




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: Younell Industrial Park	MINE/PROSPECTING ID#: M-2022-052	MINERAL: Gravel, soil	COUNTY: Weld
INSPECTION TYPE: Illegal(Unpermitted Operation)	WEATHER: Cloudy	INSP. DATE: January 6, 2023	INSP. TIME: 10:00
OPERATOR: NA	OPERATOR REPRESENTATIVE: Shelby Masden	TYPE OF OPERATION: ILL - Illegal	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: December 8, 2022	POST INSP. CONTACTS: Complainant, landowner	JOINT INSP. AGENCY: None	
INSPECTOR(S): Robert Zuber, P.E.	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: January 26, 2023	

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>NA</u>	(FN) FINANCIAL WARRANTY----- <u>NA</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>NA</u>	(FW) FISH & WILDLIFE----- <u>N</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>NA</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

The Colorado Division of Reclamation, Mining and Safety (Division or DRMS) received a citizen's complaint on December 8, 2022. The complainant, the Town of Nunn (in Weld County, Colorado), stated that there appeared to be mining without a permit at the Younell Industrial Park, which is in the early stages of development. Truckloads of material have been taken off the site, and large holes can be seen, per witnesses that include Town maintenance personnel. The complaint included an aerial photograph showing disturbance on the property in question. Follow-up correspondence from the Town included photographs of earth moving activities (disturbed land, equipment, and soil piles). None of the photographs showed the loading of trucks or piles of gravel.

The primary portion of the Younell Industrial Park is in the northeast quarter of Section 28 of Township 9 North, Range 66 West (6th PM). It is located east of County Road 29 ½ and west of County Road 31. It extends south of County Road 102 to Royal Drive. The site is approximately one mile north of the Town of Nunn. (There is an additional portion of this development west of CR 29 ½, but that portion is not the subject of the complaint.) For additional information on the location, see the aerial photograph below.

The owners of the property are J.B. Sittner and Terry Younglove. Both owners were contacted before the inspection. They stated that the only material to leave the site was organic material (branches and logs) mixed with topsoil. It was not sold.

Mr. Younglove and Mr. Sittner provided more information after the inspection:

- The material was in one pile approximately 30 feet by 20 feet and 12 feet high.
- It only took a day or two of hauling. That was approximately seven years ago.

He also indicated that there is no plan to haul material off the site in the future.

The inspection was conducted on January 6, 2023 by Rob Zuber of DRMS. No Town of Nunn representative attended the inspection. A landowners' representative, Shelby Masden, was present during the inspection. Ms. Masden signed a Consent for Access to Property form (below). The weather was cloudy and the temperature was approximately 40 degrees F. The ground was mostly covered with snow.

The site appeared to be a development in early stages. The area of excavation, about five feet deep, is for a stormwater pond, per Ms. Masden. The area of excavation is perhaps a quarter acre, which is the size of a typical stormwater pond. Within the excavation area, there is a large soil pile that is approximately 200' x 20' and approximately 10 feet tall. Several much smaller piles were also seen. Some have been used for bike ramps, per Ms. Masden. No piles of gravel were seen.

The only equipment on site was an excavator. It was not in use during the inspection. At the J.B. Sittner Trucking Company yard, adjacent to the area that was inspected, there are many trucks but none appeared to be haul trucks.

The purpose of the inspection was to determine if mining has been occurring at the site. Some relevant Colorado statutes are:

- C.R.S. 34-32.5-103(13) defines a “mining operation” as the development or extraction of a construction material from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operations.
- C.R.S. 34-32.5-103(3) defines a “construction material” as rock, clay, silt, sand, gravel, limestone, dimension stone, marble or shale extracted for use in the production of nonmetallic construction products.
- In accordance with C.R.S. 34-32.5-109, before engaging in a new operation, an operator shall first obtain from the board or office a reclamation permit.

Based on the Division’s understanding of the Younell Industrial Park and the listed statutes, the Division has the following position. Currently, a reclamation permit is not required. However, in the future, if any soil, gravel, or other construction material is sold or transported off the site, a reclamation permit from DRMS will need to be obtained. Failure to obtain a reclamation permit may result in a violation, civil penalties (\$1,000 to \$5,000 per day of violation), cease and desist order and possible corrective actions. In this case, the owners of the Younell Industrial Park property may be subject to these enforcement actions.



1/9/23, 2:59 PM

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

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: Judd Sittner
Location of Property: CR 29.5 & CR 102 Nunn Co

The Colorado Division of Reclamation, Mining and Safety ("DRMS") is requesting your consent to allow DRMS Staff to access your property on Jan 6, 2023 (date) and for any follow-up visits that DRMS determines to be necessary. DRMS seeks access to your property to determine compliance with Colorado law and/or for the following purposes:

Determine if mining is occurring

Once granted access to your property, DRMS Staff may take actions including but not limited to:

- Conducting a visual inspection of your property
- Taking photographs, video, and/or other documentation of conditions on your property
- Taking samples of soil, surface water, groundwater, or any materials stored on or disposed of on the property as DRMS determines to be necessary
- Other actions related to determining whether conditions at the property violate Colorado law, raise concerns of potential impacts to health, safety, welfare or the environment, or require any emergency response action

If DRMS Staff identifies any potential violations of laws or regulations at your property, you could face legal action, including but not limited to fines and/or requirements that you obtain any necessary permits. You are not required to consent to this request for access to your property. However, if you do not consent, DRMS Staff may still obtain access to your property through an administrative search warrant or other legal means. DRMS may also conduct an aerial inspection (e.g., drone flight) of your property without obtaining your consent. So, if you do not consent, it is still possible that DRMS Staff will be able to inspect your property.

Informed Consent

Check one:

- ☐ I own the property identified above.
☒ I am legally authorized to grant permission to access the property described above.

I have read and I understand the information provided to me regarding DRMS's request for consent to access my property. The information was provided to me in a language that I understand. I have had the opportunity to ask DRMS Staff questions.

By signing below, I AGREE to allow DRMS Staff access to my property, and voluntarily provide my informed consent.

Signature: Shelby Masden

Name of Landowner or Authorized Legal Representative (Printed): Shelby Masden

Date: Jan 6, 2023

1313 Sherman Street, Room 215, Denver, CO 80203 P 303.866.3567 F 303.832.8106 <https://drms.colorado.gov/>
Jared Polis, Governor | Dan Gibbs, Executive Director | Virginia Brannon, Director



PHOTOGRAPHS



Large soil pile in area of apparent detention pond



Smaller soil piles in southern portion of site

Inspection Contact Addresses:

Terry Younglove, NoCo Acquisitions, LLC
TYounglove@msn.com

J.B. Sittner, JB Sittner Trucking
jb@jbsittner.com

Copied via email: Cathy Payne, Town of Nunn