




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: LTS Performance Horses	MINE/PROSPECTING ID#: M2023-007	MINERAL: Topsoil/Borrow	COUNTY: Weld
INSPECTION TYPE: Illegal(Unpermitted Operation)	WEATHER: Clear	INSP. DATE: March 8, 2023	INSP. TIME: 09:45
OPERATOR: Dakota Rathbun	OPERATOR REPRESENTATIVE: Dakota Rathbun	TYPE OF OPERATION: Unpermitted	
REASON FOR INSPECTION: Citizen and County Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: County	
INSPECTOR(S): Eric Scott	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: March 9, 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>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</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 was an inspection of an unpermitted site located approximately ½ mile north of Hwy 392 on the west side of Weld County Road 27. This inspection was conducted by Eric Scott of DRMS, who met with site landowner Dakota Rathbun, and Weld County Planning and Zoning representatives Max Nader and Molly Nelson, at the site entrance at approximately 9:45. The site entrance is an existing unpaved lane located on the west side of WCR 27.

On February 24, 2023, DRMS received a complaint from Weld County of dust and possible illegal mining activity related to truck traffic hauling topsoil from the above referenced location. Weld County had observed the activity and confirmed that topsoil removal was taking place at that location, and a topsoil stockpile was located immediately south of the site entrance lane (Photos 1 and 2). DRMS has not issued a permit for this location, however, dust and traffic issues are not within DRMS permitting jurisdiction. On March 6, 2023, DRMS received a subsequent complaint from an adjacent landowner also expressing concerns about topsoil removal activity at this location, however, the March 6 complaint stated that the activity was not ongoing at that time.

County records indicate that the subject property is owned by LTS Performance Horses, LLC. DRMS was able to contact the landowner, Mr. Dakota Rathbun, and an on-site inspection was scheduled. Mr. Rathbun contacted Weld County after his initial contact with DRMS, and this communication led to Weld County participation at this site inspection.

During the initial phone conversation with DRMS, Mr. Rathbun stated that the topsoil was not being sold, but was being removed for use on another of his farm properties to fill a low area to facilitate drainage, and to facilitate the future development of the subject property as a horse farm at some time in the future. During the inspection, Mr. Rathbun stated that the subject property was still rented to a farm operation that intended to grow silage corn, and provided a lease agreement to document that the property would continue to be utilized as cropland for at least the next 3 years. Mr. Rathbun stated that the lessor also intends to work manure into the scraped area.

During the inspection, DRMS noted that the scraped area was approximately 20 acres in size and it appeared that the depth of soil removal was no more than six inches. The affected area has already been reworked for spring planting, and is indistinguishable from the surrounding field (Photos 3-5).

Mr. Rathbun has stated that he has already removed approximately 2500cy of material to his other property, and that the remaining stockpiled material at this location is approximately 5000cy. No loading or trucking of the material was underway during the DRMS inspection and Mr. Rathbun stated that he has ceased activity at the site until he was in full compliance as required by the state and/or county.

DRMS is choosing to exercise its enforcement discretion in this instance, and a violation will not be pursued at this time. No more material will be generated at this site, the property owner has committed to obtaining a County issued grading permit for any further activity at the site, and finally, dust and traffic issues are not regulated through the DRMS permitting process.

DRMS also informs Mr. Rathbun at this time that any additional removal of material from the site, beyond what has already been removed and is currently stockpiled, without first obtaining the applicable DRMS reclamation permit, will be considered by DRMS to be a violation for failing to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by 34-32.5-109(1) C.R.S., and will require a hearing before the Mined Land Reclamation Board. If a violation is found by the MLRB, a civil penalty of \$1000 to \$5000 a day may be issued in addition to corrective actions.

Inspection Contact Address

Dakota Rathbun
796 Abrams Way
Loveland CO 80537

PHOTOGRAPHS



Photo 1 – Looking SE from site entrance at remaining stockpile of soil - approximately 5000 cy



Photo 2 – Looking NW from site entrance at remaining stockpile of soil - approximately 5000 cy



Photo 3 – Looking SW from north side of disturbed area. Area ready for spring planting.



Photo 4 – Looking SE from north side of disturbed area. Area ready for spring planting.



Photo 5 – Looking ESE from north side of disturbed area. Area ready for spring planting. Soil stockpile visible in top left of photo.