



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.

MINE NAME: Proctor Pit	MINE/PROSPECTING ID#: M-2009-054	MINERAL: Gravel and sand	COUNTY: Otero
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Eschberger	INSP. DATE: May 8, 2014	INSP. TIME: 11:15
OPERATOR: ALL-RITE PAVING & REDI-MIX, INC.	OPERATOR REPRESENTATIVE: Herb Pearson	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$192,836.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: <i>Amy Eschberger</i>	SIGNATURE DATE: June 25, 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>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>Y</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>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

OBSERVATIONS

This was a normal monitoring inspection of the Proctor Pit conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division). Mr. Herb Pearson, representative of the Operator, All-Rite Paving and Redi-Mix, Inc., was present for the inspection. This site is located approximately 4 miles southwest of Rocky Ford, Colorado in Otero County, on land owned by Dwight and Julie Proctor. The site is accessed by an 18 foot wide dirt haul road that runs southwest from Co Rd Ee for approximately 2,500 feet before entering the site from the northeast.

The Operator holds both a 111c (File No. M-2004-055) permit and a 112c permit (File No. M-2009-054) for this site. The 111c permit is for 30.00 acres, with a current bond of \$75,000.00. The 112c permit is for 51.00 acres, with a current bond of \$192,836.00. The 111c permit area lies completely within the northern portion of the 112c permit boundary. According to the M-2009-054 permit application, the Operator intended to replace the 111c permit with the 112c permit. It was pointed out in the adequacy review to this permit application and in subsequent inspection reports that the Operator would need to submit a Full Performance and Financial Warranty Release Request for the M-2004-055 permit in accordance with Rule 4.17 for the 111c permit to be released.

At the time of inspection, the weather was clear, warm and sunny, and no standing water was observed on site. A permit sign was posted at the gated entrance off of Co Rd Ee (Photo 1). The boundary of the affected area was clearly delineated with markers made of PVC pipe (Photo 2). The Operator estimated that 30 acres have been affected by the operation. This estimate appears to be accurate. The Operator indicated the landowner recently requested that the operation cease and reclamation begin as soon as possible. Because of this, the Operator has commenced with final reclamation of the site, and intends to submit a Full Release Request some time next year. It should be noted that the Operator will need to submit release requests for both permits currently held for the site (M-2004-055 and M-2009-054) in order for all warranties to be released for this permit area.

The Division will refer to the approved Reclamation Plan and Reclamation Plan Map for the M-2009-054 permit (enclosed) when evaluating reclamation success of this site. The approved post-mining land use is rangeland. The access road will also be reclaimed to rangeland (see enclosed Adequacy Review #1 that includes reclamation procedures for the access road). No structures are to remain after reclamation.

Currently, no highwalls exist at the site. The pit area has been backfilled and graded (Photos 3-6). Only one stockpile remains, an overburden stockpile located in the northern portion of the site (Photo 7). This stockpile is currently being used for reclamation. A few trucks are being stored north of the stockpile (shown in Photo 7). A berm approximately 200 feet long and 10-15 feet tall is present along the northern boundary (Photos 8 and 9). This berm was constructed to contain a stormwater basin that was located in the northern portion of the site. Smaller berms are located primarily along the western boundary of the affected area (Photos 10 and 11). For reclamation, these berms will need to be graded to a surface that is 4H:1V or flatter. The highwall that was located at the southern edge of the site has now been graded to a slope of approximately 4H:1V (Photo 12) in accordance with the approved Reclamation Plan.

During the inspection, no topsoil stockpiles were present on site, and it appeared that the affected area had not yet been retopsoiled. Because very minimal topsoil was expected to be recovered during the mining operation, the approved Reclamation Plan states that a 2:1 proportion of soil to manure will be imported and disked in with the replaced overburden to produce a growth medium. The approved seed mixture is enclosed with this report (in the approved Reclamation Plan and Reclamation Plan Map).

No problems with noxious weeds were observed in the permit area during this inspection.

Once the site has been reclaimed in accordance with the post-mining land use of rangeland, the Operator may submit a Full Release Request (for both permits listed above), and the Division will conduct an inspection to verify that reclamation success has been achieved.

PHOTOGRAPHS



Photo 1. View of permit sign posted at gated entrance off Co Rd Ee.



Photo 2. View looking south, showing PVC pipe marking southern boundary of permit area.



Photo 3. View looking south from northwestern corner of affected area, showing western part of site that has been graded.



Photo 4. View looking southeast from northwestern corner of permit area across central part of site that has been graded.



Photo 5. View looking north from southeastern corner of permit area, showing eastern part of site that has been graded.



Photo 6. View looking northwest from southeastern corner of permit area, across central part of site that has been graded.



Photo 7. View looking west from eastern portion of permit area, showing overburden stockpile. Note trucks stored north of stockpile (on right).



Photo 8. View looking south at berm constructed along northern edge of site to contain stormwater basin.



Photo 9. View looking east across northern slope of berm constructed along northern edge of site to contain stormwater basin.



Photo 10. View looking west at small berm present along western boundary of site.



Photo 11. View looking southwest at small berms present along southwestern boundary of site.



Photo 12. View looking west from southeastern corner of permit area, showing previous north-facing highwall graded to 4H:1V slope.

Inspection Contact Address

Herb Pearson
ALL-RITE PAVING & REDI-MIX, INC.
839 Mackenzie Ave.
Canon City, CO 81215

Enclosure: Approved Reclamation Plan
Adequacy Review #1

CC: Jordan Sasser
ALL-RITE PAVING & REDI-MIX, INC.
P.O. Box 165
Canon City, CO 81215

Tom Kaldenbach, DRMS

Exhibit E – Reclamation Plan

Overview

The post-mining use of the Proctor Pit will be rangeland. Reclamation calls for stabilization and cover of disturbed areas in accordance with standards that will accommodate the proposed post-mining use. The permit area will be reclaimed using concurrent reclamation techniques.

Reclamation Process

Reclamation will consist of establishment of slopes, re-spreading of soil, seeding, and management prior to release. Maximum slopes will accommodate cattle movement. The 47 acres of seeded ground will be incorporated into the open range of the owner's property.

Due to the intermittent nature of the mining, only estimates for the timing of the reclamation are given. The mining will progress to the south and east from the original disturbances. Generally, an area will be reclaimed when all the resource is removed and the mining face has moved to the limit of mining. Parts of the pit floor will be reclaimed when they are longer needed for circulation or the gravel processing plant. The operator expects that reclamation will be performed in three to five year intervals.

The existing disturbed area is the exception to this general rule, as this area will serve as the initial gravel processing plant site for mining and as the site for an asphalt plant, if one is set on the property. Therefore this area will be the last to be reclaimed concurrently with the southern sections of the pit. The access road will be reclaimed at the end also.

Estimated Reclamation Schedule

Phase	Mining (Years from commencement of operations)	Active Reclamation (Years from commencement)
111 Permit	Complete	16 - 18
New	1 to 15	4 to 18

Topsoil Preservation

The gravel resource is covered by a thin layer of sandy loam zero to four inches in depth. This soil material is low in organic content and is more correctly referred to as overburden. The overburden stripped prior to mining will be primarily placed on vertical sideslopes of the pit ready to be reclaimed. If no ready sideslope is available, the overburden will be stockpiled on the north edge of the pit in the reclamation material stockpile. Since this stockpile will be replenished with overburden and imported dirt/manure as material is available, the operator will not temporarily seed the pile.

Final Grading

Final proposed contours in mined areas are shown on the Reclamation Plan Map (Exhibit F). In general, slope contours at the pit edge will descend at 4H:1V from the top of slope to the pit floor. The pit floor will be a continuous surface at the bottom of the slopes and sloped at approximately 1% grade downward to the north. Where contours are established with backfill, mechanical compaction will be used to ensure stable side slopes.

Topsoil Replacement

The overburden and/or reclamation material will be re-distributed across the site on all disturbed surfaces. A plant growth medium of three to five inches will be provided in the reclaimed condition. Final planting surfaces will be established by disking or other mechanical preparation to ensure mixing of soil horizons and adequate opportunity for seed contact.

Revegetation

The site will be seeded be in accordance with the Natural Resource Conservation Service recommendations for the area (see Table E-1).

A weed free grass hay mulch will be applied to the seedbed at the rate of two tons per acre. This mulch will then be crimped by a disk into the soil. A fertilizer of 40 pounds per acre each of nitrogen (N_2) and available phosphorus (P_2O_5) will be applied.

Grass seed will be applied with a grass drill. Grass seeding will be accomplished from October 15 to April 1. This grass seed will be drilled directly into the mulched seedbed.

Maintenance

Areas with low seed germination will be reseeded and mulched with the next new seeding area.

The landowner intermittently grazes cattle on this 960-acre parcel. When present, the cattle congregate at the two water tanks, where they are also fed daily. One water tank is noted on Exhibit C-1 and the other tank is to the west. Due to the cattle habits of congregating around the water tank, the operator does not expect significant damage to growing grass. If cattle do move onto the reclaimed land, the operator will install a one-wire electric fence around the impacted area.

Weed Control Plan

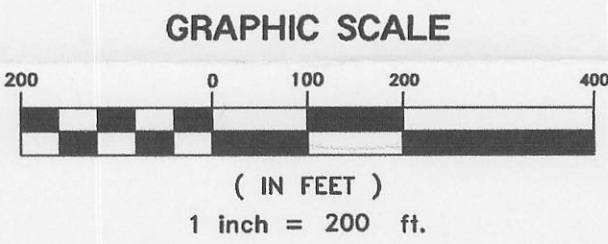
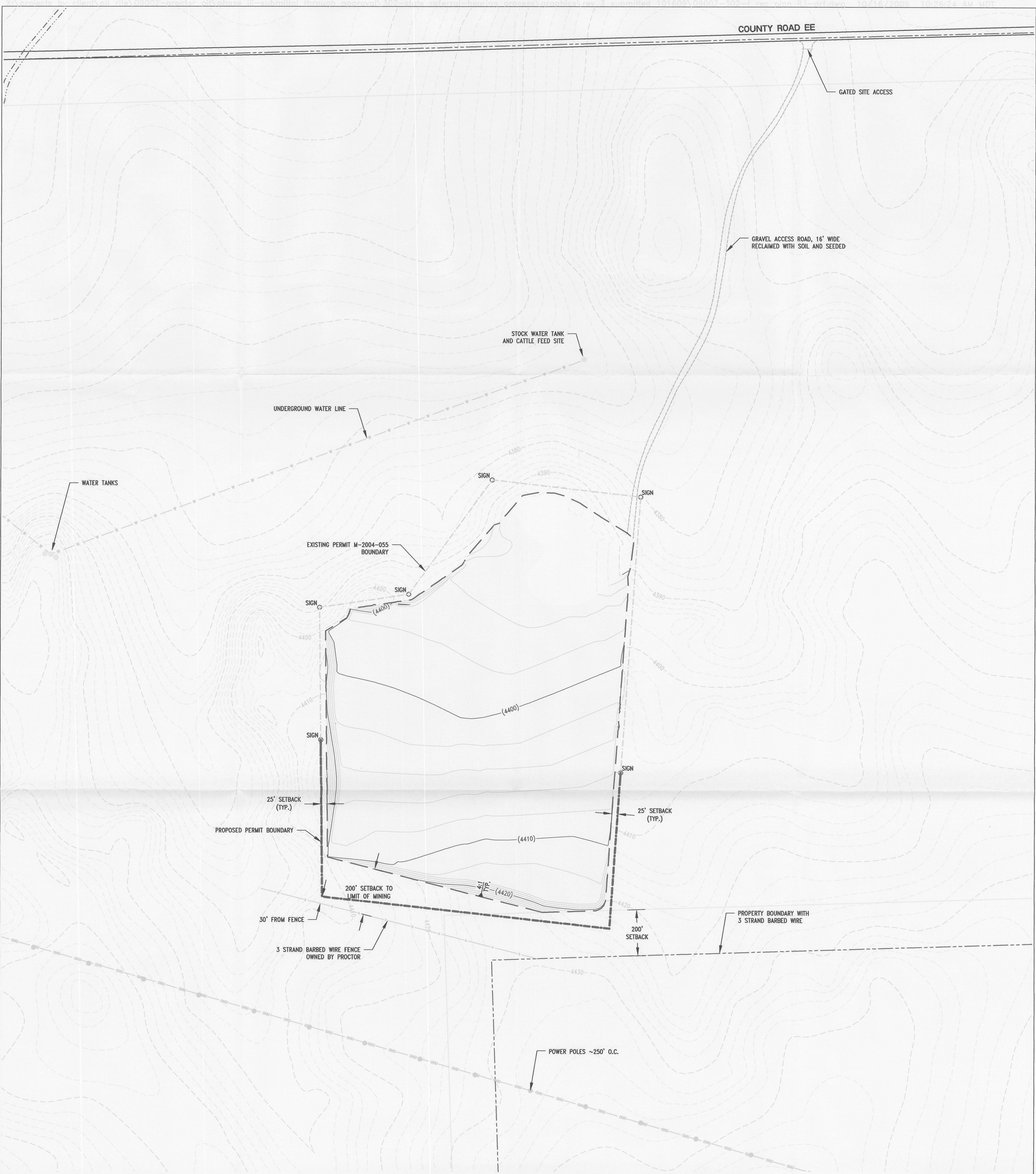
Noxious weeds will be controlled both during mining and reclamation. The predominant weeds on the site now are thistle, bindweed, and yucca. Initially any emerging weeds will be mowed in the spring and early summer prior to the formation of seed heads. If this method is not effective, the West Otero Timpas Conservation District will be consulted for a chemical spraying plan.

Seed Mix

The seed mix will be as follows.

Table E-1: Permanent Seed Mix for Final Reclamation

<i>Common Name Grasses</i>	<i>Variety</i>	<i>PLS</i>	<i>Percent of Mix (%)</i>
Side Oats grama	Vaughn	4.5	50
Blue grama	Lovington	0.75	25
Western wheatgrass	Arriba	1.6	10
Sand dropseed	Native	0.03	5
Galleta grass (carpopsis)	Native	0.2	5
Switchgrass	Blackwell	0.25	5
TOTALS		7.33	100



LEGEND	
	PROPOSED PERMIT BOUNDARY
	EXISTING PERMIT BOUNDARY
	PROPERTY LINE
	200' SETBACK
	MINING PHASE BOUNDARY
	DITCH / WATERWAY
	3 STRAND BARBED WIRE FENCE
	OVERHEAD UTILITY LINE
	WATER LINE
	PAVED ROAD
	UNPAVED ROAD
	EXISTING INDEX CONTOUR (10')
	EXISTING INTERMEDIATE CONTOUR (2')
	PROPOSED INDEX CONTOUR (10')
	PROPOSED INTERMEDIATE CONTOUR (2')
	EXISTING STRUCTURE



NATIVE GRASS SEED MIX			
SPECIES	VARIETY ¹	PLS ² (LBS/ACRE)	PERCENT OF MIX ³ (%)
SIDE OATS GRAMA	VAUGHN	4.5	50
BLUE GRAMA	LOVINGTON	0.75	25
WESTERN WHEATGRASS	ARRIBA	1.6	10
SAND DROPSEED	NATIVE	0.03	5
GALLETA GRASS (CARPOPSIS)	NATIVE	0.2	5
SWITCHGRASS	BLACKWELL	0.25	5
TOTAL		7.33	100

- NOTES:
1. AVAILABILITY MAY DICTATE THE NEED FOR SUBSTITUTION OR OMISSION.
 2. PURE LIVE SEED POUNDS PER ACRE; RATES SHOWN ARE FOR DRILL SEEDING. DOUBLE RATES FOR BROADCAST SEEDING.
 3. PERCENT OF MIX CALCULATED ON A SEEDS-PER-SQUARE-FOOT BASIS.
 4. ALL SUBSTITUTIONS SHALL BE APPROVED BY THE LAND PLANNER (BANKS AND GESSO, LLC; 303-274-4277)

- NOTES:
1. COMMON MINING PHASE BORDERS RECLAIMED WITH LATER PHASE NEAR VERTICAL HIGH WALL REMAIN TEMPORARILY.
 2. TWO EXISTING STOCKPILES ON SITE USED FOR RECLAMATION
 3. RECLAMATION SOIL MEDIUM CONSISTS OF OVERBURDEN, REJECT MATERIAL, AND / OR MANURE.
 4. RECLAMATION SOIL SPREAD 3 TO 5 INCHES OVER GRADING SURFACE.
 5. STORMWATER BASIN AREA WILL BE GRADED OVER TO BLEND WITH THE SLOPE AND SEEDED.
 6. RECLAIMED SLOPES ARE A MAXIMUM OF 4:1
 7. THE ENTIRE AFFECTED LAND WILL BE RECLAIMED TO RANGELAND FOR THE POST MINING USE.

10-19-09
M-2009-054

PREPARED UNDER THE SUPERVISION OF:

NAME Gray J. Tuttle 10/16/09 DATE

TITLE Project Manager

REFERENCES:
TOPOGRAPHICAL CONTOURS FROM USGS DEM
FOR MANZANOL COLORADO 7.5' QUADRANGLE.

3	FENCE AND SETBACK	DRF	10/16/09	PREPARED BY:		APPLICANT:		PROJECT:									
2	NOTE 7 PER ADEQUACY REVIEW	DRF	9/30/09	<div><div></div><div></div><div></div></div> <div>BANKS AND GESSO, LLC. 720 KIPLING ST., SUITE 117 LAKEWOOD, COLORADO 80215 (303) 274-4277</div>		<div>ALL-RITE PAVING & REDI-MIX, INC.</div> <div>P.O. BOX 165 CANON CITY, CO 81215</div>		<div>PROCTOR PIT DRMS 112 APPLICATION OTERO COUNTY COLORADO</div>									
1	PER OWNER REVIEW	DRF	6/3/09														
0	ISSUED FOR REVIEW	DRF	---														
REV.	DESCRIPTION	BY	DATE	JOB NO		DATE		SCALE		DRAWN BY		DESIGNED BY		APPROVAL		REV	SHEET
REVISION				09002		5/6/09		1"=200'		DRF		GT		PB			



Banks and Gesso, LLC

720 Kipling St., Suite 117
Lakewood, Colorado 80215

(303) 274-4277
Fax (303) 274-8329
www.banksandgesso.com

October 16, 2009

RECEIVED
OCT 13 2009

Division of Reclamation,
Mining and Safety

Mr. Jared Ebert
Division of Reclamation, Mining and Safety
1313 Sherman Street - Room 215
Denver, CO 80203

RE: Answers to Adequacy Review #1, File # M-2009-054
Proctor Pit, Otero County
All-Rite Paving and Redi-Mix

Dear Mr. Ebert,

Following are the responses of the applicant to the comments raised in your September 22, 2009 Adequacy Letter #1:

6.4.4 Exhibit D – Mining Plan

1. Concerning the Special Operations permit (M-2004-055), once the 112 permit is issued and a properly executed performance and financial warranty is in place for the 112 operation, the operator will need to submit a full Performance and Financial Warranty release request for the M-2004-055 permit in accordance with Rule 4.17 of the Construction Materials Rules and Regulations.

Response: Per your direction, the operator will request a full Warranty release request for M-2004-055.

2. According to the mining plan, the active mining area will be approximately 5-10 acres in size. The pit highwall was measured during the December 15, 2008 inspection and found to be 1,200 feet in length. For the remainder of the operation, at the point of maximum disturbance how long will the mining highwall be?

Response: The volumes to backfill to the mining faces are a product of the parameters in the table below.

Mining Face or Highwall	Average Height in Feet	Length in Feet	Slope	Cubic Yards
<i>Existing Disturbance Area – Backfill western mining face</i>	9	500	4:1	3,000
<i>Area South of Ex. Dist. – Backfill eastern mining face</i>	2.5	300	4:1	139
<i>Area South of Ex. Disturbance – Backfill southern mining face</i>	11.5	550	4:1	5,388
<i>Area South of Ex. Disturbance – Backfill western mining face</i>	14 11	500 100	4:1	7,260 896
TOTAL		1,950		

At the point of maximum disturbance in Exhibit L, the mining highwall of varying heights is 1,950 feet as noted above.

3. According to the Reclamation Plan, an asphalt plant may be constructed in the permit area. Please show where the proposed asphalt plant will be located in the permit area on the mining map. Also, please explain how the surface and ground water system will be protected from contamination from the asphalt plant operation.

Response: The operator eliminates the asphalt plant from this application.

6.4.5 Exhibit E – Reclamation Plan

1. Tamarisk has been observed at other mine sites close to this one and in the surrounding area. Please submit a plan to monitor and treat a potential infestation of Tamarisk trees.

Response: Tamarisk, if it occurs, will be controlled per the “Weed Management Guideline for Tamarisk and Russian Olive, Minerals Program”, published February 8, 2006 by the Division. A copy is enclosed.

2. Please explain how the access road will be reclaimed.

Response: The access road will be scarified or disked and the road base/soil material will be spread to eliminate evidence of a road. The grading, topsoiling, and revegetation will be completed per Exhibit E.

3. In the topsoil preservation section of the reclamation plan, it states, “Since this stockpile will be replenished with overburden and imported dirt/manure as material is available, the operator will not temporarily seed the pile”. In accordance with Rule 3.1.9 (1) and (6) the stored topsoil/overburden and imported growth medium will need to be protected from erosion. Since

temporary vegetation will not be established on these piles, please explain how they will be protected from wind and water erosion.

Response: To control erosion, the stored overburden, imported soil, and imported manure stockpiles will be broadcast seeded each year between October 15 and November 30 with the following seed mix:

Common Name Grasses	Variety	PLS/ac
Western Wheatgrass	Arriba	4.0
Rye	Annual	8.0

6.4.6 Exhibit F – Reclamation Plan Map

1. Please portray the proposed land use for each of the affected land. This could be a note on the Reclamation Plan map that states the entire affected land will be reclaimed to Rangeland for the post mining land use.

Response: Please refer to Note 7 on the Reclamation Plan Map for a note on post mining land use. A revised copy of Exhibit F is enclosed.

6.4.12 Exhibit L – Reclamation Costs

1. What will be the dimensions (height, length and width) of the asphalt plant, and what material will it be made from? Will this plant be built on a concrete pad/foundation? If so, what will be the dimensions (length, width and depth) of the pad?

Response: The operator eliminates the asphalt plant from this application.

2. Based on the “point of maximum reclamation” described in Exhibit L and the plan for importing growth media to augment the topsoil, the Division will need to hold a bond for importing this material. Based on the December, 2008 inspection, it appeared little to no topsoil/growth media was stockpiled on the site for reclamation. Is this still the case? If not, please estimate how much growth media is currently on the site for reclamation.

Response: There is no growth medium on the site now. The existing northern and southern stockpiles will be used for backfilling the mining faces.

Over the 18.5 acres of new mining area (per Adequacy Response #2), we expect to recover two inches (0.166 feet) of overburden soil, which will be disked into the imported soil and manure to produce the grass growth media.

The below table calculates the amount of soil and manure, in a 67% to 33% proportion respectively, which will be imported to accomplish the grass growth media in Exhibit L.

Import of Grass Growth Media			Cubic Yards
Recover overburden	(18.5 ac) (43560) / 27	0.166 foot depth	(4,955)
Exhibit L	Existing Disturbance Area	Topsoil Replacement	7,222
Exhibit L	Area South of Existing Disturbance	Topsoil Replacement	4,033
Exhibit L	Area West of Existing Disturbance	Topsoil Replacement	807
	Net Import		7,107

The below table indicates the cost to import the above volume of soil and manure. This material will be found at cattle feed lots, agricultural land leveling projects, ditch cleaning projects, and construction sites in the Rocky Ford area and within an average of 15 miles from the Proctor Pit.

Item	Volume in CY	Unit Cost	Distance	Cost
Load on truck	7,107	\$0.25/CY		\$1,777
Haul to Proctor Pit	7,107	\$0.15/CY/mile	15 miles	\$15,991
Total Cost				\$17,768

This cost is added to the revised Exhibit L enclosed.

Publication and Notices

1. In accordance with Rule 1.6.2 (d) & (e) and Rule 1.6.5, within ten (10) days after the application was deemed complete and submitted, you must have published a notice in a newspaper of general circulation in the locality of the proposed mining operation once a week for four (4) consecutive weeks. Also, immediately after the first publication you were to mail a copy of the notice to all owners of record of surface and mineral right holders of any recorded easements and all owners of record of lands that are within 200 feet of the boundary of the affected land.

Response: Enclosed is the Proof of Newspaper Publication, proof of notice to land owners and interest holders of record, and sign posting affidavit.

Having not received a copy of a written objection, may we assume that none have arrived?