



## **MINED LAND RECLAMATION BOARD MEETING**

### ***TENTATIVE AGENDA***

**WEDNESDAY, JUNE 27, 2018**

Public Notice in conformance with the Colorado Open Meetings Law: The Colorado Mined Land Reclamation Board will hold its monthly meeting on Wednesday, June 27, 2018 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.

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1. *Approval of the May 2018 Summary of Minutes*
  2. *Approval of Continuances and Withdrawals*
  3. *Executive Director's Office and Division Director Reports*
  4. *Consent Agenda*

A. *Consent Agenda*

Thomas F & Ginger L Latham  
P.O. Box 66  
DeBeque, CO 81630

***...File No. M-1981-058***

**Mesa County:** Section 9, T9S, R97W, 6<sup>th</sup> P.M., 41.70 acres, Sand & Gravel, DeBeque Gravel Pit. Consideration for the first five-year period of Temporary Cessation TC-1. (Amy Yeldell) 5 Minutes

**B. Consent Agenda****...File No. M-1996-081**

Bad Boys of Cripple Creek Mining Co., Inc.  
Harriet Graham  
1429 Locust Drive  
Cañon City, CO 81212

**Teller County:** Section 13, T15S, R70W, 6<sup>th</sup> P.M., .9 acres, 110(2). Turquoise, Bad Boys Pit. Consideration of Operator's request to extend the MV-2017-060 Board Order corrective action deadline to July 18, 2018. (Elliott Russell) 5 Minutes

**5. Formal Public Hearing**

Colorado Goldfields, Inc.  
7986 South Datura Circle West  
Littleton, CO 80120

**...File No. M-1984-049 (Revoked)**

**San Juan County:** Section 1, T41N, R7W, 10<sup>th</sup> P.M., 97.83 acres, 112(d-2). Gold & Silver Mill, Pride of the West Mill. Hearing on remand by order of the Denver District Court, dated November 17, 2017. The Remand hearing is limited to the issue of "whether Plaintiffs (Pride of the West LLC/ Todd Hennis) may still be entitled to assert a claim to any 'contingent reversionary interest'" in the surplus, or excess financial warranty, if any exists after the Division completes reclamation. (Jeff Fugate, Russell Means and Lucas West) 30 Minutes

**6. Board Action**

Energy Fuels Coal, Inc.  
P.O. Box 773457  
Steamboat Springs, CO 80477

**...File No. C-1981-041**

**Fremont County:** Section 30, T20S, R69W, 6<sup>th</sup> P.M., 1.45 acres, Coal, Southfield Mine. Recommendation for permit revocation and bond forfeiture. (Jason Musick) 10 Minutes

**7. Enforcement Hearing**

Dale and Ellen Schmidt  
472 Meadows Dr.  
Pagosa Springs, CO 81147

**...File No. M-2011-014**

**Archuleta County:** Section 12, T34N, R3W, 10<sup>th</sup> P.M., 2.7 acres, Borrow Material, Schmidt Site. Possible violation for failure to protect areas outside the affected land from slides and damage during the mining operation and for failure to comply with the conditions of an order, permit or regulation. (Lucas West) 30 Minutes

8. Enforcement Hearing

Paul Martinez  
Martinez Western Constructors  
335 Village Drive  
Rifle, CO 81650

Jay Ducray  
580 22 ½ Rd  
Grand Junction, CO 81507

...*File No. M-2018-018*

**Mesa County:** Section 6, T1S, R1W, 6<sup>th</sup> P.M., 2.0 acres, Sand & Gravel, Ducray Pit. Consideration for a Possible Violation for Mining without a Permit. (Stephanie Mitchell) 25 Minutes

9. Enforcement Hearing

Deb Rudibaugh  
5291 CR 76  
Parlin, CO 81239

...*File No. M-1995-057*

**Gunnison County:** Section 4, T49N, R3E, 10<sup>th</sup> P.M., 9.9 acres, 110(c), Sand & Gravel, Rudibaugh Pit. Consideration of possible violations, corrective actions, cease and desist order and civil penalties for failure to maintain adequate financial warranty, failure to dispose of all refuse in a manner that controls unsightliness or deleterious effects of such refuse, and failure to maintain adequate mine identification sign. (Dustin Czaplá) 15 Minutes

10. Enforcement Hearing

Anthony Blasi  
Diamond B Enterprises, LLC  
38043 CR 32.4  
Trinidad, CO 81082

...*File No. M-1995-039*

**Las Animas County:** Section 26, T32S, R63W, 6<sup>th</sup> P.M., 55.3 acres, 112(c), Sand & Gravel, Blasi Gravel Pit. Consideration of permit revocation and finding the financial warranty subject to forfeiture. (Michael Cunningham) 20 Minutes

11. Enforcement Hearing

McAtee Construction Company  
P.O. Box 1908  
Sterling, Colorado 80751

...*File No. M-1976-056*

**Logan County:** Section 26, T8N, R52W, 6<sup>th</sup> P.M., 86.4 acres, 112(c), Riverside Pit. Consideration of a possible violation, cease and desist order, corrective action(s) and civil penalties for failure to first obtain from the board or office a reclamation permit prior to engaging in a new operation. (Jared Ebert) 40 Minutes

12. Enforcement Hearing

Ryan Carlson  
20035 County Road 20.5  
Fort Morgan, Colorado 80701

...*File No. M-2018-017*

**Morgan County:** Section 21, T4N, R57W, 6<sup>th</sup> P.M., 0.00 acres, ILL, Borrow Material, Carlson Excavation. Consideration of a possible violation, cease and desist order, corrective action(s) and civil penalties for failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation. (Jared Ebert) 30 Minutes

13. Enforcement Hearing

Brian Barton  
Dumb and Dumber Trucking, LLC.  
16653 Hwy. 14  
Sterling, CO 80751

...*File No. M-2000-149*

**Logan County:** Section 8, T4N, R51W, 6<sup>th</sup> P.M., 65.29 acres, 112(c), Barton Pit. Consideration of violation, civil penalty, cease and desist order, corrective actions, permit revocation, and finding the financial warranty subject to forfeiture for failure to submit the 2018 Annual Report, Map and Fee. (Jared Ebert) 10 Minutes

14. Enforcement Hearing

Schmit Reddi-Mix, LLC.  
58801 US Hwy 36  
Strasburg, Colorado 80136

...*File No. M-1981-005*

**Adams County:** Section 32, T3S, R61W, 6<sup>th</sup> P.M., 145.92 acres, 112(c), West Bijou Creek Pit. Confirm the Board's previous determination that the Financial Warranty should be forfeited pursuant to C.R.S. 34-32.5-118(3)(a). (Jared Ebert) 10 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, INFORM et al v. MLRB, Pinion Ridge Mining LLC, and Western Small Miners Association, 2017CV33475.*