

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

DRMS response to operator inquiry and issues P-2009-002

Means - DNR, Russ <russ.means@state.co.us>

Mon, Sep 25, 2023 at 2:24 PM

To: goldenliberty@aol.com

Good Afternoon Ms. Lemberg,

I received your voicemail and email from Friday the 22nd. Unfortunately I was out of the office for the day.

Per conversations with my Director Ginny Brannon, and staff members Jared Ebert and Patrick Lennberg, you were able to have your requested in-person meeting virtually on the 22nd to discuss your issues regarding an inspection report issued in late August. I have also reviewed the file and history.

Based on the numerous emails, telephone calls, and virtual meetings with DRMS it is obvious that your interpretations and intent of the inspection report varies from ours. To address this issue DRMS is doing the following:

- 1) As a matter of transparency, DRMS will be placing the attached memo in the public file that outlines the issues you have brought forward and the DRMS position as well. The memo is not up for discussion.
- 2) I have asked staff to honor your request and all emails you have sent will be removed from public view.
- 3) Your request to have a staff member, Amy Eschberger, re-write the report is not feasible. Ms. Eschberger was not at the site for the inspection and has no history with it. The inspection was a routine inspection to note current conditions. Ms. Eschberger cannot write a report based on conditions she did not observe.
- 4) DRMS will redact from the public facing inspection report any discussion related to the pile of material or the shaft on site. It should be clearly noted that there are no enforcement issues noted or contemplated due to the report.

In closing, DRMS has reviewed your issues and responded to them the best we can. Due to the nature and tone of your calls and emails to DRMS staff, the director, and myself, I must ask that you please send any future communications to DRMS via written correspondence. Please feel free to direct that correspondence to me directly to ensure that it is handled correctly. To be clear, any future emails and written correspondence to DRMS are required to be, and will be, part of the record for public transparency purposes.

Russ Means
Minerals Program Director
Active Mines Program
Division of Reclamation, Mining and Safety



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

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

September 25, 2023

Memo to File

This memo is to outline the issues brought forth by Ann Lemberg regarding Notice of Intent P-2009-002. Ms. Lemberg through various communications with DRMS has express concerns regarding certain issues noted in inspections, as well as past issues, regarding a stockpile of material that was located on her NOI site and a closed up shaft. This memo states her position as well as DRMS's for the record.

At issue are the notations in a regular inspection report issued by staff from an August 29, 2023 inspection. There appears to be two points of contention Ann Lemberg identified with the report.

First, Ann Lemberg disputes the location where material alleged to have been removed and stolen from a pre-existing stockpile was placed. She asserts the August 29, 2023 inspection report incorrectly states the location the alleged stolen material was placed was on the Good Friday road. Ann Lemberg asserts law enforcement and DRMS refused to investigate the alleged theft of material from the pre-existing stockpile and the potential environmental impacts. Upon review of this, it appears this issue was cited in the Division's 2014 inspection report. The Division's August 29, 2023 inspection report simply references what was found and stated from the 2014 inspection report.

Second, Ann Lemberg contends the existing shaft on site has not collapsed as asserted in DRMS's August 2023 inspection report. Her position is that material was backfilled into the shaft by the previous mine operator, it is not collapsed as noted.

Regarding the stockpile, DRMS position has not changed since 2014. To be clear, the exact deposition of any materials taken from the site is a non-jurisdictional issue and the operator must pursue any alleged taking with law enforcement.

The existing mine shaft feature is noted in the reports to protect the operator from any reclamation liabilities associated with the shaft so long as it is not disturbed. DRMS has no issue with calling it backfilled or collapsed, merely its existence and current condition is a noted field observation.

As a matter of transparency, Ann Lemberg's concerns and DRMS position are documented here. Staff's inspection report documents the current conditions observed at the prospecting operation on that day and the applicable regulatory compliance requirements. There are no enforcement issues contemplated based on the report issued.

G. Russell Means
Minerals Program Director.