




**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> Pierce Pit	<b>MINE/PROSPECTING ID#:</b> M-1980-121	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Peter S. Hays	<b>INSP. DATE:</b> February 12, 2016	<b>INSP. TIME:</b> 12:00
<b>OPERATOR:</b> Weld County	<b>OPERATOR REPRESENTATIVE:</b> Valarie Mino	<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> \$0.00	
<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> March 9, 2016	

**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:** Hydrologic Balance

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

**CORRECTIVE ACTIONS:** The Operator shall demonstrate the operation is in compliance with the Office of the State Engineer (SEO) for the standing surface water at the site, show evidence the Operator is taking measures to bring the site into compliance with the SEO, or regrade the pit floor or install a discharge pipe to obtain passive positive drainage of Lone Tree Creek by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 5/09/16

**OBSERVATIONS**

The Pierce Pit was inspected by Peter Hays with the Division of Reclamation, Mining and Safety (Division/DRMS) as part of the Division's monitoring inspection program. The site was previously inspected by the Division on January 27, 2010. Ms. Valerie Mino with Weld County was present during the inspection.

Prior to the inspection, a Weld County representative updated the Division on the status of the site. According to Weld County, mining is complete and the site is in final reclamation. According to Division records, the site has been in final reclamation site 2012. No financial warranty is held for the site. The required mine identification sign was posted and the site boundaries were well defined as required by Rule 3.1.12.

The site is permitted for 56.50 acres. The approved post-mining land use is wildlife habitat. The approved Reclamation Plan states the final slopes will be graded to less than 2H:1V. The pit slopes appeared to be 3H:1V or less. As noted during the previous inspection, cottonwood trees have volunteered in the north end of the site. The site vegetation in the north end of the site and on the west slope appeared well established with only minor annual weeds were observed. The vegetation on the east and south slopes was not as well established with areas of sparse vegetation and annual weeds. The stockpile area in the southeast portion of the site has not been reclaimed and consisted of a gravel floor with sparse to no vegetation. The stockpile area will require topsoil and seeding as part of final reclamation.

The pit is located in the Lone Tree Creek ephemeral stream channel. The mining activity has captured the creek and is preventing the historic creek flow from continuing out of the site. The pit floor was covered by water in the southern half of the site. The Reclamation Plan for the site was amended in 1985 from a dry to wet pit floor in final reclamation. The amendment allowed for pumping and dewatering of the pit following spring runoff flooding events. The Operator was to obtain a National Pollution Discharge Elimination System (NPDES) permit for the dewatering activity. The Division does not have evidence the NPDES permit was obtained by the Operator or is still valid. The comment letter from the Office of the State Engineer during the amendment process dated January 22, 1985 states, "If Lone Tree Creek is diverted in such a manner that the water in the lake is surface water, then a plan for augmentation would still be needed to repay senior water rights for the increased consumption due to evaporation from the increased water surface area." A copy of the SEO letter and Pierce Pit amendment presentation form for the Mined Land Reclamation Board is attached for reference.

The adequacy response letter from Weld County dated February 21, 1985 states, Weld County is planning to install a properly designed pipe to enable the receiving water (from Lone Tree Creek) to find its natural channel. The statement contradicts the stated purpose of the 1985 permit amendment to allow a wet pit floor. The outlet pipe was not observed during the inspection to allow for passive drainage of the site.

As cited as a problem, the Operator shall demonstrate the operation is in compliance with the Office of the State Engineer (SEO) for the standing surface water at the site, show evidence the Operator is taking measures to bring the site into compliance with the SEO, or regrade the pit floor or install a discharge pipe to obtain passive positive drainage of Lone Tree Creek by the corrective action date.

Debris was observed in the creek channel in the northwest portion of the site and on the west slope adjacent to WCR 37. The debris should be removed by the Operator.

Photographs taken during the inspection are attached below.

**Inspection Contact Address**

Mr. Clay Kimmi  
Weld County  
P.O. Box 758  
Greeley, CO 80632

Enclosure – SEO comment letter, MLRB memo

Cc: Wally Erickson, DRMS

**PHOTOGRAPHS**



Pierce Pit Mine Sign



Looking north from the SW corner of the pit





Looking NW from the SW corner of the pit



Looking west from the SW corner of the pit



Looking NE at stockpile area in the SE portion of the site



Looking east from the NW corner of the site





Looking SE from the NW corner of the site



Looking east from the north end of the pit





Looking SE from the north end of the pit



Looking SE from the west side of the pit

### 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>N</u>
(HB) HYDROLOGIC BALANCE----- <b>PB</b>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SW) STORM WATER MGT PLAN---- <u>N</u>	(CI) COMPLETE INSP---- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</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