




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: Adams and Pope Pond	MINE/PROSPECTING ID#: M-2019-013	MINERAL: Sand & Gravel	COUNTY: Mesa
INSPECTION TYPE: Illegal(Unpermitted Operation)	INSPECTOR(S): Amy C. Yeldell	INSP. DATE: March 18, 2019	INSP. TIME: 12:45
OPERATOR: Corey Adams/ Cody Pope	OPERATOR REPRESENTATIVE: Corey Adams and Cody Pope	TYPE OF OPERATION: UN - Unknown	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: March 12, 2019	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: March 20, 2019	

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>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</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>Y</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>Y</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

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

OBSERVATIONS

On March 12, 2019 the Colorado Division of Reclamation Mining, and Safety (Division) received a citizen's complaint. The complaint alleged that material was being excavated to build a lake and that dewatering activities were impacting the hydrologic balance and potentially threatening fish and wildlife. In response to this complaint the Division conducted a site inspection on March 18, 2018.

The Division met with the two land owners Corey Adams (3447 Grand Valley Canal Rd) and Cody Pope (3449 Grand Valley Canal Rd). The excavation is occurring on both adjoining properties (photo one). Mr. Adams' property already had a preexisting pond. Based on areal imagery from the Mesa County Assessor's website this pond was approximate 0.7 surface acres. The current operation was deepening this pond on Mr. Adams' property and extended it east to the property line (see photo two). A newly formed pond on Mr. Pope's property is being excavated and will adjoin Mr. Adams' pond (photo three). Mr. Adams previously classified this area as being 'swampy' and that excavations are to develop the water resource to a usable shared pond.

Based on field estimates the newly excavated pond once completed will be approximately one and half surface acres and approximately 15-20 feet deep. At the time of the inspection the pond was completely dewatered and discharging into the neighbor's pond to the west (Darrell Brunet). Mr. Pope was actively excavating material at the time of the inspection. The haul truck was on site but material was not being transported. Mr. Pope indicated that they expect to be done with their digging this week (March 22, 2019).

Both landowners stated that to date no material has left the property nor is it their intention to sell or remove any of the material in the future. They intend to use the material on site to elevate the property for flood protection (see photos four-seven). Areas where material was deposited to create lifted pads were observed on both properties. A haul road was also created on Mr. Pope's property with the excavated material. Mr. Pope further clarified that material from the two properties has not been mixed and all material remains on the property it was excavated from. Two topsoil piles were observed on Mr. Pope's property, north and south of the pond.

The Division conveyed to the landowners best management practices for pond reclamation. They were encouraged to slope shore banks no steeper than 3H:1V with meandering banks. The Division encouraged timely seeding of disturbed areas with an appropriate seed mix. Additionally riparian weed species were also mentioned in an effort to avoid infestation of non-desirable species.

The complainant has also notified several other agencies regarding water issues, including but not limited to the Colorado Division of Water Resources (DWR) and the regional Water Commissioner. During the inspection Mr. Pope has indicated that he has applied for a Gravel Well Pond Permit with DWR and has been in contact with the various other local agencies who have authority over these water issues. The Division does not intend to investigate the potential water issues associated with this project as they are non-jurisdictional.

The Division would like to request that each of the land owners complete an "Is it Mining?" letter to add to our investigation (form is attached). Please submit these forms to the Division no later than April 19, 2019. This form will help to supplement the record and staff observations. The Division will be continuing its investigation and a final determination letter will be issued once the investigation has concluded.

Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Inspection Contact Address

Corey Adams
3447 Grand Valley Canal Road
Clifton, CO 81520

Cody Pope
3449 Grand Valley Canal Road
Clifton, CO 81520

Ec: Travis Marshall, DRMS
Wally Erickson, DRMS

Cc: Jodilyn Romero
3453 Grand Valley Canal Road
Clifton, CO 81520

Colorado Division of Water Resources
Ben Krause
1313 Sherman St, Rm 821
Denver CO 80203

Mesa County Planning Department
200 S Spruce St
Grand Junction, CO 81501

US Army Core of Engineer
Colorado/ Gunnison Basin Office
400 Rod Ave, Room 224
Grand Junction, CO 81501

Enclosure

PHOTOGRAPHS





Photo three: Division between the two properties observed. Adams on the right, Pope on the left. Mr. Pope actively excavating a pond



Photo four: Excavated material used on side to create an elevated pad. Stockpile stored above pad.



Photo five: Excavated material used on side to create an elevated pad. Stockpile stored above pad.



Photo six: newly excavated material deposited for grading once it's dried out on the Adam's property



Photo seven: Elevated pad created from material excavated from the original Adam's pond



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?"

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 you 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 it 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 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.