




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: Wild Cat Claim	MINE/PROSPECTING ID#: M-2023-031	MINERAL: Borrow Material	COUNTY: Teller
INSPECTION TYPE: Illegal (Unpermitted Operation)	INSPECTOR(S): Elliott Russell	INSP. DATE: September 27, 2023	INSP. TIME: 09:30
OPERATOR: Michael Brown	OPERATOR REPRESENTATIVE: Michael Brown	TYPE OF OPERATION: ILL - Illegal	

REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held
DATE OF COMPLAINT: August 25, 2023	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: November 6, 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.

GENERAL INSPECTION TOPICS

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

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

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

PROBLEMS/POSSIBLE VIOLATIONS

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 has been scheduled to be considered by the Mined Land Reclamation Board during the December 13-14, 2023 Board meeting. Official notice of 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: December 13-14, 2023

OBSERVATIONS

On August 25, 2023, the Colorado Division of Reclamation, Mining and Safety (Division) received a citizen's complaint regarding a possible unpermitted mining operation in Teller County. The complaint alleged Mike Brown Excavating was using big equipment to pile dirt and was removing 14-15 dump trucks of dirt a day from a parcel owned by Michael Brown located 3 miles northeast of Cripple Creek, Colorado. On August 28, 2023, the Division received supplemental photographs of the activity. Shortly thereafter, the Division spoke with Mr. Brown, discussed the alleged activity, and scheduled a site inspection. The Division has assigned File No. M-2023-031 for this site.

The Division met Mr. Brown at the excavation on his patented Wild Cat Claim located south of Highway 67, approximately 0.45 miles west of County Road 81. Specifically, the site is located in the northwest quarter of Section 4, Township 15 South, Range 69 West of the 6th Principle Meridian, at 38°46'47.40"N 105° 7'41.42"W. The excavation was accessed by traveling south on an existing driveway for approximately 1,800 feet.

Mr. Brown stated he began earthwork activities at the site in early August to construct a large flat pad that he could use in the future to build an equipment shop and have a storage area for his excavation company. Mr. Brown informed the Division that 20 dump trucks of dirt had been removed from the site and this material was taken to various job projects as well as another one of Mr. Brown's properties a few miles away. He indicated his project was considered long term as material generated from the project will be removed on an "as-needed" basis, and therefore, he stated he wouldn't be able to obtain the 111(1)(b) permit as this requires activities to be completed within one year. Mr. Brown stated that before starting excavation activities, he had Art Braun with Braun Environmental, Inc. prepare a Site Plan to be provided to Teller County to determine if a grading permit was necessary. He stated that Teller County did not require any county permitting until he was going to build the equipment shop and then this may require a county building permit. This Site Plan was electronically provided to the Division following the inspection.

The site consisted of a single excavated area into a south facing hill side just north of a drainage and small pond. A product stockpile was located at the toe of excavated slope with one topsoil stockpile located above the excavated area and two on the south side of the disturbed area near the drainage. The Division acquired GPS data with a Trimble Juno 3B and used Google Earth to determine the disturbance was approximately 1 acre in size. The Division has attached *9-27-23 Inspection Map M2023031* to this report which depicts the size of the disturbance area. The Division used the maps within the Site Plan, as well as information on the Teller County Assessor's online map viewer, to depict the approximate location and size of Mr. Brown's Wild Cat Claim parcel, the approximate disturbance footprint by comparing the Topographic Map – Current Surface to the Topographic Map – Shop/Work Area, and the flat pad area on the Division's inspection map.

C.R.S. 34-32.5-103(13) defines a “mining operation” as the development or extraction of a construction material from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operations. C.R.S. 34-32.5-103(3) defines a “construction material” as rock, clay, silt, sand, gravel, limestone, dimension stone, marble or shale extracted for use in the production of nonmetallic construction products. C.R.S. 34-32.5-103(1) defines “Affected Land” as the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of an operation. Affected lands include, but shall not be limited to, private ways, roads (except those roads that were constructed for purposes unrelated to the operation that were in existence before a permit application was filed with the office, and will not be substantially upgraded to support the operation); land excavations, explorations sites, drill sites or working, refuse banks or spoil piles, evaporation or settling ponds, work, parking, storage, or waste discharge areas, and areas in which structures, facilities, equipment, machines, tools or other materials or property that result from or are used in such operations are situated. Given these definitions, the excavation created by Mr. Brown is considered to be a mining operation and the land that has been disturbed is considered Affected Land. Therefore, a reclamation permit will need to be obtained. This issue is cited as a possible violation at the beginning of this report. Details regarding this enforcement action will be sent under a separate cover.

This concludes the Division’s Inspection Report; a subset of photographs taken during the inspection are included below. For any additional information or questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

PHOTOGRAPHS



Photo 1. Overview of excavation area; looking north.



Photo 2. Overview of excavation area; looking west.



Photo 3. Overview of excavation area; looking east.



Photo 4. Excavation area; looking south.



Photo 5. Product stockpile area; looking west.



Photo 6. Lower topsoil stockpile area; looking west.

Inspection Contact Address

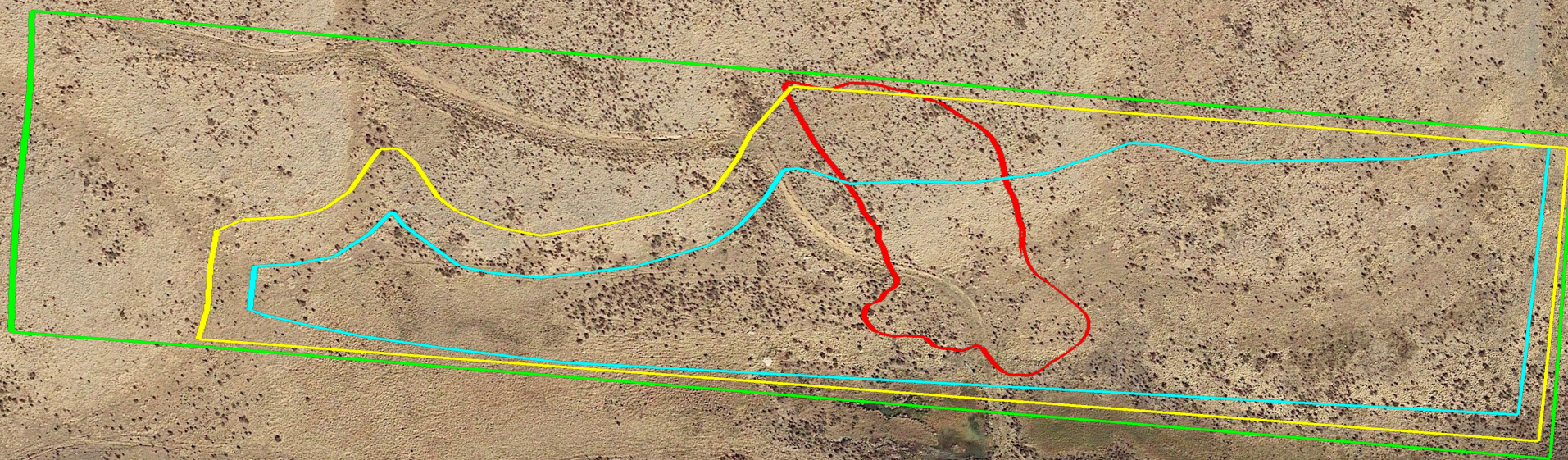
Michael Brown
289 High Point
Divide, Colorado 80814

Attachment: 9-27-2023 Inspection Map M2023031





Ec: Michael Cunningham, DRMS

9-27-23 Inspection Map M2023031

Prepared by ERR on 10/27/23
Google Earth Imagery Dated 10/6/19



Legend

-  Approx. Grading Disturbance (7 acres)
-  Approx. Parcel Boundary
-  Approx. Planned 9,936' Pad Area (4.9 acres)
-  Disturbance Area (1 Acre)