




**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> DeHaan Calf	<b>MINE/PROSPECTING ID#:</b> M2022-023	<b>MINERAL:</b> Topsoil	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Investigation - Unpermitted Operation	<b>INSPECTOR(S):</b> Eric Scott	<b>INSP. DATE:</b> May 3, 2022	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> ABCD Landco LLC	<b>OPERATOR REPRESENTATIVE:</b> David DeHaan	<b>TYPE OF OPERATION:</b> Unpermitted	

<b>REASON FOR INSPECTION:</b> Other Agency Request	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held
<b>DATE OF COMPLAINT:</b> April 25, 2022	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Cloudy	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 10, 2022

**GENERAL INSPECTION TOPICS**

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

(AR) RECORDS----- <u>NA</u>	(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

## **OBSERVATIONS**

This was an inspection of an unpermitted site located at the southeast corner of the intersection of Weld County Roads 84 and 23. This inspection was conducted by Eric Scott of DRMS, who met with site landowner representative David DeHaan, and project engineer Travis Hertnecky, at a building located near the site entrance at approximately 10:00. The site entrance is located on the south side of WCR 84 approximately midway between WCR 23 and WCR 25, and the address is 11352 WCR 84 (Photo 1).

On April 25, DRMS received notice from Weld County that they had received complaints of excessive dust related to truck traffic hauling topsoil from the intersection of WCR 23 and 84. Weld County had observed the activity and confirmed that topsoil sales were taking place at that location from a large stockpile of material located at the SE corner of WCR 23 and 84 (Photo 2). Weld County inquired if DRMS had issued a mining permit for that location. DRMS has not issued a permit for this location, however, dust and traffic issues are not within DRMS permitting jurisdiction.

County records indicate that the subject property is owned by ABCD LandCo LLC. After reaching out to the landowners, DRMS was contacted by project engineer Travis Hertnecky, and an on-site inspection was scheduled.

During the initial phone conversation with DRMS, Mr. Hertnecky stated that the topsoil being sold was excess material generated from the surface stripping/grading of a composting area, which was part of the construction of a 320 acre calf operation that was currently under development, and that a grading permit had been obtained from Weld County for the work associated with this development. He also stated that the excess topsoil material had been sold from the site for approximately the last 1.5 months.

During the inspection, Mr. Hertnecky and Mr. DeHaan, a managing partner of ABCD LandCo, stated that they were not aware that a reclamation permit was required from DRMS prior to selling the excess topsoil material generated by their development for use off-site. They stated that the composting area was approximately 20 acres in size, and that approximately 0.8 feet of topsoil had been removed from that area and stockpiled for sale off-site (Photos 3-4). They estimated that the total volume of topsoil removed and stockpiled was approximately 26k cubic yards and that approximately 13k cubic yards had been sold to-date, with approximately 13k cubic yards remaining to be removed. Loading and trucking of the material was underway during the DRMS inspection (Photo 2) as was documented by Weld County. They also stated that the lot grading/stripping activity was completed and that no additional excess material would be generated during this phase of the site development beyond what was currently stockpiled. They also informed DRMS that they had directed that the trucks removing the material from the site modify their haul route to avoid passing any residences in order to minimize any dust issues.

DRMS is choosing to exercise its enforcement discretion in this instance, and a violation will not be pursued at this time. No more excess material will be generated at this site, the site is currently working under a County issued grading permit for the development of the site, and finally, dust and traffic issues are not regulated through the DRMS permitting process.

DRMS also informs ABCD LandCo/the landowner at this time that any additional off-site sales of material from the site, beyond what has already been removed and is currently stockpiled, without first obtaining the applicable DRMS reclamation permit, will be considered by DRMS to be a violation for failing to first obtain a

reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by 34-32.5-109(1) C.R.S., and will require a hearing before the Mined Land Reclamation Board. If a violation is found by the MLRB, a civil penalty of \$1000 to \$5000 a day may be issued in addition to corrective actions.

**Inspection Contact Address**

David DeHaan  
9571 CR 20  
Ft Lupton, CO 80621

**PHOTOGRAPHS**



**Photo 1 – looking west along WCR 84 at entrance to DeHaan Calf site.**



**Photo 2 – looking southwest at excess topsoil stockpile located at SE corner of WRC 23 and WCR 84.**



**Photo 3 – looking south across the graded composting area located at the SE corner of WRC 23 and WCR 84.**



**Photo 4 – looking southeast from the SE corner of WRC 23 and WCR 84 across the graded composting area and toward the DeHaan Calf site.**