




**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY**  
**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> Cross Creek	<b>MINE/PROSPECTING ID#:</b> M-2013-031	<b>MINERAL:</b> Gravel	<b>COUNTY:</b> La Plata
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Kate A. Pickford	<b>INSP. DATE:</b> June 5, 2013	<b>INSP. TIME:</b> 11:00
<b>OPERATOR:</b> John Avery	<b>OPERATOR REPRESENTATIVE:</b>	<b>TYPE OF OPERATION:</b> IM - Is it Mining	

<b>REASON FOR INSPECTION:</b> Other Agency Request	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$0
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> June 10, 2013

**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.**

**INSPECTION TOPIC:** Availability Of Records

**PROBLEM/POSSIBLE VIOLATION:** Problem: 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:** An Is It Mining questionnaire has been included with this report. The form must be filled out and returned to the Division for review by July 10, 2013.

**CORRECTIVE ACTION DUE DATE:** 7/10/13

### **OBSERVATIONS**

This inspection was conducted due to a complaint reported by the La Plata County Planning Department. The complaint stated that mining was occurring on Mr. John Avery's property located at 787 CR 120 at the back edge of the property and that the materials extracted from the pit are being used to build roads in the subdivision.

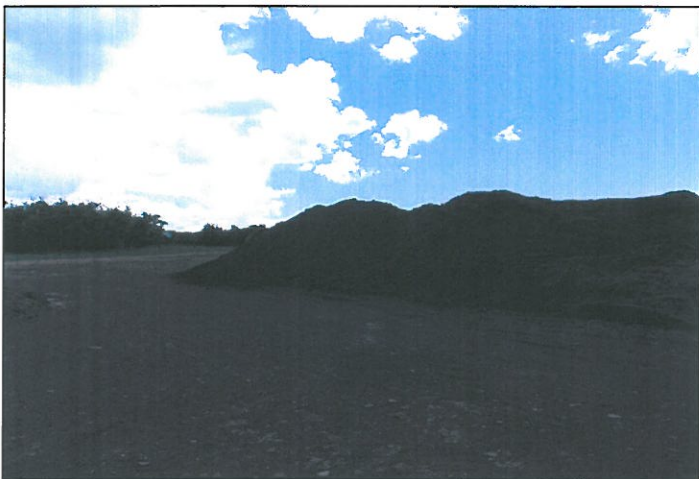
Two areas of activity were observed on the property. One is located approximately 150 feet off of CR120, the other is at the back of the property off of Equestrian Trail Rd. Roads being installed on other properties were also observed.

The Division attempted to contact Mr. Avery, but the only listed number for him goes to a fax. Therefore, the Division is sending a questionnaire to determine whether a mining permit is needed for the activity. Please see the problem cited in this report. Mr. Avery must respond to the Division's inquiry within 30 days of the date of this report, to avoid a hearing in Denver to determine if this activity is illegal mining.

If you have any questions regarding this report or the questionnaire, please contact Kate Pickford at (970) 259-5861.



PHOTOGRAPHS



### GENERAL INSPECTION TOPICS

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

(AR) RECORDS-----	<u>PB</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>NA</u>	(SF) PROCESSING FACILITIES-----	<u>NA</u>	(TS) TOPSOIL-----	<u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE-	<u>NA</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>	(SB) COMPLETE INSP----	<u>NA</u>
(ES) OVERBURDEN/DEV. WASTE-----	<u>N</u>	(SC) EROSION/SEDIMENTATION---	<u>Y</u>	(RS) RECL PLAN/COMP--	<u>NA</u>
(AT) ACID OR TOXIC MATERIALS-----	<u>NA</u>	(OD) OFF-SITE DAMAGE-----	<u>N</u>	(ST) STIPULATIONS-----	<u>NA</u>

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

#### Inspection Contact Address

John G. Avery  
989 Cr. 120  
Hesperus, CO 81326-9631

Enclosure: Is It Mining

CC: La Plata County