



**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> Caldwell-Nesselhuf Pit No. 1	<b>MINE/PROSPECTING ID#:</b> M-1997-071	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Crowley
<b>INSPECTION TYPE:</b> Mineral Prospect Inspection	<b>INSPECTOR(S):</b> Tyler V. O'Donnell	<b>INSP. DATE:</b> November 26, 2013	<b>INSP. TIME:</b> 10:20
<b>OPERATOR:</b> William & Beverly Caldwell and Albert & Lc	<b>OPERATOR REPRESENTATIVE:</b> None	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$36,000.00
<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> <i>Tyler O'Donnell</i>	<b>SIGNATURE DATE:</b> December 17, 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:** Gen. Compliance With Mine Plan

**PROBLEM/POSSIBLE VIOLATION:** Problem: Rule 1.13.5 states, if an Operator temporarily ceases production of the mining operation for one hundred eighty (180) days or more, the Operator must file a Notice of Temporary Cessation in writing to the Office.

**CORRECTIVE ACTIONS:** The Division recommends the Operator file for Temporary Cessation. The start date of the initial 5 year Temporary Cessation period is retroactive to the last date the pit was active. If that date is more than 5 years ago, the Operator is required ask the Board for a 5-year extension to the Temporary Cessation period per rule 1.13.5 (3) and 1.13.8 (b) or begin reclamation.

**CORRECTIVE ACTION DUE DATE:** 3/19/14

**INSPECTION TOPIC:** Availability Of Records

**PROBLEM/POSSIBLE VIOLATION:** Problem: The Annual Report submitted June 14, 2013 is inadequate because the report is illegible and lacks the required map.

**CORRECTIVE ACTIONS:** Please submit the written report and the maps as required by the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials C.R.S. § 34-32.5-116(3)(a). Please fill out the annual report form and included the required map.

**CORRECTIVE ACTION DUE DATE:** 2/17/14

**INSPECTION TOPIC:** Sediment Control

**PROBLEM/POSSIBLE VIOLATION:** Problem: Rills and gullies were observed within the affected land. This is a problem for failure to protect the affected land from erosion pursuant to C.R.S. § 34-32.5-116(4)(j).

**CORRECTIVE ACTIONS:** The Operator shall provide photo documentation to the Division verifying erosion damage has been repaired, and that the site has been reconstructed and stabilized to prevent erosion damage.

**CORRECTIVE ACTION DUE DATE:** 2/17/14

## **OBSERVATIONS**

This was a normal routine monitoring inspection conducted by Tyler O'Donnell of the Division of Reclamation, Mining and Safety (Division). There was no representative present on behalf of the Operator during the inspection. The site is operated by William and Beverly Caldwell and Alberta and Lola Nesselhuf. The Division notified the Operator of the inspection. The Caldwell-Nesselhuf Pit No. 1 is located approximately 1.5 miles northeast of Manzanola Colorado. The Caldwell-Nesselhuf Pit No. 1 is located just north of the Arkansas River on a gravelly terrace. The Caldwell-Nesselhuf Pit No. 1 is permitted as a sand and gravel pit. The approved permit area is 92 acres. The operation has a phased mining approach with no more than 12 acres being disturbed at one time. The approved post-mining land use is rangeland.

The sky was clear. The ground was dry. No mining equipment was present at the time of the inspection. The site appears to have been inactive for a long period of time. Vegetation has volunteered through the majority affected land (see photo 2). There was a large stockpile of product located along the southern edge of the affected land (see photo 3). It appears that material has not been removed from the site in recent years.

### **Availability Of Records:**

The annual report submitted June 14, 2013 is inadequate because the report is illegible and lacks the required map. This will be cited as a problem and will require the re-submission of the annual report and the required map.

### **Backfilling and Grading:**

No backfilling or grading has occurred on this site, slopes are 2H:1V or steeper in the majority of the site. The highwalls have been damaged by erosion (see photo 1).

### **Financial Warranty:**

Based on the observations made during this inspection the current financial warranty amount is adequate to cover the reclamation cost. Please see the attached updated reclamation bond estimate.

### **Hydrologic Balance:**

The bottom of the pit was dry. There appeared to be no significant impacts to the prevailing hydrologic balance.

### **Gen. Compliance With Mine Plan:**

The Division estimated the affected area to be approximately 11.5 acres. All mining activity appeared to be within the marked boundaries. The Division approved the Operator request for Intermittent Status (IS) in Technical Revision TR-02 on February 25, 2010. However, the site currently does not qualify for intermittent status because the site is not operated every year (see C.R.S. § 34-32.5-103(11)(b)). The annual reports from 2010, 2011, and 2012 indicated the site has been inactive for several years. During the current inspection the site appeared to have been inactive for more than a year. Therefore, the Operator must submit a Notice of Temporary Cessation (TC). The Division will require the Operator to submit a Notice of Temporary Cessation within 30 days of the completion of other corrective actions. For questions related to this matter please refer to the Division's letter mailed February 28, 2013 titled *Review of Current Permit Status Regarding Temporary Cessation...*

Roads:

The access road has been damaged by erosion, the Operator must stabilize the road and prevent future erosion.

Recl Plan/Comp:

This site has not yet been reclaimed.

Revegetation:

There was plant growth on the pit slopes, the pit floor, and the stockpiles. This growth within the affected area appeared to be volunteer vegetation.

Erosion/Sedimentation:

Rills and gullies have developed on the pit slopes, stockpiles and the road(see photos 1, 3, and 4). The Operator will need to repair damaged slopes and stabilize the road to prevent future erosion. The Operator has failed to protect the surface areas of the affected land from erosion; this will be cited as a problem in the inspection report. The Operator shall stabilize and protect the affected land to effectively control erosion.

Signs and Markers:

A mine i.d. sign was posted at the entrance to the site. The permit boundary was clearly marked by metal posts.



**PHOTOGRAPHS**



**Photo 1:** Rills and gullies on the highwall.



**Photo 2:** Pit floor with volunteer vegetation.





**Photo 3:** Access road, damaged by erosion. Product stockpile in the background outlined by red dashed line.



**Photo 4:** Affected land damaged by erosion along the southern portion of the affected land.



### GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <b>PB</b>	(FN) FINANCIAL WARRANTY----- <u>Y</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- <b>PB</b>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>Y</u>	(SB) COMPLETE INSP---- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <b>PB</b>	(RS) RECL PLAN/COMP-- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>NA</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

Mr. Albert Nesselhuf Jr.  
31160 County Road 14  
Manzanola, CO 81058

Enclosure:      Review of Current Permit Status Regarding Temporary Cessation  
                    Temporary Cessation Notice form  
                    Blank Annual Report Form  
                    Reclamation bond estimate

CC:      Tom Kaldenbach, DRMS

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



February 28, 2013

William & Beverly Caldwell and Albert & Lola Nesselhuf  
31738 Rd 13  
Manzanola, CO 81058

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta Piñeda  
Director

**Re: Review of Current Permit Status Regarding Temporary Cessation  
DRMS FileM1997071, Caldwell-Nesselhuf Pit No. 1;**

Dear Albert Nesselhuf, Jr.:

In conducting recent site inspections and reviews of Annual Reports, the Division of Reclamation, Mining, and Safety ("Division") has observed that many sites are not in compliance with the permit status requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials ("Act") and the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials ("Rules"). Specifically, if your operation is not active or has limited mining activity please read the following information carefully, as action on your part may be required.

The Act and the Rules require that operators who are not continuously engaged in the extraction of construction materials must either file a notice of Temporary Cessation ("TC") or apply for Intermittent Status ("IS") as explained below. Operators must file a notice of TC whenever they intend to, or do, temporarily cease production for more than a one year period. C.R.S. § 34-32.5-103(11)(b); Rule 1.13.5(1). The notice of TC must be filed in writing by separate cover to the Division and include the following:

1. A revision fee in the amount of \$144.00.
2. A statement of when the initial five-year period of TC will commence.
3. Reason for non-production.
4. A general plan for the resumption of mining.
5. Measures to be taken to comply with reclamation requirements related to Rule 3.1 including weed control, storm water control, and general site upkeep.
6. Demonstration that the existing Financial Warranty is adequate to cover current reclamation liabilities.
7. File the required annual report and fee when due.

As an alternative to TC, operators may qualify for IS, but only if they comply with the following requirements:

1. Operators must apply for IS in a permit, amendment, or technical revision: The Act provides that intermittent operations must include, in their permit applications, “a statement that the affected lands are to be used for less than one hundred eighty days per year.” C.R.S. § 34-32.5-103(11)(b); Rule 1.13.5(1). The Rules provide that this statement may also be made in an application for an amendment or technical revision, and that the statement must include the information otherwise required when filing a notice of TC. Rule 1.13.7. Please verify that your operation has been granted IS through the process noted below. If not, please contact the Division to discuss your options.
2. The Act provides that intermittent operations must “resume operating within one year.” C.R.S. § 34-32.5-103(11)(b). In order to fulfill this requirement, operators must demonstrate that active mining occurs every year that they remain in IS. Active mining operations require the development or extraction of a construction material from its natural occurrences, which may include; open mining, surface operations, transportation operations, processing operations such as crushing and sorting, as well as stockpile removal. Please note regular onsite maintenance activities such as weed control, site maintenance, and storm water control maintenance do not constitute mining activities. In order for your operation to maintain IS status, you must have been granted the status and provide a description of the active mining operation activities (consistent with the definitions above) that have occurred at the site during the past year in your Annual Report.
3. Specific information required in Annual Reports: IS and TC operations must report their status to the Board through their Annual Reports. The most recent Annual Report for your operation may or may not be sufficient to satisfy these reporting requirements. **Accordingly, you must provide the following information to the Division during the 2013 reporting year:**
  - a) A description of the condition of the operation at the time it entered IS; along with a description of the current condition of the operation, supplemented with maps.
  - b) A description of the measures that have been and will be implemented to comply with reclamation and performance standards.
  - c) A description of your plans for resumption of mining.

If you have any questions, please contact the Division Specialist with oversight of your permit. If you do not know that person, please contact the Main Office Operator at 303.866.3567 and request the specialist for your county or visit our website at [www.mining.state.co.us](http://www.mining.state.co.us).



# COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 Phone (303) 866-3567

## TEMPORARY CESSATION NOTICE

(mining activities temporarily cease for more than a one-year period)

Today's date: \_\_\_\_\_

Permit number: M- \_\_\_\_\_ Site name: \_\_\_\_\_

County: \_\_\_\_\_ TC number: \_\_\_\_\_ (DRMS use only)

Permittee making request: \_\_\_\_\_

Operator (if other than permittee): \_\_\_\_\_

Date the initial five-year period of Temporary Cessation begins: \_\_\_\_\_

Reason mining activities (materials extraction, processing, hauling) have ceased:

\_\_\_\_\_  
\_\_\_\_\_

Description of plan to resume operations:

\_\_\_\_\_  
\_\_\_\_\_

Description of plan to meet performance standards of Rule 3.1 during temporary cessation (reclamation, weed control, monitoring, signs, markers, etc.):

\_\_\_\_\_  
\_\_\_\_\_

Number of affected acres: \_\_\_\_\_

Amount of financial warranty (bond) on deposit with the state: \$ \_\_\_\_\_

Required fees for Temporary Cessation by permit type (please mark the correct fee and submit it with this request for Temporary Cessation):

<u>Permit type</u>	<u>Required TR fee</u>	<u>Submitted (mark only one)</u>
Construction Materials	\$144	<input type="checkbox"/>
Hard Rock/ Metal Mining	\$115	<input type="checkbox"/>

**The above-referenced permit has entered Temporary Cessation. This site has reserves remaining to be mined.**

**Operator's signature:** \_\_\_\_\_

*Please note:*

1. While in Temporary Cessation, the operator must continue to comply with the Rules and Act, including maintaining the site, and must continue to file an annual report and annual fee.

## 112c Annual Report

Permittee Name:	William & Beverly Caldwell and Albert & Lola Nesselhuf	Permit Number:	M-1997-071
Operation Name:	Caldwell-Nesselhuf Pit No. 1	County:	Crowley
Annual Fee Due:	\$791.00	Anniversary Date:	June 30, 2013
Permit Acreage:	92.00	Current Bond Amt:	\$36,000.00

According to C.R.S. 34-32.5-116 or 34-32-116, each year, on the anniversary date of the permit, an operator shall submit the Annual Fee, an Annual Report and Map showing the extent of current disturbances to affected land, required monitoring information, reclamation accomplished to date and during the preceding year, any new disturbance that is anticipated to occur during the upcoming year, any reclamation that will be performed during the upcoming year, the dates for the beginning of active operations, and the date active operations ceased for the year.

Information contained in this report will be reviewed by the Division upon receipt and prior to the next compliance inspection of the site. If, while completing this report, you learn that your site is not in compliance with the rules and the act, it is advisable that the issues be rectified promptly to avoid possible enforcement action.

1. Is the site identification sign posted in accordance with Rule 3.1.12(1). YES NO
2. Is the affected area boundary clearly marked in accordance with Rule 3.1.12(2). YES NO
3. Is the mine site in final reclamation (all material extraction and stockpile removal is complete)? YES NO  
If "YES," please note time limits related to completion of reclamation, Rule 3.1.3.
4. What was the date of last excavation, processing or hauling activity at the mine? \_\_\_\_\_
5. Does the mine operate more than 180 days per year? YES NO  
If "NO", please review Rule 1.13 to assure that your mine is in compliance.
6. Has this mine been granted: YES NO  
a) approval of TEMPORARY CESSATION Status? YES NO  
b) approval for INTERMITTENT OPERATION?
7. Number of acres currently affected (mining + incomplete and or unreleased reclamation). \_\_\_\_\_
8. Number of acres that were newly affected during the current report year. \_\_\_\_\_
9. Number of acres that were reclaimed during the current report year. \_\_\_\_\_
10. Estimated new acreage to be affected in the next report year. \_\_\_\_\_
11. Estimated acres to be reclaimed in the next report year. \_\_\_\_\_
12. **Total acres** in various stages of reclamation, since permitted mining activities began: \_\_\_\_\_

Total acres backfilled:		Total acres seeded w/ approved mix:		Total acres w/topsoil replaced:		Total acres mulched w/ approved mulch:	
Total acres graded:		Total acres fertilized w/ apvd fertilizer:		Topsoil replacement depth (in.):		Mulch application rate (tons/ac):	

Seed application method:		Fertilizer application method:		Mulch application method:	
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13. Is weed control being conducted in accordance with an approved Weed Control Plan? YES NO N/A  
If "YES", indicate the weed species, control area, control type, application rate and treatment date on the report map.
14. Is adequate topsoil reserved for reclamation, based on your approved permit? YES NO N/A  
If "NO", please explain:
15. Is the reserved topsoil vegetated/stabilized in accordance with Rule 3.1.9(1)? YES NO N/A  
If "NO" please explain:
16. If mining has exposed groundwater, is the site in compliance with the approved mining plan and Office of the State Engineer (Well Permit, S.W.S.P., and/or Permanent Augmentation Plan)? YES NO N/A
17. Are all hazardous materials stored within approved spill containment structures? YES NO N/A
18. Is your financial warranty value sufficient to cover the cost to complete reclamation? YES NO N/A
19. Is your basis for legal right to enter still valid? YES NO
20. Does your permit require you to submit monitoring information annually? YES NO N/A  
If "Yes", please attach the required monitoring results to this Annual Report.
21. As required by Colorado Mined Land Reclamation Act and/or Colorado Land Reclamation Act for the Extraction of Construction Materials (C.R.S. 34-32-116 or 34-32.5-116), attach a map to this report that accurately depicts the permit boundary, current affected area boundary and location of the acreages specified in items 7- 12 and 14.  
UPDATED MAP ATTACHED: \_\_\_\_\_

Division records indicate the following permittee contact information. If this information is not current, please type or print **current** contact information:

Permittee Contact:	Albert F. Nesselhuf, Jr.	
Permittee Company:	William & Beverly Caldwell and Albert & Lola Nesselhuf	
Address:	31738 Rd 13  Manzanola, CO 81058	
Phone Number:	(719) 462-5236	
Fax Number:		
Email Address:	CF.PR.email	

I, the undersigned, hereby state that the information provided in this report is true and accurate, and that site operations are being conducted in accordance with the Division approved mining and reclamation plans.

\_\_\_\_\_  
**Signature of Permittee, Corporate Officer, Owner, or Documented Designee**

\_\_\_\_\_