




**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> McCoy Pit	<b>MINE/PROSPECTING ID#:</b> M-1981-088	<b>MINERAL:</b> Volcanic materials (a	<b>COUNTY:</b> Routt
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Amy C. Yeldell	<b>INSP. DATE:</b> August 6, 2015	<b>INSP. TIME:</b> 11:45
<b>OPERATOR:</b> Bratton Enterprises, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Jim Bratton	<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> \$208,944.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Windy	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> August 21, 2015

**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:** Revegetation

**PROBLEM/POSSIBLE VIOLATION:** Problem: There are state-listed noxious weeds present on site. This is a problem for failure to employ weed control methods for state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

**CORRECTIVE ACTIONS:** Implement approved weed control plan and provide proof to the Division that this has been done. If a weed control plan is not already in place, the operator shall develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of \$216.00 by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 10/30/15

**INSPECTION TOPIC:** Signs & Markers

**PROBLEM/POSSIBLE VIOLATION:** Problem: The mine identification sign posted at the entrance of the mine site was inadequate. This is a problem for failure to post a mine identification sign as required by Section 3.1.12(1) of the rule.

**CORRECTIVE ACTIONS:** The operator shall, at the entrance of the mine site, post a sign which shall be clearly visible from the access road with the following: the name of the operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number. The operator shall submit photo documentation that a proper sign has been posted by the corrective

action date.

**CORRECTIVE ACTION DUE DATE: 9/30/15**

## OBSERVATIONS

This inspection was conducted as part of the Colorado Division of Reclamation, Mining and Safety normal monitoring program. McCoy Pit is a 112c permitted site that includes a total of 73 permitted. It is located approximately 4 miles northeast of McCoy, CO and is accessed from Routt County Road 4A. Jim Bratton and Travis Pintt represented the operator Bratton Enterprises, Inc. and accompanied Amy Yeldell of the Division on the inspection.

The mine identification sign and affected area boundary markers are in place. The mine identification sign posted at the entrance of the mine site was inadequate. The sign should clearly state operator name, name of the operation, and that a permit has been issued by the MLRB with full permit number. This is a problem for failure to post a mine identification sign as required by Section 3.1.12(1) of the rule. The permit boundary was delineated with T-posts. In several areas, most notably the northwest boundary, mining activities have occurred right up to the permit edge. It is acknowledge that some of the disturbance may be prelaw but the operator is advised to use caution near permit boundaries. The operator may benefit from additional surveying to ensure no land is affected outside of the permit area. If the operator mines beyond their boundary it is a possible violation pursuant to: 1.) C.R.S. 34-32.5-109(1) for failure to first obtain from the board or office a reclamation permit prior to engaging in a new operation. AND/OR 2.) C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

At the entrance of the pit there is a load scale and railroad tracks periodically. Also located on site is an office trailer and fuel tank in containment. Several dozers and loaders are used to excavate and move the material. No blasting is required. Mining is occurring in several areas throughout the site. No discernible pattern was observed. The operator indicated material is mined based on market value/demand for the various shades of cinders. The crushing plant is located on the north side of the cinder cone. On the south side of the cinder cone area to the east of the office is a sifter plant for fines.

To access the north and west half of the pit one must drive through a narrow channel with nearly vertical highwalls. Throughout the site other 1:1 or nearly vertical highwalls were also observed. Given the general nature of scoria it is highly porous and no erosion issues are noted. Several stockpiles are located throughout the site. Generally the slopes were stable but some sloughing and slides were observed.

Vegetation site wide is very sparse given the geology and apparent lack of soil. Pockets of undisturbed vegetation with topsoil present are thriving and lend hope that with adequate soil revegetation is possible. Through AM2 it was acknowledge that the 'clay cap' was mis-identified as overburden/topsoil and therefore inadequate amounts exist for reclamation. Reclamation will consist primarily of reshaping the replaced material into gently rolling slopes that resemble the original cinder cone. Then the existing overburden/topsoil will be replaced over a portion of the reshaped land feature and finally seeded. The acknowledgment of a lack of adequate soils does not negate the requirement to save any material suitable for reclamation. All material including fine cinders that is more suitable for revegetation requirements shall be removed, segregated and preserved. It was observed along the northern portion of the permit boundary that while mining non volcanic material was discovered. Although not topsoil this material would aid in reclamation and should be treated in a like manner. Without clarification from the operator the inspector could not discern between stockpiled sellable material and reclamation material.

Noxious weeds such as thistle and Common Mullen were observed among other non-desirable species. No evidence of treatment was observed. This is a problem for failure to employ weed control methods for state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule. The 'Request for Technical Revision (TR) Cover Sheet' is attached to this report.

Reclamation has begun on approximately 1.7 acres in the southwest corner of the permit boundary. This area has been reshaped but no seeding has occurred. Per conversations with the operator they are in ongoing litigation with the property owner and currently do not have legal right of entry to this area. This is noted as a potential problem according to Construction Materials Rule 6.3.7. The Division request that the operator keep them informed of the ongoing litigation. Note that without successful revegetation on all affected lands the operator cannot be released totally from reclamation responsibly.

In an effort to ensure the Financial Warranty adequately, reflects the actual current cost of fulfilling the requirements of the approved reclamation plan the Division will be updating the reclamation cost estimate. A copy of the staff calculations will be sent under separate cover.

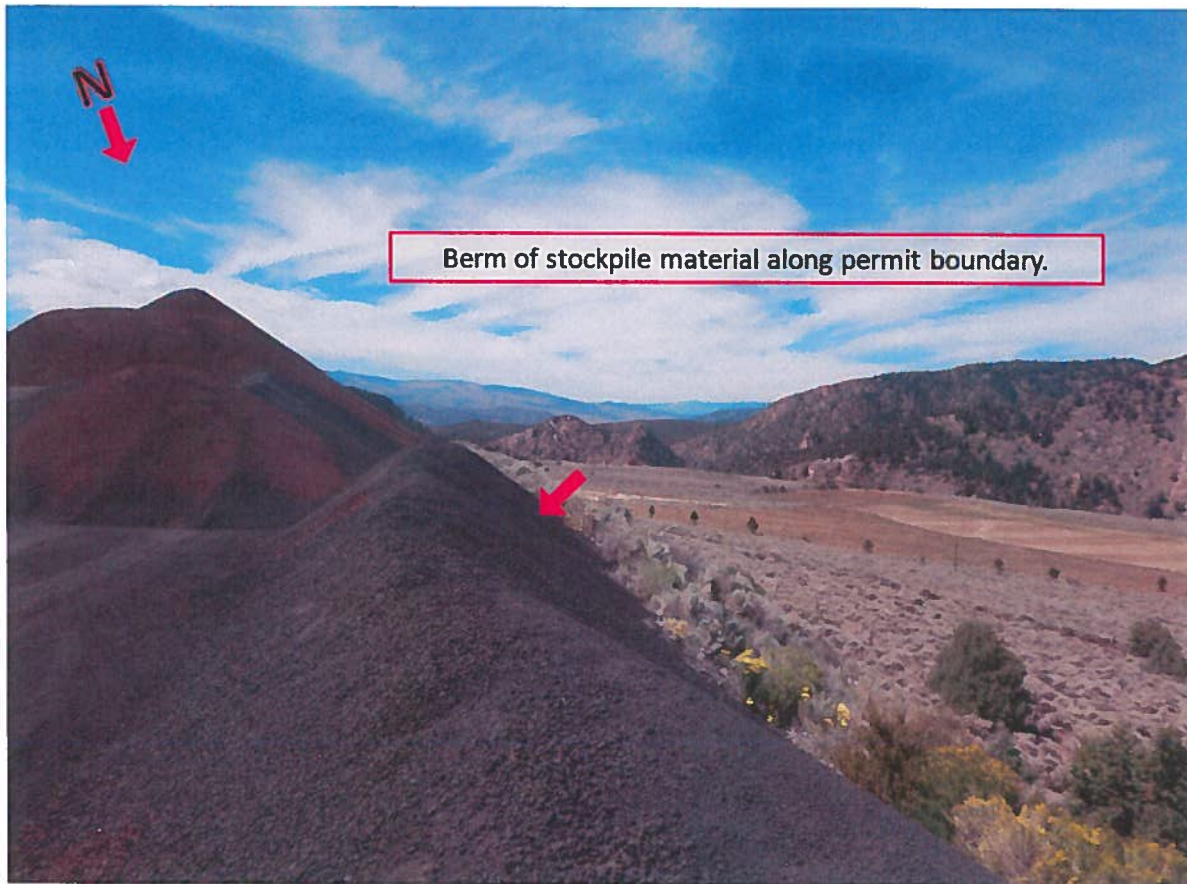
Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@ state.co.us



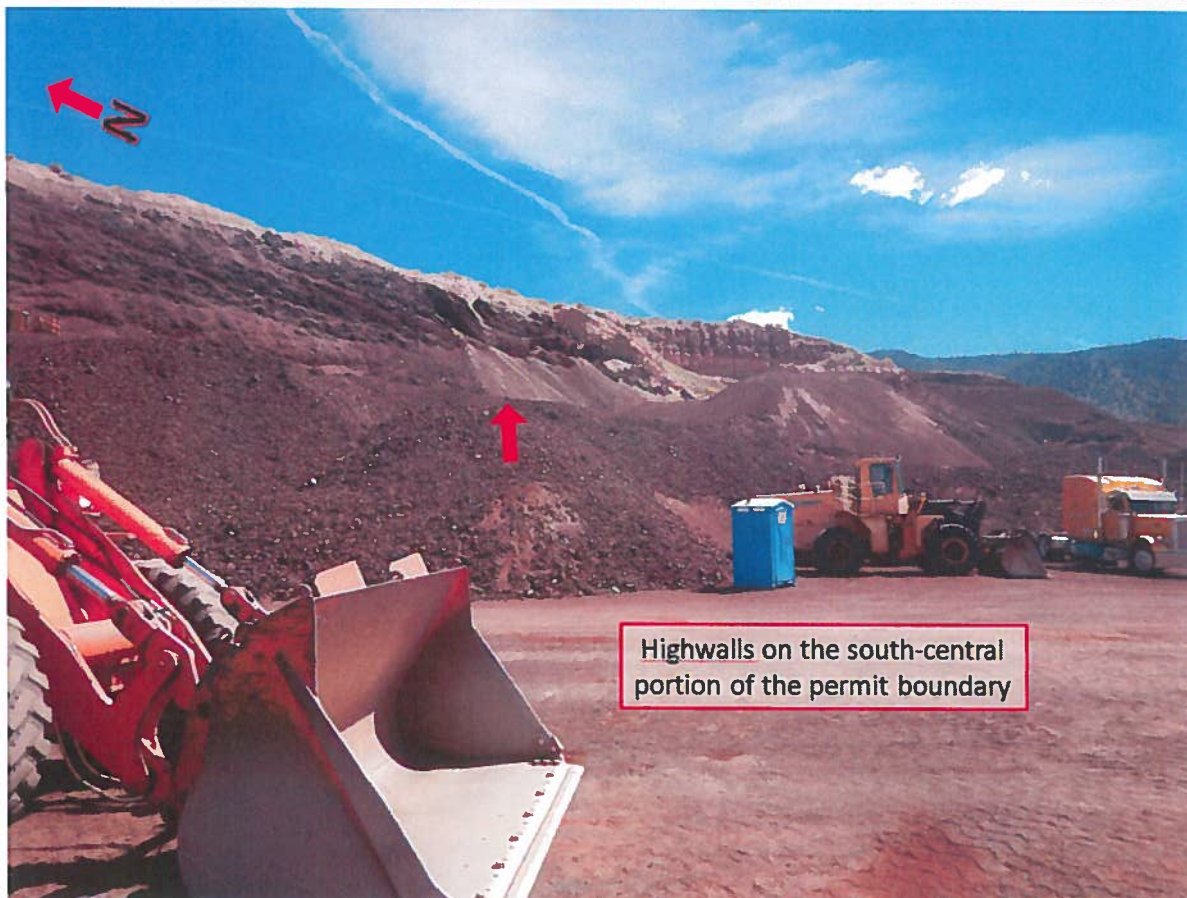
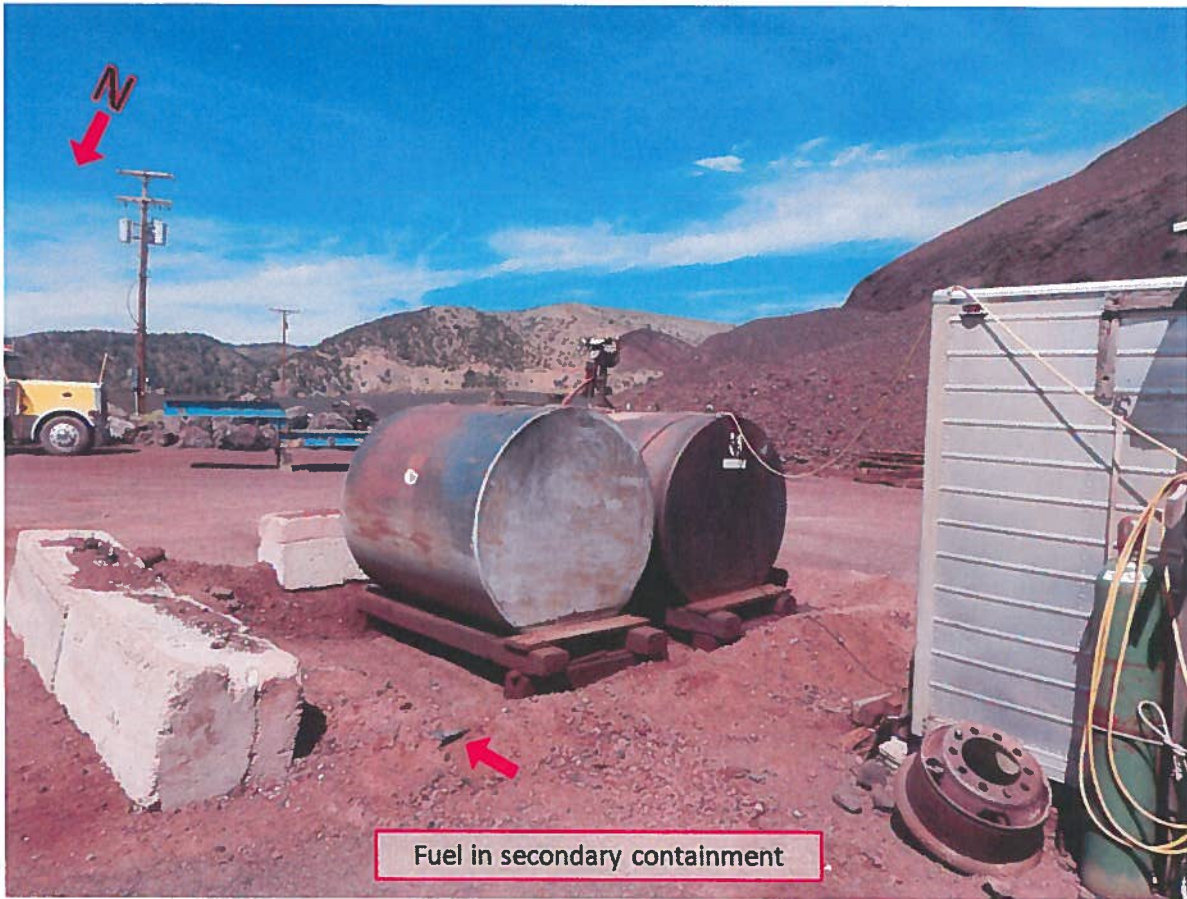
**PHOTOGRAPHS**



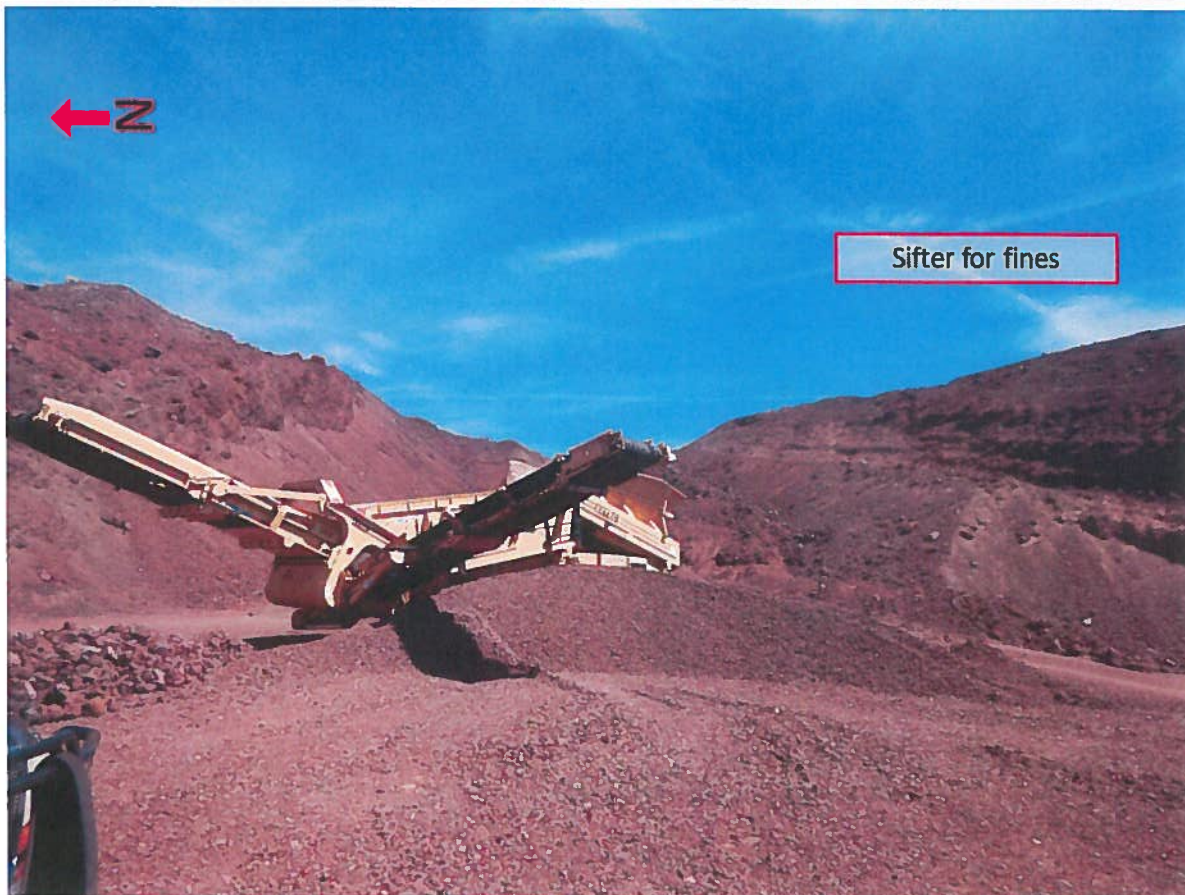
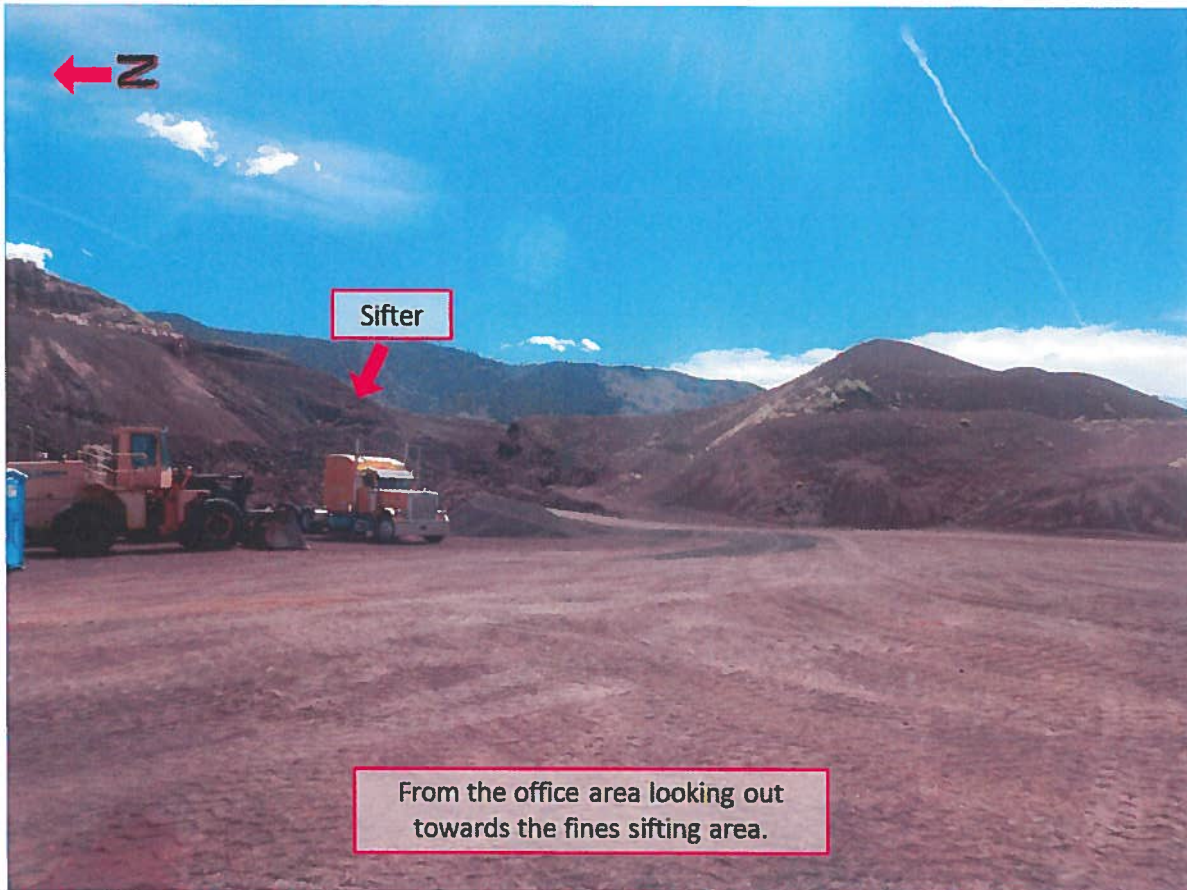




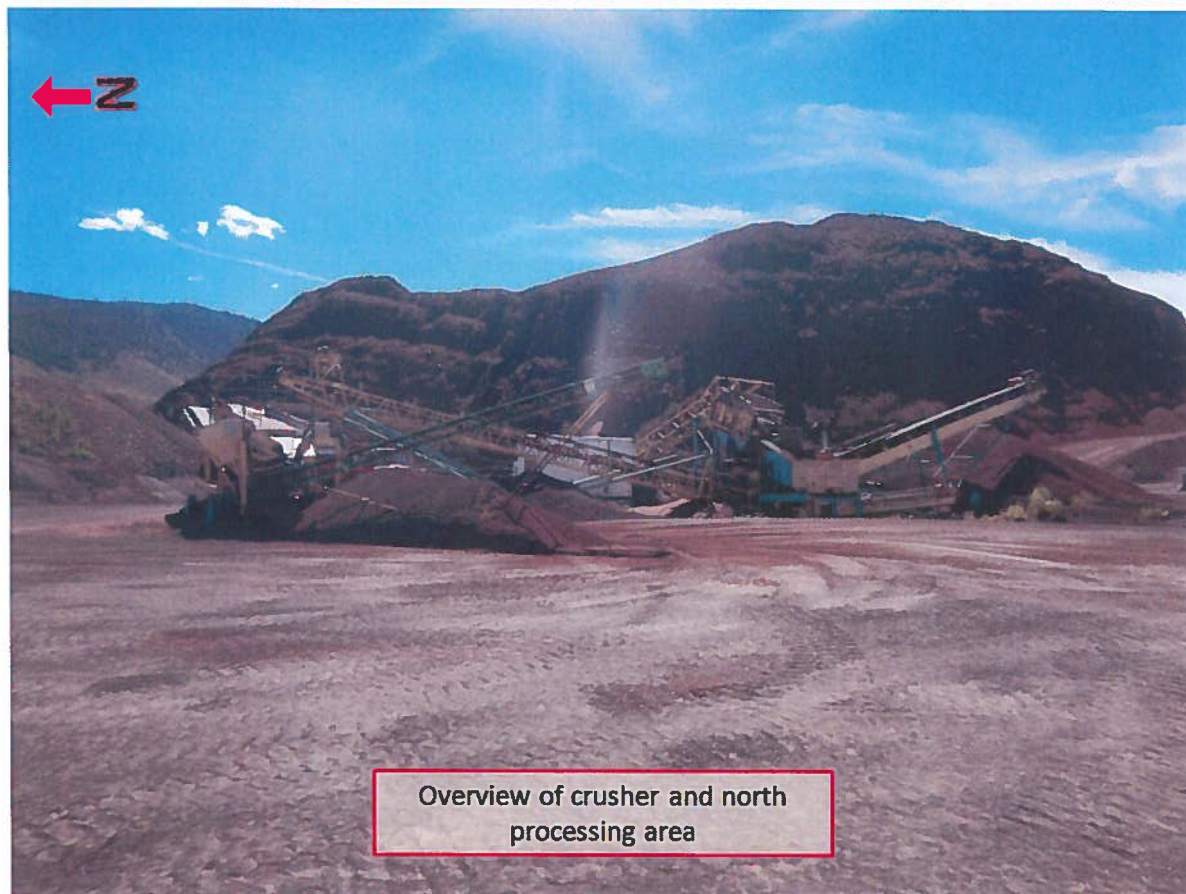




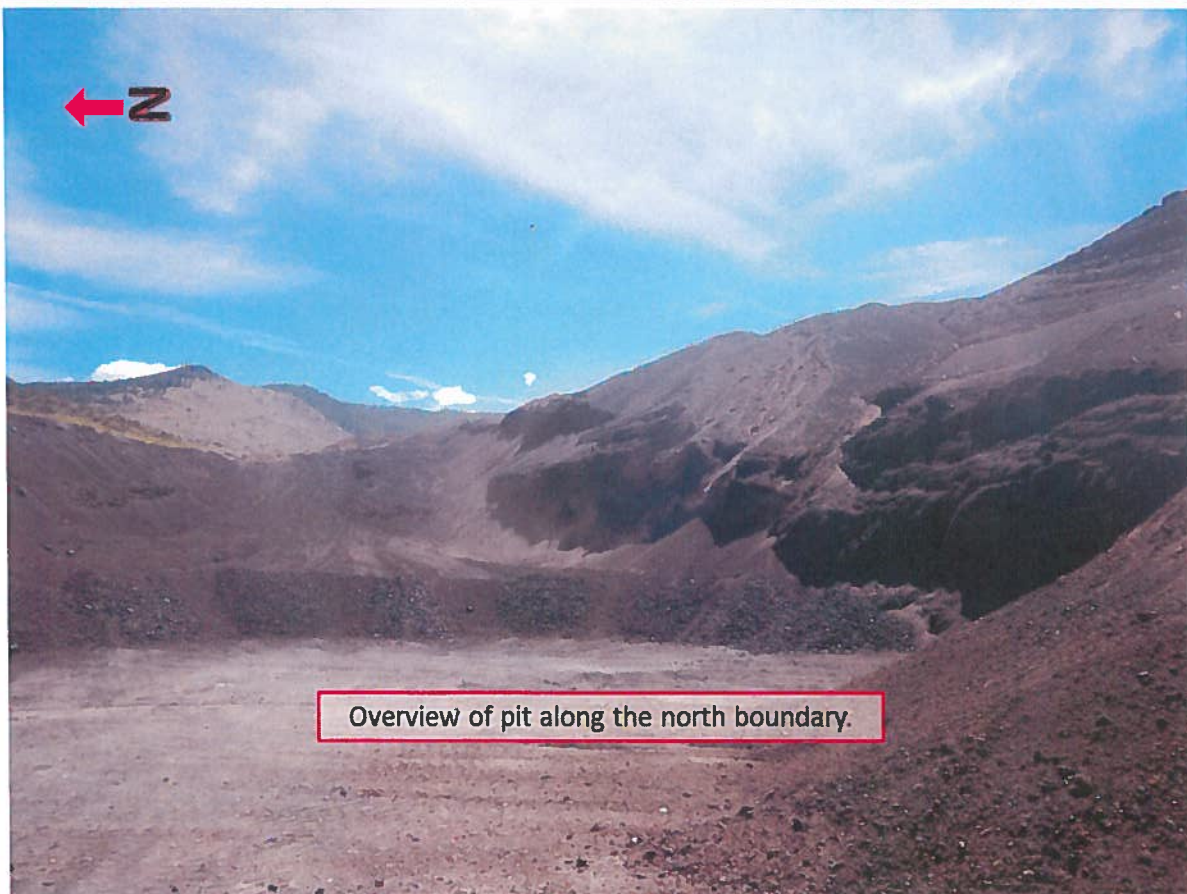
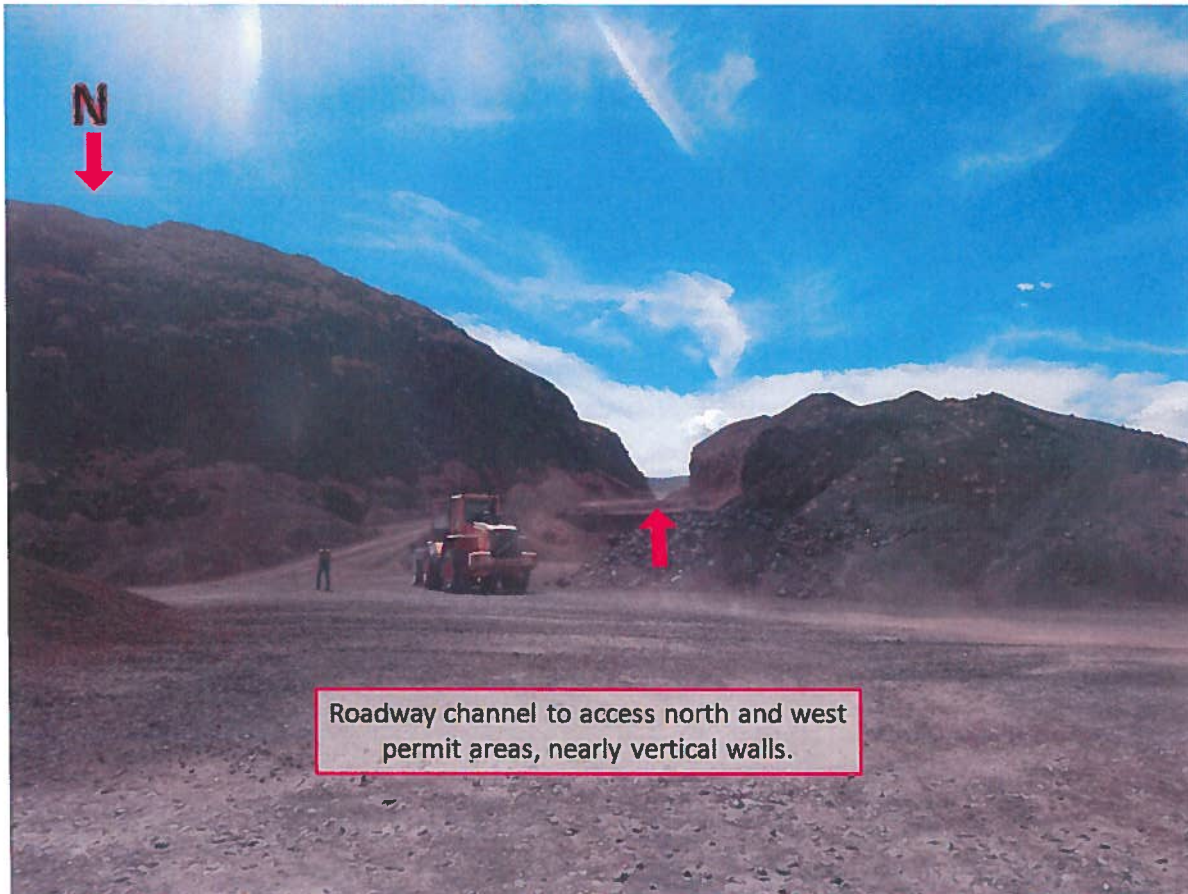




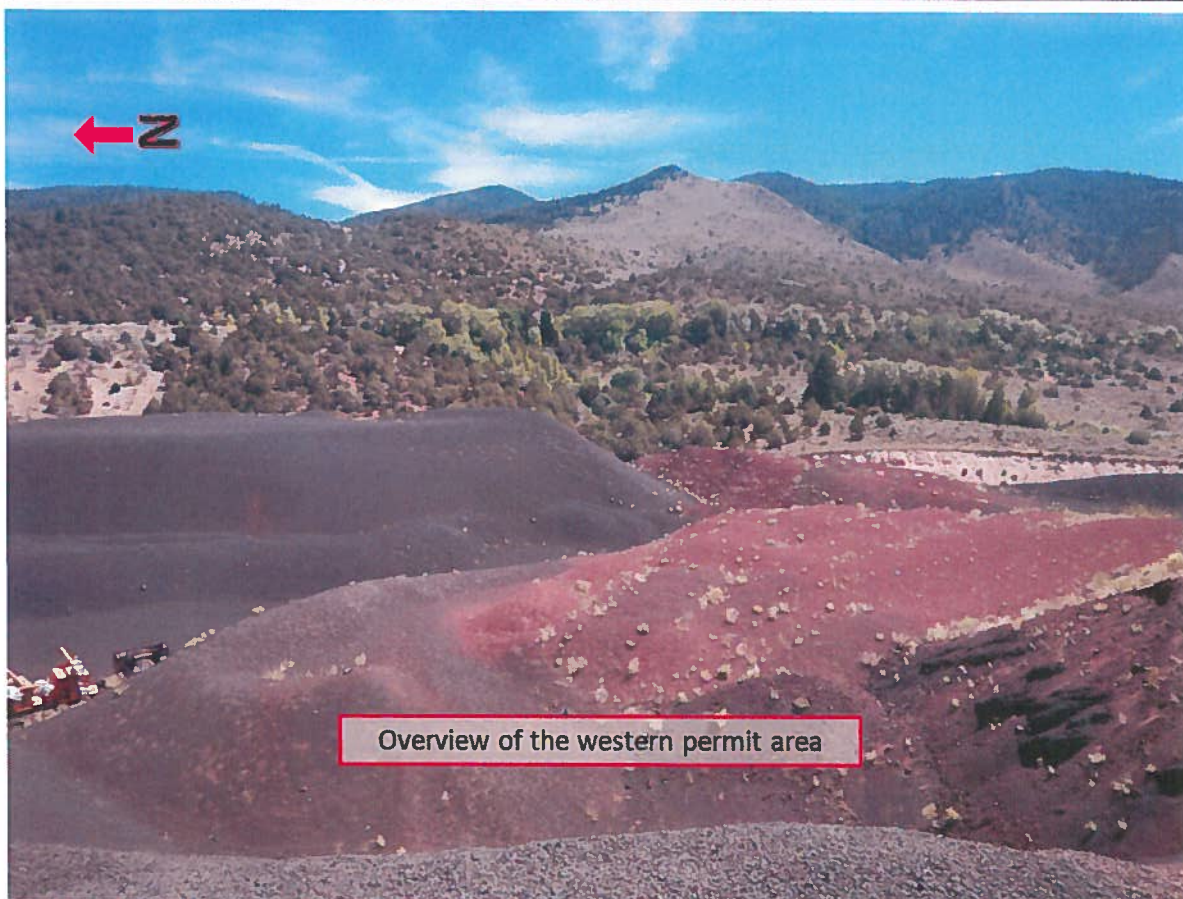
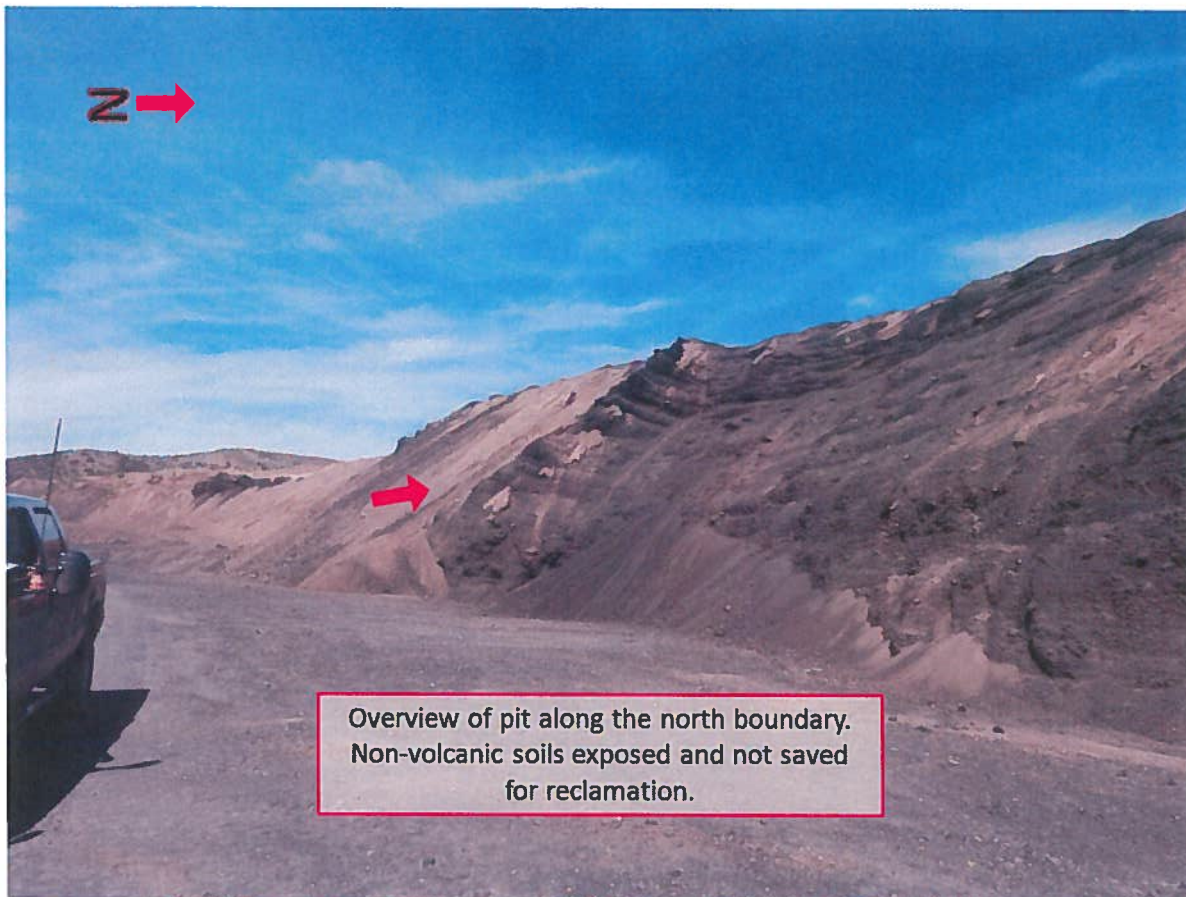




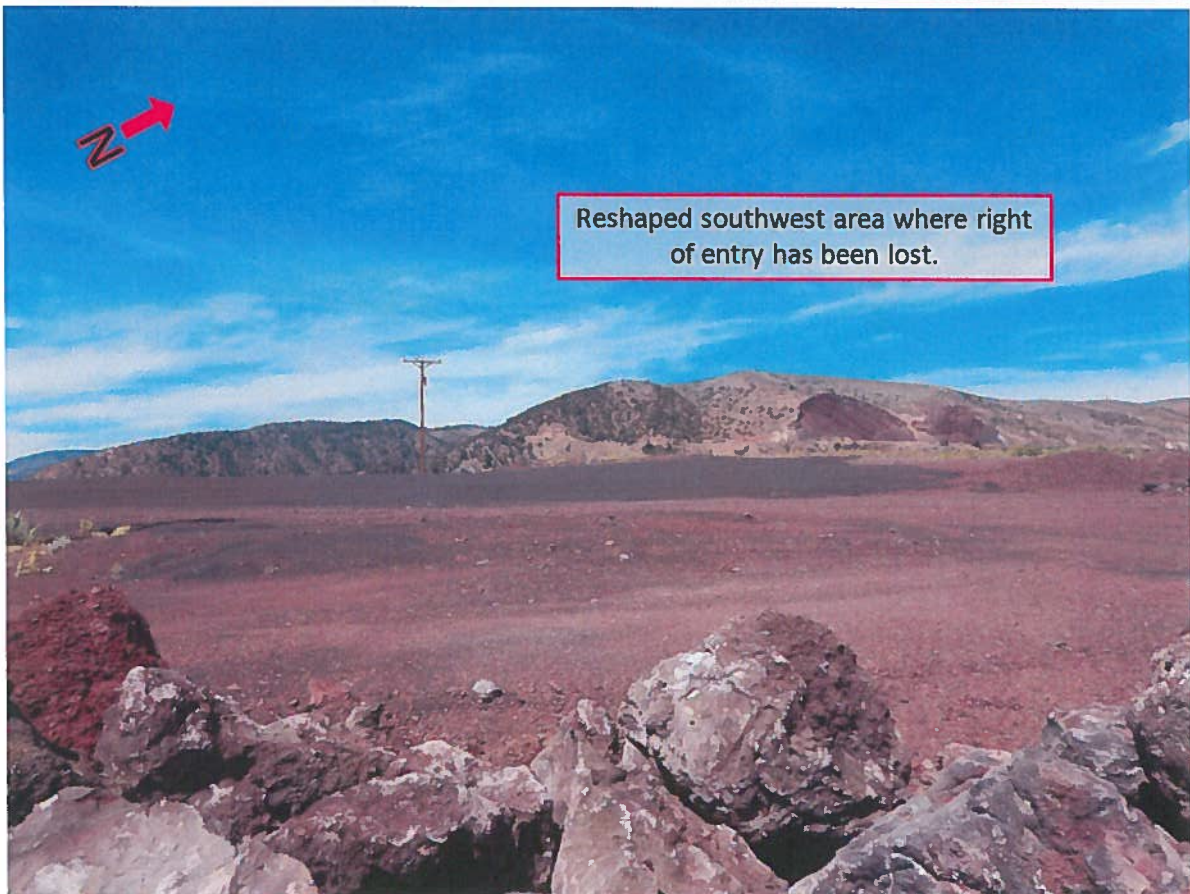
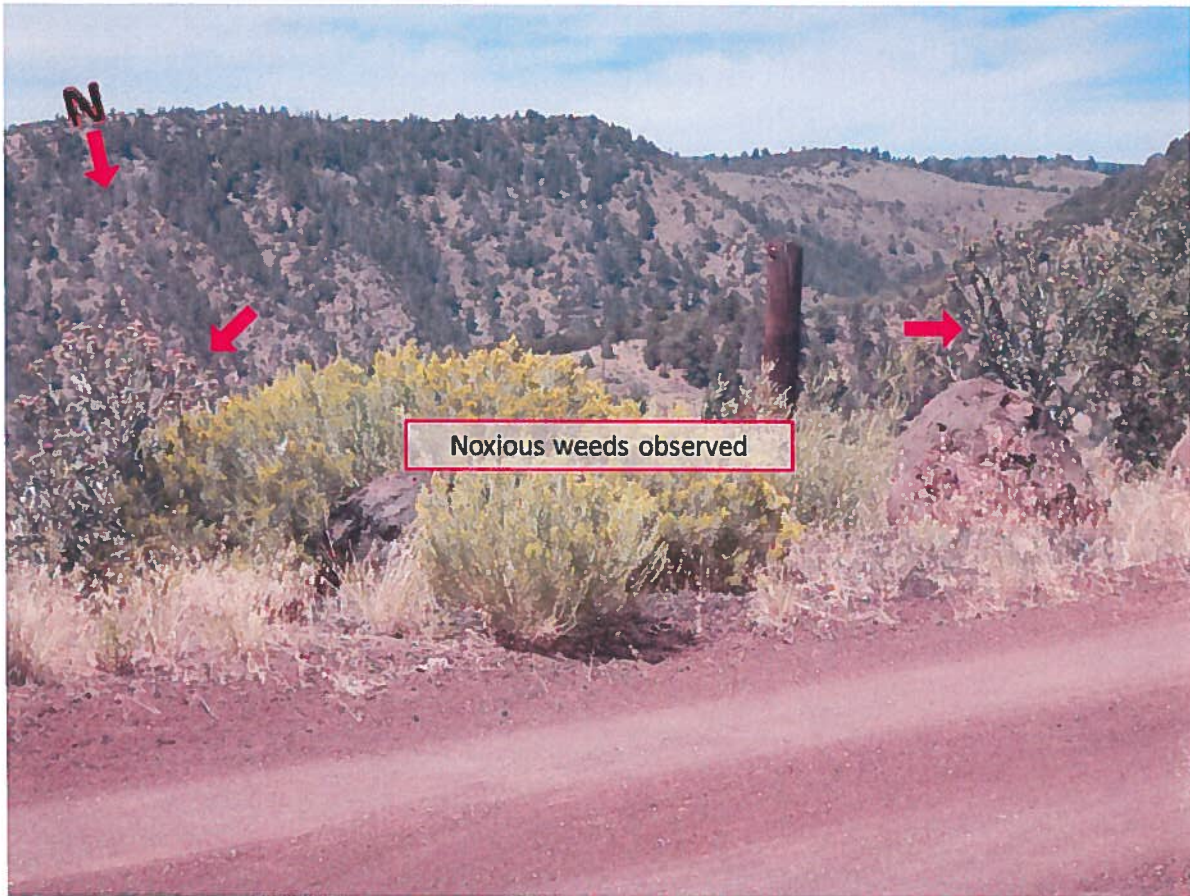














### GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</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>Y</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>PB</u>
(SM) SIGNS AND MARKERS----- <u>PB</u>	(SW) STORM WATER MGT PLAN---- <u>Y</u>	(CI) COMPLETE INSP---- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	(ST) STIPULATIONS----- <u>N</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**

Jim Bratton  
Bratton Enterprises, Inc.  
237 Roselawn Ave.  
Yampa, CO 80483

Enclosure

Ec:  
Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS



# 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"/>