



STATE OF
COLORADO

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Fox Hall Mine, M-2020-015, July 1, 2022 Inspection Report

1 message

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

Fri, Jul 8, 2022 at 1:28 PM

To: David Emslie <dave@prospectorsgoldandgems.com>, paulydanio@gmail.com

Mr. Emslie and Mr. Danio,

Please see the attached inspection report for the above referenced site.

Jared

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Jared Ebert

Senior Environmental Protection Specialist



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

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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.

MINE NAME: Fox Hall Mine	MINE/PROSPECTING ID#: M-2020-015	MINERAL: Minerals	COUNTY: Clear Creek
INSPECTION TYPE: Possible Illegal (Unpermitted Operation)	INSPECTOR(S): Ebert, Musick, Means and Cunningham	INSP. DATE: July 1, 2022	INSP. TIME: 09:30
OPERATOR: Total Eclipse Mining, LLC, Prospectors Gold and Gems, David B. Emslie, Paul Danio, Rocky Flats Environmental Solutions, LLC, and/or their associates	OPERATOR REPRESENTATIVE: Paul Danio	TYPE OF OPERATION: ILL – Illegal (Possible)	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: 4/14/2022	POST INSP. CONTACTS: Citizen	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 8, 2022	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. 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>Y</u>	(FN) FINANCIAL WARRANTY----- <u>NA</u>	(RD) ROADS----- <u>NA</u>
(HB) HYDROLOGIC BALANCE----- <u>NA</u>	(BG) BACKFILL & GRADING----- <u>NA</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>NA</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>NA</u>	(FW) FISH & WILDLIFE----- <u>NA</u>	(RV) REVEGETATION---- <u>NA</u>
(SM) SIGNS AND MARKERS----- <u>NA</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(RS) RECL PLAN/COMP-- <u>NA</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>NA</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>NA</u>	

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

OBSERVATIONS

This inspection was conducted to investigate a citizen complaint regarding a possible unpermitted mining operation occurring at a site known as the Fox Hall Mine. The complaint stated Prospectors Gold and Gems or Rocky Flats Environmental Solutions LLC were moving tailing from the Fox Haul Mine and hauling it to a mill located in Arvada, CO. This site is located about one mile north of Idaho Springs, CO in Clear Creek County in section(s) 26 and 25, T3S, R73W of 6th P.M. The Colorado Division of Reclamation Mining and Safety (Division or DRMS) file number for this site is M-2020-015. Jared Ebert, Russ Means, Michael Cunningham, and Jason Musick with DRMS conducted the inspection. The following entities and individuals may be associated with the operation/activities at the site, Total Eclipse Mining, LLC, Prospectors Gold and Gems, David B. Emslie, Paul Danio, Rocky Flats Environmental Solutions, LLC. Paul Danio accompanied us during the inspection. Lieutenant Steve Gremillion and several other members of the Clear Creek County Sheriff's office accompanied us during the inspection.

The site is located in Seaton Gulch on a steep slope with a south/south east aspect. The site consists of a historic portal, a level area on top of historic mine waste rock, and various piles of historic mine rock typical of this vicinity. Just south of the portal a shop/garage has been built and equipment is being stored. The concrete portal collar was observed and "Fox Hall Tunnel 1882" is written above the portal. An excavator and haul truck were onsite parked on an old road that runs north above the portal. Trailers, campers, another broken down haul truck, and a significant amount of trash and debris are stored throughout the site on the level area around the shop. According to the Clear Creek County assessor's website, the portal and shop are located on the Danube parcel (183525300731)

It appears the portal collar was possibly upgraded while filming the show "Reclaimed" aired on the Discovery Channel in 2019/2020. At that time the show featured, railroad tracks were shown running from the portal toward the shop. The Division investigated this activity on February 14, 2020 (see that inspection report for details, at that time David Emslie denied access to the site). Since then, the railroad tracks have been removed and are now stored adjacent to the portal opening. A fork lift was blocking the entrance of the portal. It is unclear if any mining activity is occurring underground recently. The Division did not enter the underground workings due to safety concerns.

The tailings and/or waste rock around the site was observed below the level area where the shop/garage is located. A significant amount of historic tailings and/or waste rock is piled in the gulch and is eroded. On the west side of the site, a road has been constructed to access the top of one of the piles of historic tailings/waste rock. This road branches off the main entrance road to the portal and heads south about 150 to 200 feet. It does appear recent excavation occurred into the top of this pile of tailings/waste rock where this new road ends. This historic tailings and/or waste rock pile is less than .1 acres in size and only a small area on top of the pile appears to have been recently excavated. See the map located at the end of the report that depicts the location of this activity. The new road is located on the Joseph A Horn parcel (183526400796), and the small excavation is located on the Tigris parcel (183525300738). According to the complaint received by DRMS, about 75+ tons of tailings from this area was transported to the unpermitted mill (Hwy 72 site) located in Arvada, CO. The Division also conducted an inspection of the mill site prior to this inspection on July 1, 2022 (see DRMS file no. M-2020-044).

DRMS notes excavations that may have been mining activities. The landowner is advised that any additional excavation from the historic tailings/waste rock and/or any additional development or future extraction from

the Fox Hall Tunnel may be considered a mining operation in accordance with C.R.S. 34-32-103(8). In accordance with C.R.S. 34-32-109(2) any operator proposing to engage in a new mining operation must first obtain from the board or office a reclamation permit. Failure to obtain a permit may result in a cease and desist order being issued and carries a civil penalty of \$1000 to \$5000 dollars a day.

PHOTOGRAPHS:



Figure 1. Google Earth Aerial Image dated 9/13/2019



Figure 2. Fox Hall Portal.



Figure 3. Shop/Garage



Figure 4. Lumber stored on site.



Figure 5. View from above the portal looking south/south west.



Figure 6. Tailings and waste rock below the Fox Hall Mine portal, view from south looking north.



Figure 7. Trash, debris and equipment stored west of the shop.



Figure 8. Excavator parked west of shop.



Figure 9. Road branching off the main road to the recent excavation into tailings/waste rock.



Figure 10. Road constructed to top of tailings/waste rock pile recently excavated.



Figure 11. Top of recently excavated pile.



Fox Hall Mine, M-2020-015



Figure 12. Location of pile where recent excavation has occurred.



Inspection Contact Address

Total Eclipse Mining, LLC
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309 S Summit View Drive, Unit 16
Fort Collins, Colorado 80524

EC or CC: Steve Gremillion, Clear Creek County Sheriff's Office, sgremillion@clearcreeksheriff.us
Public and Environmental Health, Clear Creek County, EH@clearcreekcounty.us
David Emslie, dave@prospectorsgoldandgems.com
Paul Danio, paulydanio@gmail.com