




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: Katrina Springs Road Pond	MINE/PROSPECTING ID#: M-2022-038	MINERAL: BORROW	COUNTY: San Miguel
INSPECTION TYPE: Illegal(Unpermitted Operation)	WEATHER: Clear	INSP. DATE: October 13, 2022	INSP. TIME: 10:54
OPERATOR: Malte Asmus	OPERATOR REPRESENTATIVE: John Young	TYPE OF OPERATION: ILL - Illegal	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: Citizen	JOINT INSP. AGENCY: None	
INSPECTOR(S): Lucas West	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: October 20, 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. 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>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</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>N</u>	

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

OBSERVATIONS

This inspection was conducted in response to a complaint of a possible unpermitted mining operation being conducted in San Miguel County. The complaint was submitted on September 7, 2022 and was submitted by the San Miguel County Road and Bridge Department on behalf of San Miguel County. The site is located at the junction of County Road 58P and Katrina Springs Trail at approximately 9,000 feet in elevation. The alleged unpermitted mining activity is located on private land, owned by Malte Asmus, a resident of San Miguel County. The complaint detailed that during a County Hearing related to land use violations, the landowner stated that an excavation took place to create a pond on his property and the material was used to make improvements to Katrina Springs Trail, with financial compensation being received from the neighbors. Katrina Springs Trail is a private road traversing several private parcels to provide access to various landowners. After the complaint was received, Division Staff made contact with San Miguel County Personnel as well as Counsel for the Landowner to gather more information as well as coordinate a site inspection. Additionally, on October 7, 2022 Counsel for the Landowner submitted an Is It Mining Questionnaire to provide more details on the activity that was conducted. The site inspection was conducted with John Young, the property manager for the landowner. Seven photos accompany this report to illustrate the observed site conditions.

The complaint that was received cited concerns regarding unpermitted mining, impacts to surface and groundwater, overburden and development waste, backfilling and grading and impacts to roads including erosion and sedimentation. In follow up conversations with the complainant, concerns related to possible impacts to wetlands was also discussed. The area of excavation was observed to be just up gradient from the junction of Katrina Springs Trail and County Road 58P. The excavation has created a small pond that was subsequently lined with an HDPE liner. Surrounding the pond, berms were created and lined with river rock. The pond and surrounding area can be seen in Photos One and Two. The pond is fed by surface runoff from snowmelt as well as collection of snowmelt and was designed as a non-discharging facility. Located just East of the pond, a clearing, shown in Photo Three, was observed leading up to Katrina Springs Trail. Upon further investigation it was determined that the clearing was created to install an inlet line that collects surface water from the bar ditch along Katrina Springs Trail, delivering that water to the pond. At the time of the inspection the line was not completed, the termination of the pipe was observed and shown in Photo Four. The inlet for the pipe was observed to be a constructed structure shown in Photo Five. The area in which the pond was constructed do not appear to meet the characteristics of being in or near a delineated wetland and no wetland vegetation was observed, however the landowner and its counsel may want to consult with the US Army Corps of Engineers for verification.

On site discussion with Mr. Young indicate that the pond was constructed and lined in October and November of 2021. The surrounding river rock was imported from a local Gravel Pit operated by Telluride Gravel in August of 2022. According to Mr. Young all of the excavated material was used to create the berms around the pond, as well as to create a small pad used for parking at the junction of County Road 58P and Katrina Springs Trail. The parking area can be seen in Photos Six and Seven. Further discussions indicate that all material used for the improvements made to Katrina Springs Trail was purchased from a permitted source. Visual estimates of the volume of material excavated in the creation of the pond appear to match the volume of material needed to create the berms around the pond as well as to create the parking area observed. Mr. Young clarified that no material excavated from the pond was transported off the property nor used in the improvements to the road. Additionally, conversations with Nicole Pieterse, Counsel for the Landowner indicate that issues related to water rights, impoundment and storage are being pursued.

Based on the observations made during this inspection as well as the subsequent investigation conducted by Division Staff including consideration of the details contained within the Is It Mining Questionnaire, it is the determination of this Office that there is not sufficient evidence to suggest that the activity conducted constituted the need for a mining and reclamation permit from this office. No further action will be taken by the Division nor is further action required by the landowner. **Please see the enclosed Need for Reclamation Permit Determination for more information.** All responses to this report should be directed to Lucas West at the Colorado Division of Reclamation, Mining and Safety's Active Mines Program at 1001 E 62nd Ave, Room 215, Denver CO, 80216. Direct contact can be made at the Division's Grand Junction Field Office, by phone at 303-866-3657 Ext. 8187 or by email at lucas.west@state.co.us.

PHOTOGRAPHS



Photo One: View South, showing the lined pond created as a result of the activity. The pond was not actively being filled at the time of the inspection and contained standing water.



Photo Two: View North showing another view of the lined pond that was created. Also visible is the parking area that was recently constructed.



Photo Three: View Northwest showing the clearing observed leading from the pond up to Katrina Springs Trail. This clearing was apparently created for the installation of a water delivery line directing storm water runoff from the road, to the pond.



Photo Four: View East, showing the termination of the water delivery line. At the time of the inspection, the line was not completed and was not delivering water to the pond.



Photo Five: View Northwest, showing the inlet structure for the water delivery line. The inlet is a constructed feature that will allow storm water and snow melt runoff to be directed to fill the pond.



Inspection Contact Address

John Young

Enclosure Need for Reclamation Permit Determination

CC: Travis Marshall, DRMS

EC: Malte Asmus, Landowner
 Nicole Pieterse, Landowner Counsel
 John Young, Property Manager
 Ryan Righetti, San Miguel County Road and Bridge
 Amy Markwell, San Miguel County Attorney