




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: Degroot Property	MINE/PROSPECTING ID#: M-2020-050	MINERAL: Borrow	COUNTY: Weld
INSPECTION TYPE: Illegal(Unpermitted Operation)	INSPECTOR(S): Peter Hays	INSP. DATE: October 13, 2020	INSP. TIME: 10:00
OPERATOR: Allyson Degroot Living Trust	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: ILL - Illegal	

REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held
DATE OF COMPLAINT: October 9, 2020	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: November 17, 2020

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.

INSPECTION TOPIC: Availability Of Records

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

CORRECTIVE ACTIONS: The Division will require the landowner or a person knowledgeable of the excavation work to complete an "Is It Mining" questionnaire or contact the Division as soon as possible to discuss the excavation activities. Please contact Jared Ebert, Senior Environmental Protection Specialist by telephone at (303) 866-3567 Ext. 8120 or by email at jared.ebert@state.co.us.

CORRECTIVE ACTION DUE DATE: 12/17/20

OBSERVATIONS

This was an inspection of the property owned by the Allyson A. Degroot Living Trust to investigate a complaint of a possible illegal mining operation conducted by Peter Hays with the Division of Reclamation, Mining and Safety (Division/DRMS). On October 9, 2020, the Division received an anonymous complaint of possible illegal mining activity on the property. The location of the activity was identified as a quarter mile south and east of the intersection of Weld County Road 51 and Weld County Road 46. The complainant stated the property was being mined for topsoil and the topsoil was being sold to the oilfields without any permits or reclamation plan. A copy of the complaint from is attached. An inspection map based on the latest available Google Earth image and the observations from this inspection is attached for reference.

A material stockpile and three (3) areas of recent shallow excavation were observed during the inspection. The size of the stockpile was estimated at 14,400 cubic yards. The total area disturbed by the excavation activity was estimated at 18.81 acres based on measurements taken during the inspection and Google Earth image. The excavation work appears to have been completed using scrapers to excavate the top several inches of topsoil material and placing the material in the stockpile. No equipment was present at the time of the inspection and no activity was observed during the inspection. No evidence of material being removed from the site was observed during the inspection. The stockpile was intact and no area of excavation into the stockpile was observed during the inspection.

As cited as a problem requiring corrective action, the Division requests the landowner or a person knowledgeable of the excavation work complete an "Is It Mining" questionnaire or contact the Division as soon as possible to discuss the excavation activities. The information requested in the questionnaire will allow the Division to make a final decision regarding whether a Division issued permit is required for the excavation. A copy of the questionnaire is attached and available at <https://drive.google.com/file/d/1VBxztXPXnwcjJa-U1oITQsj08FMKQ4x/view>.

Prior to engaging in a new mining operation, a permit must first be obtained from the Division in accordance with C.R.S. 34-32.5-109(1). Mining activities, including the excavation, selling and offsite transport of topsoil, borrow material or other construction materials; 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 34-32.5-123(2).

Photographs taken during the inspection are attached. If you need additional information or have any questions, please contact me at the 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.

A copy of this report was mailed to Allyson Degroot Living Trust, P.O. Box 360, Kersey, CO 80644 on October 16, 2020. The report was not picked up and was returned to the Division based on USPS tracking information. The report is being re-sent to the address below.

PHOTOGRAPHS



View of the topsoil stockpile from the west end looking east



View of the excavation area located north of the stockpile from the stockpile looking north



View of the northeast excavation area from the southwest corner looking north



View of the northeast excavation area from the southwest corner looking northeast



View of the south excavation area from the south end looking west



View of the south excavation area from the south end looking north



View of the south excavation area from the south end looking east



View of the south excavation area from the northwest corner looking east

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- PB	(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

Inspection Contact Address

Allyson Degroot
25562 County Road 46
Kersey, CO 80644-9036

Enclosures – Complaint Form, Inspection Map and Is It Mining Questionnaire

Ec: Jared Ebert, DRMS

Certified Mail No. XXXX XXXX XXXX XXXX XXXX
Return Receipt Requested

DRMS Complaint Intake Tool

By Submitting this form you are requesting an investigation of compliance with DRMS rules.



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

DRMS Internal Information

Select Permit Type *

Minerals

Permit No List *

M2020050

Date of Complaint

10/09/2020

COMPLAINANT INFORMATION

*** Indicates a Required Field**

Do you wish to remain anonymous? *

☒ Yes ☐ No

Connection to Incident *

Select all that apply

- ☐ Land Owner
☒ Nearby Resident
☐ Other

- ☐ Mineral Owner
☒ Observed Incident

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

Address of concern. Weld County, WCR 51 & WCR 46, 1/4 mi south and east into

This property is being mined for top soil and sold to the oilfield without any permits or reclamation plans.

Incident County *

Weld County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|---|---|
| <input checked="" type="checkbox"/> Illegal Mining | <input type="checkbox"/> Dust |
| <input type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input type="checkbox"/> Surface Water Impact / Stormwater Management | <input type="checkbox"/> Property Damage |
| <input checked="" type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input checked="" type="checkbox"/> Signs and Markers | <input type="checkbox"/> Overburden / Development Waste |
| <input checked="" type="checkbox"/> Financial Warranty | <input type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input checked="" type="checkbox"/> Topsoil |
| <input type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input checked="" type="checkbox"/> Reclamation Plan Compliance | <input type="checkbox"/> Other <input type="text"/> |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

Mining without proper permitting. Selling without proper sales licensing.

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☐ Yes ☒ No

If known, please provide the name of the operator or party conducting the operation.

If known, please provide the Permit or NOI Number (ie M-1970-111 or P-1970-111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☐ Yes ☒ No

ADDITIONAL INFORMATION

Are there supporting photos, maps, or documents you wish to upload? *

☐ Yes ☒ No

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☐ Phone ☒ E-mail ☐ US Mail



Degroot Illegal

M-2020-050

Complaint of Illegal Mining Operation Map

October 13, 2020

Legend

-  Excavated Areas
-  Topsoil Stockpile

51

Google Earth

© 2020 Google

900 ft





COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

Date: _____

RE: Need for State Reclamation Permit: “Is It Mining?”

Name: _____

Street

Address: _____

Telephone:

()

Mobile:

()

Email

Address: _____

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

Or NAD 27 X UTM
GPS

Y UTM

Direction and Miles to
nearest town/city:

County:



2. Is the site of material extraction on public or privately owned property?

Public

Private

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?

Yes ____ No ____

12. Will site of extraction result in the exposure of tributary ground water?

Yes ____ No ____

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?

Yes ____ No ____

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
Funding	Yes ____	No ____
Design	____	____

Percentages

State _____ Federal _____ Local Agency _____

17. What post mining land uses will be made of the 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 questions, please contact the Division at (303)866-3567. Please feel free to visit our web site at: <https://colorado.gov/drms> 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 excerpt for Hard Rock Metal Mines and Construction Materials
Rule 1.2 excerpt for Hard Rock/Metal Mining

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) 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.