



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

January 24, 2023

Gavin Madsen
SEMA Construction, Inc.
7353 S. Eagle St
Centennial , CO 80112

**Re: SEMA Construction, Inc., Motorcross Borrow Pit, File No. M-2022-006,
Complaint Against Mining Operation (CT1)**

Mr. Madsen:

The Division of Reclamation, Mining and Safety (Division/DRMS) received a complaint against the Motorcross Borrow Pit, File No. M-2022-006, on January 19, 2023. A copy of the complaint forms are enclosed for your records.

The Division will contact you to schedule an inspection to investigate this complaint.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,

Peter S. Hays
Environmental Protection Specialist

Ec: Jared Ebert; Division of Reclamation, Mining and Safety



DRMS Complaint Intake Tool

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



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DRMS Internal Information

Select Permit Type *

Minerals

Permit No List *

M2022006

Date of Complaint

01/19/2023

COMPLAINANT INFORMATION

*** Indicates a Required Field**

Do you wish to remain anonymous? *

☐ Yes ☒ No

Connection to Incident *

Select all that apply

- ☐ Land Owner
☒ Nearby Resident
☐ Other

- ☐ Mineral Owner
☐ Observed Incident

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.

3/4 mile south of Hwy 56 on the east side of WCR 7 & on west side of I-25. East of Berthoud, CO

Incident County *

Weld 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 type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input 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 type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input 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).

My understanding is that this permit is specifically for construction of I-25. We have noticed trucks heading south and when we followed them, we discovered fill dirt was being supplied to a Mead development. This limited permit was approved without any notice or input from adjoining landowners and we are told it was approved in this manner because of the limitation in time and use for the I-25 project. An expansion of use beyond that does not seem appropriate.

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

☒ Yes ☐ No

Details

We discussed the original use with SEMA operator when the project started. While we don't agree with embarking on a project of this scale with no county approval and no ability for public input, we have decided not to pursue further actions regarding the use of this pit specifically for I-25. However, an expansion of use beyond that is another story.

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

SEMA

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)

M2022006

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

☐ Yes ☒ No

ADDITIONAL INFORMATION



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

☐ Yes ☒ No

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

Select all that apply

☐ Phone ☒ E-mail ☐ US Mail

Report Possible Violation/Illegal Activity



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COMPLAINANT INFORMATION

Note: You are requesting an investigation of a compliance issue with DRMS rules. This form is not intended for comments or objections on permitting actions under review.

Date of Complaint

01/19/2023

*** Indicates a Required Field**

This form is for requests to investigate compliance issues with DRMS rules. This form is not intended for comments or objections on permitting actions.

Do you wish to remain anonymous? *

☐ Yes ☒ No

Please note that, if you choose to remain anonymous, the complaint will be investigated but the Division will not contact you to follow up on the complaint.

Your First Name *

Kevin

Your Last Name *

McCarty

Your Address *

2275 Alpine Sky Drive

Your City *

Berthoud

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80513

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail and copy of your Complaint form.

kevin@mccartylw.com

Your Phone Number *

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

970-581-1953

Alternate Phone Number

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

Connection to Incident *

Select all that apply

- | | |
|---|--|
| <input type="checkbox"/> Land Owner | <input type="checkbox"/> Mineral Owner |
| <input checked="" type="checkbox"/> Nearby Resident | <input type="checkbox"/> Observed Incident |
| <input type="checkbox"/> Other <input type="text"/> | |

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