


**COLORADO**Division of Reclamation,
Mining and Safety

Department of Natural Resources

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: Saddlebrook Pit	MINE/PROSPECTING ID#: M-2020-021	MINERAL: Gravel	COUNTY: Mineral
INSPECTION TYPE: Monitoring	WEATHER: Cloudy	INSP. DATE: May 24, 2023	INSP. TIME: 14:00
OPERATOR: Wolf Creek Rock and Gravel LLC	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: \$0.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Todd Jesse	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 1, 2023

The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.

INSPECTION TOPIC: Hydrologic Balance

PROBLEM/POSSIBLE VIOLATION: Problem: There is a spot of contaminated soil below the elevated tank from small spills and drips. A partially full unlabeled barrel was found off of secondary containment in the support area. Rule 6.3.3(K)

CORRECTIVE ACTIONS: The operator shall immediately remediate the spill and submit a final report to the Division containing at least the following information:

- 1.) Clean up contaminated soil and dispose of in accordance with state regulations
- 2.) Remove orphan barrel and dispose of in accordance with state regulations or label and place on secondary containment

CORRECTIVE ACTION DUE DATE: 8/01/23

OBSERVATIONS

This inspection report was conducted in response to a citizen complaint of illegal mining, mine plan compliance, off-site damage, dust, and traffic on May 8th, 2023 (attached). The Saddlebrook Pit is a 110c Limited Impact Operation ran by Wolf Creek Rock and Gravel LLC (Operator). The site is located 6.2 miles southwest of the town of South Fork, CO at an elevation of 8,400 feet. Public Access is controlled by a gate off Hwy 160. The Division holds a financial warranty in the amount of \$54,939.00. There was no operator representative from Wolf Creek Rock and Gravel LLC present for the inspection.

The Operator submitted their original application in May of 2020 and in June of 2021 the Division found that the Operator satisfied the applicable requirements to issue the permit. The plan of the operation is to process and sell the existing stockpiles on the property. The operator is to remove the stockpiles to the original ground level. Once the stockpiles are removed the area will be reclaimed to pastureland.

The mine identification sign and the affected area boundary markers are in place and in compliance with rule 3.1.12. The mine identification sign is located on the gate to the property off US 160. A 10 foot wall/berm marks the permit boundary along the highway and t-posts with fence delineate the permit boundary in other locations. At the time of the inspection there was no activity or personnel on site. Wildlife was observed in the form of song birds and Canada Geese. The only material/product stockpile found is located on the west end of the property. Through rough measurements it is estimated that there is approximately 10,000 cubic yards of material in the stockpile. No stockpiles were observed in the eastern portion of the permit boundary. The mining activity appears to be occurring inside of the permit boundary according to the mine plan. No off-site disturbance was found during the inspection. Since the pit was not active at the time of the inspection, no dust or noise was observed. However, dust and noise are non-jurisdictional and these issues should be raised with the county.

Despite no personnel on site, equipment was staged for work. A loader, haul truck, graders, and light pickup were observed on site. In addition to equipment there are also storage containers and hydrocarbons on site. The hydrocarbons are stored on site in what appear to be double walled tanks. There are two tanks on site. One is mounted to a trailer and the other is elevated for filling equipment. There is a spot of contaminated soil below the elevated tank from small spills and drips. **Please remove contaminated soil and dispose of it in accordance with Colorado hazardous waste regulations.** A partially full unlabeled barrel was found off of secondary containment in the support area. **Orphan barrels should be disposed of in accordance with Colorado hazardous waste regulation.** If the operator still has a use for the product in the barrel then it should be labeled and placed on secondary containment. Please note that the secondary containment volume needs to be 110% of the volume of all materials stored on it. There is also a small trash pit on site. **Litter has blown out of the pit and needs to be returned to the pit or disposed of elsewhere in accordance with state regulations.**

An infestation of common mullein (*Verbascum Thapsus*) was discovered on site. This species is categorized as a List C noxious weed by the State of Colorado's Department of Agriculture. The Division recommends that the operator eliminate the mullein infestation and contact the Mineral County Noxious Weed Program to develop a Weed Management Plan.

Please send documentation of contaminated soil, orphan barrels, and trash debris removal within 60 days.

All responses to this report should be directed to Todd Jesse with the Division's Active Mines Program at DRMS, Room 215, 1001 E 62nd Ave. Denver, CO 80216. Direct contact can be made at the Division's Grand Junction Field Office, by phone at 720 688-0626, or by email at todd.jesse@state.co.us

PHOTOGRAPHS



View to the south showing proper Mine ID signage posted at the entrance to the site.



View to the east of the permit area. Berm on the left marks permit boundary



View to the north fence that marks permit limits



View to the northwest of product stockpile



View to the southwest of support facilities and equipment staged on site.



View to the west of fuel tank. Contaminated soil is visible below the tank hose.



View to the north of trash pit. Material has blown out and surrounds the pit. Common Mullein can be seen along back edge of trash pit.



View to the west of partially full unlabeled barrel.



View of Common Mullein observed on site.



View to the north of dead Common Mullein stock from past season. New mullein are seen sprouting around the old stock

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

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

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

Inspection Contact Address

Drake Mouse
Wolf Creek Rock and Gravel LLC
PO Box 722410
Norman, OK 73070

CC: Travis Marshall, DRMS

Report Possible Violation/Illegal Activity



COLORADO

**Division of Reclamation,
Mining and Safety**

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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

05/08/2023

***** *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 *

Larry

Your Last Name *

Ehardt

Your Address *

PO Box 265

Your City *

South Fork

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

81154

Email Address *

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

darrin@ehardtcreative.com

Your Phone Number *

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

646-479-4231

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 checked="" type="checkbox"/> Land Owner | <input type="checkbox"/> Mineral Owner |
| <input checked="" type="checkbox"/> Nearby Resident | <input type="checkbox"/> Observed Incident |
| <input checked="" type="checkbox"/> Other | Neighboring Business Owner (tourism) |

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

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. 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.

The DMRS Permit Number is: M2020021

Location of gravel operation of concern: 180132 HWY 160, SOUTH FORK, COLORADO 81154

Parcel Number 5119-244-00-002

Legal Summary N/2SE/4 SEC.24 T39N R2E

Google Map approximate coordinates: 37.609209, -106.713560

Owners: Dianna Mouse: MOUSE BRET & DIANNA REVOCABLE LIVING TRUST

P.O. BOX 722410

NORMAN, OK 79070

Incident County *

Mineral County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|---|---|
| <input checked="" type="checkbox"/> Illegal Mining | <input checked="" 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 checked="" type="checkbox"/> Property Damage |
| <input checked="" 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 checked="" 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 checked="" type="checkbox"/> Other |

Traffic and dust is destroying neighboring tourism business

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

We received a letter from Mineral County on 5/04/2023 stating that Dianna Mouse is filing for a Conditional Use application for a commercial gravel processing plant. There is a public meeting regarding this on 5/10/23 at 5:30pm at the Mineral County Courthouse. Until we received the county's letter on 5/05/23 we have never been made aware of any request for permits, zoning or any legal actions that would allow a commercial gravel operation to conduct business in this pristine mountain area adjoining our property. We believed this to be an illegal operation. We submitted written objection to this application to the county (Janelle Kukuk) with photos and video on 5/08/23. We also contacted Janelle Kukuk at Mineral County on 5/08/23 and we were told that DMRS had already granted a permit in 2020 and that they had dropped the ball since 2020 and that this current application process and notification should have taken place at that time.

We want to be very clear that if this activity is allowed to proceed any longer it will continue to put our business in danger and may cause us to go out of business. We receive constant complaints from our guests that come here to enjoy a serene, restful vacation in the mountains of Wolf Creek, Colorado only to find that they'll be spending their vacation watching and listening to dump trucks pulling in and out of a gravel pit all day and breathing rock dust instead of fresh mountain air? The fact that a gravel pit could potentially be prioritized over a tourism business on Wolf Creek is a very bad sign for the future of this area. We have lived and been in business in this location since the 1960's and have gone out of our way to be good stewards of the beauty and serenity of this area. We could never have dreamed that we'd be discussing the possibility of a gravel pit operation being allowed in this location.

We are not sure whether we should contact the property owners regarding this issue until the powers that be figure out how this oversight happened in the first place.

We are willing to be reasonable but our business and the serenity of this area should not continue to be put in jeopardy due to government mistakes. We have already had to suffer through this nuisance for years.

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

☐ Yes ☒ No

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

Dianna Mouse

If known, please provide the Permit or NOI Number (ie M1970111 or P1970111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

M2020021

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

☒ Yes ☐ No

Details

We've provided details regarding our communication with Mineral County in the "ISSUE" section above since a large part of our issue has to do with the county dropping the ball on this.

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

☒ Yes ☐ No

Attachments are accepted for informational purposes only. Action by DRMS requires a direct observation by DRMS staff.

Upload Supporting Documents

Maximum of 5 files can be uploaded and each file size must be 10mb and under. PDF, JPG, and PNG formats only.

Mineral County Letter.jpg	654.67KB
Gravel Pit Wolf Creek-MOON VALLEY COMMENTS.pdf	5.5MB
Screenshot-Moon-Valley-and-Gravel-Business.png	446.08KB

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

Select all that apply

☒ Phone ☐ E-mail ☐ US Mail

MOON VALLEY COMMENTS (3 pages):

(REGARDING CONSIDERATION OF CONDITIONAL USE APPLICATION FOR 180132 HWY 160, SOUTH FORK, COLORADO)

May 8th, 2023

MOON VALLEY
180173 West Highway160
South Fork, Colorado 81154
OWNER: Larry Ehardt

We would like to start by asking a question:

How would you feel if you planned a serene, restful vacation in the mountains of Wolf Creek Colorado only to find that once you've arrived, you'd be spending your vacation watching and listening to rock dump trucks pulling in and out of a gravel pit all day and breathing rock dust instead of fresh mountain air?

We ask this because it is already a reality for us and our vacation guests. The noise of dump trucks throttling up and down and honking in front of our establishment day in and day out obviously disrupts our tourism business and our day to day lives. We've received numerous complaints from our guests about the noise, increase in traffic and dust since these gravel pit activities started and we've had guests cut their stays short due to this disruption of their vacation. If it continues it will put the future of our business in jeopardy.

Until we received the county certified letter 5/04/2023 (last week) we have never been made aware of any request for permits, zoning or any legal proceedings that would allow a commercial gravel operation to conduct business in this pristine mountain area.

Unfortunately, there has already been industrial scale commercial processing and removal of rock material from this location for years now. This activity started long before we began collecting photos/videos, but we've attached a video timestamped all the way back to September of 2021 that shows commercial rock truck activity pulling in and out of the location under question ("IMG_0194.MOV"). We have years of photo/video evidence if needed.

I've also included a photo timeline on the 2nd and 3rd pages of this document showing the high rate of traffic going in and out of this gravel pit in a 20-minute timeframe.

Even though we have been monitoring this situation, we are not in the habit of tattling on our neighbors. We had hoped this was a temporary situation that would come to an end soon. Now that we are aware that the county is entertaining the idea of allowing this to turn into a legitimate gravel pit operation, we feel the need to speak out strongly against any chance of this happening.

At this point we ask that all the truck activity, rock processing and gravel removal from this location cease immediately and that it is never allowed to take place in the future.

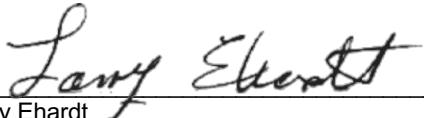
We want to be very clear that if this activity is allowed to proceed any longer it will continue to put our business in danger, and you will be rewarding previous bad behavior. The fact that a gravel pit could potentially be prioritized over a tourism business on Wolf Creek is a very bad sign for the future of this area.

We have lived and been in business in this location since the 1960's and have gone out of our way to be good stewards of the beauty and serenity of this area. We could never have dreamed that we'd be discussing the possibility of a gravel pit operation being allowed in this location.

Please feel free to contact us at 646 479 4231 with any questions or comments.

Thank you for your time and consideration. We are in hopes that you will make the right decision.

Sincerely,


Larry Ehardt 5/08/23
(date)



Darrin Ehardt 5/08/23
(date)

BELOW IS A 20-MINUTE VISUAL TIMELINE (WITH "CONTENT CREATION" TIMESTAMPS TO THE RIGHT) SHOWING THE AMOUNT OF ACTIVITY ALREADY TAKING PLACE AT THE LOCATION UNDER DISCUSSION:

4 images - Elapsed time = 20 minutes

IMAGE A - 7/12/22 (**8:47am**): Shows a large dump truck exiting the location and another company pickup pulling up to enter the property.



 **IMG_0671.HEIC**
HEIF Image - 3.4 MB


Information [Show Less](#)

Created	Tuesday, July 12, 2022 at 8:47 AM
Modified	Tuesday, July 12, 2022 at 8:47 AM
Last opened	Today, 12:46 PM
Content created	Tuesday, July 12, 2022 at 8:47 AM
Dimensions	4032×3024
Resolution	72×72
Color space	RGB
Color profile	Display P3
Device make	Apple
Device model	iPhone 13 Pro Max
Aperture value	1.1699
Exposure time	1/2,208
Focal length	5.7 mm
ISO speed	50
Flash	No
F number	f/1.5
Exposure program	Normal
Metering mode	Pattern
White balance	Auto
Content Creator	15.5

Tags
[Add Tags...](#)

IMAGE B - 7/12/22 (**8:48am**): Shows another dump truck slowing to enter the location.



 **IMG_0673.HEIC**
HEIF Image - 1.8 MB

Information [Show Less](#)

Created	Tuesday, July 12, 2022 at 8:48 AM
Modified	Tuesday, July 12, 2022 at 8:48 AM
Last opened	Today, 2:02 PM
Content created	Tuesday, July 12, 2022 at 8:48 AM
Dimensions	4032×3024
Resolution	72×72
Color space	RGB
Color profile	Display P3
Device make	Apple
Device model	iPhone 13 Pro Max
Aperture value	1.1699
Exposure time	1/2,841
Focal length	5.7 mm
ISO speed	50
Flash	No
F number	f/1.5
Exposure program	Normal
Metering mode	Pattern
White balance	Auto
Content Creator	15.5

Tags
[Add Tags...](#)

IMAGE C - 7/12/22 (8:56am): Shows another dump truck exiting the location.



IMG_0675.HEIC
HEIF Image - 3.7 MB

Information [Show Less](#)

Created	Tuesday, July 12, 2022 at 8:56 AM
Modified	Tuesday, July 12, 2022 at 8:56 AM
Last opened	Today, 12:47 PM
Content created	Tuesday, July 12, 2022 at 8:56 AM
Dimensions	4032×3024
Resolution	72×72
Color space	RGB
Color profile	Display P3
Device make	Apple
Device model	iPhone 13 Pro Max
Aperture value	2.9709
Exposure time	1/236
Focal length	9 mm
ISO speed	32
Flash	No
F number	f/2.8
Exposure program	Normal
Metering mode	Pattern
White balance	Auto
Content Creator	15.5

Tags

Add Tags...

IMAGE D - 7/12/22 (9:05am): Shows another dump truck slowing to enter the location.



IMG_0678.HEIC
HEIF Image - 1.9 MB

Information [Show Less](#)

Created	Tuesday, July 12, 2022 at 9:05 AM
Modified	Tuesday, July 12, 2022 at 9:05 AM
Last opened	Today, 12:47 PM
Content created	Tuesday, July 12, 2022 at 9:05 AM
Dimensions	4032×3024
Resolution	72×72
Color space	RGB
Color profile	Display P3
Device make	Apple
Device model	iPhone 13 Pro Max
Aperture value	1.1699
Exposure time	1/2,299
Focal length	5.7 mm
ISO speed	50
Flash	No
F number	f/1.5
Exposure program	Normal
Metering mode	Pattern
White balance	Auto
Content Creator	15.5

Tags

Add Tags...



Mineral County

Administration & Land Use Office

P.O. Box 70

1201 North Main Street

Creede, Colorado 81130

April 25, 2023

Dear Landowner,

You are receiving this letter because you live within 300 ft of a property for which a conditional use application has been submitted. The land is owned by Dianna Mouse. The address of the property is 180132 Hwy 16, South Fork, CO 81154. The application asks for the ability to process and crush rock for construction and road base with the intent to sell and move off of the property. The raw material is the result of stockpiles of rocks moved onto the property by Colorado Department of Transportation during construction on Wolf Creek Pass.

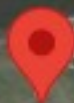
The application will be heard during a public meeting held by the Mineral County Planning and Zoning Commission on Wednesday, May 10, 2023 beginning at 5:30 pm. The meeting will be held at the Mineral County Courthouse, 1201 N Main, Creede, CO 81130 (enter through the east entrance). A virtual option for attendance will be available. Meeting link is available on the County website, mineralcountycolorado.com. If you would like to make a comment on the proposal you may do so in person at the hearing, you may email you comment to the Mineral County Administrator, countyadmin@mincocolo.com, or mail you comment to the Mineral County Administrator, PO Box 70, Creede, CO 81130. Written comments must be received by Monday, May 8, 2023.

Sincerely,

A handwritten signature in purple ink that reads "Janelle Kukuk".

Mineral County Administrator
countyadmin@mincocolo.com
719.658.2360

Goodnight's
Lonesome Dove RV...



Moon Valley Resort



160

GRAVEL OPERATION PROPERTY

South Fork Rio Grande