

October 13, 2022

VIA EMAIL ONLY lucas.west@state.co.us
Department of Natural Resources ("DNR")
Division of Reclamation, Mining and Safety ("DRMS")

**Re: Response to San Miguel County Un-permitted Mining Complaint
SW of Intersection of CRP58 and Katrina Springs Trail Road, Placerville, CO
("Site")**

Dear Mr. West:

As you know, I represent Kea Consulting Limited, the property owner where the subject Site is located. Following our phone conversations last week, you provided me with a copy of the above-referenced Complaint (and photos) filed by the County's Road & Bridge Department without our knowledge.

The Complaint (attached) is based upon several misunderstandings, which this Response will clarify, as follows:

- The Site includes Katrina Springs Trail Road, which is a private road easement located on my client's property and utilized as the access road for neighboring properties.¹
- In the fall of 2021, my client's owner/manager, Malte Asmus, and his neighbors hired a local company, Ground Pounders, Inc., to improve the Katrina Springs road easement.
- Ground Pounders, Inc. obtained all the road base/gravel material for this project from its subcontractor, Telluride Gravel, Inc. The work occurred over two to three weeks and required many truckloads of road base. A copy of Ground Pounder's 11/22/21 invoice for the road work is attached, and there were additional road improvement costs not reflected on the invoice. Although he was not required to do so, my client paid for the road work and received some reimbursement from the neighbors.
- Contrary to what is stated in the Complaint, my client was not paid to provide construction materials or to perform the actual road work, and none of the road base/gravel came from the pond at the Site, or from elsewhere on my client's property. A photo of the completed work, showing the imported road base, is attached. To our knowledge, this construction material cannot be extracted anywhere on my client's property.

¹ Specifically, my client owns Tracts A and B, TRACT A and Tract B, New Running Horse Ranch on the Plat of Survey Recorded October 28, 1992 in Surveyor's Plat Book S1 at Page 112, which are encumbered by the road easement.

- The pond excavation referenced in the Complaint was not part of the Katrina Springs road easement work. No “construction materials” as defined by State statute, were found in/extracted from the pond or used for the road.

- The photos submitted by the County with its Complaint show river rock that was purchased from a third-party supplier and brought onto the Site to line the pond. This imported material did not come from the pond area and is not found anywhere on my client’s property.

- The only material that came out of the subject pond was soil/overburden (approximately 450 cy). This dirt was used to contour and berm the pond and, along with soil excavated from elsewhere on the property, was used for the small parking area on the Site adjacent to the Katrina Springs road easement.

Your Site inspection today should confirm that no mining occurred on my client’s property. Thank you for reaching out to us on this matter, and please don’t hesitate to contact me should you require any additional information, or if you have any questions.

Respectfully,

LAW OFFICE OF NICOLE Y. PIETERSE, P.C.

[/s/](#)

Nicole Y. Pieterse

Ec.: Client
Amy Markwell, San Miguel County Attorney

DRMS Complaint Intake Tool

By Submitting this form you are requesting an investigation of compliance with DRMS rules.



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

DRMS Internal Information

Select Permit Type *

Minerals

Permit No List *

M2022038

Date of Complaint

09/07/2022

COMPLAINANT INFORMATION

*** Indicates a Required Field**

Do you wish to remain anonymous? *

☐ Yes ☒ No

Connection to Incident *

Select all that apply

☐ Land Owner

☐ Mineral Owner

☐ Nearby Resident

☐ Observed Incident

☒ Other

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

South West of the intersection of CR 58P and Katrina Springs Rd. 3520 County Road 58P Placerville Co 81430.

Incident County *

San Miguel County

Is this an ongoing issue(s)?

☐ Yes ☒ No

Nature of Complaint *

Select all that apply

- | | |
|--|--|
| <input checked="" type="checkbox"/> Illegal Mining | <input type="checkbox"/> Dust |
| <input checked="" type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input checked="" type="checkbox"/> Surface Water Impact / Stormwater Management | <input type="checkbox"/> Property Damage |
| <input type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input type="checkbox"/> Signs and Markers | <input checked="" type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input checked="" type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input checked="" type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input checked="" type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input checked="" type="checkbox"/> Topsoil |
| <input type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input type="checkbox"/> Reclamation Plan Compliance | <input type="checkbox"/> Other <input type="text"/> |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

Land owner stated that he was asked by his neighbors if they could do work on Katrina Springs Rd improving access and road surface. He stated they payed him \$50,000.00 and he put in \$50,000.00 to work on Katrina Springs Rd making improvement from the County Road all the way to the end. The open excavation area was turned into a pond after work was completed. The pond was lined and berms built to increase volume.

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☒ Yes ☐ No

Details

Land owner currently has other land use, encroachment and building violations. A meeting between the owner and County staff took place on August 30, 2022 to discuss ongoing and recent violations. During that meeting, the owner explained why the pond was created. From his explanation it was determined that a more detailed review of his activities would be needed to determine if there were any additional mining or wetlands violations.

If known, please provide the name of the operator or party conducting the operation.

Malte Asmus

If known, please provide the Permit or NOI Number (ie M-1970-111 or P-1970-111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☒ Yes ☐ No

Details

County Building, Planning, Road and Bridge,

ADDITIONAL INFORMATION



Are there supporting photos, maps, or documents you wish to upload? *

☒ Yes ☐ No

[View Attachments in WebLink](#)

Attachments are accepted for informational purposes only. Action by DRMS requires a direct observation by DRMS staff.

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☒ Phone ☒ E-mail ☒ US Mail

Ground Pounders, Inc.
PO Box 15
Placerville, CO 81430 US
gpexcavation@gmail.com



INVOICE

BILL TO

Hill Hastings
re: Hastings Mesa

INVOICE # 1402

DATE 11/22/2021

DUE DATE 11/22/2021

TERMS Due on receipt

PROJECT

Hastings Mesa

DESCRIPTION	AMOUNT
Grade, roll and road base from 58P on Katrina Spring Road to Tom/Trudy intersection	10,444.00
Grade, roll and road base Tom/Trudy section of road	5,968.00
Extra material to pond road	500.00
Grade, roll and road base from Tom/Trudy intersection on Katrina Spring Road to original stopping spot near Hill Hastings residence	33,570.00
Extra on switch backs past Hill Hastings	6,500.00
Haul and spread 3" road base at 58P and Katrina Spring intersection at parking area	750.00
Power conduit install	2,500.00

Please make all checks payable to Ground Pounders
Overdue invoices subject to a service charge of 10% per month

BALANCE DUE

\$60,232.00

Thank you for your business!

