




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: Ute Water - Rapid Creek Road	MINE/PROSPECTING ID#: M-2024-011	MINERAL: Stone	COUNTY: Mesa
INSPECTION TYPE: Illegal(Unpermitted Operation)	WEATHER: Clear	INSP. DATE: April 17, 2024	INSP. TIME: 13:00
OPERATOR: Mesa County	OPERATOR REPRESENTATIVE: Travis Cole	TYPE OF OPERATION: ILL - Illegal	
REASON FOR INSPECTION: Citizen Complaint	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: May 3, 2024	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

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

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

OBSERVATIONS

On April 4, 2024, the Colorado Division of Reclamation, Mining and Safety (Division) received a citizen complaint from Brett Fontanari regarding a potential illegal mine being operated by Mesa County. The complaint was forwarded to Mesa County on April 8, 2024. Also on April 8, 2024, the Division spoke on the phone with Kevin Holderness of Mesa County Road and Bridge Department. The Division obtained details regarding the project and the County's intent. Mr. Holderness then coordinated with his crew for a site inspection.

The Division conducted its investigation inspection on April 17, 2024. Travis Cole, Harrod Houck, Jerry Herrera and Matthew Nichols represented Mesa County. Two sites were visited, both are located in Mesa County near Rapid Creek, just east of Palisade, CO.

The first location and site of complaint (M-2024-011) is at the end of Rapid Creek at approximately 39°7'59.28"N and 108°18'14.52"W. A second sperate site located down the road was also inspected. Given that these are two different locations with different circumstances they will be addressed separately. The second site has been assigned File No. M-2024-019 and observations will be reported under a sperate inspection report. All material is located on land owned by Ute Water.

Hauling and rock removal has occurred at the Ute Water - Rapid Creek Road site as indicated by photos submitted with the complaint. According to Mr. Cole, in building the Ute Water facility large boulders were placed on the east side of the property. The County got approval from Ute Water to remove the rock material and haul off-site for use at a later time. Mesa County wants to have a stockpile of material on hand for emergent Road and Bridge repairs. The material will not be sold to the public. All excavating and hauling was done at the Counties cost and Ute Water was not compensated for the material.

Hauling operations began around the beginning of April and ceased upon Mesa County's notification of a complaint. Mr. Herrera estimated that approximately 8 end-dump trucks containing 6 cu yds have been removed to date. It was indicated that if allowable Mesa County would like to continue to haul rock material off site. Staff estimates that an additional 200 cubic yards of material remain on site.

No equipment, fuel, scale or other mining related equipment or facilities were located on site at the time of the inspection. No screening or washing has occurred. Rocks are picked with an excavator with a thumb and loaded into dump trucks to be hauled off site.

During the inspection the Division explained the process to permit the site if the County wished to conduct mining in the future. On April 19, 2024, the Division provided the County with the "Is it Mining?" questionnaire. The Division received the completed form on April 25, 2024. A formal determination regarding the need for a permit has been sent under a separate cover. The Division has determined that this site shall require a 111(1)(b) for continued operations.

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 970-210-1272 or via email at amy.yeldell@state.co.us

PHOTOGRAPHS





Inspection Contact Address

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Clifton, CO 81520

EC:
Travis Marshall, DRMS