




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

The Division of Reclamation, Mining and Safety 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: Foxhall site	MINE/PROSPECTING ID#: M-2020-015	MINERAL: N/A	COUNTY: Clear Creek
INSPECTION TYPE: Illegal(Unpermitted Operation)	INSPECTOR(S): Peter Hays	INSP. DATE: February 14, 2020	INSP. TIME: 12:00
OPERATOR: Total Eclipse Mining LLC	OPERATOR REPRESENTATIVE: David Emslie	TYPE OF OPERATION: ILL - Illegal	
REASON FOR INSPECTION: High Priority	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Inclement/prevented Inspection	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: February 18, 2020	

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>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

OBSERVATIONS

The Division of Reclamation, Mining and Safety (Division/DRMS) attempted to conduct a site inspection of the Foxhall claims based on the appearance of the site on the Discovery Channel television show "Reclaimed". The site is considered a possible illegal mining operation by the Division based on the appearance on the show. The Foxhall site includes several claims and claim owners based on the Division's search of the Clear Creek Assessors website. The claims and claim owners are listed below:

Danube and Tunnel Lode No. 1 Claims - Total Eclipse Mining LLC / David Emslie, Kandance Lukow and Theo Kropywiansky
Casino Tunnel No. 2 - Terry Lopez
Euphrates - Robert and Bambi McCracken
Tigris - Martha Malone

Mr. David Emslie appeared on the show as the owner of the Foxhall mine. The Division attempted to contact Mr. Emslie to discuss the show and arrange for this inspection, however the Division was unable to reach Mr. Emslie on the phone number listed on the Clear Creek Assessors website for Total Eclipse Mining LLC. A copy of this inspection report will be mailed via certified mail to all claim owners associated with the Foxhall site.

The attempted site inspection was conducted by Peter Hays and Amy Eschberger with the Division. The Division was not able to conduct an inspection of the site since access to the site requires access through private property. The access roads was snow patch and may not have been passable by vehicle.

During Episode 2 of the Reclaimed show, railroad tracks were laid from the Foxhall mine portal to the shop building to allow for mined material to be haul from the site for off-site processing. Workers were shown moving ore carts from the portal to the end of the tracks. The carts appeared to be empty and did not contain mined ore from the Foxhall mine.

The Foxhall site is an historic mine which has not been operational in many decades. The Division has not approved any prospecting notices or mining permits for the site. This inspection report serves as notice to the mine claim owners a Notice of Intent to Conduction Prospecting Operations or a Reclamation Permit is required to be submitted and approved by the Division in accordance with C.R.S 34-32-101 (Act) and the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations (Rules) prior to any exploration or mining activities occurring at the site.

Any prospecting or mining activities conducted without the Division's approval will be considered illegal mining resulting in the issuance of a Reason to Believe a Violation Exists notice by the Division and an enforcement hearing before the Mined Land Reclamation Board. Any Operator who operates without a permit shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) per day nor more than five thousand dollars (\$5,000) per day for each day the land has been affected pursuant to C.R.S 34-32-123(2).

Since the site activity related to mining depicted on the television show appeared to be staged, no enforcement activity will be initiated by the Division at this time. The Division requests the mining claim owners contact the Division to discuss the show and the future of the site. The Division has assigned the possible illegal operation investigation File No. M-2020-015. This file number should be referenced by the claim owners for communications with the Division. The Division will plan to conduct another site inspection

to evaluate the existing mining disturbance at the site when permission to access the site is obtained by the Division and weather conditions allow for site access.

An "Is It Mining Questionnaire" was sent to the Discovery Channel producers to obtain additional information regarding the possible illegal mining activity at the Foxhall site. The questionnaire was due back to the Division on February 7, 2020. The Division has not received the completed questionnaire from the producers to date. A copy of the questionnaire is enclose for completion by the mining claim owners.

If you need additional information or have any 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 x 8124, or by email at peter.hays@state.co.us.

Claim Owners

David Emslie
Total Eclipse Mining LLC
309 S. Summit View Drive, Unit 16
Fort Collins, CO 80524

CERTIFIED MAIL NO. 7018 2290 0001 8923 6552
Return Receipt Requested

Kandace M. Lukow
850 W. Chicago Creek Road
Idaho Springs, CO 80452

CERTIFIED MAIL NO. 7018 2290 0001 8923 6538
Return Receipt Requested

Theo Kropywiansky
1098 S. Clarkson St.
Denver, CO 80209

CERTIFIED MAIL NO. 7018 2290 0001 8923 6507
Return Receipt Requested

Terry R. Lopez
1800 W. 44th Ave.
Denver, CO 80211

CERTIFIED MAIL NO. 7018 2290 0001 8923 6545
Return Receipt Requested

Robert and Bambi McCracken
1800 E. Ocean Blvd.
Long Beach, CA 90803

CERTIFIED MAIL NO. 7018 2290 0001 8923 6576
Return Receipt Requested

Martha J. Malone
2804 E. 14th Ave.
Spokane, WA 99202

CERTIFIED MAIL NO. 7018 2290 0001 8923 6569
Return Receipt Requested

Enclosure: Is It Mining Questionnaire

Ec: Jared Ebert, DRMS
Russ Means, DRMS
Michael Cunningham, DRMS