




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: TBD	COUNTY: Rio Blanco
INSPECTION TYPE: Illegal(Unpermitted Operation)	WEATHER: Clear	INSP. DATE: December 11, 2023	INSP. TIME: 10:30
OPERATOR: Twin Buttes land Co., LLC	OPERATOR REPRESENTATIVE: Owen Robertson	TYPE OF OPERATION: ILL - Illegal	
REASON FOR INSPECTION: High Priority	BOND CALCULATION TYPE: None	BOND AMOUNT: None	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: DRMS	JOINT INSP. AGENCY: None	
INSPECTOR(S): Amy Yeldell	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: January 12, 2024	

GENERAL INSPECTION TOPICS

The following inspection topic(s) were identified as having a **Problem (PB)**, which includes correction actions and a deadline whereby the Operator must demonstrate compliance with the conditions of the Permit and the requirements of the Act and Rules. Failure to address the corrective actions by the deadline may cause the Division to escalate the Problem to a **Possible Violation (PV)** and schedule the issue for formal hearing before the Mined Land Reclamation Board (Board).

(AR) RECORDS----- PV	(FN) FINANCIAL WARRANTY----- NA	(RD) ROADS----- Y
(HB) HYDROLOGIC BALANCE----- Y	(BG) BACKFILL & GRADING----- Y	(EX) EXPLOSIVES----- NA
(PW) PROCESSING WASTE/TAILING---- Y	(SF) PROCESSING FACILITIES----- N	(TS) TOPSOIL----- NA
(MP) GENL MINE PLAN COMPLIANCE- N	(FW) FISH & WILDLIFE----- N	(RV) REVEGETATION---- NA
(SM) SIGNS AND MARKERS----- N	(SP) STORM WATER MGT PLAN---- N	(RS) RECL PLAN/COMP-- NA
(ES) OVERBURDEN/DEV. WASTE----- N	(SC) EROSION/SEDIMENTATION--- Y	(ST) STIPULATIONS----- N
(AT) ACID OR TOXIC MATERIALS----- NA	(OD) OFF-SITE DAMAGE----- Y	

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

INSPECTION TOPIC: Availability Of Records

POSSIBLE VIOLATION: Failure 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.

CORRECTIVE ACTIONS: This possible violation will require a hearing before the Mined Land Reclamation Board. The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the operator.

CORRECTIVE ACTION DUE DATE: MLRB hearing(tentatively March 20, 2024)

OBSERVATIONS

On October 24, 2023, the Colorado Division of Reclamation Mining and Safety (Division) conducted a preliminary investigation when observing what appeared to be a mining Operation. On October 30, 2023, the Division sent Twin Buttes Land Co. LLC the inspection report. The report cited "Availability of Records" as an inspection problem given that the "operation may be a jurisdictional matter and further consideration was necessary". The corrective action was "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."

On November 28, 2023, the Division was contacted by Mr. Richard Lane whose offices represent Twin Buttes Land Co. The Division's attorney discussed with Mr. Lane on November 29, 2023, and on November 30, 2023, the Division received permission to conduct a property inspection with the landowner.

On December 12, 2023, Amy Yeldell of the Division met with Owen Robertson of Twin Buttes Land Co. LLC. 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. Mr. Robertson opened a locked gate to access the property.

The site was inactive at the time of the inspection. No equipment, fuel or structures were located adjacent to the highwalls. Mr. Robertson explained that they use a dozer to push material down from the top of the highwall. Then then use a loader to screen/size material prior to loading it into trucks. The material is then transported to other non-contiguous properties owned by Twin Buttes Land Co. LLC and used for surfacing of roads.

There is one main highwall which is approximately 150 LF, 30 ft high and near vertical. There is another highwall to the southwest which appears to be less frequently used. It is approximately 150 LF, 50 feet high and at a 1H: 1V slope (Photos 1-7). To the east and north of the highwall is a road to access the top of the highwalls (Photo 8).

To the south of the highwalls is a flat stockpile area (Photos 9-10). Boulders delineate an area which has periodically been used for staging equipment. All stockpiles and disturbances appear to be contained within the footprint of the boulders. There is one main soil pile and several smaller rock/boulder stockpiles. Mr. Robertson indicated that no topsoil has been salvaged. From atop the highwalls the Division also observed additional boulders stockpiled on the north side of the hill (Photos 11-12). There was a dozer parked near them indicating that this area may also be used for mining purposes (stockpiling).

Division Staff took GPS data of the stockpile area but due to the steep topography was not able to get data for the highwalls. Based on satellite imagery obtained at the Division's office, the total affected lands are estimated to be approximately 7.08 acres (Photo 13). It is important to note to the operator, that the operation's affected land can go up to 9.9 acres while still being a permitted 110c operation. Anything 10 acres or greater would require a 112c permit application with the Division.

While on site, Division Staff explained key activities that are indicative of a mining operation and the types of DRMS permits available to the Operator. Mr. Roberts explained that given the size of their various parcels of land they need to export mined material to other properties to maintain the roads. Mr. Roberts also indicated that this pit has been in operation since approximately 1940 and that they have a letter from the Division stating the pit was grandfathered in. The Division has not been provided with a copy of any letter from the Operator RE: "grandfathering." Likely the operation at the time did not require a permit, however the current operation does.

Based on discussions with the landowner and the observations of the site during the inspection, the Division has determined that a permit is necessary. The mining operation requires a mining permit, and the Division cites a possible violation of C.R.S. 34-32.5-109(1) for failure to obtain a reclamation permit prior to engaging in a new mining operation. This possible violation will require a hearing before the Mined Land Reclamation Board. The schedule and other details for the MLRB hearing will be provided in a separate document, a Reason to Believe a Violation Exists letter which will be sent via certified mail. If at the hearing a violation is found the Operator will be required to submit a permit application and gain approval from the Division within all statutory deadlines. The Operator is encouraged to submit an application prior to the MLRB Meeting (tentatively March 20, 2024).

To date the Division has not received any complaints from the public regarding this site. Nor has a permit application been submitted. For filing purposes, the Division has assigned file number M-2023-038 to this site.

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

Inspection Contact Address

Owen Robertson
Twin Buttes Land Co., LLC
PO Box 190
Rangely, CO 81648

Enclosure: 13 Photos

EC:
Travis Marshall, DRMS
Scott Schultz, AGO
Richard Lane, Operator Counsel

PHOTOGRAPHS









Photo 7: Highwall and stockpile overview.



Photo 8: Road to access top of highwalls.



Photo 9: Overview of stockpile area.



Photo 10: Overview of stockpile area.



