




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: Burns Ranch Property	MINE/PROSPECTING ID#: M2024-051	MINERAL: Unknown	COUNTY: Weld
INSPECTION TYPE: Possible Illegal, Unpermitted Operation	WEATHER: Clear	INSP. DATE: October 17, 2024	INSP. TIME: 10:30
OPERATOR: Van Cleave	OPERATOR REPRESENTATIVE: Colby Van Cleave	TYPE OF OPERATION: ILL – Illegal (Possible)	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: NA	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
INSPECTOR(S): Patrick Lennberg	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: November 1, 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 pursued during the inspection. 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>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>Y</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>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</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, conducted by Patrick Lennberg, was prompted by an anonymous complaint received by the Division of Reclamation, Mining and Safety (Division/DRMS) indicating that material was being removed from the Burns Ranch property, that does not have an active mining permit, and being transported to a permitted site the Van Cleave Pit (M2014-064). The inspection was conducted with Colby Van Cleave who has worked on the Burns Ranch site.

The site is located at 72968 Weld County Road 128, Nunn, CO, which is 5.2 miles south of the Colorado-Nebraska border on State Hwy 71 in Weld County. No activity was occurring at the time of the inspection. The weather was clear.

The parcel where the site in question is located is 636 acres in size and is owned by Denis Burns who lives immediately to the south from where activities are occurring. Mr. Burns was not able to be present during the inspection .

A review of aerial imagery, using Google Earth, shows earthwork activities began sometime between October 2015 and August 2018. By August 2018 earthwork activities at the site had disturbed 15.6 acres. At the time of inspection there was 22.7 acres disturbed.

Mr. Burns began earthwork activities including excavating and screening of borrow materials on his property to level out his land to provide better forage area for his cattle and for material to be used for roads on his land. Approximately four years ago the Van Cleave's, Colby and his brother, began to excavate and screen material for Mr. Burns. During this time Mr. Burns requested the Van Cleave's build a dam across an ephemeral drainage and the brothers purchased the screening processing plant from Mr. Burns. The intent of the dam across the drainage is to control erosion and provide a source of water for cattle on the property. The dam is in the northeastern portion of the site and is approximately 20 feet in height and varies in width at its base. The base is estimated to range in width from 40 feet in the northern areas to 140 feet in the southern areas. The material used to build the dam does appear to be strictly sourced from material onsite. The material is excavated onsite and processed through the screening plant to remove the large clay clasts and larger material. The desirable material is then mixed with a loader and used for fill. A comparison was made of a topographic map of the site prior to land leveling to what exists on the site now, and it appears there are areas that have been filled with 20 feet or more of excavated material.

According to Colby, earlier this year the Van Cleave's transported 1,350 tons of processed material from the Burns Ranch to their Van Cleave Pit. This material was removed in lieu of payment for processing and placement of material for Mr. Burns. The Division will exercise its regulatory discretion and will not pursue an enforcement action for mining without a permit at this time. However, the Van Cleave's and landowner ("Parties") are hereby noticed that no additional material may be hauled off-site, sold, or traded with unless a DRMS permit has been issued for the operation. Otherwise, all the material excavated must remain on site. Should it be found that excavated material leaves the site without a reclamation permit being obtained, the Division shall then pursue enforcement action.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (720)665-0836 or email at patrick.lennberg@state.co.us if you have any questions regarding this report.

Inspection Contact Address

Colby Van Cleave
4459 W Pioneer Drive
Greeley, CO 80633

Denis Burns
PO Box 69
Kimball, NE 69145

cc: Jared Ebert, DRMS

ec: Mike Ausmus, mausmus@live.com

PHOTOGRAPHS



Photo 1: Processing area



Photo 2: Haul road leading to extraction and processing area

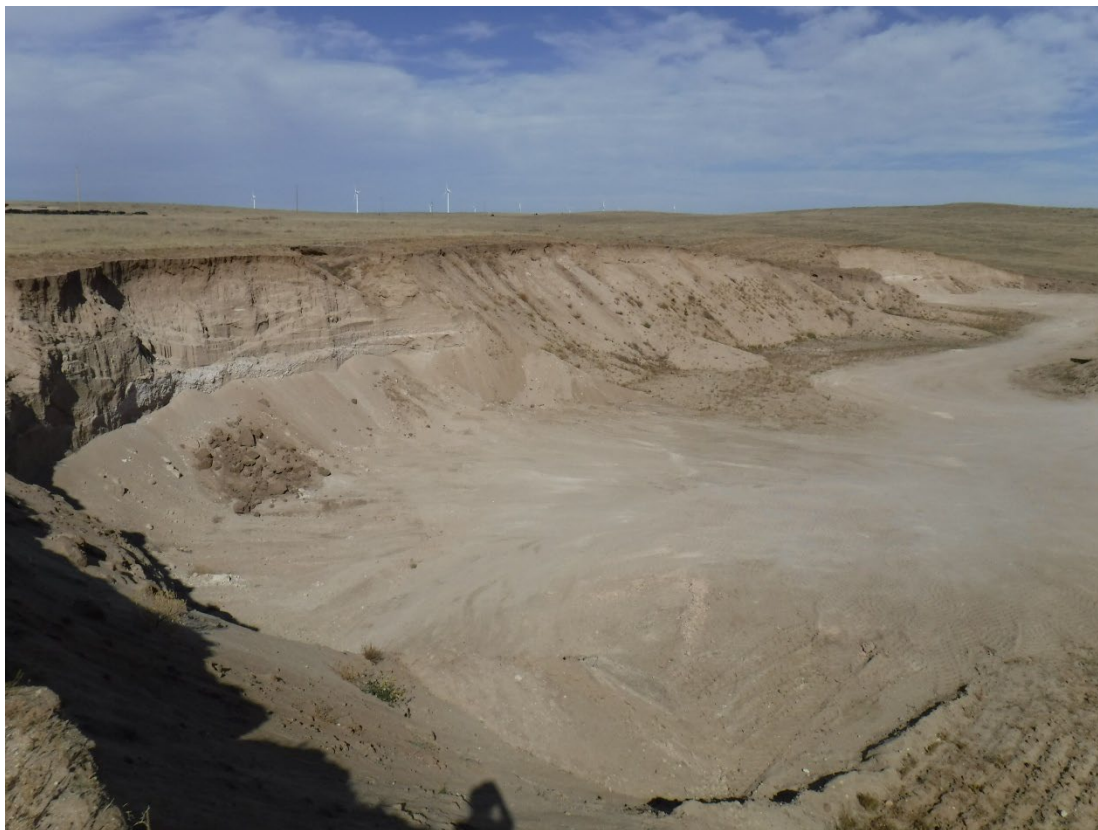


Photo 3: Typical extraction face looking north-northwest, approximately 15-feet in height



Photo 4: Typical extraction face looking south-southeast, approximately 15-feet in height

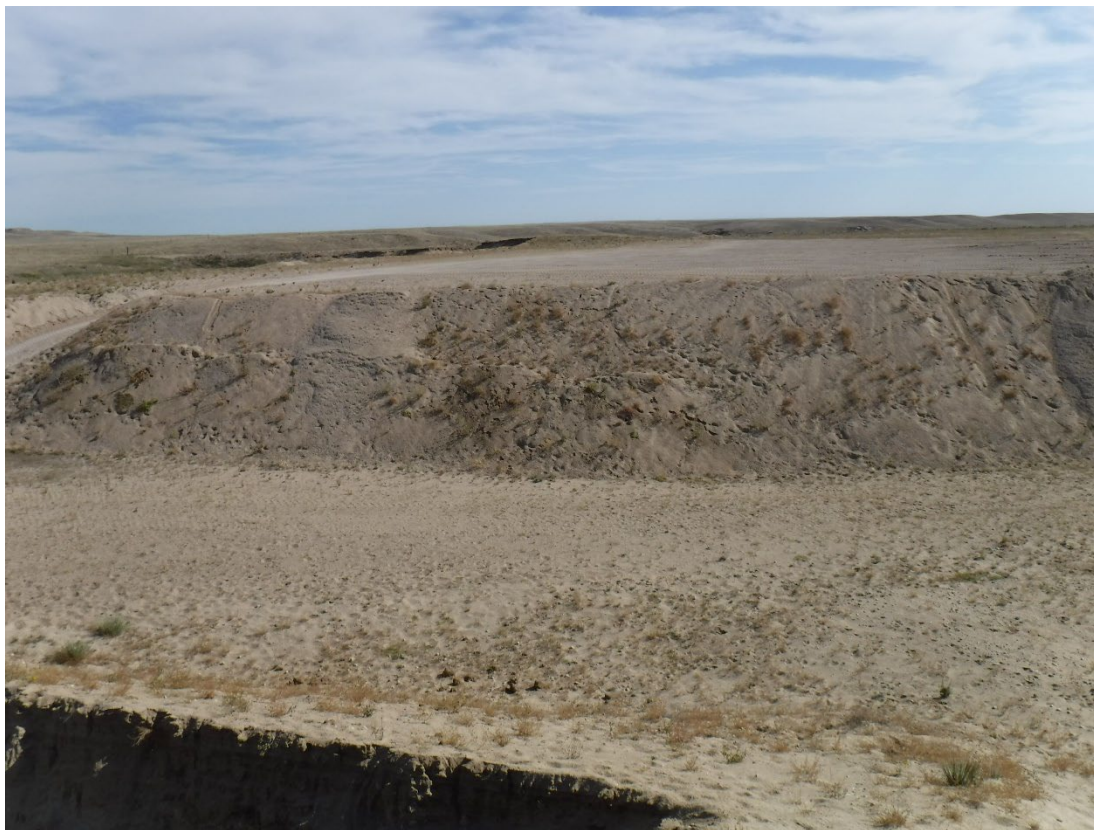


Photo 5: Fine-grained material currently being used to level surrounding area



Photo 6: Graded top of fine-grained material placed by Van Cleave's



Photo 7: Photo of the fine-grained material placed by Van Cleaves (left) and landowner (right)



Photo 8: Looking south along the axis of extraction performed by the landowner



Photo 9: Looking upgradient along the ephemeral drainage



Photo 10: Looking downgradient along the ephemeral drainage, constructed dam outlined yellow



Photo 11: The dam approximately 20 feet in height, the dam has suffered from erosion depositing material at the upstream toe of slope

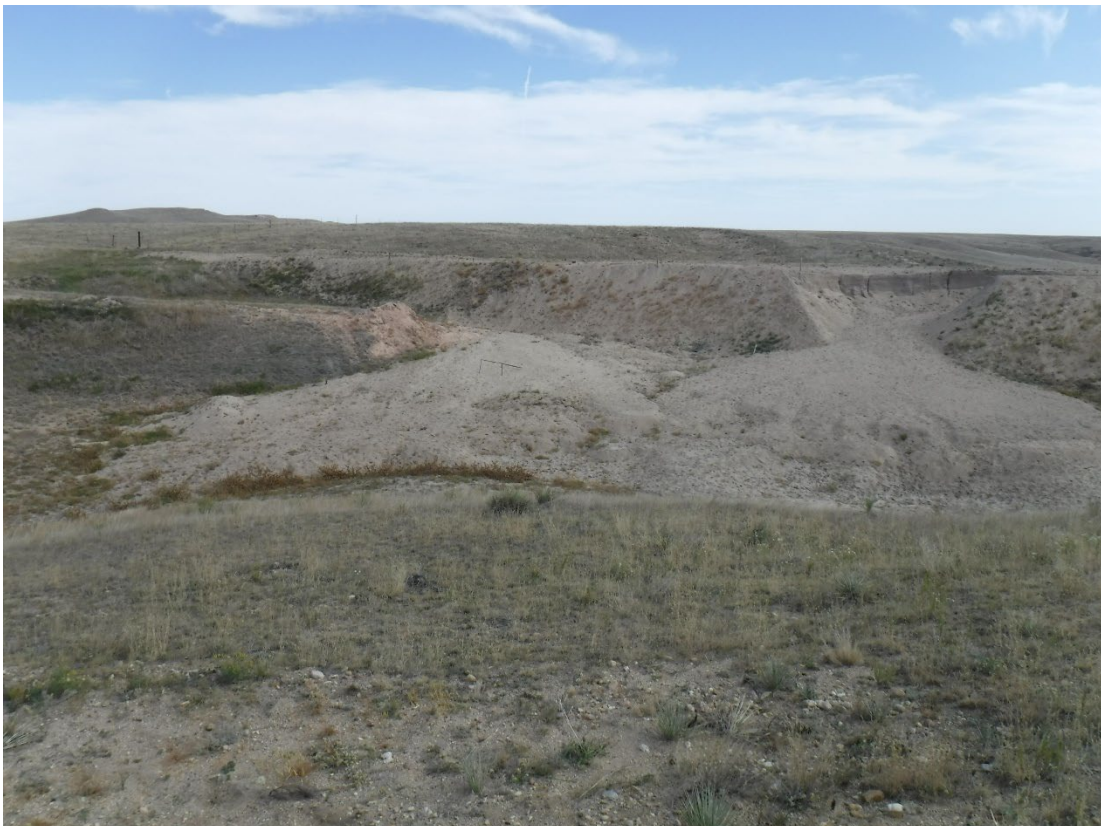


Photo 12: North end of dam

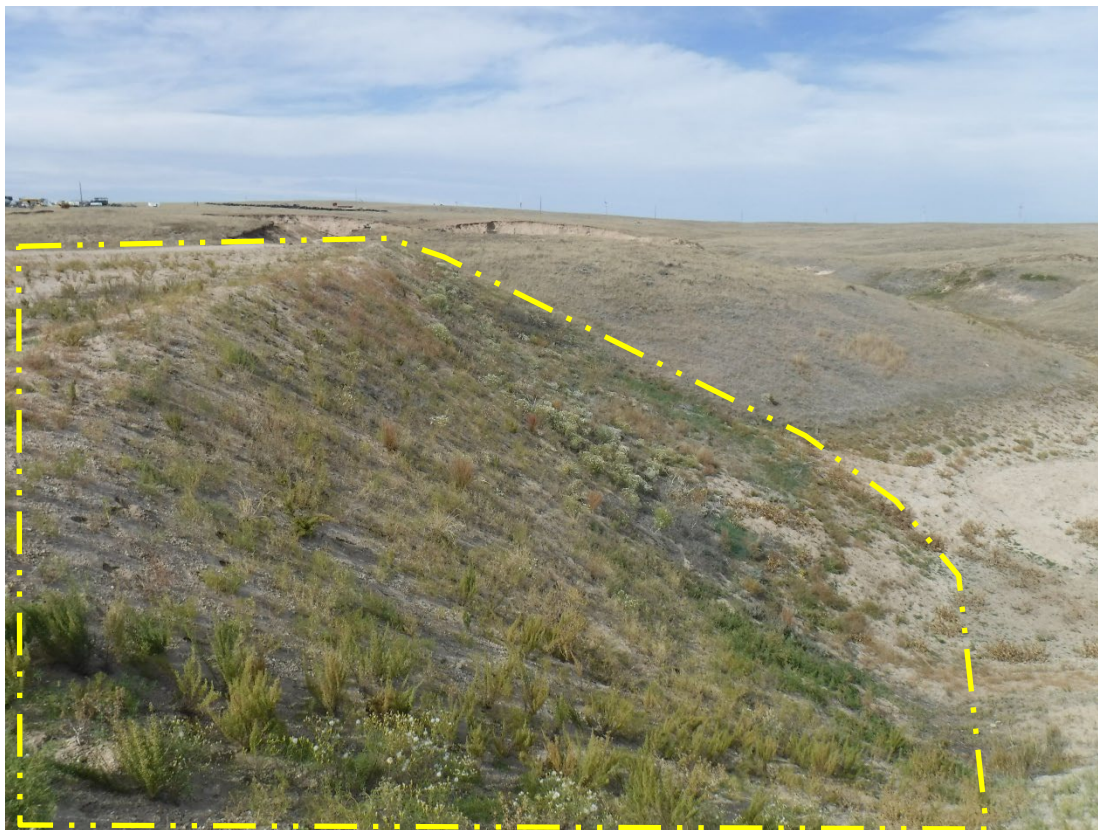


Photo 13: Looking west from south end of dam, material outlined in yellow has been placed by landowner during pervious land leveling activities



Photo 14: Looking south from south end of dam along downgradient slope of material placed for leveling



Photo 15: Looking north along downgradient slope dam



Photo 16: Erosion feature of the dam



Photo 17: Erosion deposition in drainage

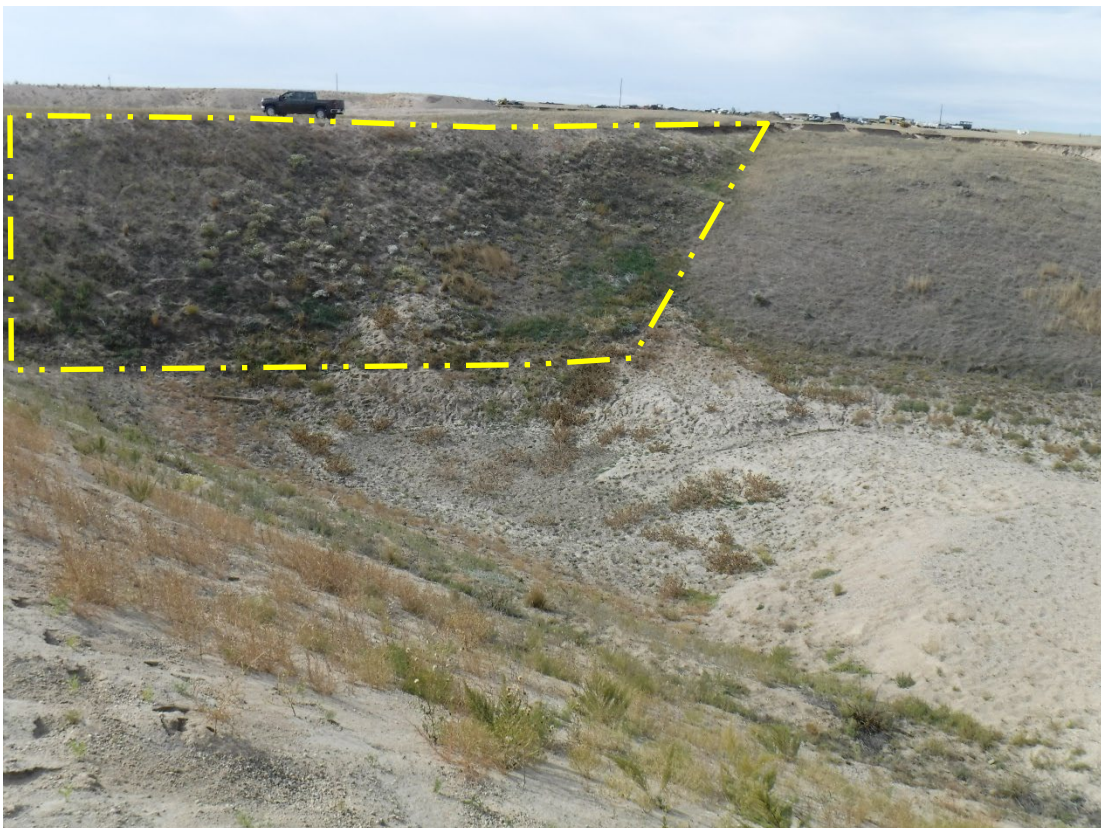


Photo 18: Material outlined in yellow has been placed by landowner during pervious land leveling activities





