




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.

MINE NAME: White Wolf Construction Borrow Pit	MINE/PROSPECTING ID#: M-2018-029	MINERAL: Borrow	COUNTY: Las Animas
INSPECTION TYPE: Illegal (Unpermitted Operation)	INSPECTOR(S): Elliott R. Russell	INSP. DATE: May 31, 2018	INSP. TIME: 14:30
OPERATOR: White Wolf Construction & Landscaping, LLC	OPERATOR REPRESENTATIVE: Joe Montoya	TYPE OF OPERATION: ILL - Illegal	

REASON FOR INSPECTION: Priority	BOND CALCULATION TYPE: NA	BOND AMOUNT: No Bond Held
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 15, 2018

The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected

(AR) RECORDS----- PV	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</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 / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / **PV = Possible violation cited**

PROBLEMS/POSSIBLE VIOLATIONS

INSPECTION TOPIC: Availability Of Records

POSSIBLE VIOLATION: Failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by 34-32.5-109(1) C.R.S.

CORRECTIVE ACTIONS: This possible violation has been scheduled to be considered by the Mined Land Reclamation Board during the July 25-26, 2018 Board meeting. Official notice of the schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the Operator.

CORRECTIVE ACTION DUE DATE: July 25-26, 2018

OBSERVATIONS

Following a citizen complaint, the Colorado Division of Reclamation, Mining and Safety (Division) was inspecting an unpermitted operation (M-2018-025) in the Segundo and Valdez, Colorado area when an additional unpermitted operation was discovered. The Division observed an excavator loading a dump truck just north of Highway 12 and County Road 47.7, approximately 12 miles west of Trinidad, Colorado. The loaded dump truck left the site and traveled to an open lot in downtown historic Trinidad just west of N. Commercial Street and E. Elm Street. One skid steer was actively grading out the dumped material.

The Division spoke with the dump truck driver, Joe Montoya, who said he was the owner of White Wolf Construction & Landscaping, LLC. Mr. Montoya explained he was filling in the basements of two building he was hired to demolish. Mr. Montoya indicated the material was coming from his property near the Valdez area. Mr. Montoya estimated he had hauled and dumped at least 50 trucks of fill dirt at the lot with at least another 12 trucks were needed to finish the project. Mr. Montoya stated his dump truck has a 12 cubic yard open-box bed on it.

The Division requested to inspect the excavation site and traveled back to the Valdez area. The site is located north of Highway 12 and the Purgatoire River. Specifically, the site is located in the northwest quarter of the southeast quarter of Section 31, Township 33 South, Range 65 West of the 6th Principle Meridian and the entrance is at 37° 7'31.91"N 104°42'31.49"W.

The site consisted of a short access road and hillside excavation located between two small drainages. The Division acquired GPS data with a Trimble Juno 3B and used Google Earth to determine the disturbance was approximately 0.41 acres in size. The Division has attached *DRMS 5-31-2018 Inspection Map M2018029* to this report which depicts the size of the extraction area. Mr. Montoya said he was trying to develop the area as a future building pad for a shop and once enough material has been delivered to the lot in Trinidad, he would use the cut/fill method for the remaining material. Mr. Montoya anticipated the pad would further extend north approximately 100 feet.

Following the inspection, on June 1, 2018, the Division received an anonymous complaint regarding the unpermitted operation. The complaint alleged White Wolf Construction had been hauling fill for a week and a half from the Valdez area to a job site in Trinidad where two old buildings had been torn down.

C.R.S. 34-32.5-103(13) defines a "mining operation" as the development or extraction of a construction material from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operations. C.R.S. 34-32.5-103(3) defines a "construction material" as rock, clay, silt, sand, gravel, limestone, dimension stone, marble or shale extracted for use in the production of nonmetallic construction

products. C.R.S. 34-32.5-103(1) defines "Affected Land" as the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of an operation. Affected lands include, but shall not be limited to, private ways, roads (except those roads that were constructed for purposes unrelated to the operation that were in existence before a permit application was filed with the office, and will not be substantially upgraded to support the operation); land excavations, explorations sites, drill sites or working, refuse banks or spoil piles, evaporation or settling ponds, work, parking, storage, or waste discharge areas, and areas in which structures, facilities, equipment, machines, tools or other materials or property that result from or are used in such operations are situated. Given these definitions, the excavation created by White Wolf Construction & Landscaping, LLC on Mr. Montoya's property is considered to be a mining operation and the land that has been disturbed is affected land. Given this, a reclamation permit will need to be obtained. This issue is cited as a possible violation at the beginning of this report. Details regarding this enforcement action will be sent under a separate cover.

The Division has assigned File No. M-2018-029 for this site. The Division recognizes that Mr. Montoya was unaware of the need for a permit for this type of activity. Mr. Montoya was very helpful and cooperative with the investigation and inspection, and communicated a desire to take the steps necessary to get into compliance.

This concludes the Division's Inspection Report; a subset of photographs taken during the inspection are included below. For any additional information or questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Inspection Contact Address

Joe Montoya
White Wolf Construction & Landscaping, LLC
24541 Hwy 12
Trinidad, CO 81082

Attachment: DRMS 5-31-2018 Inspection Map M2018029

CC: Michael Cunningham with DRMS

PHOTOGRAPHS



Photo 1. Excavator loading dump truck; looking north from Highway 12 and CR 47.7.



Photo 2. Dump truck at the open lot in Trinidad; looking northeast.



Photo 3. Excavation area and access road; looking north.



Photo 4. Excavation area; looking west.



Photo 5. Excavation overview; looking northwest.



Photo 6. Excavation overview; looking northeast.

Inspection Map M-2018-029

White Wolf Construction Borrow Pit

Inspection Date: 5/31/2018

Aerial Photo Date: 10/18/2016


Created by E.R.R



37° 7'31.91"N 104° 42'31.49"W

500 ft

Legend

 Approximate Disturbance (0.41 acres)

Google Earth

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