit. Consideration of a possible violation, cease and desist order, corrective actions and civil penalty for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation and for failure to comply with the conditions of a permit. (Jared Ebert) 30 Minutes

5. Enforcement Hearing

Marlene Crosby
Gunnison County
195 Basin Park Dr.
Gunnison, CO 81230

...**File No. M-1991-104**

Gunnison County: Section 2, T47N, R6W, 10th P.M., 7.72 acres, 110(c), Nicholas Pit. Consideration of permit revocation for failure to submit the Annual Fee, Report and Map due September 17, 2016. (Dustin Czaplá) 20 Minutes

6. Enforcement Hearing

Arthur Corona
750 W Paseo Del Mar
Unit 100
San Pedro, CA 90731

...**File No. M-2016-071**

Gunnison County: Section 33, T13S, R87W, 6th P.M., TBD, Illegal, Boullion King. Consideration of possible violation, corrective actions, civil penalty and cease and desist order for failure to obtain a reclamation permit prior to mining; or for failure to file a notice of intent prior to conducting prospecting operations. (Dustin Czaplá) 30 Minutes

7. Enforcement Hearing

Ed Wendler
CRV-Indian Shadown Preserve, L.P.
1601 S. Mo Pac Expy. #175
Austin, TX 78746

...**File No. M-2007-048**

Phillips County: Section 14, T35N, R11W, 10th P.M., 8.64 acres, 110(c), Gravel, Indian Shadow Borrow Site. Consideration of permit revocation and finding the financial warranty subject to forfeiture for failure to submit the Annual Fees, Annual Reports, and Annual Maps due September 24, 2015 and 2016 and for failure to pay the Civil Penalty assessed for violation number MV-2017-041. (Lucas West) 20 Minutes

8. Enforcement Hearing

George E. Otten
Central City Consolidated Mining
11438 Weld County Road 19
Fort Lupton, CO 80621

...*File No. M-1990-041*

Gilpin County: Section 12, T3S, R73W, 6th P.M., 3.5 acres, 110(2), Gold, Bates-Hunter Mine. Consideration of a possible violation, permit revocation, and finding the financial warranty subject to forfeiture, for failure to comply with the conditions of a Board Order. (Michael Cunningham) 15 Minutes

9. Enforcement Hearing

Laurine Koellner
L & L Ready Mix
P.O. Box 218
Haxtun, CO 80731

...*File No. M-1998-059*

Phillips County: Section 14, T7N, R46W, 6th P.M., 45 acres, 112(c), Gravel & Borrow, Sunny Dale Farm Pit. Consideration of permit revocation for failure to submit the Annual Fees, Annual Reports, and Annual Maps due September 15, 2015 and 2016 and for failure to pay the Civil Penalty assessed for violation number MV-2017-039. (Elliot Russell) 20 Minutes

10. Enforcement Hearing

Frances A. Phillips
Phillips Stone Company, Inc.
7850 Ute Hwy
Longmont, CO 80503

...*File No. M-1981-075*

Boulder County: Section 5, T3N, R70W, 6th P.M., 9.90 acres, 110(c), Sandstone, Phillips Stone Company. Consideration of a possible violation, cease and desist order, corrective action, and civil penalty for failure to maintain the financial warranty at a level which reflects the actual current cost of fulfilling the requirements of the reclamation plan; and failure to post additional financial warranty within 60 days of the date of written notice from the Office of such insufficiency. (Amy Eschberger) 20 Minutes

11. Enforcement Hearing

Mike Bynum
50 West 100 South Street
Moab, UT 80342

...*File No. M-1994-117*

Boulder County: Section 12, T1N, R72W, 6th P.M., 8.40 acres, 110(2), Gold & Silver, Colorado Milling Company, LLC. Consideration of a possible violation, cease and desist order, corrective actions, and civil penalty for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation. (Amy Eschberger) 60 Minutes

12. Enforcement Hearing

David Badner
Gold Hill Minerals, Inc.
250 NW 23rd St. – Unit 204
Miami Beach, FL 33217

...*File No. P-2012-006*

Boulder County: Section 24, T2N, R72W, 6th P.M., 0.065 acres, MP – Gold & Silver, Bueno Mining Mill. Consideration of confirmation of finding the Board’s determination that the Financial Warranty should be forfeited. (Michelle Ramirez) 10 Minutes

13. Enforcement Hearing

Eustice Zacher
804 30th Lane
Pueblo, CO 81006

...*File No. P-2014-021*

Custer County: Section 25, T22S, R70W, 6th P.M., 1.20 acres, MP-Gold & Silver, EZ Ranch – EZ6 Claim. Consideration of confirmation of finding the Board’s determination that the Financial Warranty should be forfeited. (Michelle Ramirez) 10 Minutes

14. Discussion Item

Discussion item on annual fees lean project for the Minerals Program.
(Tony Waldron) 30 Minutes

15. Public Comment

This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. All persons wishing to address the Board should fill out a presentation slip and present it to the Board Secretary.

16. Executive Session

The Board will meet in executive session to discuss the following pending litigations: *Rudolph Fontanari, et al. v. Colorado Mined Land Reclamation Board, Colorado Division of Reclamation, Mining and Safety, Snowcap Coal, and Jason Carey, 2017CV30391, Transit Mix Concrete Co. v. Colorado Mined Land Reclamation Board, 2017CV30217, and Pride of the West, LLC et al v. The Colorado Mined Land Reclamation Board, Division of Reclamation Mining and Safety and Colorado Goldfields, 2017CV30268.*

Notice of Temporary Cessation - Construction Materials

Pursuant to the Mined Land Reclamation Act section 34-32.5-103(11)(b) and Construction Materials Rule 1.13.6(1) the Division of Reclamation, Mining and Safety hereby posts the following Notice(s) of Temporary Cessation for the following permitted site(s) on the Mined Land Reclamation Board Agenda.

1) Mitchell Mine No 1, Permit No. M-1986-025

Located in El Paso County, Township 11S, Range 61W, Section 27, Colorado (6th) P.M.
Operated by R E Monks Construction Co.
P.O. Box 25579
Colorado Springs, CO 80936
(*Tim Cazier*)

Any person directly and adversely affected or aggrieved, as defined by Rules 1.1(34.1) and 1.13.6, may file a written objection with the Division regarding this Notice of Temporary Cessation on or before Friday, September 22, 2017. If no timely written objection is received, the Notice of Temporary Cessation will be placed on the consent agenda for consideration and acceptance by the Board at the September 27, 2017 Board meeting. If the Division receives a timely objection to the Notice of Temporary Cessation, the Board will hear the objection as a contested matter at the next or future regularly scheduled meeting to be determined by the parties.