



STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

M2001-022 mining claim

JAMIE MCGILL <jam2finance@yahoo.com>

Tue, Jun 29, 2021 at 6:38 PM

To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>, Peter Hays - DNR <peter.hays@state.co.us>, Jeff Fugate <jeff.fugate@coag.gov>, Dc_construction <dc_construction@ymail.com>

Hello Mr Jared,

I was surprised in your response because in your inspection report (Peters) DRMS agrees with LRM (pg 5 Objection/complaint #2), and I thought you did too. Both you and Peter told me and my husband in person during the inspections that you seen no problem with the slope and it was "typical" for this reclamation claim even though we gave you a copy of the slope map and explained it to you what our findings were that day. You obviously did not believe what we said, so you asked for even more documentation from King Surveyors which we were happy to provide to you and we have. I find this so disturbing and I am providing a package to go out to all counties and state agencies that mining affects. The people who are granting special use permits etc. I am asking for help from the governor office to have DRMS policies be the same as the law, for example yearly inspections for all mining claims no matter what kind of claim would be a good start. I know this will take years but I determined for safety to be taken seriously and well as peoples livelihood to be protected and respected. This is not fun for us, we are being kept from using our property and losing money for business opportunities because of lack of enforcement and complicity in how this mining claim is being handled. We had to agree to keep the lake wakeless just to put our docks back on the lake. We had to remove our docks because we were told that you could fail the reclamation because of our docks. How is that even possible? I mean how does a dock affect the slope, weeds, and the reclamation in any way? We do appreciate that DRMS an LRM have both given us permission to put our docks back on our own lake, with the understanding no motorboats. We did agree that it will stay wakeless, (we really do not have a choice if we want to fish off our docks, but something to think about is if you are really worried about a boat causing erosion is it because large chunks of the lake are currently just falling off as we speak. I attached pictures from 5/12 and yesterday.

I am hoping to work on clarifying and changing mining laws and rules to make them fair for everyone. I have contacted some conservation groups and I am looking forward to working with them to try and tighten up the laws, making reclamations safe for all people and animals for years after the mining company leaves. This is a safety issue and it is bad. I must use every administrative procedure to protect myself and to make sure I have solid standing, hoping I will never need it. I know based on what you told me you and others you have discretion in allowing for extra time, but this reclamation was never inspected before the lake was filled and LRM never started the reclamation when the said they would. If mining companies actually started their reclamations on time and had yearly inspections and perhaps had to provide the type of map we did, not only would slopes be safe, mining claims most likely would be completed on time. Also mining companies should not be allowed additional mining claims if they are unable or willing to complete a reclamation plan that they have already submitted and have been approved, no more than 2 or 3 at a time. DRMS policies should reflect and be the same as regulations and be enforced. They were approved based on what they said they would do in their reclamation plan. We have been worried about the slope since 2018 (that is not a secret) Peters mentioned it in his June 2019 inspection report and instead of enforcing the reclamation plan you make us prove the slope is steeper than 3:1 at our expense. We submitted a map of measurements in April that we took and it was completely ignored, but you accepted an inspection from LRM on July 23, 2019 saying they measured the slope on July 10th 2019 saying it is 3:1 and good to go(see email and letter submitted by LRM) when I sent you time stamped pictures of them still working on the slope July 23rd 2019 and you reference it your May inspection. How is that acceptable? I also would like to know what the measurements of the slope are on they survey that LRM submitted in January 2019, July 2019 and April 2021 it looks like the same survey to me and I am unable to read the slope measurements. Please provide the information of the measurements of the slopes and a explanation of how it was obtained by all of the companies who produced the surveys, after all you required it from us.

Only after paying thousands of dollars and using the best technology with a signed explanation, do you consider the map we submitted. The only inspection DRMS did was in June 2019 by Peter and the inspection from LRM on July 23rd 2019 it wasn't even the state that inspected the violation to see if it was fixed correctly and it was accepted like no big deal. We even sent pictures time stamped of July 23rd 2019 proving a complete lie was submitted and accepted in July of 2019. Wow. The next inspections were Peter's on May 5th and yours on May 20th, So yes I am frustrated. I cant even use our own property and we are losing thousands in revenue from missed business opportunities. LRM stated they have all the time in the world and are not it a hurry. Nice! The damages just continue to increase. Why would they be in any hurry? There are no consequences for them not completing their reclamation plan as submitted and they seem to get more time even though they do not deserve it, but after all the state is allowing it. I will contact counties and will be asking for no more special use permits to be issued until they finish ours. I will attend county commissioner meetings and will keep

going for years if I have too. I am currently researching all their mining claims looking for common denominators between LRM and the states behavior. Is this really how mining claims are regulated. This is unacceptable. We were told by having a dock on our lake the state could fail LRM reclamation not because of the slope, the weeds, the sink holes etc. but the docks on the water. That is absolutely ridiculous and if true then the rules definitely need to be changed. How does that affect the reclamation? I would like to know what part of the lake/slope you are requesting them to fix ,please? My appeal would only be premature if you are adding or changing the determinations that you and Peter made in your inspections, If that is the case please send me a copy of your new findings, if there are no changes in writing than yes my appeal is to your decisions I receive and is necessary. How do I know if my concerns are really being addressed. So will there will be another report and if so when should I expect it? Appeals are time sensitive I would like to know the date of which I need to respond by. If the slope is not fixed correctly then we will let our lawyer handle the complaint that we need to submit to the Board. I have attached pictures of the holes that have not been filled or fixed. I will also attach pictures of the weeds and grass some areas are 6 feet tall. I also would like a copy of the water report that they took and had tested, please. I would like detail findings and recommended fixes in writing as well when the fixes are required to be complete. I will send several emails of pictures again because of the size, I can not send at once. I am sorry for any inconvenience.

All we want is the slope fixed above the water under the water does not matter to us it is not a safety issue. I hope it is not spot fixes like Stephanie referred to at your inspection. It Is much worse than that and we believe from experts it is because the slope was not compacted and is to steep is why there is so much erosion.

I will be doing a CORA request to make sure all correspondence between the state and LRM are included in the file. Please send me you written determination of the slope and recommend fix.

Sincerely
Jamie Christensen

On Tuesday, June 29, 2021, 02:09:13 PM MDT, Ebert - DNR, Jared <jared.ebert@state.co.us> wrote:

Hello Mrs. Christensen,

We have reviewed the results of the survey you provided tous and there are some zones that will need to be re-graded to a 3H:1V ratioabove the waterline. We have informed LRM of this and they have not respondedyet. LRM has a due date of July 30, 2021to submit the results of the below water slopes. We will evaluate those results and determineif any additional earthwork below the waterline is necessary. Please see my May 28, 2021 letter and the May20, 2021 inspection report for clarification on weed control at the site. It was my understanding based on your June18, 2021 email that your appeal was premature? Rule 5.5.2 pertains to Exploration operations and is not applicable tothis permit. It is my understanding theholding ponds used by LRM have been backfilled and graded, and blend into thesurrounding area, I did not witness a "sink hole" on the property. Several other issues from your June 14, 2021email I have responded to in my previous correspondence and I have nothingfurther to add.

Jared

[Quoted text hidden]

6 attachments



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

image.png
47K



shorecollapse.jpg
389K



imagejpeg(1).jpg
461K



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Division of Reclamation,
Mining and Safety
Department of Natural Resources

image.png
47K



archive(50).zip
506K



62621.pdf
2374K













There is
a hole
From Mining
was wondering
why not
filled in.

View of the west shoreline looking south in Cell 4



View of the vegetation in the southwest corner of Cell 4



This was
caused by
mining is
open to river
was wondering
why it is not
being filled
in?

Figure 9. Culvert from the Cell No. 4 area to the Big Thompson River.



Figure 10. View from near the northwest corner of the Cell No. 4 looking east.