

STATE OF  
COLORADO

Hays - DNR, Peter &lt;peter.hays@state.co.us&gt;

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**Re: M 2001-022 Inspection 5/5/2021**

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**JAMIE MCGILL** <jam2finance@yahoo.com>

Wed, May 5, 2021 at 6:29 PM

To: Peter Hays - DNR &lt;peter.hays@state.co.us&gt;, Jared Ebert &lt;jared.ebert@state.co.us&gt;

Cc: Dc\_construction &lt;dc\_construction@ymail.com&gt;

Peter,

Attached are pictures of the Kosha taken April 8th 2021 that you stated are not a problem, these are only 2 pictures and a letter in response to the inspection today. You stated they have completed the reclamation to your satisfaction and are willing to release their mining claim.

Regards

Jamie Christensen

On Friday, April 30, 2021, 02:38:36 PM MDT, Hays - DNR, Peter <peter.hays@state.co.us> wrote:

Jamie,

As you are aware, the inspection to investigate your complaint against the release request for Cell 4 of the Green Croissant Mine is scheduled for Wednesday May 5th at 10am.

Peter S. Hays  
Environmental Protection Specialist



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

I am working remotely and can be reached at 970.703.3767.

P 303.866.3567 Ext. 8124 | F 303.832.8106  
1313 Sherman St., Room 215, Denver, CO 80203  
peter.hays@state.co.us | <https://drms.colorado.gov>

On Fri, Apr 30, 2021 at 2:34 PM JAMIE MCGILL <jam2finance@yahoo.com> wrote:

Hi Peter,

Thank you for taking the time to respond to a few of my questions today. I keep referring to 2016 but I believe it is the 2015 survey that you sent me that is possibly the one I should be referring too. I am printing out all the public information as we speak so that I refer to the correct documents. There is a enormous amount of information and it involves property we do not own so want to make sure I do not refer to anything that does not apply to our property.

Sincerely  
Jamie

On Friday, April 30, 2021, 02:10:30 PM MDT, Hays - DNR, Peter <peter.hays@state.co.us> wrote:

Jamie,

As we discussed during our phone conversation this morning, a response to your questions are as follows.

Was the current Topographical was made in 2016 and used before mining was completed?

The topographical maps are based on a survey completed on January 2, 2019. A copy of the survey maps submitted by the Operator to the Division are attached.

Is the Topographical Map in 2019 the same map that was used in 2016?

You have referenced a 2016 map several times. Which map from 2016 are you referring to, so I am sure I am looking at the correct map?

Was an inspection done before filling the lake to verify the Topographical map?

No. It is the responsibility of the Operator to survey the slopes to verify the grading prior to filling the lake.

Was Loveland Ready Mix authorized to fill the lake or was it supposed to be inspected first? Is this a policy that allows for some inspections and not others?

The lake was not required to be inspected by the Division prior to filling the lake.

Peter S. Hays  
Environmental Protection Specialist



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On Thu, Apr 29, 2021 at 4:47 PM JAMIE MCGILL <[jam2finance@yahoo.com](mailto:jam2finance@yahoo.com)> wrote:

Hi Peter,

I have yet to have answers to the questions I asked in my several emails to you in the past few weeks. Today we received a threatening letter from Loveland Ready Mix's Attorney and we will have our attorney respond. We will also continue to grant LRM access to proceed with whatever access they need to proceed with the reclamation. We will not interfere and we have not we have only been dismissed and disregarded for asking questions. Their position is they do not need a new access agreement and they told us they were waiting to hear from you on the subject and have not as of today. We have been caused extreme duress as the land owners without any answers to our questions treating us badly just for asking them. We will be also obtaining legal counsel within the next couple weeks and explore our options. I do not know if you did your site visit yet, but Stephanie had told us that Mark Buckley would be out to hydro seed perhaps we misunderstood. We were a little surprised to see no hydro seeding was completed and that a estimate 30 percent of the shore was dug up and drill seeded the other day (see attached pictures.)and that is ok. We are in no way trying to interfere in the reclamation process but you do not answer our questions and we have reason to doubt the documents we have been provided to us to answer our questions. We have ordered a detailed Topographical Map that will be completed in the next few weeks at our expense. This will at least let us know if the slope is at 3 to 1 and end that dispute once and for all. We will also wait for your inspection report and your investigation in regards to the Topographical Map that was used in this mining permit. In the mean time we will continue to allow LRM access for whatever they need to do in regards to the reclamation process and document all activity so that people can based decisions on actual physical documentation. A few questions that would be nice if we had a answer. I have several more pictures that I am putting together on a thumb drive for our attorney that I will ask him to provide a copy of to the state if he thinks is necessary or if it is requested.

Was the current Topographical was made in 2016 and used before mining was completed?

Is the Topographical Map in 2019 the same map that was used in 2016?

Was an inspection done before filling the lake to verify the Topographical map?

Was Loveland Ready Mix authorized to fill the lake or was it supposed to be inspected first? Is this a policy that allows for some inspections and not others?

I am just trying to understand what is acceptable and what is not,

Sincerely,  
Jamie Christensen

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3 attachments



**20210408\_114616.jpg**  
3372K



**20210408\_114817.jpg**  
3644K



**552021.docx**  
13K











Peter,

I was very disappointed in your site visit today you are a very dedicated advocate for LRM. I did not see you take any pictures of sink holes and the erosion of the pipe into the river, the Kosha, etc perhaps you did I guess we will see. I have attached a couple pictures of Kosha taken on April 8th 2021. It was mowed recently so you were unable to include in our pictures. There is a lot of new Kosha and is very green so it was probably missed when they sprayed for weeds. When my husband asked why you didn't take any pictures of the sink holes you said "What sink holes?" Then he showed you one, there are more, and you said that's easy it can be filled with dirt. We actual walked right by them, and you never acknowledge them. Agreed, that is what we thought too and when we asked LRM to fill the sink holes years ago they said NO. So it is not as easy as it should be.

We talked to the survey company today and they do not understand why you would request us to have a underwater measurement of the slope, that does not affect the measurement of the slope above the water. After all you did not even inspect the lake before LRM filled the lake; perhaps they are the ones who should provide you with that information. The slope of the lake above the water is what can affect safety for people and that is our main concern. The other items we have brought to your attention over the years are important and addressed. Measuring the slope below the water line does not change the slope above the water line. You do not take an average. I hope that is not what you are suggesting. LRM reclamation plan calls for a 3:1 continuous slope not a changing slope. Mr. Hays you stated that you do not see anywhere on this lake where it is steeper that 3:1 today. We were actually quite surprised that you said you find that the slope is 3:1 and adequate for the state to release the reclamation. Erosion and lack of seeding growing on many slopes of the lake can be caused by a steep slope which has ongoing since 2018. We will soon find out who is correct. We will provide you our Survey results as soon as we get them no matter what they are in to resolve our disagreement as to the actual measurement of the slope. We were informed from Colorado Parks and Wildlife that the slope is an ongoing problem with the state not enforcing the slope. We were informed of this within the last 30 days. In fact the mining claim across the road from us was just notified by CPW that the slope must be 3:1 or less because it is a reoccurring problem with mining claims. We will try to contact some conservation groups to see if they have this problem as well so that we have several opinions to reference.

The survey will come with very good pictures, we were told, and show exactly how the grass is or is not established, we can compare them to your pictures you took today. The survey pictures we had done were just taken a few days ago so it will be a accurate comparison. We were also surprised that you told us that if we did not agree on releasing the reclamation LRM will have another 5 years to complete the reclamation that the process would start over. The rules state they have 5 years. It does not say that if you neglect your obligations and do not complete your reclamation plan because you were too busy, did not properly improve and/or repair the property as required, ignore the landowners concerns or request, refuse to make fixes, or lack inspections to make sure the operator is complying in a timely manner that the operator is entitled to another 5 years. LRM is required to handled and correct all obligations or problems in a reasonable time frame. It is unacceptable for board or office to just give

another 5 years because that what works for you or LRM without consequences. By the state doing this they are complicit at the expense of the landowner and part of the problem. How do you justify under these conditions of neglect, lack of due diligence, and incompetence allowing another five years. The only time allowed should be limited based on direct, agreed upon, corrective action where everyone agrees especially when your decision causes the land owners financial loss and mental distress. We have brought up the slope since 2018 and if the survey confirms what we have been saying for years, it is your fault and LRM's that it is not fixed as of today. We believe the survey will prove what we have been saying for years is true.

Please explain how the inspection on 7/23/2019 by LRM is acceptable when we supplied time stamped pictures showing that the fix they claim was completed was a intention lie.

We would like for the maps that you have accepted from surveyors and engineers supplied LRM to provide their documentation used to come to their conclusions. I do not know if any of them actually visited the site that is important to know. Our Surveyors were on site. We will be asking for an immediate fix to the slope, hydro-seeding and updated reclamation plan to meet LRM'S 5 year legal obligation to complete their reclamation plan in a timely manner. Is it common for a mining company to have special privileges over the land owner, no matter what kind of financial and/or mental distress the operator and the state cause the land owners? Mr. Hays you are complicit in this complaint and are partial to blame for your lack of inspections and enforcement of the reclamation plan.

Regards,

Jamie and Dustin Christensen