



## 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> Castle Gulch	<b>MINE/PROSPECTING ID#:</b> M2022-039	<b>MINERAL:</b> Unknown	<b>COUNTY:</b> Boulder
<b>INSPECTION TYPE:</b> Possible Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Patrick Lennberg	<b>INSP. DATE:</b> September 15, 2022	<b>INSP. TIME:</b> 08:30
<b>OPERATOR:</b> Unknown	<b>REPRESENTATIVES:</b> Eric Harms, Laura Engel	<b>TYPE OF OPERATION:</b> ILL – Illegal (Possible)	

<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> NA	<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> September 22, 2022

### 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. 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>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>Y</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>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</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, conducted by Patrick Lennberg, was prompted by a complaint received by the Division of Reclamation, Mining and Safety (Division/DRMS) indicating that active prospecting was occurring without a permit and trespassing on private property. The inspection was divided into two parts. The complainant Eric Harms along with Amber Hill were present during the first part of the inspection. The miners represented by Jeremy Wilkinson and Laura Engel, owners of JL Mining, were present during the second part of the inspection. The weather was cloudy with scattered rain.

The site is located at 1126 James Canyon Drive, Boulder, CO, which is 6.4 miles west from the junction of Left Hand Canyon Dr. and US Highway 36. Active mining/prospecting was not occurring at the time of the inspection.

The complaint stated that on September 5-7<sup>th</sup>, 2022 JL Mining attempted to access two adits that were located on private property, owned by Eric and Amber, also known as the Higbee Placer, which is a patented claim. Additionally, JL Mining was using a road, USFS 287.1A, that passes in front of the home owned by the complainants to access mining claims currently owned by Pat Farr where the Badger Group of Mines Notice of Intent to conduct prospecting (NOI) number P-2013-019 is located. Eric stated there is not an easement associated with USFS 287.1A that allows the miners to use the road to access the other properties. Pat Farr and JL Mining dispute this claim and state Boulder County and the USFS have ruled the road can be used to access the mining claims without a private access agreement. The Division does not have jurisdiction over personal property rights. The Division recommended that both parties contact Boulder County and the USFS to get a clear determination as to the status of the road and the rights associated with that status.

Pat Farr is the owner of Collider Mill and Mining, Inc. which owns the Rip Van Dam, Badger Lode, and King Welhem mining claims (see Map 1). K&B Mining, owned by Collider Mill and Mining, was issued a NOI No. P-2013-019 called the Badger Group of Mines. The NOI was modified in 2016 to; eliminate surface drilling, allow trenching in a road way, provide an updated map with the locations of adits and shafts, better define the locations where prospecting activities were to occur, and allow for a shed to remain on the Rip Van Dam claim after the conclusion of prospecting activities (see Map 2). JL Mining was onsite to perform prospecting, in accordance with the Badger Group of Mines NOI, as part of a potential land transaction. During Division review of the NOI file in preparation for the inspection it was determined the last NOI modification was approved on April 25, 2016. Pursuant to Hard Rock Rule 5.3.1(g) - prospecting activities must be completed within five (5) years of the NOI approval unless otherwise approved by the Office or Board, and reclamation must be completed within five (5) years of the completion of prospecting activities. Because the last approved NOI modification was longer than five years ago no additional prospecting may occur under NOI P-2013-019 and the operator must begin reclamation activities. The operator may apply for a new NOI but part of the application is a clear demonstration of the legal right to enter property including access to the properties.

Part of the initial complaint was that JL Mining attempted to access two adits that are located on private property. A map included in the initial complaint (see Map 3) shows the location of the two adits in question. Additional annotations of Map 3 were completed by the Division as part of this inspection report. The West Adit on Map 3 corresponds with Portal #6 on Map 2 and has a stone bulkhead in the entrance. As both maps indicate the adit does not appear to be located on the Rip Van Dam claim and is located on the Higbee Placer claim. It should be noted the adit may also be in the ROW of James Canyon Drive. Upon inspection there was

evidence the bulkhead had been drilled into and there hand tools near the entrance. In speaking to JL Mining they were the ones that attempted to breach the bulkhead but were actually looking for the East Adit and were at the wrong location. Once it was determined they were in the wrong location they moved to the East Adit area. The damage to the bulkhead was superficial.

The East Adit on Map 3 corresponds to Portal #7 on Map 2. The locations of the adit are different on each map. Map 2 indicates the adit is located on the Rip Van Dam claim and Map 3 shows the adit is located on the Higbee claim. Again, like the West Adit, the East Adit may also be in the ROW of James Canyon Drive. During telephone discussions with Mr. Farr he indicated that it was his understanding there was an overlap of approximately 30 feet between the Rip Van Dam and Higbee claims and that is where the East Adit was located. During those discussions Mr. Farr also stated the adit has historically been discharging water and in the 1990's he put in place a wall and two discharge pipes to direct the discharge to the roadside ditch. He noted, at that time, the water was clear and had a neutral pH. During the road reconstruction, after the 2013 floods, the Boulder County Transportation Department had discussions with Mr. Farr about connecting onto the existing piping and directing the discharge down the roadside ditch to a culvert. The Division was able to photograph what appeared to be two pipe cleanout access points in the roadside ditch leading to a culvert. Mr. Farr did not know if the work was completed as discussed over the phone. JL Mining was looking for the adit to determine the condition of the discharge piping and if the buried adit could be located. They also assumed the adit was on the Rip Van Dam claim. When Eric showed JL Mining the adit was not on the Rip Van Dam claim (Map 3) they ceased their work to uncover the adit and associated piping.

During the inspection of the East Adit the Division observed the area where digging had occurred. Eric indicated digging was done with a combination of hand-tools and mini-excavator. JL Mining stated the mini-excavator only moved minor amounts of dirt around totaling no more than a bucket's worth of dirt. The Division noted water flowing at the surface from where the disturbance was located. The water was estimated to be flowing at less than one (1) gallon per minute. The water was clear and neutral in color, carrying no sediment, and it had no odor. The Division also observed dense grass vegetation in the ditch immediately adjacent to and downgradient of the disturbance. As water flowed into the ditch it quickly dispersed into the vegetation and surface flow gradually diminished downgradient of the disturbance. As mentioned earlier, the Division was able to locate what appear to be two pipe cleanout chases. One is located just upgradient of the disturbance and the other was located at a culvert downgradient. No flow was observed into or out of the culvert crossing under James Canyon Drive. The disturbance area had been backfilled and it appeared stable.

The Division informed JL Mining that both adits are not part of the approved NOI, P2013-019, and any further disturbances to the adits will be considered mining or prospecting without a permit or approval and possible violations issued. Additionally, the exact location of the East Adit seems to be disputed and its location should be verified to determine whose property it is actually located on before any further work is completed in the area. The Division should be contacted prior to any work being done on the adits to determine what proper permitting is needed for the proposed work.

Lastly, the Division performed an inspection of the NOI P-2013-019. JL Mining indicated the only activity they had performed was collecting and running samples through a wash plant at the Rip Van Dam adit, marked Portal #2 on Map 2. The Division noted a temporary shed and converted trailer used for shelter at the entrance to the portal. There was a variety of equipment located at the adit entrance including two water tanks, a couple of troughs, and other assorted equipment. The Division also hiked to locate the mini-excavator. The excavator was found along the road leading to the King Wilhelm claim. The excavator was

being used to clear downed trees that were laying across the road.

In summary, concerns regarding private property rights disputes are not under the jurisdiction of the Division. The amount of disturbance at the two adits was minor but may not continue. No mining or prospecting may occur until the operator has obtained a permit or approval of an NOI. To be clear, the two adits noted above where J&L Mining conducted some activity are not part of the NOI P-2013-019. The Division needs to be contacted prior to any future work on the two adits to determine the level of permitting required. Prospecting activities are no longer allowed under NOI P-2013-019 and the prospecting activity must enter into final reclamation for possible future release.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us) if you have any questions regarding this report.

**Inspection Contact Address**

Eric Harms  
1126 James Canyon Drive  
Boulder, CO 80302

Pat Farr  
K & B Mining, LLC  
2601 Willow Park  
Richland Hills, TX 76118

Laura Engel  
JL Mining Co, LLC  
133 Wallens Place  
Black Hawk, CO 80422

Attachments: Map 1 – Boulder County Assessor's Map  
Map 2 – P2013-019 Modification 1 Map  
Map 3 – Complainant Provided Plat Survey Map

cc: Jared Ebert, DRMS

ec: Eric Harms, [EricOHarms@gmail.com](mailto:EricOHarms@gmail.com)  
Pat Farr, [patmanfarr@gmail.com](mailto:patmanfarr@gmail.com)  
Laura Engel, [laura@jlminingco.com](mailto:laura@jlminingco.com)



**PHOTOGRAPHS**



**Photo 1:** USFS 287.1A as it crosses onto 1126 James Canyon Drive



**Photo 2:** Signage on the ground adjacent to garage under construction





**Photo 3:** USFS 287.1A as it passes in front of house



**Photo 4:** USFS 287.1A looking from the house back towards James Canyon Drive





**Photo 5:** USFS 287.1A as it passes in front of house



**Photo 6:** Looking from James Canyon Drive at USFS 287.1A as it passes in front of house





**Photo 7:** West Adit, Portal #7 viewed from James Canyon Drive



**Photo 8:** West Adit, Portal #7, note stone bulkhead





**Photo 9:** West Adit, Portal #7, shallow drill holes highlighted



**Photo 10:** East Adit, Portal #6, looking east along James Canyon Drive





**Photo 11:** East Adit, Portal #6, looking north from James Canyon Drive



**Photo 12:** Surface water discharge





**Photo 13:** Surface water discharge down gradient of portal, water dissipates into vegetation in ditch



**Photo 14:** Ditch conditions upgradient of adit





**Photo 15:** Pipe chase at adit



**Photo 16:** Looking towards James Canyon Drive above adit





**Photo 17:** Pipe chase at culvert



**Photo 18:** Dry culvert inlet





**Photo 19:** Conditions at the Rip Van Dam portal



**Photo 20:** Equipment in the Rip Van Dam portal





**Photo 21:** Equipment at the Rip Van Dam portal



**Photo 22:** Equipment laydown area adjacent to the Rip Van Dam portal to the right of the picture is where the shed is located





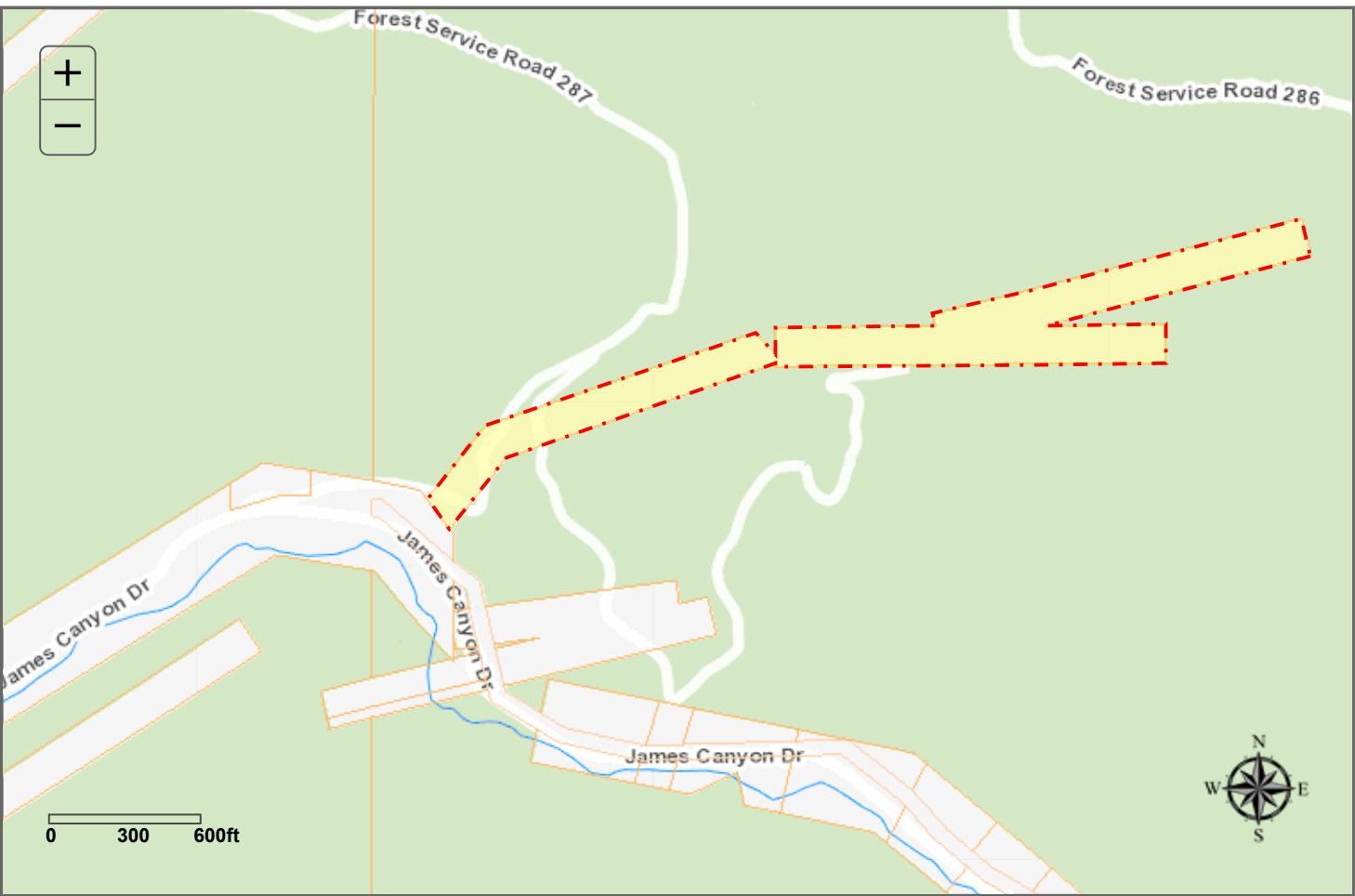
**Photo 23:** Low water crossing



**Photo 24:** Mini-excavator used on-site

## **Attachments**

# Property Search





## Property Report for Account R0022504

**Today's Date: 9/21/2022**

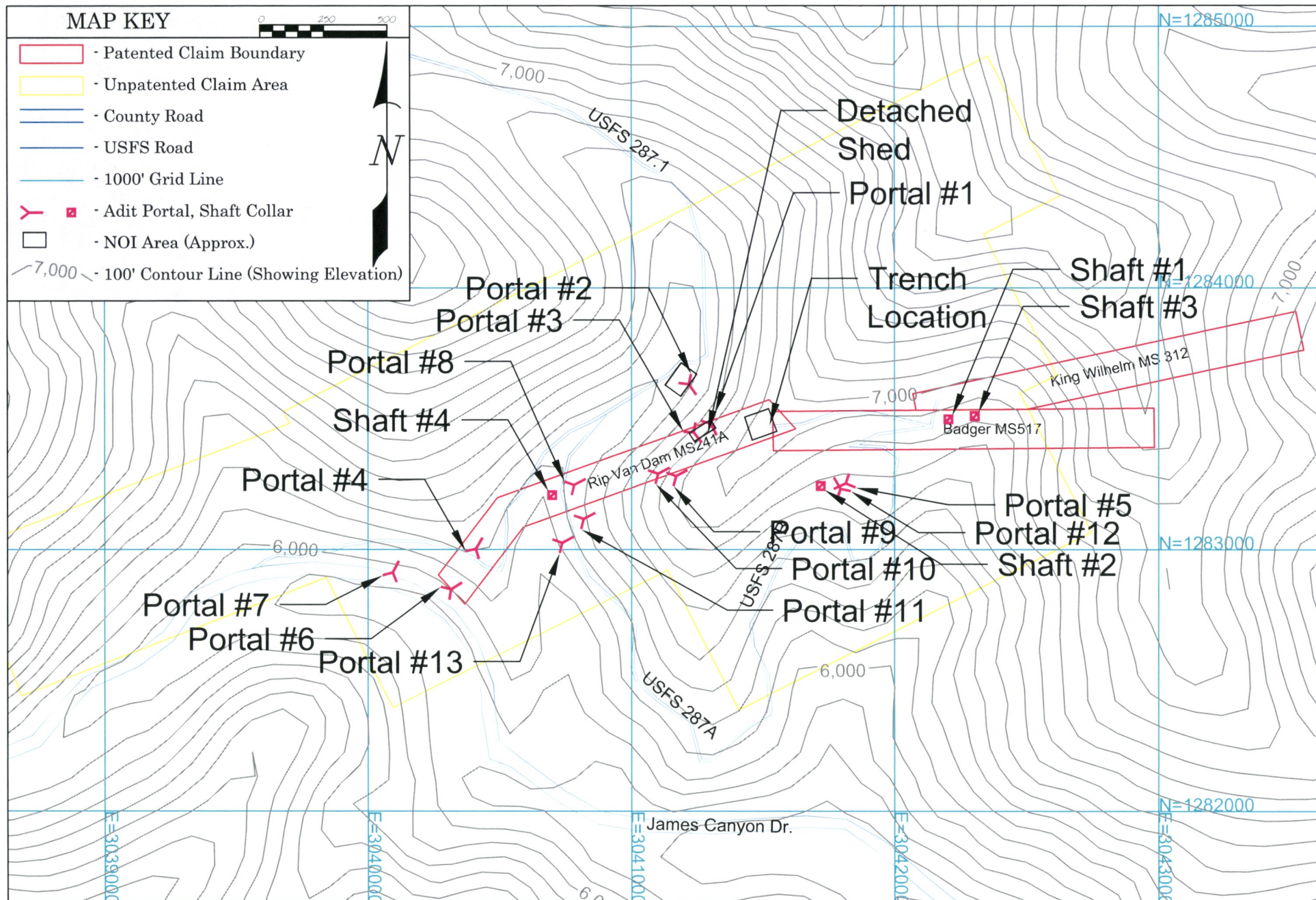
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Property Address:	1148 JAMES CANYON
City:	UNINCORPORATED
Owner:	COLLIDERMILL & MINING INC
Parcel Number:	131928000002
Mailing Address:	2601 WILLOW PARK
City, State, Zip:	RICHLAND HILLS TX, 76118
Sec-Town-Range:	28 -2N -71
Subdivision:	MINING CLAIMS
Jurisdiction:	Unincorporated Boulder County
Legal Description:	BADGER LODGE 517 4.76 AC & RIP VAN DAM 241 5.16 ACS M/L & KING WELHELM 213 4.87 ACS M/L CENTRAL TOTAL 14.79 ACS M/L
Square Feet:	641,923
Acres:	14.74

### Deeds

Deed#	Sale Date	Recorded	Sale Price
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Notes: 100' Topography Contours from DEM courtesy of Boulder County GIS  
 Patented claims located per LS-09-038, LS-11-0201 Record of Survey  
 Coordinates are State Plane, Zone CO 0501, NAD83  
 Portal and shaft collar locations (D.Jonson, 1990) corrected from aerial photos  
 Revision 1: Added trench locations and additional mine features

Scale: 1"=500'  
 Date: 4/18/2016  
 Drawn By: MCC  
 Checked By: CG  
 Engineered By: MCC  
 Approved By: AKB  
 Revision: 1



BLACK FOX MINING LLC  
 MATT COLLINS, PE, QP

1508 Ridge Rd., Nederland, CO, 80466  
 Phone: (303) 303-570-6269  
 Email: mcollins@blackfoxmining.com

NOI P2013-019

Badger Mine Project

Site Topography and Features

DWG # 20160108001

Sheet # 2 of 2

File Name: 20160108001- NOI Maps.dwg



— Property Descriptions —

#1029 JAMES CANYON DRIVE  
(PROVIDED BY FIDELITY NATIONAL TITLE COMPANY)

THE FREDERICK L. HIGBEE PLACER MINING CLAIM,  
SURVEY NO. 78, CENTRAL MINING DISTRICT IN  
SECTIONS 29 AND 28, TOWNSHIP 2 NORTH,  
RANGE 71 WEST OF THE 6TH P.M.,  
EXCEPT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 4 OF SAID HIGBEE PLACER,  
THENCE SOUTH 57°45' WEST, 15.65 FEET TO THE  
TRUE POINT OF BEGINNING;

THENCE SOUTH 57°45' WEST, 17.35 FEET;  
THENCE SOUTH 4° EAST, 141 FEET;  
THENCE NORTH 89° EAST, 50 FEET;  
THENCE NORTH 4° WEST, 150 FEET;  
THENCE SOUTH 89° WEST, 35.17 FEET TO  
THE TRUE PLACE OF BEGINNING,

COUNTY OF BOULDER, STATE OF COLORADO.

#949 JAMES CANYON DRIVE  
(PROVIDED BY FIDELITY NATIONAL TITLE COMPANY)

A PART OF THE STEAMBOAT LODE,  
U.S. MINERAL SURVEY NO. 4939,  
LOCATED IN SECTIONS 28 AND 29,  
TOWNSHIP 2 NORTH, RANGE 71 WEST OF  
THE 6TH P.M., IN CENTRAL MINING DISTRICT,

BEGINNING AT CORNER #5 OF STEAMBOAT LODE SURVEY  
WHICH IS SOUTH 30° WEST, 345 FEET FROM SOUTHEAST  
CORNER OF THE NORTHEAST 1/4 OF SECTION 29;

THENCE EAST ALONG LINE 5-6, 650 + OR - FEET  
TO A POINT IN COUNTY ROAD;

THENCE SOUTH 13° EAST, 110 FEET TO A POINT  
ALONG COUNTY ROAD;

THENCE SOUTH 76° WEST, 650 + OR - FEET  
TO A POINT ON THE LINE 5-8;

THENCE NORTH 13° WEST, ALONG LINE 5-8  
110 FEET TO THE PLACE OF BEGINNING,

COUNTY OF BOULDER,  
STATE OF COLORADO.

West Adit (complaint),  
Portal #6 Modification  
Map P2013-019

East Adit (complaint),  
Portal #7 Modification  
Map P2013-019

