

April 8, 2024

Kevin Holderness
Mesa County – Road and Bridge
9701 Coffaman Road
Whitewater, CO 81527

RE: Rapid Creek Road, Permit/File No. M-2024-011, Complaint Received

Dear Mr. Holderness:

On April 4, 2024 the Division of Reclamation, Mining and Safety (Division) received a complaint regarding the above referenced site (enclosed). The Division will be conducting an inspection to investigate the matter further. The report with the Division's findings will be sent to both parties upon completion.

If you require additional information, or have questions or concerns, please feel free to contact me.

Sincerely,



Amy Yeldell
Environmental Protection Specialist

Cc:
Brett Fontanari
825 Rapid Creek Rd
Palisade, CO 81526

Ec:
Travis Marshall, Senior EPS, Grand Junction DRMS



DRMS Complaint Intake Tool

By Submitting this form you are requesting an investigation of compliance with DRMS rules.



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

DRMS Internal Information

Select Permit Type *

Minerals

Permit No List *

M2024011

Date of Complaint

04/04/2024

COMPLAINANT INFORMATION

*** Indicates a Required Field**

Do you wish to remain anonymous? *

☐ Yes ☒ No

Connection to Incident *

Select all that apply

- ☐ Land Owner
☒ Nearby Resident
☐ Other

- ☐ Mineral Owner
☐ Observed Incident

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: 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.

It seems to be in the parking lot area near the trailhead at the top of Rapid Creek Road in Palisade, Colorado.

Incident County *

Mesa County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|--|---|
| <input checked="" type="checkbox"/> Illegal Mining | <input type="checkbox"/> Dust |
| <input type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input checked="" type="checkbox"/> Surface Water Impact / Stormwater Management | <input type="checkbox"/> Property Damage |
| <input checked="" type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input checked="" type="checkbox"/> Signs and Markers | <input type="checkbox"/> Overburden / Development Waste |
| <input checked="" type="checkbox"/> Financial Warranty | <input checked="" type="checkbox"/> Backfilling and Grading |
| <input checked="" type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input checked="" type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input type="checkbox"/> Topsoil |
| <input checked="" type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input checked="" type="checkbox"/> Reclamation Plan Compliance | <input type="checkbox"/> Other <input type="text"/> |

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

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

A mining operation appears to have begun where there is not a permit (that I am aware of). It seems to be in the parking lot area near the trailhead at the top of Rapid Creek Road. I have photos of an excavator digging and loading a 24-ton semi, and three ten-ton dump trucks. There is not a scale in use, so these loaded trucks are possibly overloaded, careening down difficult mountain roads, through a residential area with considerable pedestrian traffic. There is no traffic control when a tractor-trailer weighing over 110,000 pounds drives up and down this narrow gravel / paved road (Rapid Creek Road).

I would also like to ask why this mining operation is being allowed without any public hearing, without public notice, and without a mining permit. Excavation on this parcel has been taking place since the beginning of April 2024.

I recommend a cease and desist order be applied immediately to the havoc they are creating until a public hearing has commenced; they get proper permitting through the Division of Reclamation, Mining, and Safety; and post a reclamation bond for the ugliness they are creating in my neighborhood.

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.

If known, please provide the Permit or NOI Number (ie M-1970-111 or P-1970-111).

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

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

☐ Yes ☒ No

ADDITIONAL INFORMATION

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

☐ Yes ☒ No

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

Select all that apply

- ☒ Phone ☐ E-mail ☐ US Mail