

# MINED LAND RECLAMATION BOARD MEETING

## TENTATIVE AGENDA

WEDNESDAY, JULY 26, 2017

Public Notice in conformance with the Colorado Open Meetings Law: The Colorado Mined Land Reclamation Board will hold its monthly meeting on Wednesday, July 26, 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](mailto: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.

The YouTube broadcast of proceedings of the Colorado Mined Land Reclamation Board is provided only as an informational service. Service may be temporarily unavailable or limited, due to technical difficulties or bandwidth limitations, and could result in loss of signals or in the impairment of the quality of the transmission. <https://www.youtube.com/channel/UCDrrAO8bIPFIOwce-yH1fWA>

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1. *Approval of the June 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  
Tamrock Gravel LLC  
137 E. Plum Street  
Trinidad, CO 81082

...File No. M-2001-068

**Las Animas County:** Section 30, T32S, R62W, 6<sup>th</sup> P.M., 327.5 acres, 112c, Sand and Gravel, Bottomless Pit. Consideration of acceptance of the Initial Notice of Temporary Cessation as submitted. (Michael Cunningham)

5. Board Action  
Pinon Ridge Mining, LLC  
31161 Hwy 90  
Nucla, CO 81424

...File No. M-1997-032

**Montrose County:** Section 29, T46N, R17W, 10<sup>th</sup> P.M., 8.49 acres, 110(d), Van 4 Shaft. Board consideration of Operator request for second period of temporary cessation. (Dustin Czaplá) 60 Minutes

**6. Enforcement Hearing**

Alamosa County  
P.O. Box 178  
Alamosa, CO 81101

...File No. M-2001-108

**Alamosa County:** Section 4, T36N, SE, 10<sup>th</sup> P.M., 9.99 acres, Sand and Gravel, Alamosa County Pit No. 1. Consideration of possible violation, civil penalties, corrective actions and cease and desist order for disturbing land outside the permit area. (Dustin Czaplá) 30 Minutes

**7. Board Action**

Mark Dolfín  
2541 Yarmouth Ave.  
Boulder, CO 80301

...File No. M-2004-041

**Larimer County:** Section 30, T4N, R70W, 6<sup>th</sup> P.M., 9.9 acres, 110(c), White Buffalo Quarry. Consideration of reinstatement of permit after past due annual reports, maps, and fees have been submitted. (Amy Eschberger) 10 Minutes

**8. Enforcement Hearing**

Connell Resources, Inc.  
7785 Highland Meadows Parkway, Suite 100  
Fort Collins, CO 80528-8988

...File No. M-1999-050

**Larimer County:** Section 3, T6N, R68W, 6<sup>th</sup> P.M., 157.6 acres, Sand and Gravel, Timnath Connell Pit. Consideration of a possible violation, cease and desist order, corrective action, civil penalty, and/or permit revocation for failure to comply with the conditions of a permit and for failure to provide all monitoring information required as part of the approved Reclamation Plan with the Annual Report. (Jared Ebert) 20 Minutes

**9. Enforcement Hearing**

Adam Schultejan  
120 85 LLC.  
10925 E. 120th Ave  
Henderson, CO 80640

...File No. M-2001-085

**Adams County:** Section 35, T1S, R67W, 6<sup>th</sup> P.M., 51.6 acres, Sand and Gravel, 120<sup>th</sup> Estate Partners. Consideration of a possible violation, cease and desist order, corrective action, civil penalty, and/or permit revocation for failure to comply with the conditions of a permit and for failure to provide all monitoring information required as part of the approved Reclamation Plan with the Annual Report. (Jared Ebert) 20 Minutes

10. Enforcement Hearing

The Turquoise Connection, Inc.  
Foster Scott  
107 Wild Rose Dr.  
Cañon City, CO 81212

...File No. M-2007-031

**Teller County:** Section 13, T15S, R70W, 6<sup>th</sup> P.M., 1.7 acres, 110(2), Gold and Turquoise, Scott Blue II. 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 stabilize and protect all surface areas of the affected land as to effectively control erosion. (Elliott Russell) 60 Minutes

11. Enforcement Hearing

Bryan Malouff  
RMS Utilities, Inc.  
6349 County Rd. 106.65 S.  
Alamosa, CO 81101

...File No. M-2012-007

**Rio Grande County:** Section 21, T40N, R6E, 10<sup>th</sup> P.M., 9.80 acres, 110(c), Borrow, Del Norte NKSJN Pit. Consideration of violation, civil penalty, cease and desist, corrective actions, permit revocation, and finding the financial warranty subject to forfeiture for failure to submit the 2015 Annual Report and the 2016 Annual Report, and 2016 Annual Map. (Michelle Ramirez) 10 Minutes

12. Enforcement Hearing

Mark Cape  
Colorado Mining Enterprises, LLC  
11352 West State Rd. 84, Ste. 205  
Davie, FL 33325

...File No. P-2011-002

**Mineral County:** Section 34, T42N, R1W, 10<sup>th</sup> P.M., 3.15 acres, MP – Gold, Silver, Lead and Zinc, CME Mineral Prospecting Project. Consideration of violation, civil penalty, cease and desist, corrective actions, permit revocation, and finding the financial warranty subject to forfeiture for failure to submit 2016 Annual Fee, 2016 Annual Report, and 2016 Annual Map. (Michelle Ramirez) 10 Minutes

13. 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, 6<sup>th</sup> P.M., .065 acres, MP – Gold and Silver, Bueno Mining Mill. Consideration of violation, civil penalty, cease and desist, corrective actions, permit revocation, and finding the financial warranty subject to forfeiture for failure to submit 2015 and 2016 Annual Fees, 2015 and 2016 Annual Reports, 2015 and 2016 Annual Maps, and assessed Civil Penalties. (Michelle Ramirez) 10 Minutes

14. Enforcement Hearing

Eustice Zacher  
804 30th Lane  
Pueblo, CO 81006

...File No. P-2014-021

**Custer County:** Section 25, T22S, R70W, 6<sup>th</sup> P.M., 1.20 acres, MP – Gold and Silver, EZ Ranch – EZ6 Claim. Consideration of violation, civil penalty, cease and desist, corrective actions, permit revocation, and finding the financial warranty subject to forfeiture for failure to submit the 2016 Annual Fee, 2016 Annual Report, 2016 Annual Map, and assessed Civil Penalty. (Michelle Ramirez) 10 Minutes

15. Enforcement Hearing

Mr. Blaine Schmitt  
Schmitt Reddi-Mix, LLC  
58801 US Hwy 36  
Strasburg, CO 80136

...File No. M-1981-005

**Adams County:** Section 32, T3S, R61W, 6<sup>th</sup> P.M., 9.90 acres, 112(c), Sand and Gravel, West Bijou Creek Pit. Consideration of violation, civil penalty, cease and desist, corrective actions, permit revocation, and finding the financial warranty subject to forfeiture for failure to pay the 2015 and 2016 Annual Fees and for failure to submit the 2015 and 2016 Annual Reports and Annual Maps. (Scottie Tate) 10 Minutes

**16. Enforcement Hearing**

Ms. 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, 6<sup>th</sup> P.M., 9.90 acres, 110(c), Gravel, Shangri La Pit. Consideration of violation, civil penalty, cease and desist, corrective actions, permit revocation, and finding the financial warranty subject to forfeiture for failure to pay the 2016 Annual Fee and for failure to submit the 2016 Annual Report and the 2015 and 2016 Annual Maps. (Scottie Tate) 10 Minutes

**17. Enforcement Hearing**

Mr. Donald O. Rooks  
14241 Canyon Vine Cove  
Draper, UT 84020

...*File No. M-1992-065*

**Rio Blanco County:** Section 5, T1N, R102W, 6<sup>th</sup> P.M., 9.90 acres, 110(c), Gravel, W J Oilfield Pit. Consideration of violation, civil penalty, cease and desist, corrective actions, permit revocation, and finding the financial warranty subject to forfeiture for failure to pay the 2016 Annual Fee, for failure to submit the 2016 Annual Report and 2016 Annual Map and for failure to pay the Civil Penalty of \$323.00 assessed for the violation. (Scottie Tate) 10 Minutes

**18. Enforcement Hearing**

Gary Gardiner  
Max Gravel LLC  
34235 CR 31  
Peetz, CO 80747

...*File No. M-2005-023*

**Logan County:** Section 17, T11N, R52W, 6<sup>th</sup> P.M., 9.99 acres, 110(c), Sand and Gravel, Dallegge Pit #1. Consideration of permit revocation and finding the financial warranty subject to forfeiture for failure to submit 2015's and 2016's Annual Fees, 2015's and 2016's Annual Reports and Annual 2015's and 2016's Maps, and assessed Civil Penalty. (Scottie Tate) 10 Minutes

**19. 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.

**20. Executive Session**

The Board will meet in executive session to discuss the following pending litigations: *Transit Mix Concrete Co. v. Colorado Mined Land Reclamation Board*, 2017CV30217, *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 - Hard Rock/Metals**

Pursuant to the Mined Land Reclamation Act section 34-32-103(6)(a)(II) and Hard Rock/Metals 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) **Van 4 Shaft, Permit No. M-1997-032**

Located in Montrose County, Township 46N, Range 17W, Section 29, New Mexico (10th) P.M.  
Operated by Pinon Ridge Mining, LLC.  
31161 Hwy 90  
Nucla, CO 81424  
(Dustin Czaplá)

Any person directly and adversely affected or aggrieved, as defined by Rules 1.1(38.1) and 1.13.6, may file a written objection with the Division regarding this Notice of Temporary Cessation on or before Friday, June 23, 2017. The Notice of Temporary Cessation will be placed on the agenda for consideration and acceptance by the Board at the June 28, 2017 Board meeting.

### **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) **Bottomless Pit, Permit No. M-2001-068**

Located in Las Animas County, Township 32S, Range 62W, Section 30, 6th Colorado P.M.  
Operated by Tamrock Gravel LLC  
137 East Plum Street  
Trinidad, CO 81082  
(Michael Cunningham)

Any person directly and adversely affected or aggrieved, as defined by Rules 1.1(38.1) and 1.13.6, may file a written objection with the Division regarding this Notice of Temporary Cessation on or before Monday, July 24, 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 July 26, 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.