



**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> Monitoring	<b>INSPECTOR(S):</b> Amy Eschberger	<b>INSP. DATE:</b> May 8, 2014	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> William & Beverly Caldwell and Albert & Lola Nesselhuf	<b>OPERATOR REPRESENTATIVE:</b> Dennis Caldwell	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<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>Amy Eschberger</i>	<b>SIGNATURE DATE:</b> June 16, 2014

**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>Y</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>N</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>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</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>N</u>	(SB) COMPLETE INSP---- <u>N</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

## **OBSERVATIONS**

This inspection of the Caldwell-Nesselhuf Pit #1 (File No. M-1997-071) was conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division) in order to determine whether the problems cited in the November 26, 2013 inspection report have been resolved. Dennis Caldwell was present during the inspection. The site is operated by William and Beverly Caldwell and Albert and Lola Nesselhuf. It is located in Crowley County, approximately 1.5 miles north from Manzanola, Colorado on Highway 207, and approximately 0.5 miles east on Co Rd A 5/10. The site has a gated entrance off of Co Rd A 5/10, and is accessed via a dirt haul road that runs south approximately 0.5 miles to the affected area.

This is a 112c operation permitted for 92.00 acres; however, the approved mining plan involves a phased approach with no more than 12 acres affected at any time. Sand and gravel is mined from an alluvial gravel terrace associated with the Arkansas River, which is located just south of the permitted site. The mine floor is to stay approximately two to four feet above the river elevation in order to stay above the water table. No standing water was observed on the floor of the pit during the inspection. The approved mining plan calls for a minimum 200 foot setback from the Arkansas River. During inspection, this minimum setback appeared to be maintained. The post-mining land use for this site is rangeland.

According to the Operator, this site has been inactive since 2003. The Division approved a Technical Revision (TR-02) on February 25, 2010 for this site to be in Intermittent Status (IS); however, if the site is not operated every year, it does not qualify for intermittent status (see Rule 34-32.5-103(11)(b)). The Division cited this as a problem in the November 26, 2013 inspection report, recommending that the Operator file for Temporary Cessation. The resolution due date for this problem was set for June 10, 2014. Post-inspection, the Operator informed the Division that All-Rite Paving & Redi-Mix, Inc. (All-Rite) has received a new contract for the pit and will resume mining activities in the upcoming months. Mr. Herb Pearson of All-Rite confirmed this with the Division, and agreed to send a letter stating when activities are expected to resume. Because it appears that mining activities will soon occur at this site, the Operator will not be required to file for Temporary Cessation at this time.

At the time of the inspection, the weather was clear, warm, and sunny, and the ground was dry. A permit sign was posted at the gated entrance to the site (Photo 1), and the boundaries were marked with metal posts. No mining equipment was present. A large stockpile of material is located along the southern boundary of the permit area (Photo 2). This stockpile appears to be stable. Slopes at this site are primarily 2H:1V or steeper. Vegetation has volunteered throughout the majority of the affected area (Photo 3). Cows were seen grazing in the far southeastern portion of the permit area. Mr. Caldwell said the cows belong to Cliff Walters, whom owns land adjacent to the western boundary of the permit area. When the affected land is undergoing reclamation, the cows will need to be restricted from grazing in the area until the desired vegetation has been established pursuant to Rule 3.1.10(4).

In the November 26, 2013 inspection report, the Division noted the presence of several rills and gullies on pit slopes, stockpiles, and the access road. This was cited in the report as a sediment control problem for failure to protect the affected land from erosion pursuant to Rule 34-32.5-116(4)(j). The current resolution date for this problem was set for May 12, 2014. During the current inspection, it was observed that reasonable efforts have been made by the Operator to stabilize the site and prevent more erosion damage from occurring. In the southeastern portion of the site, where erosion damage was most significant, the Operator has filled the gullies with hay (Photos 4-6). Bales of hay have been strategically placed in primary drainage areas in efforts to slow stormwater runoff (Photos 7-8).

The west-facing highwall located near the eastern boundary of the affected area (Photos 9-10) showed some improvement since the last inspection where several rills and gullies were present along its slope. Mr. Caldwell said the highwall was seeded with approximately 200-300 pounds of wheat grass in January or February of this year. Some germination was observed, but the Division recommends that the Operator continue to monitor the stability of this highwall. Reseeding may be necessary to produce enough stabilizing vegetation to prevent further erosion damage.

In the November 26, 2014 inspection report, erosion damage was also observed along the access road. During the current inspection, the access road was graded over and no erosion damage was observed (Photo 11).

After conducting this inspection, the Division has determined that the Operator has made reasonable efforts to stabilize the site; therefore, the problem cited for sediment control is considered abated. However, the Operator shall continue to monitor the stability of all surface areas of the affected land and implement erosion control procedures as needed.

In the last inspection report, a problem was also cited for an inadequate Annual Report received on June 14, 2013. The report was illegible and lacked the required map. The current resolution due date for this problem was set for May 12, 2014. Division records show that the Annual Report received on March 24, 2014 is legible and includes maps of the area; therefore, this problem is also considered abated.

**Summary:**

- 1.) In the November 26, 2013 inspection report, the Division recommended the Operator file for Temporary Cessation by **June 10, 2014**. However, mining activities are now expected to resume at this site within the next few months. Because of this, the Operator will not be required to file for Temporary Cessation at this time.
- 2.) In the November 26, 2013 inspection report, the Division cited a problem for sediment control. After conducting the current inspection, this problem is considered abated.
- 3.) In the November 26, 2013 inspection report, the Division cited a problem for the submittal of an inadequate Annual Report. This problem is considered abated.

## PHOTOGRAPHS



**Photo 1.** Permit sign posted at gated entrance to site.



**Photo 2.** View looking west from southeastern portion of permit area, showing large material stockpile near southern boundary.



**Photo 3.** View looking west from eastern portion of permit area, showing volunteer vegetation on pit floor.





**Photo 4.** View looking southwest from southeastern portion of permit area, showing hay put in gullies by Operator to help control erosion.



**Photo 5.** View looking southeast from southeast portion of permit area, showing hay put in gullies by Operator to help control erosion.



**Photo 6.** View of hay put in gullies by Operator to help control erosion in southeastern portion of permit area.





**Photo 7.** View looking southeast from southeastern portion of permit area, showing bales of hay placed in primary drainage area by Operator. Note cows grazing at top left.



**Photo 8.** View looking southwest from southeastern portion of permit area, showing bales of hay staked down in primary drainage area by Operator.



**Photo 9.** View looking east at highwall located near eastern boundary of permit area. Some new vegetation can be seen on the slope.



**Photo 10.** View looking northeast at highwall located near eastern boundary of permit area. Some new vegetation can be seen on the slope.



**Photo 11.** View looking northwest from southeastern portion of permit area, showing access road in foreground. No erosion damage was observed on the access road.

**Inspection Contact Address**

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31738 County Road 13  
Manzanola, CO 81058

Enclosure: Temporary Cessation Notice

CC: Dennis Caldwell  
25026 County Road 19  
Rocky Ford, CO 81067

Tom Kaldenbach, DRMS