




**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.

<b>MINE NAME:</b> New Vision Borrow Site	<b>MINE/PROSPECTING ID#:</b> M-2021-008	<b>MINERAL:</b> Borrow material	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Peter Hays	<b>INSP. DATE:</b> February 9, 2021	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> New Vision Investments, LLC	<b>OPERATOR REPRESENTATIVE:</b> Dan LaCoe	<b>TYPE OF OPERATION:</b> ILL - Illegal	
<b>REASON FOR INSPECTION:</b> Normal I&E Program	<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> Snowing	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> February 17, 2021	

**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:** The landowner/operator failed 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/operator to complete and submit a Construction Materials Special Operation 111(1)(b) Reclamation Permit Application Package by the corrective action due date. If the landowner/operator fails to submit the required Reclamation Permit Application Package, the Division will initiate the enforcement process against the landowner/operator for the possible illegal mining operation. The enforcement process could result in civil penalties in the amount of \$1,000 to \$5,000 for each day the land has been affected by the mining operation.

**CORRECTIVE ACTION DUE DATE:** 4/19/21

## **OBSERVATIONS**

This was an inspection of the private property owned by New Vision Investments, LLC to investigate a complaint of a possible illegal mining operation. The inspection was conducted by Peter Hays with the Division of Reclamation, Mining and Safety (Division/DRMS). On February 4, 2021, the Division received a complaint of possible illegal mining activity on the property from Weld County. The location of the activity was identified as north of WCR 2 and 1.2 miles west of WCR 45 (Parcel 1473-3330-0004). The Division determined the physical address as 20905 WCR 2, Brighton, CO 80603. The complainant stated Mr. Dan LaCoe was selling/giving away 60,000 cubic yards of dirt to MA Mortensen. A copy of the complaint email is attached. An inspection map based on the latest available Google Earth image and the observations from this inspection is attached for reference. Mr. Dan LaCoe granted the Division permission to enter the site to conduct the inspection and was present during the inspection.

Four (4) areas of disturbance were observed during the inspection; a detention pond, a building pad, an RV Park and an excavation area located in the northwest corner of the property.

The detention pond was located north of WCR 2 and west of the entrance road to the property. The Division estimated the area of the pond at 5.71 acres. The pond was approximately five (5) feet deep with rough graded 3H:1V perimeter slopes. Mr. LaCoe stated the slopes would be finish graded soon. Mr. LaCoe stated the detention pond was included in a Weld County approved grading permit and Use by Special Review (USR) permit (Case USR17-0055). Mr. LaCoe provided an electronic copy of the grading permit during the inspection. The grading permit was issued for the construction of a thirty (30) acre agricultural complex. The pond appears to be constructed in accordance with the approved USR.

The building pad was located northwest of the detention pond and consisted of a level area approximately 8.58 acres in size. The USR indicates a 96,000 square foot livestock barn with a recycled asphalt parking area will be constructed on the pad. Stockpiles of recycled asphalt and concrete were observed north of the building pad. The pad appears to be constructed in accordance with the approved USR.

The RV Park was observed and appeared to be constructed in accordance with the approved USR. The park consisted of rough graded RV pads with electrical, water and sewer connections.

The active excavation area was observed in the northwest corner of the property, northwest of the existing RV Park. The approximate area is shown as the location for future RV spaces in the approved USR. The Division estimated the area of excavation at 5.5 acres with a maximum depth of ten (10) feet below the original grade. The excavation area exceeds the limits of the future RV park area indicated on the approved USR. Mr. LaCoe stated a fifty (50) foot offset would be established from the north property boundary and the final slope would be excavated at a 4H:1V slope. Mortenson was actively excavating and hauling material off-site during the inspection. A dozer, excavator and haul trucks were observed during the inspection. The material was transported by the trucks to a construction site located approximately 3 miles southwest of the site for a warehouse construction project. Mr. LaCoe estimated 40,000 to 50,000 cubic yard of material would be removed from the site by the excavation work. A topsoil stockpile was observed south of the excavation area. Mr. LaCoe stated the topsoil would be used to reclaim the excavation area.

Mr. LaCoe stated the property was being developed for use by a non-profit, Achieve More. The Achieve More website, [www.letsachievemore.org](http://www.letsachievemore.org), states it is a pro-youth, non-profit corporation dedicated to making a positive difference in the lives of urban, suburban, and rural youth by developing their potential through agricultural, hands-on learning. The approved USR appears consistent with the mission statement for the organization. Mr. LaCoe stated Mortenson was donating to the non-profit in exchange for the borrow material removed from the site.

Mining activities, including the excavation, selling and offsite transport of topsoil, borrow material or other construction materials; conducted without the Division's approval, could 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. 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). 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). Before additional excavation and transport of material can continue at this site, a permit will need to be issued by the Division. The Division believes a 111(1)(b) permit would be appropriate for this operation.

The 111(1)(b) Reclamation Permit application package is for projects that generate small quantities of construction materials that are exported from the extraction site and are incidental to the intent of the project. An operation that qualifies for a 111(1)(b) Reclamation Permit must be clearly defined, of short duration and scope, affect no more than 30 acres, and not employ material processing activities typically associated with mining operations.

The Division determined the existing excavation for the future RV Park meets these criteria, since the excavated material was hauled off-site, heavy equipment was being used, the landowner was receiving compensation through the non-profit and the excavation area is not clearly defined on the approved USR. The Division will require the landowner/operator to complete and submit a Construction Materials Special Operation 111(1)(b) Reclamation Permit Application Package as indicated on the first page of this inspection report. A copy of the 111(1)(b) application is available on the Division's website at: [https://drive.google.com/file/d/1syzl\\_qBpm2knzV5y3DO-SwZ4jKX4T8YD/view](https://drive.google.com/file/d/1syzl_qBpm2knzV5y3DO-SwZ4jKX4T8YD/view)

The construction of the detention pond and the building pad are not considered to be mining by the Division, since the features are approved under the USR, the material excavated for the pad remained on-site and the detention pond was required for the site drainage for the approved development.

Mr. LaCoe provided the Division with copies of the renewed grading permit, since the original permit had expired in January 2021 and the approved USR after the inspection.

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](mailto:peter.hays@state.co.us).

## PHOTOGRAPHS



View of the detention pond from the SE corner looking NW



View of the detention pond from the west side looking east





View of the detention pond from the NE corner looking SW



View of the building pad from the east side looking south



View of the building pad from the east side looking west



View of the building pad from the west side looking east





View of the recycled concrete and asphalt stockpiles located north of the building pad



View of the existing RV Park from the north side looking south



View of the west end of the existing excavation area



View of the east end of the existing excavation area with topsoil stockpile on the right side of the photo



## GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <b>PB</b>	(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

Dan LaCoe  
New Vision Investments, LLC  
20905 Weld County Road 2  
Brighton, CO 80603

Enclosure – Inspection Map, Weld County Complaint Email

Ec: Jared Ebert, DRMS



# New Vision Illegal

February 9, 2021 Inspection Map  
M-2021-008

## Legend

- Approx. Property Boundary
- Area of Existing Mining Operation for future RV Spots - 5.5 Acres
- Building Pad
- Detention Pond
- Existing RV Spots
- New Vision Investments
- Recycled Asphalt Stockpiles
- Recycled Concrete Stockpiles

Recycled Asphalt Stockpiles

Recycled Concrete Stockpiles

New Vision Investments, LLC

Google Earth

Image © 2021 Maxar Technologies

E 168th



1000 ft





STATE OF  
COLORADO

Hays - DNR, Peter <peter.hays@state.co.us>

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## Dirt moving operation (USR17-0055)

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**Diana Aungst** <daungst@weldgov.com>

Thu, Feb 4, 2021 at 10:59 AM

To: "peter.hays@state.co.us" <peter.hays@state.co.us>

Good morning Peter:

I have received a complaint about Dan LaCoe selling (giving) 60,000 yards of dirt to MA Mortensen (sp) so he can build a drainage pond. The location is just north of WCR 2 and about 1.2 miles west of WCR 45 under the ownership of New Vision Investments. The parcel number is 1473-3330-0004. Does this amount of dirt moving require a permit from your office?



Thanks,

*Diana Aungst*

*Planner*

Weld County Department of Planning Services  
1555 N. 17th Avenue - Greeley, Colorado 80631  
D: 970-400-3524

O: 970-400-6100

Fax: 970-304-6498



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