




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

The Division of Reclamation, Mining and Safety has 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> Richardson Residence	<b>MINE/PROSPECTING ID#:</b> M-2021-042	<b>MINERAL:</b> Borrow	<b>COUNTY:</b> Larimer
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Brock Bowles	<b>INSP. DATE:</b> June 30, 2021	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> Red Feather Excavating	<b>OPERATOR REPRESENTATIVE:</b> Fred Barlow	<b>TYPE OF OPERATION:</b> ILL - Illegal	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held	
<b>DATE OF COMPLAINT:</b> June 23, 2021	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> July 19, 2021	

**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>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</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>Y</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

This inspection was prompted by a complaint submitted to the DRMS website on June 23, 2021. The complaint alleged that: *"Starting in May 2021, and still ongoing, Barlow (Red Feather Excavating) has dug up large quantities of earth and rock from the identified property (1146 Springmeadow Way, Red Feather Lakes), dumped it down the hillside and continues to distribute it to other properties."*

The complainant is Ralph Sauter of 113 Parvin Drive, Red Feather Lakes. Mr. Sauter did not wish to remain anonymous and did not attend the inspection.

Brock Bowles and Michael Cunningham of DRMS conducted the inspection at the Richardson residence at 1146 Springmeadow Way, Red Feather Lakes. Fred Barlow (Red Feather Excavating), Cheryl Richardson (landowner), Raymond Harrison (Red Feather Highlands Maintenance Assoc.) and Jennifer Burgher (Red Feather Highlands Maintenance Assoc.) attended the inspection.

Cheryl Richardson explained that she hired Fred Barlow to excavate the hillside on the east side of her house to create defensible space for forest fire mitigation. The excavated material was moved to the western side of her house to create a larger driveway and parking area. This larger area was needed to improve access for emergency vehicles and equipment to meet local fire codes. The work was conducted between February and March 2021. No construction related equipment was on-site and no additional disturbance was noted in the surrounding area.

The site conditions around the house were consistent with Cheryl Richardson's explanation. The hillside behind the house had recently been excavated and crushed stone spread on the flat area between the house and hillside (photo 1). The driveway/parking area had also recently been expanded (photo 2). This was evident by the lack of vegetation on the driveway edges and outslope of the filled area (photos 3, 4 & 5). The vegetation in the surrounding undisturbed areas was well established and dense. A few small rills had formed on the backfilled area. Cheryl Richardson was aware of these rills. She said she owned a landscaping company and planned to hydro seed the excavated and filled areas this fall when conditions were more favorable for seeding. Summer is not the best time for seeding.

Fred Barlow explained that prior to the project he contacted the Larimer County engineer and the Red Feather Highlands Maintenance Assoc. (HOA). The county engineer concluded the project did not need a county permit due to the small size. The HOA reviewed the project plans and approved the work. This was verified by Raymond Harrison and Jennifer Burgher of the HOA.

Approximately 2-3 truckloads of soil was moved from the Richardson's property to a neighbor's property. The soil and a gazebo were donated by the Richardsons. The soil was used to create a level location for the gazebo. The extraction and moving of material off the property to another property meets the definition of mining as defined by C.R.S. 34-32.5-103(13) and Rule 1.1(30) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials.

The intent of this project was to improve fire mitigation and emergency vehicle access. The intent was clearly not to mine or extract a commodity, although material did leave the site meeting the definition of mining. The Division considers the above described activity to be incidental mining. However, since no mining activity is currently happening, no additional earthwork is planned, backfilling/grading is complete, revegetation is planned for this fall (a standard practice), the hillside appears to be stable and there are no anticipated off-site

impacts, a mining permit is not warranted for this situation.

A copy of the "Is It Mining Questionnaire" is attached to this report. Please review the questionnaire and distribute it to fellow HOA members so you are clear what constitutes mining.

### **PHOTOGRAPHS**



Photo 1 – Excavation of hillside behind house





Photo 2 – Expanded driveway/parking area. South of garage.



Photo 3 – Out slope of backfilled parking area, facing north.





Photo 4 – South section of backfilled parking area from below, facing east.



Photo 5 – North section of backfilled parking area from below.

**Inspection Contact Address**

Fred Barlow  
Red Feather Excavating  
PO Box 74  
Red Feather Lakes, CO 80545

Enclosure: Is It Mining Questionnaire

ECC: Michael Cunningham, DRMS





**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.?

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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.

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5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?

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6. How will the extracted material be used on site?

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7. If the material is hauled offsite, where will it be hauled to and what is the intended use?

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8. What is the approximate areal extent of the proposed extraction in acres?

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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.)

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18. What types and sizes of equipment will be used in the extraction?

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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.