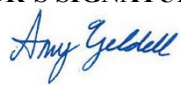




**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

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.

<b>MINE NAME:</b> Phase 2 Railyard Project	<b>MINE/PROSPECTING ID#:</b> M-2023-018	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Lake
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>WEATHER:</b> Cloudy	<b>INSP. DATE:</b> June 6, 2023	<b>INSP. TIME:</b> 13:30
<b>OPERATOR:</b> High Country Developers, LLC	<b>OPERATOR REPRESENTATIVE:</b> John Lichtengger	<b>TYPE OF OPERATION:</b> IM - Is it Mining	
<b>REASON FOR INSPECTION:</b> Other Agency Request	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> None	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> DRMS	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Amy Yeldell	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> June 13, 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>Y</u>	(FN) FINANCIAL WARRANTY----- <u>N</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>Y</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>Y</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**

The City of Leadville (City) has received numerous dust complaints regarding a development project which involved, crushing and screening rock of excavated rock. On June 2, 2023 the Colorado Division of Reclamation Mining, and Safety (Division) was contacted by the City. The City was inquiring if the Division had jurisdiction over the dust generated on site from processing the excavated material. On June 2, 2023 the Division contacted the landowner based on information provided from the City to coordinate an inspection of the site. Prior to the inspection, the Division requested that the landowner complete the "Consent to Access Property" form and an "Is it Mining?" questionnaire.

The site is located on the southeast corner of the intersection of Highway 24 and Mountain View Dr. in Leadville, CO. The approximate site location is 39.258182, -106.291775. The property is approximately 10 acres and 6 acres will be developed (Phase 2) into a Hotel and 50 townhomes. It is privately owned by High Country Developers, LLC.

On June 6, 2023, the Division conducted an inspection of the Phase 2 Railyard Project. Mr. Lichtengger represented High Country Developers, LLC. Amy Yeldell of the Division conducted the inspection. No representative from City of Leadville was present.

Historically this property was a railyard which resulted in contaminated soils. According to Mr. Lichtengger, the more contaminated soils were on the south side of the property (phase 1). Overall the area was void of vegetation prior to development. Beginning in May of 2023, under a CDPHE Owner Cleanup Program permit, the toxic cinders were excavated and removed from site. Once the "No action determination" was given the development of this site commenced.

First trenches were excavated 10 feet deep into the glacial till to install utilities (sewer, water, stormwater). Excavated material was then screened. The fines (2" minus) were placed back into the trenches. The screened 2-6" material was then stockpiled to be crushed. The crushed material is to be used on site for foundation bedding materials. And the 6" and greater material was stockpiled separately to be used for future landscaping. It is anticipated that all excavated and process material will be utilized on site for the development, there are no plans for sales at this time. Topsoil was imported for final landscaping.

Processing (crushing and screening) operations will cease at the end of June when the equipment rental period expires. No fuel is stored onsite, Mr. Lichtengger utilizes a fuel delivery service. Concrete will not be produced on site from the crushed gravel. Concrete for foundations is being purchased from Lake County Concrete.

The housing development to the south is Phase 1. This area was investigated under M-2021-043 and the processing of material was determined to not be jurisdictional to the Division. The property to the north was previously owned by High County Developers, LLC and has since been sold. There is a large stockpile of similar stockpiled screened material. This area is referred to as Phase 3 and development has not yet commenced.

During the inspection Mr. Lichtengger was advised as to what conditions require him to obtain a permit from the Division. Specifically if any of the excavated and processed material remains after the project, selling of that material will require a DRMS permit.

On June 10, 2023 the Division received the completed "Is it Mining?" questionnaire. The Division also forwarded Mr. Lichtengger a copy of a 111(1)(b) permit application as requested.

A determination letter will be sent under a separate cover.

Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, Room 215, 1001 E 62nd Ave, Denver 80216. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at [amy.yeldell@state.co.us](mailto:amy.yeldell@state.co.us)

**Inspection Contact Address**

John Lichtengger  
High Country Developers, LLC  
1313 Silver Vault  
Leadville, CO 80461

Enclosure

EC:  
Chapin LaChance, City of Leadville, [planning@leadville-co.gov](mailto:planning@leadville-co.gov)  
Lucas West, DRMS  
Travis Marshall, DRMS

**PHOTOGRAPHS**















Photo Six: Site overview.



Photo Seven: Misc. stockpiles on Phase 3.