




**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> Gehrman Pit	<b>MINE/PROSPECTING ID#:</b> M-2009-078	<b>MINERAL:</b> Gravel and sand	<b>COUNTY:</b> Moffat
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Amy C. Yeldell	<b>INSP. DATE:</b> September 9, 2015	<b>INSP. TIME:</b> 13:30
<b>OPERATOR:</b> Elam Construction, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Jon Muller	<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> \$88,975.00
<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> 	<b>SIGNATURE DATE:</b> September 23, 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:** Availability Of Records

**PROBLEM/POSSIBLE VIOLATION:** Problem: The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to 34-32.5-116(4)(h) of the Colorado Revised Statutes and 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

**CORRECTIVE ACTIONS:** The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer, show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the pits to at least two feet above the groundwater surface by the corrective action date specified.

**CORRECTIVE ACTION DUE DATE:** 11/17/15

## **OBSERVATIONS**

This inspection was conducted as part of the Colorado Division of Reclamation, Mining and Safety normal monitoring program. The Gehrman Pit is a 112c permitted site that includes a total of 38.33 permitted acres with a max disturbance of 9.6 acres. It is accessed through the Bunn Ranch Pit in Craig Colorado. Jon Muller represented Elam Construction, Inc. and accompanied Amy Yeldell of the Division on the inspection.

The mine identification sign and affected area boundary markers are in place and in compliance with Rule 3.1.12. The sign is located at the entrance of the permit boundary and survey stakes and t-posts delineate the permit boundary.

Per the operator MSHA requires them to have berms on either side of roadways for safety. These berms were placed on the permit boundary in the southeast corner of phase one. The operator is advised to use caution near permit boundaries. 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.

The site is currently inactive as of mid-summer when Elam Construction, LLC met its quota for the year at this pit. Mining is occurring between the Ana Branch and the Yampa River adjacent to the Bunn Ranch Pit. Areas adjacent to the river and canal have undisturbed buffer zones of various sizes. Phase one of the mining plan is almost complete. There is a partially submerged 15 ft. high wall that is approximate 200 ft. long on the east side of the phase one pit. It has a road on top of the berm/highwall and will remain in place as the buffer between the pit phases. No material is processed at this site, it is transported to the Bunn Ranch Pit. No fuel or other hazardous material is stored on site. There is no stockpiled material remaining at this time.

On the northwest corner near the Ana branch there is a sediment retention pond that was initially used to dewater the phase one pit. It is no longer being used. In future operations water will be pumped from phase two into the phase one pond once the second phase commences. It is noted that there are several hoses and pipes near the sediment retention pond. This debris should be removed unless it is needed for future activity in that area.

Noxious weeds such as Tamarisk and Thistle were noted on site. The operator is advised to spray more frequently to ensure proper timing and effective treatments.

The western portion of phase one has been re-contoured and seeded, more seeding is expected to take place this fall as well.

According the current reclamation plan a 22.9 acre pond will remain. Currently as the result of phase one mining approximately a 7 acre pond has been constructed. The need for a gravel pit well permit was noted in exhibit M of the 112c application however the Division does not have a copy of the approved permit on file. The lack of availability of records regarding water rights is cited as a problem. The operator shall provide the Division with proof that said permit has been issued and the required ground water rights have been secured to carry out the approved reclamation plan by the corrective action date. Be advised that failure to correct the water rights discrepancy may result in the Division having to bond for backfilling which would result in a major

increase to the current bond held by several hundred thousand dollars typically.

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.

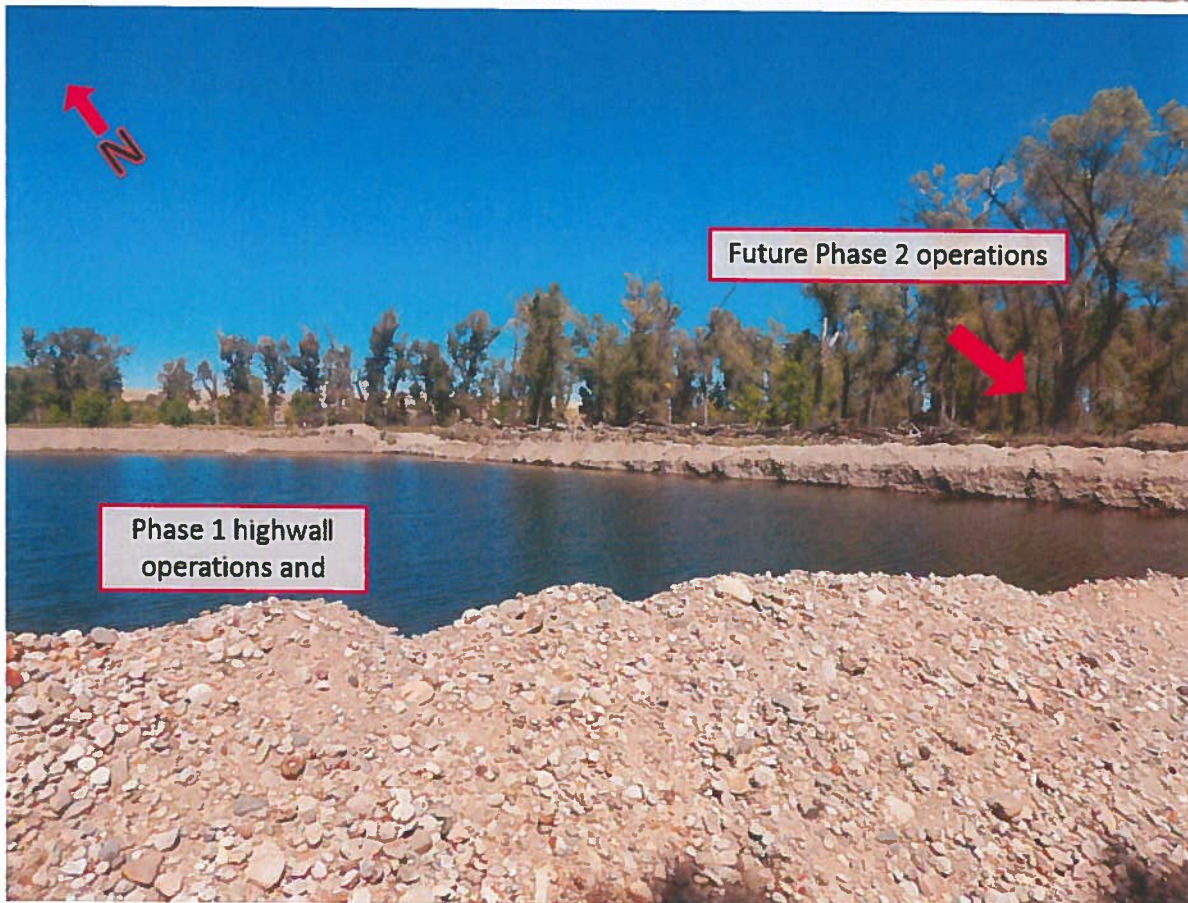
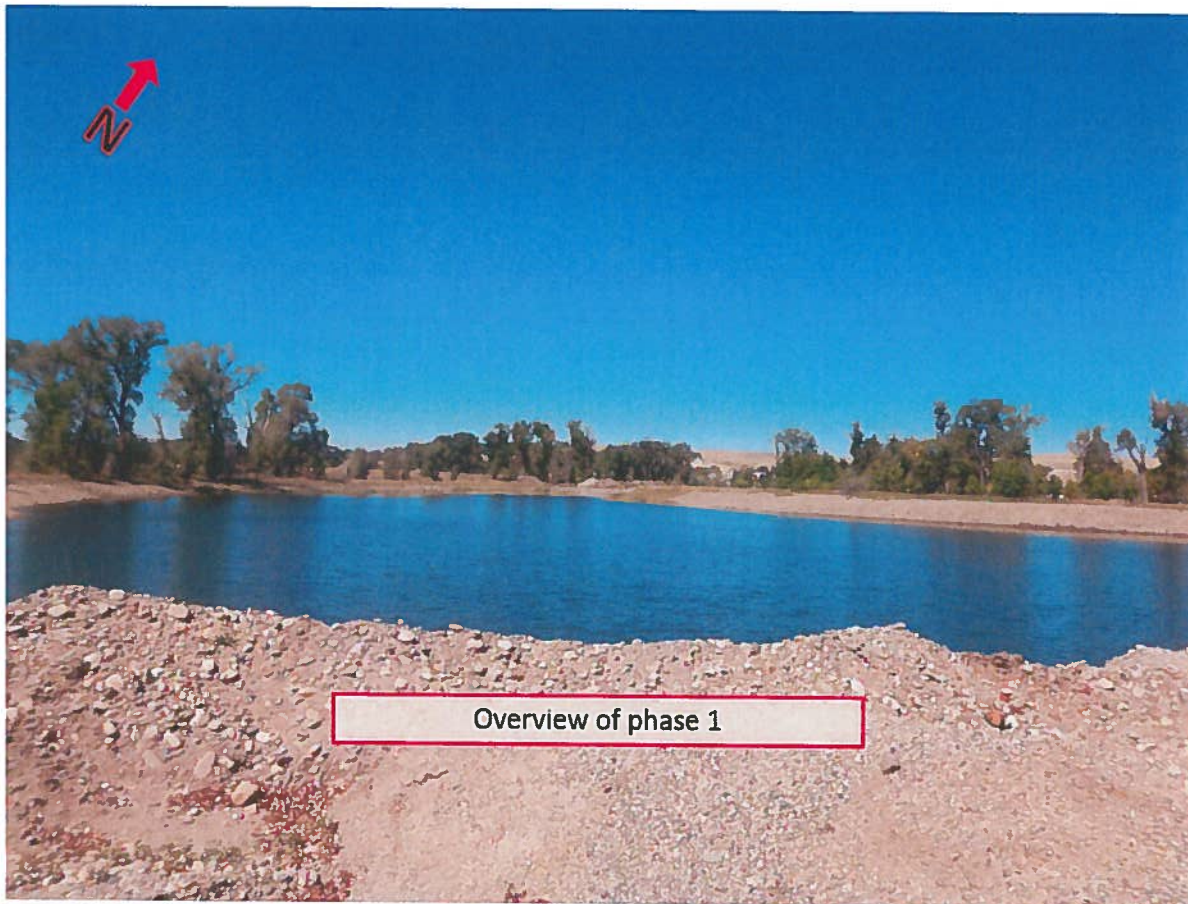
Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at [amy.yeldell@state.co.us](mailto:amy.yeldell@state.co.us)



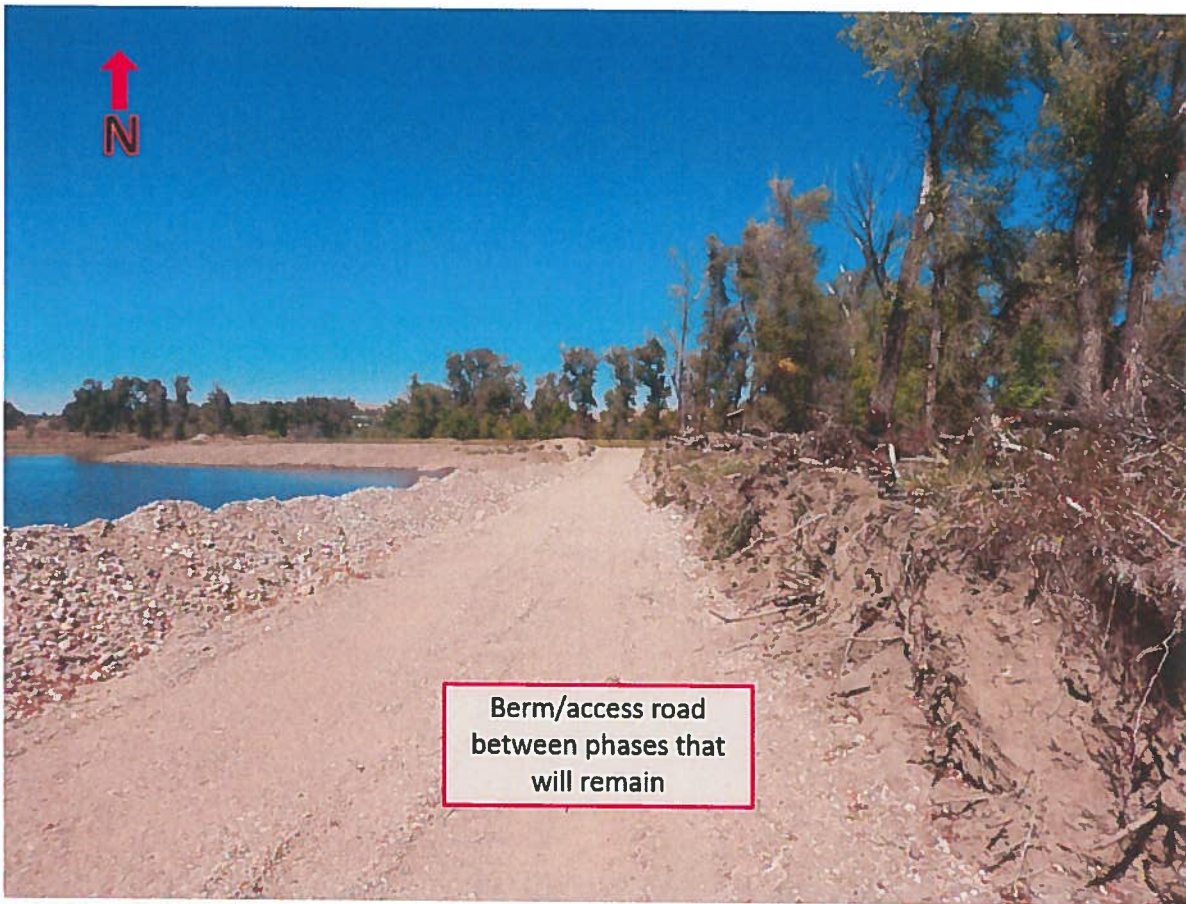
PHOTOGRAPHS



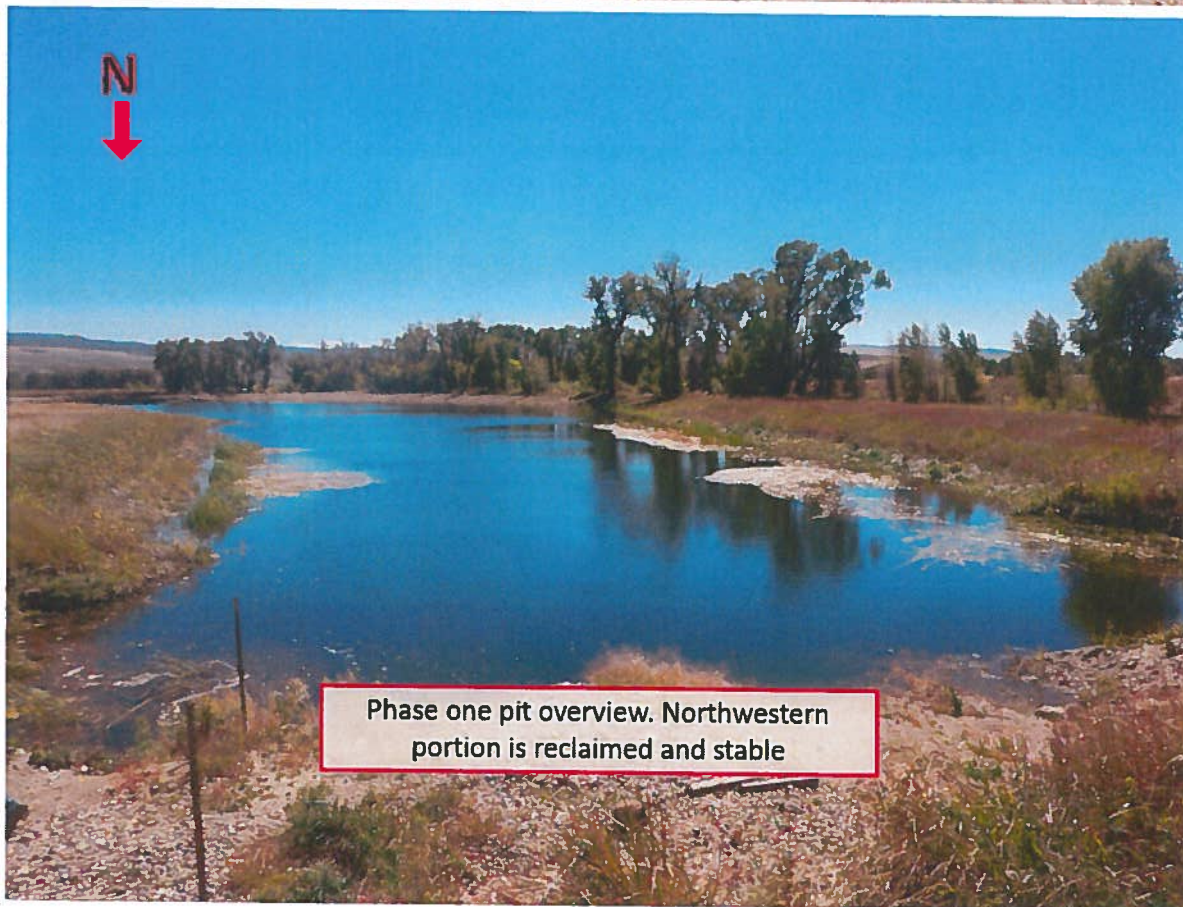
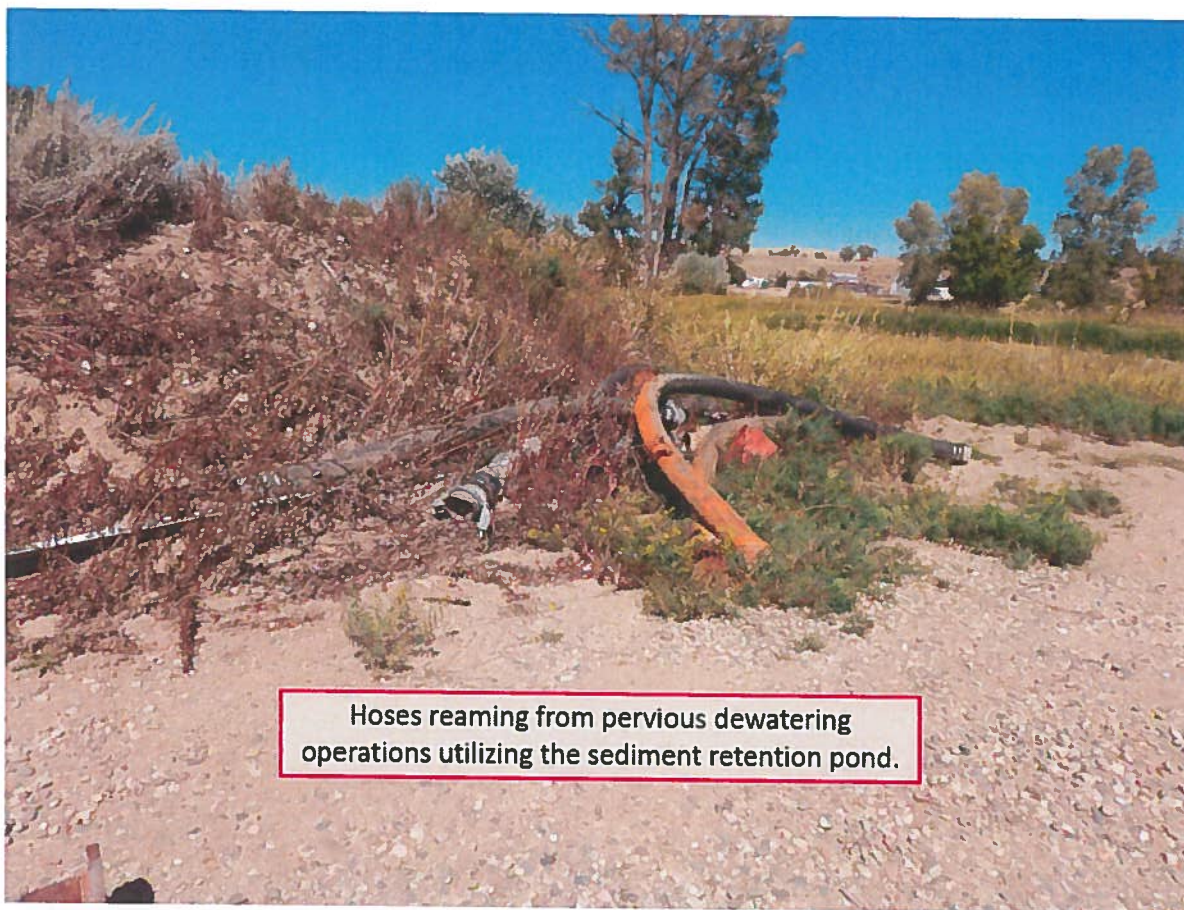












### GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>PB</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>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>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</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>NA</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	(ST) STIPULATIONS----- <u>Y</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

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Enclosure

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