


**COLORADO**Division of Reclamation,  
Mining and Safety

Department of Natural Resources

**MINERALS PROGRAM INSPECTION REPORT****PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Heath Ranch	<b>MINE/PROSPECTING ID#:</b> M-2017-043	<b>MINERAL:</b> Gravel	<b>COUNTY:</b> San Miguel
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Lucas J. West	<b>INSP. DATE:</b> September 28, 2017	<b>INSP. TIME:</b> 10:30
<b>OPERATOR:</b> Alan Heath	<b>OPERATOR REPRESENTATIVE:</b> Alan Heath, Tom Raish	<b>TYPE OF OPERATION:</b> UN - Unknown	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> November 7, 2017	

**GENERAL INSPECTION TOPICS**

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

This inspection was conducted by the Division of Reclamation Mining and Safety (Division) in response to an anonymous Notification received of a possible unpermitted mining operation located in San Miguel County. The notification identified the operation to be located on the Heath Ranch, on Hastings Mesa just off County Road 58 P near Sawpit, CO. For record keeping purposes the site was issued File No. M-2017-043. The site is located approximately 8 Miles Northeast of Sawpit, CO at an elevation of nearly 9424 Feet. The landowner, Mr. Alan Heath, was contacted and was present during the inspection as well as his ranch manager, Tom Raish. The notice outlined concerns about materials being removed from the property without first obtaining a Permit from the Division. Ten Photos accompany this report to illustrate the current site conditions.

The Heath Ranch is a large tract of land that is bisected by two County Roads, 58P and Last Dollar Road (T60). The site lies on the East side of Last Dollar Road near the edge of the property. The property is near the headwaters of Alder Creek, and is the first parcel of private land the creek runs through. The upstream area is a designated Wilderness Area administered by the United States Forest Service. The headwater area of Alder Creek consists of talus covered peaks that rise to well above timberline as shown in Photo One. The creek flows through the USFS Wilderness Area before it meets the eastern edge of the Heath Ranch.

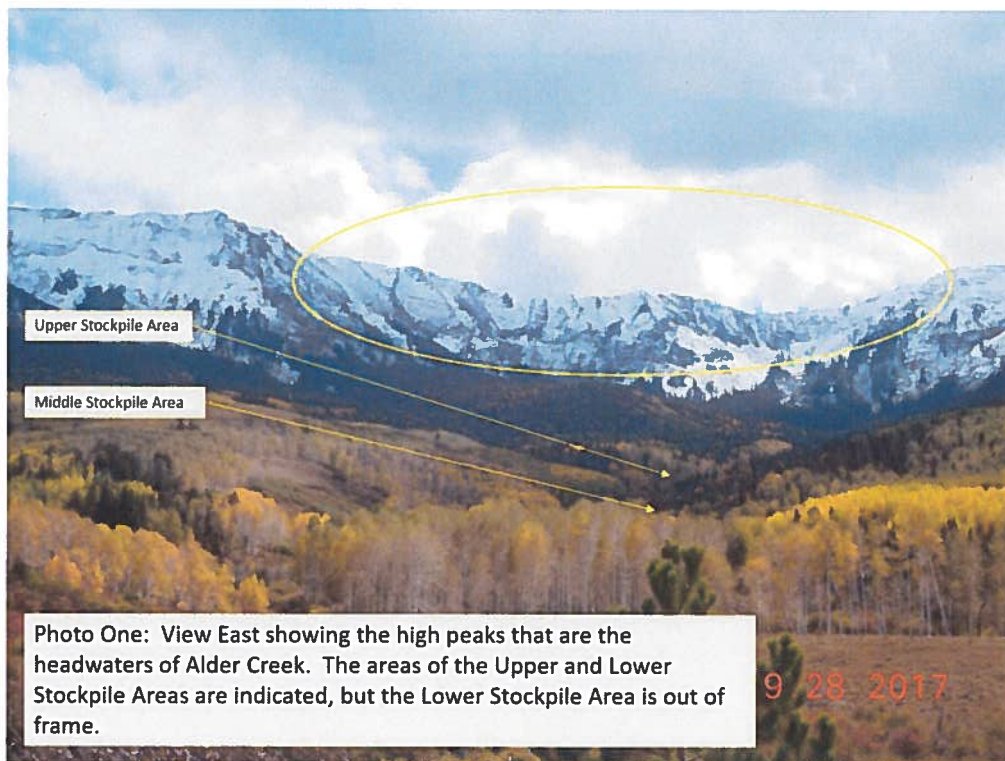
On site discussions with the Landowner indicate that in approximately 2012 a large storm caused a major flood event that scarified the upper reaches of the watershed and transported a large amount of talus material onto the ranch. The flood event caused the material to be deposited near the first head gate on the ranch, which required immediate mitigation to clear the head gate to prevent further flooding and damage to the downstream areas. The stockpiled materials have been deposited into an upper, middle and lower stockpile area. The head gate area can be seen in Photo Two. That material was stockpiled in the area referred to as the middle stockpile area. Since the initial flood event, the landowner has indicated that several similar sized events have taken place that has resulted in multiple clean out efforts and increasing stockpile sizes. The Middle stockpile area can be seen in Photo Three, and is estimated at 500-700 Cubic Yards of Material. Major flood damage was observed in several areas of Alder Creek, examples of which can be seen in Photos Four through Six. The evidence includes sever downcutting of the stream channel, removal of large trees and debris piles indicating that the flow had elevated well above the bankfull stage. The upper stockpile shown in Photo Seven is estimated to be approximately 300 Cubic Yards. The material in the middle and upper stockpile areas has not been screened, crushed or process in any way. The material located at the lower stockpile area has been screened with a grizzly screen shown in Photo Eight, for use both on and off the property. The lower stockpile is estimated to total approximately 500-600 Cubic Yards. Photos Nine and Ten show the two piles located at the lower area. Similar to the middle stockpile area the material was building up on a head gate that supplies an adjacent ranch with irrigation water. The flood events were causing more and more material to be deposited and has resulted in several cleanout efforts.

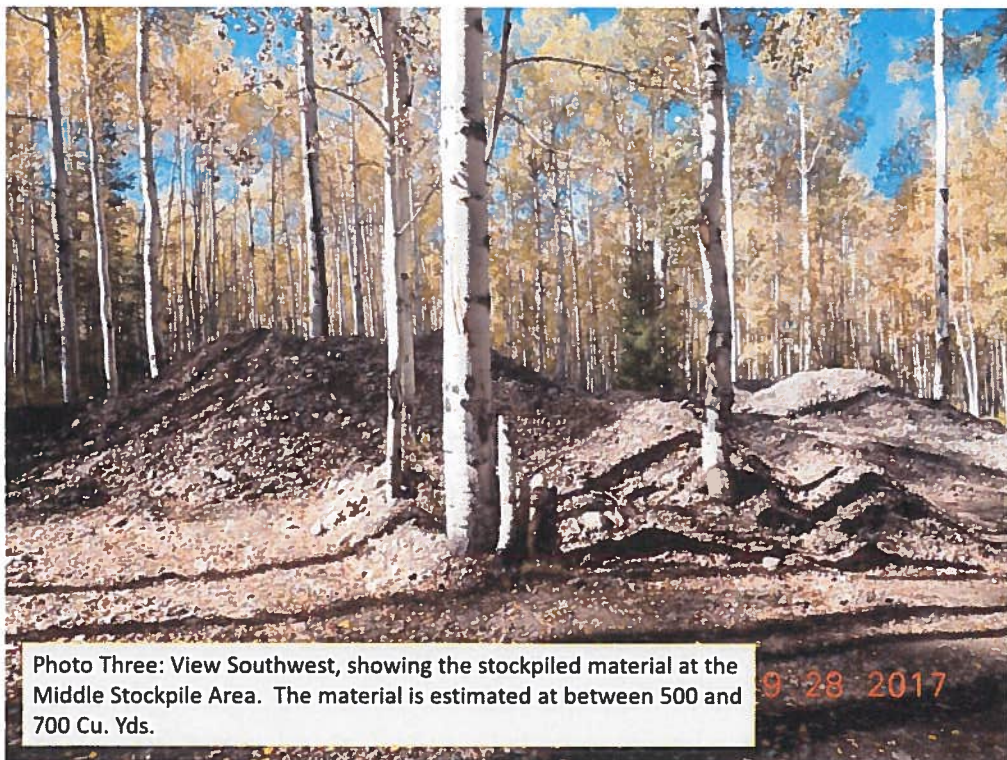
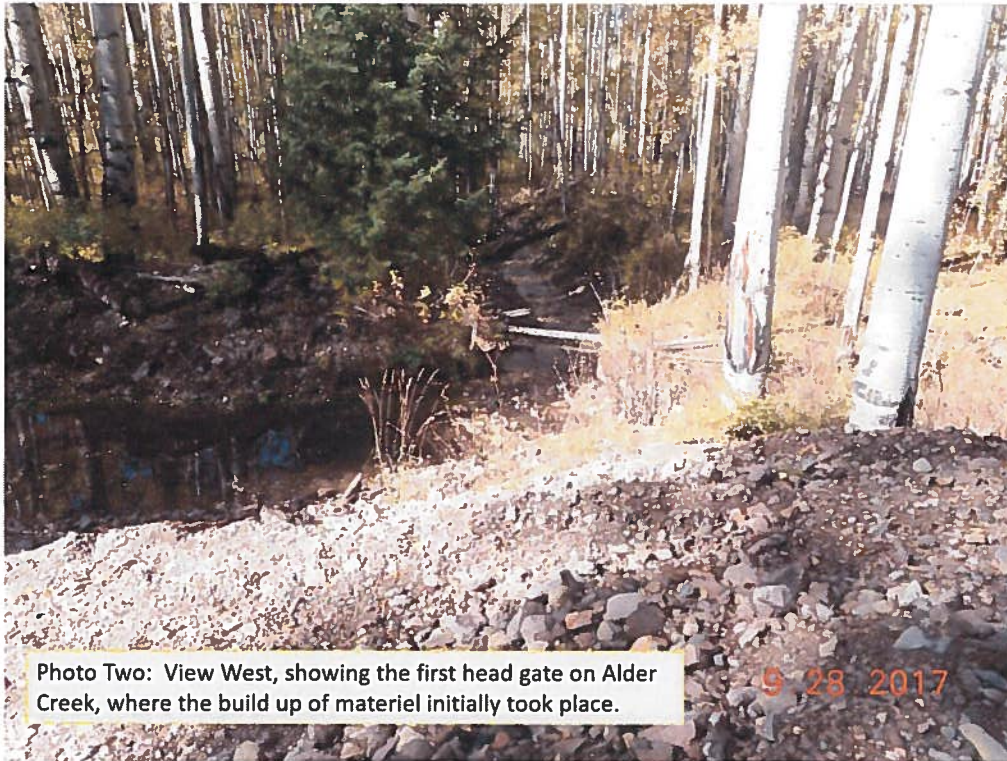
The total amount of stockpiled material totals between 1300 and 1600 Cubic Yards, and occupy approximately 1 acre of disturbed lands. Discussions with the landowner indicate that an unknown quantity of material has been used for upkeep on roads within the ranch as well as various amounts of material has been given to a few of the neighbors in the area. Material from the lower stockpile was also used by the San Juan County Road and Bridge Department when the culvert that conveys Alder Creek across Last Dollar Road was washed out by one of the flood events. The landowner also made it clear that none of the material that left the property was sold, it was all given away free of charge.

Based on the observations made during this inspection it is still unclear whether the activities taking place require a state reclamation permit. To further assist the Division in making a determination on the matter, please complete and return the attached Is It Mining questionnaire. Please submit the completed questionnaire according to the instructions on the form, to the Division's Denver Office within **30 days** of the date of this report. This should be received by the Division no later than **Friday December 8, 2017**.

All other responses to this report should be directed to Lucas West at the Colorado Division of Reclamation, Mining and Safety at 1313 Sherman Street, Room 215, Denver, CO 80203, by phone at (970)-243-6368 or by email at [lucas.west@state.co.us](mailto:lucas.west@state.co.us).

### PHOTOGRAPHS







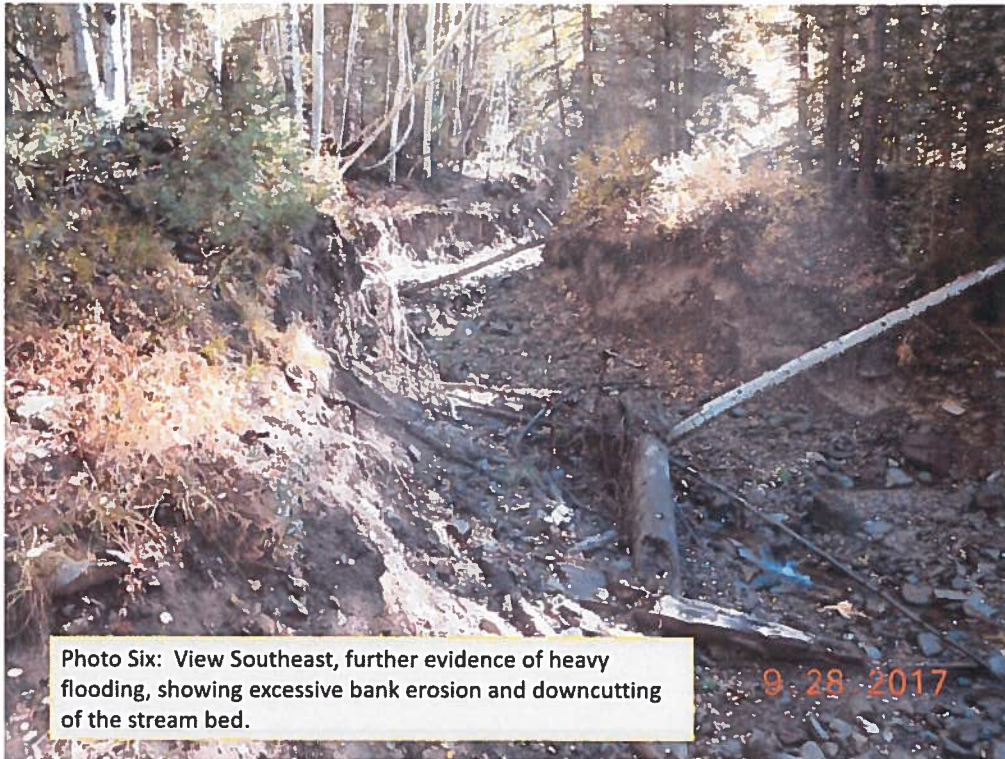


Photo Six: View Southeast, further evidence of heavy flooding, showing excessive bank erosion and downcutting of the stream bed.

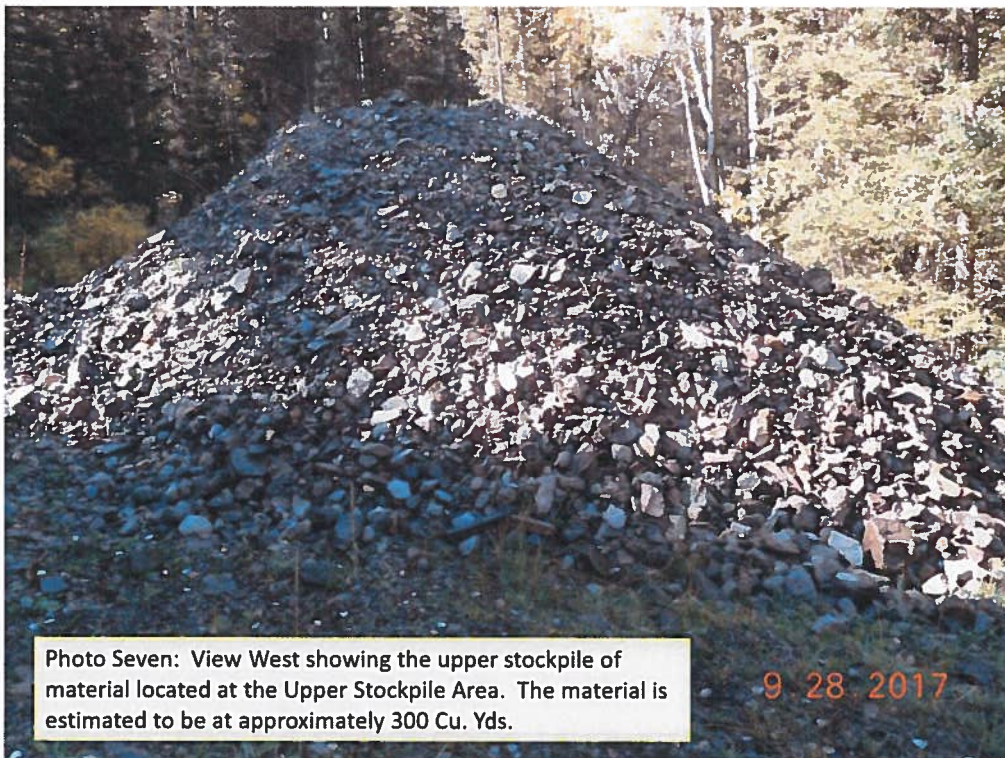
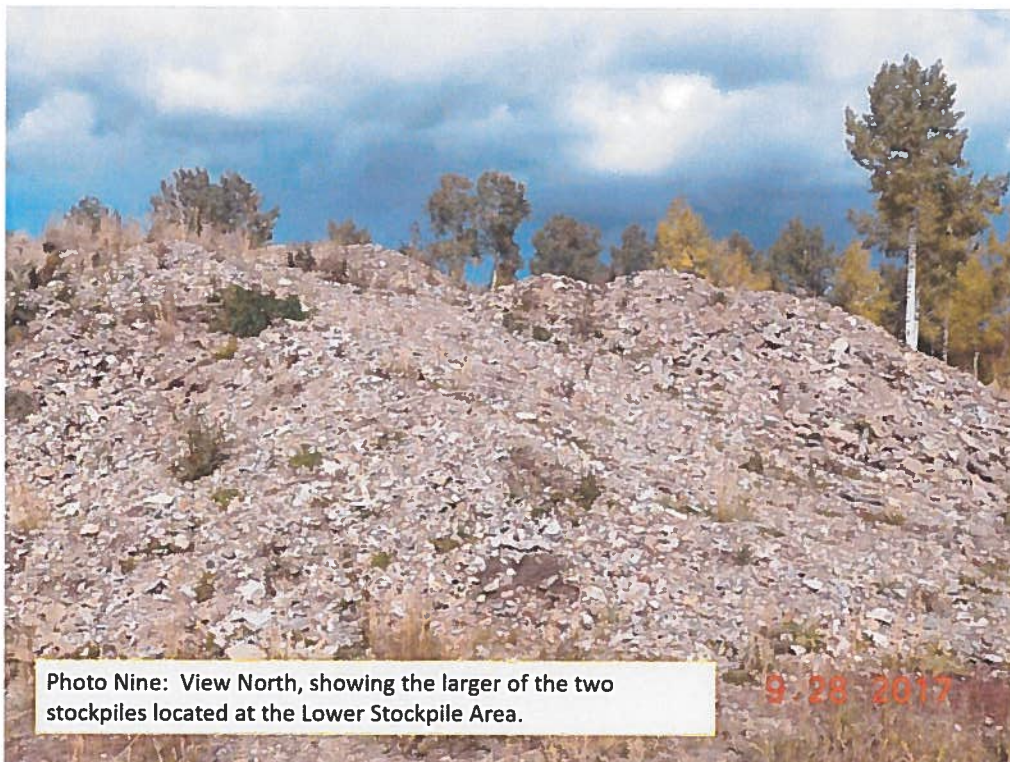
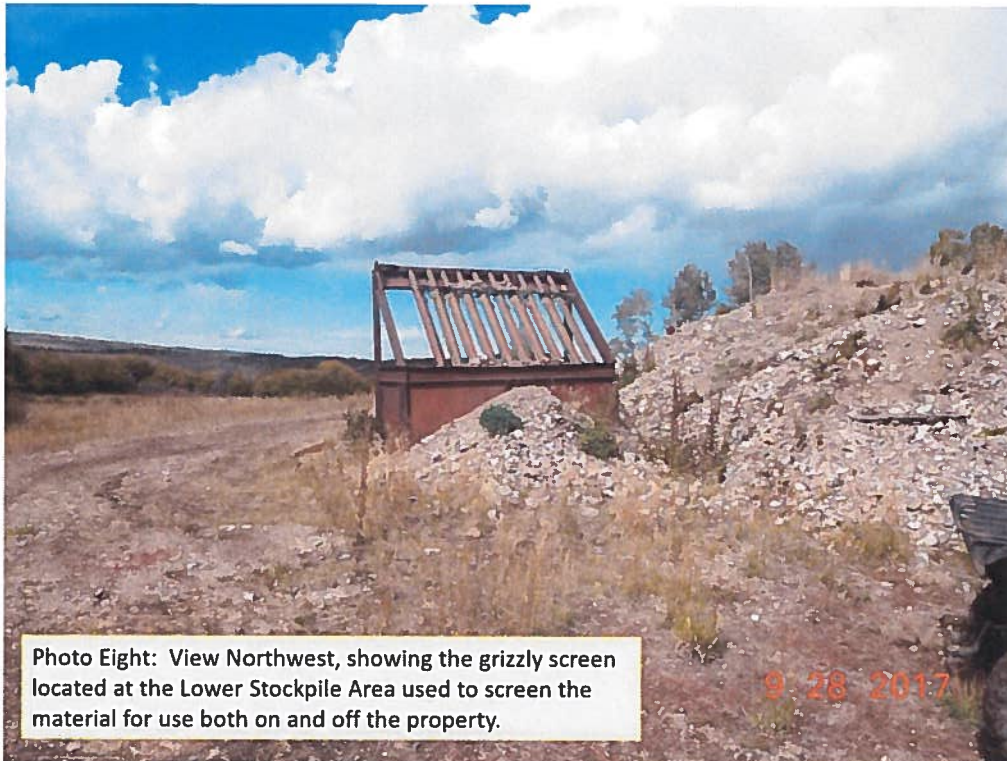
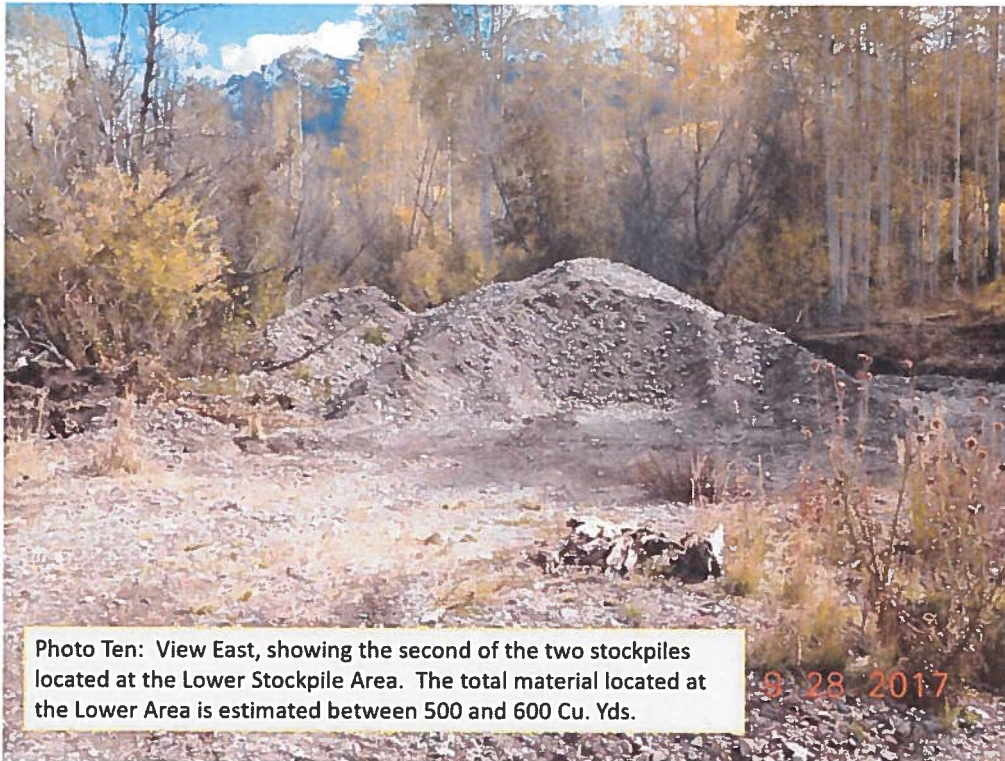


Photo Seven: View West showing the upper stockpile of material located at the Upper Stockpile Area. The material is estimated to be at approximately 300 Cu. Yds.





**Inspection Contact Address**

Alan Heath  
2661 G ½ Rd.  
Grand Junction, CO 81506

Enclosure: Is It Mining Questionnaire

CC: Russ Means, Senior Environmental Protection Specialist



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

Date: \_\_\_\_\_

RE: **Need for State Reclamation Permit: "Is It Mining?"**

M-2017-043

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Email: \_\_\_\_\_

Enclosed are pertinent sections of the Colorado Mined Land Reclamation Board (Board) Rules governing activities that do not require a reclamation permit. To determine if you need a permit for your proposed activity, first check Rule 1.2 which describes activities the Board has determined do not require state reclamation permits. If you find a match, you can proceed based on your interpretation of the rule, but at your own risk. If you are uncertain how the Rule may apply to your activity, you should answer the list of questions below with as much detail as possible. Please feel free to use additional paper, maps, and attachments to explain your project.

Please include in your determination request answers to the following questions:

1. Please provide the legal location of the proposed project and submit a site map that clearly delineates the location of the proposed extraction site and the location of the nearest city, town, and county location name.  
Section \_\_\_\_\_; Township \_\_\_\_\_; Range \_\_\_\_\_; PM \_\_\_\_\_ County \_\_\_\_\_  
Or NAD27 GPS X UTM \_\_\_\_\_ Y UTM \_\_\_\_\_  
Direction and miles to nearest town/city \_\_\_\_\_
2. Is the site of material extraction on public or privately owned property?
3. What type(s) of material or metal is/are proposed to be extracted and describe the physical nature of the site i.e., river terrace, rocky knob, in-stream gravel deposit, etc.?
4. What processing or extraction method(s) will be used on site? Include any equipment or chemical(s) that will be used in the processing and extraction of the materials.
5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?
6. How will the extracted material be used on site?
7. If the material is hauled offsite, where will it be hauled to and what is the intended use?



8. What is the approximate areal extent of the proposed extraction in acres?
9. To what approximate depth will the extraction extend?
10. In cubic yards, approximately how much material will be removed?
11. Will material extraction involve the use of explosives?
12. Will site of extraction result in the exposure of tributary ground water?
13. Will either the landowner or the mine site operator receive any type of compensation, i.e., monetary, in-kind, haulage fees, etc., from the proposed material extraction?
14. Please supply a copy of any documents that will ensure that the area of extraction will be reclaimed to some beneficial land use once extraction activities have been completed.
15. Do you have permits for this activity from any other governmental agencies such as building, construction, or grading permits, and if so, what are they?
16. Are there state/federal/local agency participants in terms of funding (yes)-(no), design (yes)-(no). What are the percentages?
17. What *post mining* uses will be made of the site of extraction and why?  
(This question helps us determine the intent of the activity)
18. What types and sizes of equipment will be used in the extraction?

Please send the completed questionnaire to the Division at the address above for review. The Board has directed the Division to make a decision based on the information you have supplied. We trust that the activities will be performed as represented. If we receive a complaint, we are required by law to conduct an inspection of the site. Which could result in a violation, a cease and desist order, and other corrective actions including submittal of a permit application.

If you have any question, please contact Wally Erickson for Eastern Colorado sites at (303)866-3567, ext. 8176, or Russ Means for Western Colorado sites at (303)866-3567, ext. 8185. If you are unsure which area your project lies please feel free to contact either for further guidance and assistance. Please feel free to visit our web site at: [www.mining.state.co.us](http://www.mining.state.co.us) for further access to the full Act and Rules governing extraction of metals, non-metals, and construction materials in the State of Colorado.

Sincerely,

Division of Reclamation, Mining and Safety Staff

Enclosure: Rule 1.2.1 for both Hard Rock Metal Mines and Construction Materials

## **1.2 SCOPE OF RULES AND ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT**

### **1.2.1 Specified by Rule**

The Board has determined that certain types of activities do not need reclamation permits either because the excavated substance is not a mineral as defined in Section 34-32-103(7), Colorado Revised Statutes 1984, as amended or because the activity is not a mining operation as defined by Section 34-32-103(8), C.R.S. 1984, as amended. Such activities include the following:

- (a) the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe;
- (b) the development or extraction of coal (refer to the Colorado Surface Coal Mining Reclamation Act Section 34-33-101, et seq., C.R.S. 1984, as amended);
- (c) smelting, refining, cleaning, preparation, transportation, and other off site operations not conducted on affected land;
- (d)
- (e) a custom mill.

## **1.2 ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT**

103(3) and (13)

### **1.2.1 Specified by Rule**

The Board has determined that certain types of activities do not need reclamation permits either because the excavated substance is not a construction material as defined in Section 34-32.5-103(3), Colorado Revised Statutes 1984, as amended or because the activity is not a mining operation as defined by Section 34-32.5-103(13), C.R.S. 1984, as amended. Such activities include the following:

- (a) the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe;
- (b) the development or extraction of coal (refer to the Colorado Surface Coal Mining Reclamation Act Section 34-33-101, et seq., C.R.S. 1984, as amended);
- (c) cleaning, preparation, transportation, and other off-site operations not conducted on permitted land; and
- (d) the extraction of geothermal or groundwater resources.

### **1.2.2 Reserved**

### **1.2.3 Reserved**

### **1.2.4 Extraction or Exploration on Federal Lands**

Any person who intends to extract or explore for construction materials on federal lands shall apply for a Mined Land Reclamation Board permit or submit a Notice of Intent to conduct exploration operations unless specifically exempted by the Board according to the provisions of this Subsection 1.2.