


**COLORADO**Division of Reclamation,
Mining and Safety

Department of Natural Resources

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: Schuler Construction Pit # 1	MINE/PROSPECTING ID#: M-2005-002	MINERAL: Gravel	COUNTY: El Paso
INSPECTION TYPE: Monitoring	INSPECTOR(S): Timothy A. Cazier	INSP. DATE: October 11, 2016	INSP. TIME: 14:50
OPERATOR: Schuler Construction	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Partial Bond	BOND AMOUNT: \$10,000.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Cloudy	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: August 16, 2017	

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 No. 1: 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: 10/20/17

INSPECTION TOPIC: Gen. Compliance With Mine Plan

PROBLEM/POSSIBLE VIOLATION No. 2: Problem: Erosion gullies and ruts were observed on-site. This is a problem at this time for failure to protect the affected land from erosion pursuant to C.R.S. 34-32.5-116 (4) (j).

CORRECTIVE ACTIONS: The operator shall provide photo documentation to the Division verifying erosion gullies and ruts have been repaired, and that the site has have been reconstructed and stabilized to prevent erosion damage by the corrective action date.

CORRECTIVE ACTION DUE DATE: 10/20/17

INSPECTION TOPIC: Revegetation

PROBLEM/POSSIBLE VIOLATION No. 3: Problem: Russian olive trees are present within or have volunteered into the permit area and are becoming established. This is a problem for failure to employ weed control methods for a 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: The operator shall either implement the existing weed control plan, or 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: 10/20/17

OBSERVATIONS

This inspection was conducted as part of the regular monitoring program. The Permittee (Schuler Construction) was notified of the inspection via letter, but was unable to attend. The Schuler Construction Pit is accessed from Ramah Hwy approximately 4.5 miles north of State Hwy 94 in southeast El Paso County. This is a 110c gravel mine. It was not operating at the time of the inspection.

Availability of Records: Annual fees are paid through June 2017. All annual reports indicate no mining activity has been performed since the Division issued the permit in 2005 required by the Mined Land Reclamation Board Order on December 6, 2004. The previous inspection was on January 18, 2012. That report states Mr. Schuler indicated he was having some difficulty with "obtaining a use by special review permit from El Paso County". As it has been 12 years since the Division issued the permit, if the County permit has not been obtained, Schuler Construction should begin final reclamation, unless the county permit situation is expected to change in the near future. The approved post-mine land use is rangeland. There are no open infractions.

Backfilling and Grading: Backfill will be necessary to complete reclamation for the existing highwall and filling in the standing water in the pit bottom (see **Photo 1**). The water may be groundwater – see "Hydrologic Balance" discussion below. No backfill material appeared to be available. However, there appears to be sufficient unaffected area south of the highwall and within the permit boundary to push material down to achieve the required 3H:1V reclaimed slopes.

Complete Inspection: The entire permit area was inspected. As no representative from Schuler Construction was present, no discussion of Division concerns was possible. Problems observed during the inspection include: a) Unstable, eroding highwall; b) exposed potential groundwater; and c) two Russian olive trees (noxious weeds).

Excess Spoil and Dev. Waste: No overburden piles were observed.

Financial Warranty: The \$10,000 bond held by the Division is adequate for the observed mine disturbance.

Fish and Wildlife: No impacts observed.

Hydrologic Balance: Standing water was observed in the pit. It was not certain if this water was exposed

groundwater or retained stormwater runoff. However, based on the marsh-type vegetation and the cottonwood trees (see **Photo 2**) that were not observed during the previous inspection, this inspector believes the water is rather permanent and therefore likely exposed groundwater. **The presence of exposed suspected groundwater is cited as Problem No. 1 on p. 1 of this report.**

Gen. Compliance with Mine Plan: Google Earth was used to measure the disturbed area, which was estimated to be approximately 1.5 acres. The approved Mine Plan (Exhibit C of the permit) indicates the highwalls are to left at 3H:1V or flatter. High walls were near vertical in most areas and estimated to vary between 4 and 10 feet in height (see **Photos 1** and **3**) with significant erosion and some small tension cracks near the crest (see **Photo 4**). **The unstable highwalls are cited as Problem No. 2 on p. 1 of this report.**

Off-site Damage: Based on Google Earth imaging (see **Figure 1**) and the permit boundary map provided with the 2005 permit application, it appears there may have been some error in delineating the original permit boundary unless the disturbed area on the west end (see **Photo 5**) of the site is related to the original site road and not the mine. This disturbance is closer to the Ramah Hwy than the west permit boundary which has been delineated as 896.85 feet from the highway. Without a Schuler Construction representative to point out permit boundary markers nor discuss what disturbances might be related to the original road, this could not be discerned during the inspection.

Roads: Haul and access roads did not appear to be a source of sediment that could be tracked offsite.

Reclamation Success: No reclamation was apparent at the time of the inspection.

Revegetation: Two Russian olive trees were observed in the pit bottom near the standing water. These trees are a List B species on Colorado's noxious weed list. **The presence of the Russian olive trees on site is cited as Problem No. 3 on p. 2 of this report.**

Sediment Control: The highwalls were experiencing significant erosion. However, sediment appeared to be trapped in the pit bottom by vegetation and the observed standing water. The highwall needs to be stabilized as discussed in the "Gen. Compliance with Mine Plan" above.

Signs and Markers: The permit sign was properly posted (see **Photo 6**). This inspector could not locate boundary markers other than possibly the fence on the north side of the site. Permit boundary markers should be clearly visible.

Permit Stipulations: There are no permit stipulations.

Storm Water MGT Plan: No oil or fuel spills observed. Stormwater drains to the pit to prevent sediment from leaving the site.

Topsoil: The previous inspection report (2012) indicated a topsoil stockpile was located on the west side of the permit area. A small pile was observed on the west end. There is a well vegetated berm along the north side of the affected area that might be topsoil (see **Photo 7**).

Please contact Tim Cazier (303)866-3567 ext. 8169 or email at tim.cazier@state.co.us if you have any questions regarding this report.

PHOTOGRAPHS



Photo 1. West highwall with erosion gullies and standing water in pit bottom (looking SE).



Photo 2. Marsh-type vegetation, Russian olive, and the cottonwood trees in pit bottom.

PHOTOGRAPHS (cont.)



Photo 3. East (shorter) portion of highwall with erosion gullies (looking SW).



Photo 4. Small tension cracks near the crest and erosion feature.

PHOTOGRAPHS (cont.)



Photo 5. Disturbed area on the west end: pit development or original road? (NW corner, looking SW).



Photo 6. Permit sign (looking NE).

PHOTOGRAPHS (cont.)



Photo 7. Vegetated berm along the north side of the affected area (looking east).

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>PB</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>PB</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>PB</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(CI) 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>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

Dave Schuler
Schuler Construction
4520 Ramah Highway
Yoder, CO 80864

Enclosure

ec: DRMS file
Tamara Myers

Figure 1. Schuler Construction Pit No 1
Google Earth imagery from 8/28/2013

Legend

- M-05-02 Approximate Disturbance
- M-2005-002 Permit Bndry (Approx)
- Schuler Pit

