



STATE OF  
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

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## M2024030, Mosquito Creek Road, Inspection Report

1 message

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**Simmons - DNR, Leigh** <leigh.simmons@state.co.us>

Tue, Jul 9, 2024 at 4:51 PM

To: rgutierrez@gilpincounty.org, Jeremy Reineke - DNR <jeremy.reineke@state.co.us>, "Zachman, Angela" <Zachman.Angela@epa.gov>, bsmith@gilpincounty.org, Kyle Sandor - CDPHE <kyle.sandor@state.co.us>

All,

Attached is the Division's report of the inspection conducted to investigate the complaint on Mosquito Creek Road in Gilpin County.

Please contact me if you have any questions or comments.

Leigh Simmons  
Environmental Protection Specialist



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

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5245K



**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.

<b>MINE NAME:</b> Mosquito Creek Road	<b>MINE/PROSPECTING ID#:</b> M-2024-030	<b>MINERAL:</b> Unknown	<b>COUNTY:</b> Gilpin
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> July 3, 2024	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> N/A	<b>OPERATOR REPRESENTATIVE:</b> None	<b>TYPE OF OPERATION:</b> ILL - Illegal	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> N/A	
<b>DATE OF COMPLAINT:</b> June 12, 2024	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Leigh Simmons	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> July 9, 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>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</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

## **OBSERVATIONS**

This inspection was conducted by Leigh Simmons of the Division of Reclamation, Mining and Safety (Division) in response to an anonymous complaint received on June 12, 2024.

The complaint alleged that:

*"There is someone digging for a foundation on what was a mining tail on Mosquito Creek Rd. They put all the dirt on the road and made the road impassable. They moved the dirt around from the mining tail on the road and made it somewhat passable on Mosquito Creek Rd on Memorial weekend. However, in doing that they have pinched the river, changed the course of the river, and contaminated the river with the dirt from the mining tail. There is also a spring that came out of the side of the mountain ever so gently, now that area is a pond where there was no pond before. In addition, they have uncovered a mining tunnel that has water in it."*

In follow-up correspondence the complainant also provided several photographs of the site. The complainant estimated that the disturbance was 1 mile from the junction of Apex Valley Road, (which would put it on USFS land).

An investigation was made in order to precisely locate the disturbance, and also to determine its nature.

The site is located along Mosquito Creek Road in Gilpin County, north-west of Central City, within the boundary of Operable Unit 5 of the Clear Creek Superfund Site. It is accessed by taking Apex Valley Road west from Hwy 119 for approximately four miles to the junction with Mosquito Creek Road. From there the site is a further quarter of a mile, accessible on foot or with a high clearance 4WD vehicle. Point and line features were collected in the field using the Esri Field Maps app on a cell phone, and are shared on a web map: <https://arcg.is/0eXirX0>. A screen shot of the inspection map is given below as Figure 1. Some of the photographs that are attached to collected features are included below, but they may be more easily viewed in a browser by opening the link above.

The entire segment of road from the junction to the disturbance had had material dumped along it and tracked in, but not graded. Material had been pushed right up to the creek, and in at least one spot appeared to have been pushed across the creek

The disturbance that was the source of the material was mostly contained within a single privately owned parcel, N011095, registered to NOTE CARD INVESTMENTS LLC SERIES C, 310 FREDERICK RD, FREDERICKSBURG, TX 78624. Nobody was around during the inspection, and no equipment had been left on site. There was no evidence that the recent disturbance was the result of an attempt to conduct mining; instead it appeared to be the result of an attempt to construct a pad to build on. The inspection confirmed that the activity had re-disturbed historic mining disturbance, including mine tailings.

An old mine adit had been exposed. A lightweight metal grating had been set in front of the opening, but was not fixed in any way and could easily be pulled aside. There was no evidence that any attempt had been made to remove minerals from the adit.

A substantial highwall had been exposed by the removal of the backfilled material.

Since it appears that the landowner willfully and purposefully opened the existing abandoned mine workings it does not qualify to be entered into the Division's safeguarding program at this time and it is the sole responsibility of the landowner to safeguard the opening. If asked by the landowner, the Division's Inactive Mine Reclamation Program may discuss how to properly safeguard the opening to reduce their liability.

In conclusion, the Division's investigation found that the disturbance that was the cause of the complaint was not a mining activity, but a property construction improvement project. The Division has determined that a reclamation permit is not required from our office for this activity. If the nature of the project described in this report were to change, the Division recommends the landowner complete and submit to our office an ["Is it Mining?" questionnaire](#) to receive a formal determination from the Division on whether the proposed activities will require a reclamation permit.

This inspection report is shared with Gilpin County, Colorado Department of Public Health and the Environment (CDPHE), the Environmental Protection Agency (EPA), and the registered property owner. A copy will be forwarded to the complainant.



## MAPS & PHOTOGRAPHS



Figure 1: Screenshot of inspection map. Collected features in green, Gilpin County tax parcels in gray. Red rectangle shows approximate area of Figure 2.





Figure 2: Screenshot of inspection map, zoomed in to disturbed area





Figure 3: View east from Western Extent of Disturbance





Figure 4: View east from West End of Highwall





Figure 5: Foundation Trench?





**Figure 6: Pit**



**Figure 7: Eastern Extent of Pad**





**Figure 8: Adit**





Figure 9: Adit, showing grate loosely in place





**Figure 10: Creek Impact**





**Figure 11: Creek Impact 2**





Figure 12: Creek Impact 3





Figure 13: Road



**Inspection Contact Address**

None

CC:

DRMS IMRP: [jeremy.reineke@state.co.us](mailto:jeremy.reineke@state.co.us)

CDPHE: [kyle.sandor@state.co.us](mailto:kyle.sandor@state.co.us)

EPA: [Zachman.Angela@epa.gov](mailto:Zachman.Angela@epa.gov)

Gilpin County: [bsmith@gilpincounty.org](mailto:bsmith@gilpincounty.org), [rgutierrez@gilpincounty.org](mailto:rgutierrez@gilpincounty.org)

Landowner: NOTE CARD INVESTMENTS LLC SERIES C, 310 FREDERICK RD, FREDERICKSBURG, TX 78624