




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: Twin Buttes Land Co. LLC	MINE/PROSPECTING ID#: M-2023-038	MINERAL: Rock	COUNTY: Rio Blanco
INSPECTION TYPE: Illegal(Unpermitted Operation)	WEATHER: Clear	INSP. DATE: October 24, 2023	INSP. TIME: 12:30
OPERATOR: Unknown	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: ILL - Illegal	
REASON FOR INSPECTION: High Priority	BOND CALCULATION TYPE: None	BOND AMOUNT: None	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: U.S.BLM	
INSPECTOR(S): Amy Yeldell	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: October 30, 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: Availability Of Records

PROBLEM/POSSIBLE VIOLATION: Problem: Based on the Division's preliminary investigation, this operation may be a jurisdictional matter and further consideration is necessary.

CORRECTIVE ACTIONS: In order to assist the Division in this determination, please complete and return the "Consent for Access to Property" form. This form is due within 30 days of the signature date of this report. If no response is received by November 30, 2023, then the Division may proceed with enforcement actions.

CORRECTIVE ACTION DUE DATE: 11/30/23

OBSERVATIONS

On October 24, 2023, I, Amy Yeldell with the Colorado Division of Reclamation Mining and Safety (Division), was conducting inspections in Rio Blanco County with James Roberts of the BLM. While traveling between sites I observed an area that resembled a mining operation. The site is located in Rio Blanco County on the west side of HWY 139 at approximately 39°46'34.44" N and 108°46'45.14"W (Photo One). I conducted an initial site reconnaissance from the Highway 139 easement. Division staff did not enter the property. From within the right-of-way the Division observed a large excavation and several stockpiles of processed material. A dozer was located to the north of the main excavation adjacent to several smaller piles. And a loader was observed actively loading a blue dump truck with rock (Photos Two - Five). Division staff then continued south on HWY 139 to the next mine site. Approximately 10 minutes later the same dump truck which was previously observed being loaded with excavated material was seen traveling south on Highway 139 with the loaded rock (Photos Six and Seven). The excavated material was observed leaving the property.

Once back in the office Division staff conducted research to verify if the site is/ or ever had been permitted, determine the landowner and obtain contact information. The Division was unable to find any documentation indicating that this was or had ever been a permitted mining operation. The Division was also able to verify with the BLM that only oil, gas and coal mineral rights were retained by the BLM, therefore minerals are private. Based on records from the Rio Blanco County Assessor, the property is owned by Twin Buttes Land Co., LLC (parcel No. 189119200001). The Division could only obtain a mailing address, no phone number was publicly available.

Based on 2015 Google Earth Satellite imagery Division staff determined that extraction of construction materials has been in effect since at least 2005 (Photos Eight - Eleven). And the estimated affected lands area is approximately 5 acres.

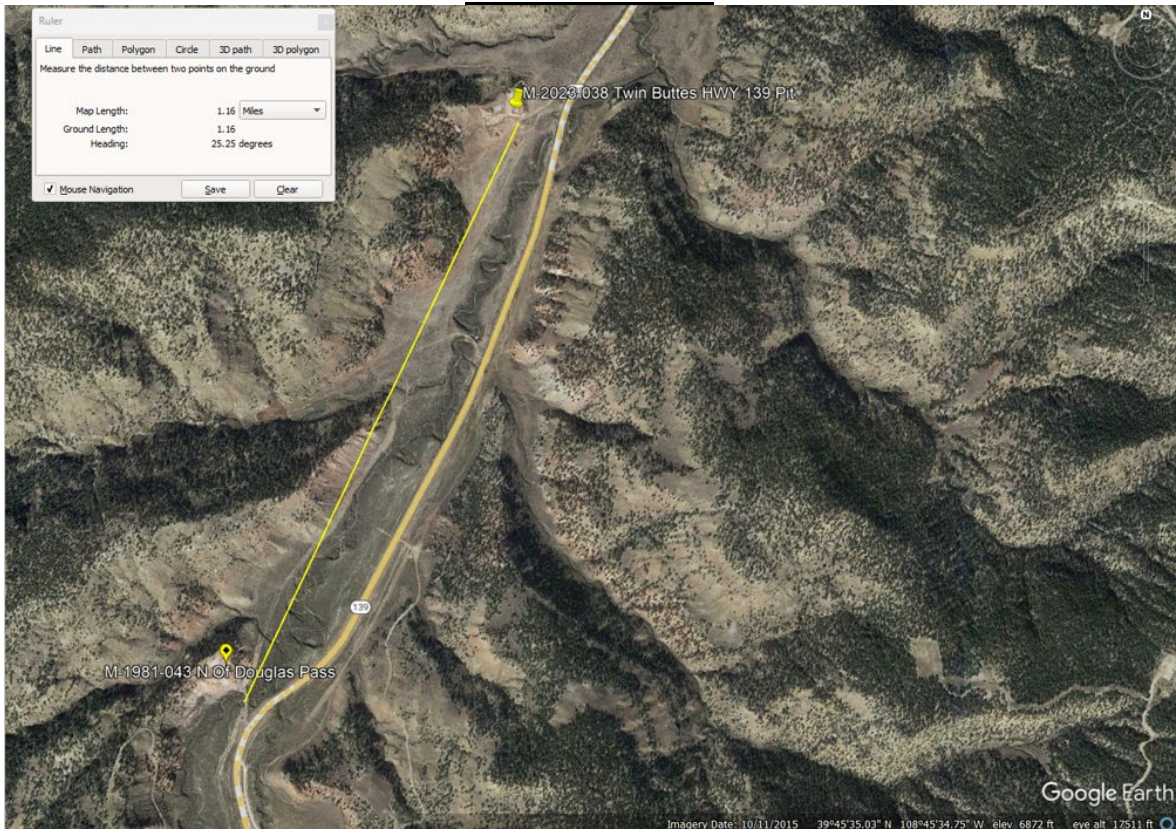
Pursuant to C.R.S. 34.32.5-103(13) a "Mining operation" is defined as the development or extraction¹ of a construction material² from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operation. The term also includes transportation and processing operations on affected land. The term does not include concentrating, milling, evaporation, cleaning, preparation, transportation, and other off-site operations not conducted on affected land. Based on the Division's preliminary investigation, this operation may be a jurisdictional matter and further consideration is necessary. In order to assist the Division in this determination, please complete and return the "Consent for Access to Property" form. This form is due within 30 days of the signature date of this report. If no response is received by November 30, 2023, then the Division may proceed with enforcement actions.

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, CO 80216. Direct contact can be made by phone at 303-866-3567 ext. 8183 or via email at amy.yeldell@state.co.us

¹Construction Material Rule 1.1(17) "Extraction" means the removal of construction materials and/or overburden from places of natural occurrence to surface locations.

² CRS 34.32.5-103(3) "Construction Material" means rock, clay, silt, sand, gravel, limestone, dimension stone, marble or shale extracted for use in the production of non-metallic construction products

PHOTOGRAPHS



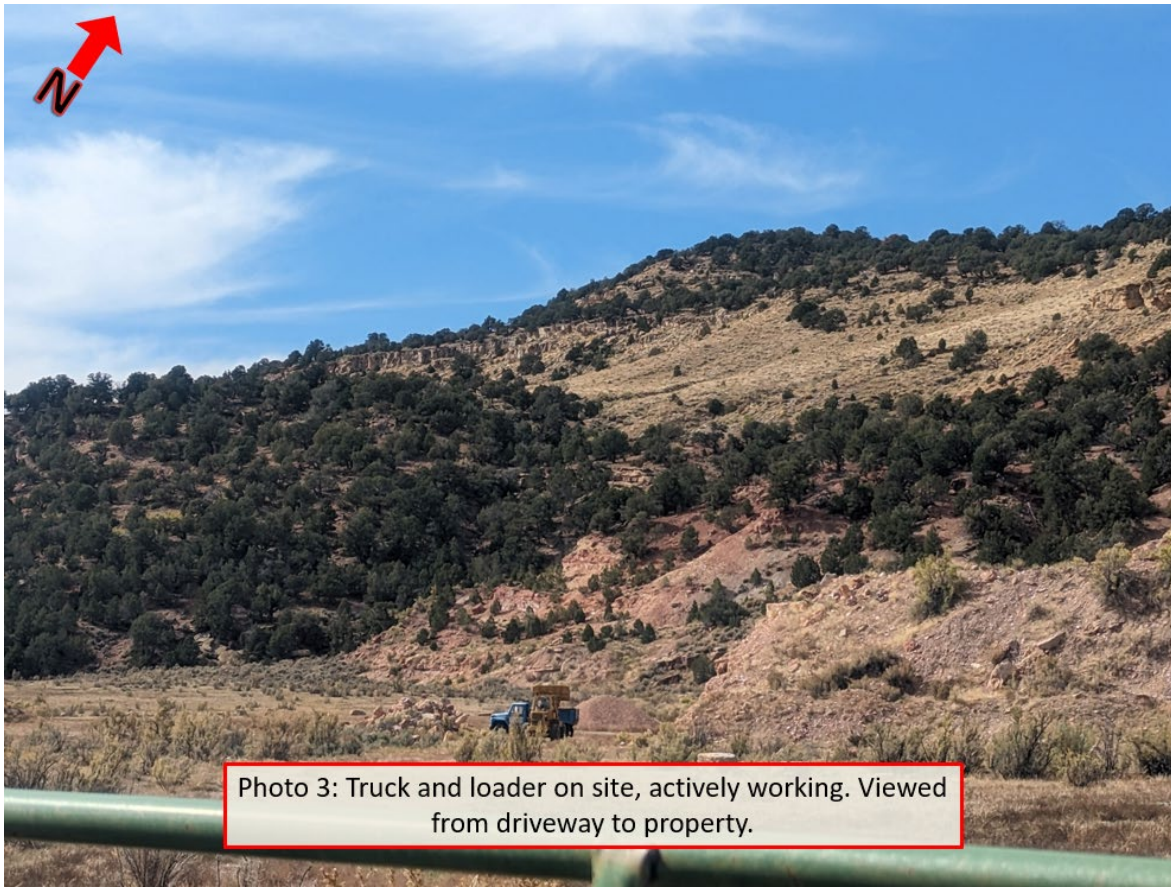


Photo 3: Truck and loader on site, actively working. Viewed from driveway to property.



Photo 4: Excavated material being loaded into blue dump truck for transport. Viewed from HWY 139



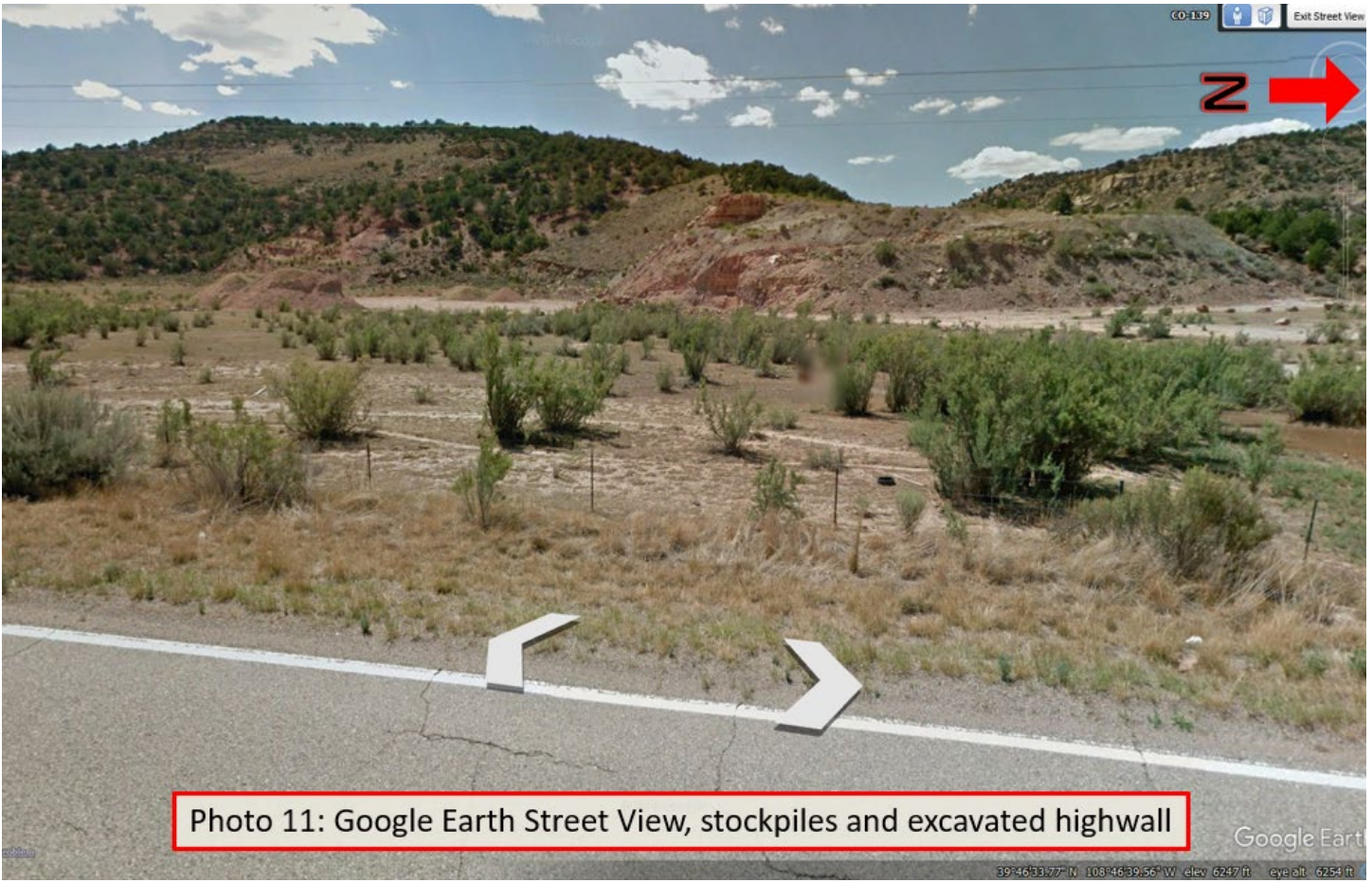


Photo 7: Dump tuck loaded with rock observed from permit M-1981-043



Photo 8: Overview of affected lands, Google Earth Satellite Imagery 2015.





GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- PB	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</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

Inspection Contact Address

Twin Buttes Land Co., LLC
PO Box 323
Rangely, CO 81648

Enclosure:
Consent to Access Property

CC:
Travis Marshall, DRMS
Russ Means, DRMS
Jeff Fugate, DRMS
James Roberts, BLM



CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: _____
Location of Property: _____

The Colorado Division of Reclamation, Mining and Safety (“DRMS”) is requesting your consent to allow DRMS Staff to access your property on _____ (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:

_____.

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: _____

Name of Landowner or Authorized Legal Representative (Printed): _____

Date: _____

