



**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><br>Leone Gravel Pit       | <b>MINE/PROSPECTING ID#:</b><br>M-2004-026                     | <b>MINERAL:</b><br>Sand and gravel                                 | <b>COUNTY:</b><br>Las Animas |
| <b>INSPECTION TYPE:</b><br>Monitoring       | <b>INSPECTOR(S):</b><br>Amy Eschberger                         | <b>INSP. DATE:</b><br>April 25, 2014                               | <b>INSP. TIME:</b><br>08:00  |
| <b>OPERATOR:</b><br>Leone Sand & Gravel LLC | <b>OPERATOR REPRESENTATIVE:</b><br>Frank Leone and Wayne Leone | <b>TYPE OF OPERATION:</b><br>112c - Construction Regular Operation |                              |

|   |  |  |
|---|--|--|
| <b>REASON FOR INSPECTION:</b><br>Normal I&E Program | <b>BOND CALCULATION TYPE:</b><br>Complete Bond         | <b>BOND AMOUNT:</b><br>\$30,200.00     |
| <b>DATE OF COMPLAINT:</b><br>NA                     | <b>POST INSP. CONTACTS:</b><br>None                    | <b>JOINT INSP. AGENCY:</b><br>None     |
| <b>WEATHER:</b><br>Clear                            | <b>INSPECTOR'S SIGNATURE:</b><br><i>Amy Eschberger</i> | <b>SIGNATURE DATE:</b><br>June 4, 2014 |

**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:** General Compliance with Mine Plan

**PROBLEM/POSSIBLE VIOLATION:** Problem: Failure to follow approved reclamation plan, or current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 (1). The operator must follow approved reclamation plan or provide sufficient information to describe or identify how the operator intends to conduct reclamation.

**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, to update the reclamation plan map to reflect the re-surveyed eastern boundary by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 7/24/14

## **OBSERVATIONS**

This was a normal monitoring inspection of the Leone Gravel Pit conducted by Amy Eschberger and Tyler O'Donnell of the Division of Reclamation, Mining and Safety (Division). Frank Leone and Wayne Leone of Leone Sand and Gravel, LLC were present for the inspection. This site is located approximately 4 miles northeast of Trinidad, Colorado in Las Animas County on land owned by Frank and Sophie Leone. The site is accessed via an existing ranch road that runs approximately ½ mile south from Highway 350/160 to a gated entrance.

This is a 112c operation permitted for 56.00 acres. A pre-existing reclaimed gravel pit (terminated permit M-1979-217, Latuda Gravel Pit) is located in the southeastern portion of the site. Part of this reclaimed pit comprises the upper (relatively flat) level of the permitted site, where a few small mined material and rock stockpiles (Photos 1 and 2), stored equipment and trucks (Photos 2 and 3) are present. This upper level area is approximately 6 acres in size. The rest of the site is at a lower level, approximately 50 acres in size. Two gas pipelines owned by Colorado Interstate Gasline (CIG) run southwest-northeast across the center of the permit area (Photo 4). The Operator appears to be maintaining the proper setbacks from the lines. The site was mined in four phases, with Phases 1 and 2 south of the gas lines, and Phases 3 and 4 north of the gas lines. A gully with an intermittent stream runs southeast-northwest across the middle of the site (Photo 5), with Phases 1 and 4 to the east, and Phases 2 and 3 to the west.

At the time of inspection, it was clear and cool, and the ground was dry. No mining activity was occurring during inspection. According to the Operator, the only activity to occur at the site in the past year was hauling off material from stockpiles. The Operator submitted a Full Release request for the site on December 27, 2010, and a Financial Warranty Release request on February 22, 2011. These requests were denied on March 3, 2011 after the Division conducted an inspection of the site. The inspection report from February 22, 2011 noted that all slopes had been graded to 3H:1V or less, and most earthwork had been completed, but that very little vegetation had established throughout the site, except for on the northwestern portion (Phase 3) west of the gully, where native grasses appeared to be well-established. Furthermore, stockpiles and equipment were still being stored on the upper level.

During the most recent inspection, the entire area north of the gas lines (approximately 28 acres in size), comprised of Phases 3 and 4, had well-established vegetation, and appeared to have been successfully reclaimed in accordance with the post-mining land use of rangeland (Photos 5-7). The Division recommends that the Operator submit an Acreage Reduction (Partial Release) request (see enclosed form) for this portion of the permit area located north of the gas lines. The portion of the permit area that runs south of the gas lines down to the base of the hill that rises to the upper level (approximately 22 acres in size) had some bare patches in vegetative cover (Photos 8 and 9) that will require reseeding before it can be released from the permit. However, as discussed with the Operator during inspection, pursuant to Rule 4.14.1, the Operator may submit a Surety Reduction request by letter to ask that the bond be reduced to account for reseeding only of this portion of the permit area.

During inspection, the permit sign was posted at the gated entrance (Photo 10), and the boundary markers were in place. However, after comparing recent aerial images of the site with the approved permit boundary, the Division has found the eastern marked boundary, especially near the old reclaimed mine area, to be outside of the approved permit boundary. This will be cited as a Possible Problem and will require the Operator to re-survey the eastern boundary of the permit area south of the gas lines, and submit a Technical Revision (see enclosed form) including an updated Reclamation Plan Map for the site. The permit boundary shall be clearly delineated pursuant to Rule 3.1.12(2).

The Division has found the current bond amount of \$30,200.00 to be adequate for reclamation of the site, and, in fact, could be reduced based on success in reclamation. However, the Acreage Reduction and Surety Reduction requests will need to be submitted by the Operator before the Division can sufficiently re-assess the adequacy of the bond for this site. As noted above, based on observations made during the recent inspection, the portion of the land from south of the gas lines to the base of the hill that rises to the upper level will need to be bonded for reseeded only, while the upper level will need to be bonded for ripping and revegetating. If the Acreage Reduction and Surety Reduction requests are submitted within 90 days of this inspection, then another inspection will not be required in order for the Division to sufficiently calculate a new bond estimate for this site.

### **SUMMARY:**

- 1) The Division recommends that the Operator submit an Acreage Reduction (Partial Release) request (form enclosed) for the reclaimed acreage north of the gas lines (approximately 28 acres, according to Division calculations) by **July 24, 2014** (90 days from this inspection).
- 2) The Operator may wish to submit a Surety Reduction request by letter to ask that the bond be reduced to account for re-seeding only of the section of land south of the gas lines down to the base of the hill that rises to the upper level in the permit area (approximately 10 of the 22 acres will need re-seeding, according to Division calculations). The Division recommends that this request be submitted by **July 24, 2014** (90 days from this inspection)
- 3) A Possible Problem will be cited for failure to properly mark the boundaries of the affected area pursuant to Rule 3.1.12(2). The Operator will need to re-survey the eastern boundary of the affected area and submit a Technical Revision (form enclosed) including an updated Reclamation Plan Map. This Technical Revision should be submitted with the Acreage Reduction request, so that the "new" proposed permit area consists of the affected area south of the gas lines (approximately 28 acres total, according to Division calculations). The Division requires that the Technical Revision be submitted by **July 24, 2014** (90 days from this inspection).

## **PHOTOGRAPHS**



**Photo 1.** View from upper level looking north/northeast, showing small mined material and rock stockpiles.



**Photo 2.** View from upper level looking northeast, showing small mined material and rock stockpiles. Portable screener and trucks shown in background.





**Photo 3.** View from upper level looking northwest, with stored equipment and trucks shown in background.



**Photo 4.** View from lower level looking northwest, showing marked gaslines running southwest-northeast through center of permit area (arrows point to two of the markers).





**Photo 5.** View from lower level looking northwest across permit area north of gaslines, showing gulley running southeast-northwest across middle of site.



**Photo 6.** View from lower level looking west across permit area, showing reclaimed portion north of gaslines.





**Photo 7.** View from lower level looking west across permit area, showing reclaimed portion north of gaslines. Photo taken from farther south than in Photo 6.



**Photo 8.** View from lower level looking east/southeast across portion of permit area showing some bare patches in vegetative cover.





**Photo 9.** View from lower level looking west across portion of permit area showing some bare patches in vegetative cover.



**Photo 10.** Permit sign posted at gated entrance to site.



### GENERAL INSPECTION TOPICS

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

|   |   |                                  |
|---|---|----------------------------------|
| (AR) RECORDS----- <u>Y</u>                  | (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>Y</u>  | (SF) PROCESSING FACILITIES----- <u>NA</u> | (TS) TOPSOIL----- <u>Y</u>       |
| (MP) GENL MINE PLAN COMPLIANCE- <u>PB</u>   | (FW) FISH & WILDLIFE----- <u>N</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>Y</u>    | (SC) EROSION/SEDIMENTATION--- <u>Y</u>    | (RS) RECL PLAN/COMP-- <u>Y</u>   |
| (AT) ACID OR TOXIC MATERIALS----- <u>NA</u> | (OD) OFF-SITE DAMAGE----- <u>Y</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

Frank Leone and Wayne Leone  
Leone Sand & Gravel LLC  
2400 E. Main St.  
Trinidad, CO 81082

Enclosures: Request for Full or Partial Release of Permit Area form  
Request for Technical Revision (TR) Cover Sheet

CC: Tom Kaldenbach, DRMS



## COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

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

### REQUEST FOR FULL OR PARTIAL RELEASE OF PERMIT AREA

Please indicate if you are requesting:

FULL/FINAL RELEASE OF ENTIRE PERMITTED AREA \_\_\_\_\_

ACREAGE REDUCTION (PARTIAL RELEASE) \_\_\_\_\_

If you are requesting an acreage reduction, you will need to specify how many acres you wish to remove from the existing permit under this revision. I wish to release \_\_\_\_\_ acres at this time. You will also need to submit updated mining and reclamation plan maps that accurately depict both the proposed acreage to be released from the current permit area, and the resulting new permit boundary.

File No.: M- \_\_\_\_\_ Site Name: \_\_\_\_\_

County: \_\_\_\_\_

Permittee: \_\_\_\_\_

Operator (If Other than Permittee): \_\_\_\_\_

Permittee Representative: \_\_\_\_\_

Certified Mail# \_\_\_\_\_

In accordance with Rule 4.17.1(2) the Operator shall include the names, addresses and phone numbers of all owners of record to the affected land. Please attach additional sheets for this information if required.

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In accordance with Rule 4.17.1(4) the Operator or their agent MUST sign that they have complied with the following statement: "All applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act."

\_\_\_\_\_  
Signature of Permittee, Operator or their authorized agent

\_\_\_\_\_  
Date

**Important: In accordance with Rule 4.17.1(3) This release request must be submitted to the Division via certified mail and separate from any other correspondence to the Division.**





## COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

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

### REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- \_\_\_\_\_ Site Name: \_\_\_\_\_

County \_\_\_\_\_ TR# \_\_\_\_\_ (DRMS Use only)

Permittee: \_\_\_\_\_

Operator (If Other than Permittee): \_\_\_\_\_

Permittee Representative: \_\_\_\_\_

Please provide a brief description of the proposed revision: \_\_\_\_\_

As defined by the Minerals Rules, a Technical Revision (TR) is: “a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan.” The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

| <u>Permit Type</u>                                      | <u>Required TR Fee</u> | <u>Submitted</u> (mark only one) |
|---|------------------------|----------------------------------|
| 110c, 111, 112 construction materials, and 112 quarries | \$216                  | <input type="checkbox"/>         |
| 112 hard rock (not DMO)                                 | \$175                  | <input type="checkbox"/>         |
| 110d, 112d(1, 2 or 3)                                   | \$1006                 | <input type="checkbox"/>         |