




## 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> Dollerschell Pit	<b>MINE/PROSPECTING ID#:</b> M-1986-074	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Logan
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Jared L. Ebert, Anthony J. Waldron	<b>INSP. DATE:</b> October 13, 2017	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> Kym A. Schure	<b>OPERATOR REPRESENTATIVE:</b> Kym Schure	<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> \$26,140.00	
<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> October 24, 2017	

### 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>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>NA</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>NA</u>	(CI) COMPLETE INSP----- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</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 / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

### **OBSERVATIONS**

This inspection of the Dollerschell Pit, Permit M-1986-074, occurred as follow-up to Violation MV-2017-046. Violation MV-2017-046 was issued for failure to maintain legal right to enter portions of the permit area. The 112c type operation is approved for 32 acres affected lands, of which 28.11 acres are owned by Mr. Kym Schure (Operator and Permittee) and 3.89 acres are owned by Mrs. Deborah Clark. Based on the ownership records provided to the Division, Mr. Schure does not own the surface and sand and gravel rights to a 2.89 acre portion of Mrs. Clark's property. Violation MV-2017-046 addresses this 2.89 acre area owned by Mrs. Clark. In the Division's record, Mrs. Clark is also identified as Mrs. Deborah Hradecky. The Operator participated in the portion of the inspection located on lands owned by Mr. Schure. Mrs. Clark accompanied the Division while inspecting the portion of the permit area located on her property. This inspection report is accompanied by a map with overlays to illustrate the approximate locations of the permit boundary and nearby features, and 14 photographs taken by the Division during the inspection.

The 3.89-acre portion of the permit area owned by Mrs. Clark were reclaimed by a previous operator under a previous permit, M-1979-160. The lands owned by Mrs. Clark have not been re-affected by Mr. Schure. Reclaimed slopes appeared stable at 2H:1V. Erosion control waddles and straw bales were installed on the pit slopes at appropriate locations. Vegetative cover appeared well established, dense, diverse, capable of self-regeneration, capable of controlling erosion, and at least equal in extent of cover to the native vegetation in surrounding lands. Mature cottonwood trees are established along the toe of reclaimed slopes. Mrs. Clark indicated she was satisfied with the reclamation on her lands.

Based on conversations with the Operator, the 1-acre portion of the 3.89 acres owned by Mrs. Clark where Mr. Schure's right to enter is established, may not be mined without re-affecting the remainder of the Clark lands. Therefore, the Operator would like to include an option in the corrective action of the Board's Order for MV-2017-046 to release these acres from his permit area. The Operator must submit a petition to the Board to authorize obtaining approval of an acreage release as an additional option to the current Board Ordered corrective action to obtain the legal right to enter the 2.89-acre disputed lands. If the Board approves the petition, the Operator may proceed with an acreage release request in accordance with Rule 4.17. Given the pending deadline of the Order for MV-2017-046, the Division must receive the petition for modification of the Order on or before November 7, 2017. Additionally, the petition must specify consideration of the petition during the Board's November 15, 2017 meeting.

The remaining permit area is located within an area of historic mining activity, possibly pre-dating the permit. The Operator has re-affected some of the historic disturbances and is thereby obligated to complete reclamation in accordance with the conditions of the permit and Act and Rules. Further, as the permit is currently structured, the Operator is obligated to complete reclamation for all lands affected under the current 112c permit and the previous 110c permit. There appears to be some confusion regarding historically mined lands within the 112c permit area that have not been re-affected by the mining and reclamation operations under this permit and Mr. Schure's reclamation obligations for these disturbances. Therefore to clarify this issue, the Operator will be required to file a technical revision with the Division which identifies and delineates all pre-permit disturbances located within and/or nearby the permit area, for which the Operator will not re-affect and thereby not be obligated to reclaim.

Enclosures: One map and 14 photographs  
CC w/enclosures: Deborah Clark

**Inspection Contact Address**

Kym Schure  
12826 CR 37  
Sterling, CO 80751

**PHOTOGRAPHS**



Figure 1. From the southwest corner of the Tract 6 area looking northwest.



Figure 2. From the southeast corner of the Tract 6 area looking north.





Figure 3. Southwest corner of the Tract 5 area looking northeast.



Figure 4. From the southwest corner of the Tract 5 area looking east.



Figure 5. From the southwest corner of the Tract 5 area looking southeast. Active mine area.



Figure 6. From the northeast corner of the Tract 1 area looking southeast.





Figure 7. From the southeast corner of the Tract 1 area looking east.



Figure 8. From near the center of the Tract 4 area looking east.



Figure 9. From near the northeast corner of the Tract 6 area looking southwest.



Figure 10. From near the northeast corner of the Tract 6 area looking southwest.





Figure 11. From the southeast corner of the Tract 6 area looking west.



Figure 12. From the west end of the Tract 6 area looking east.





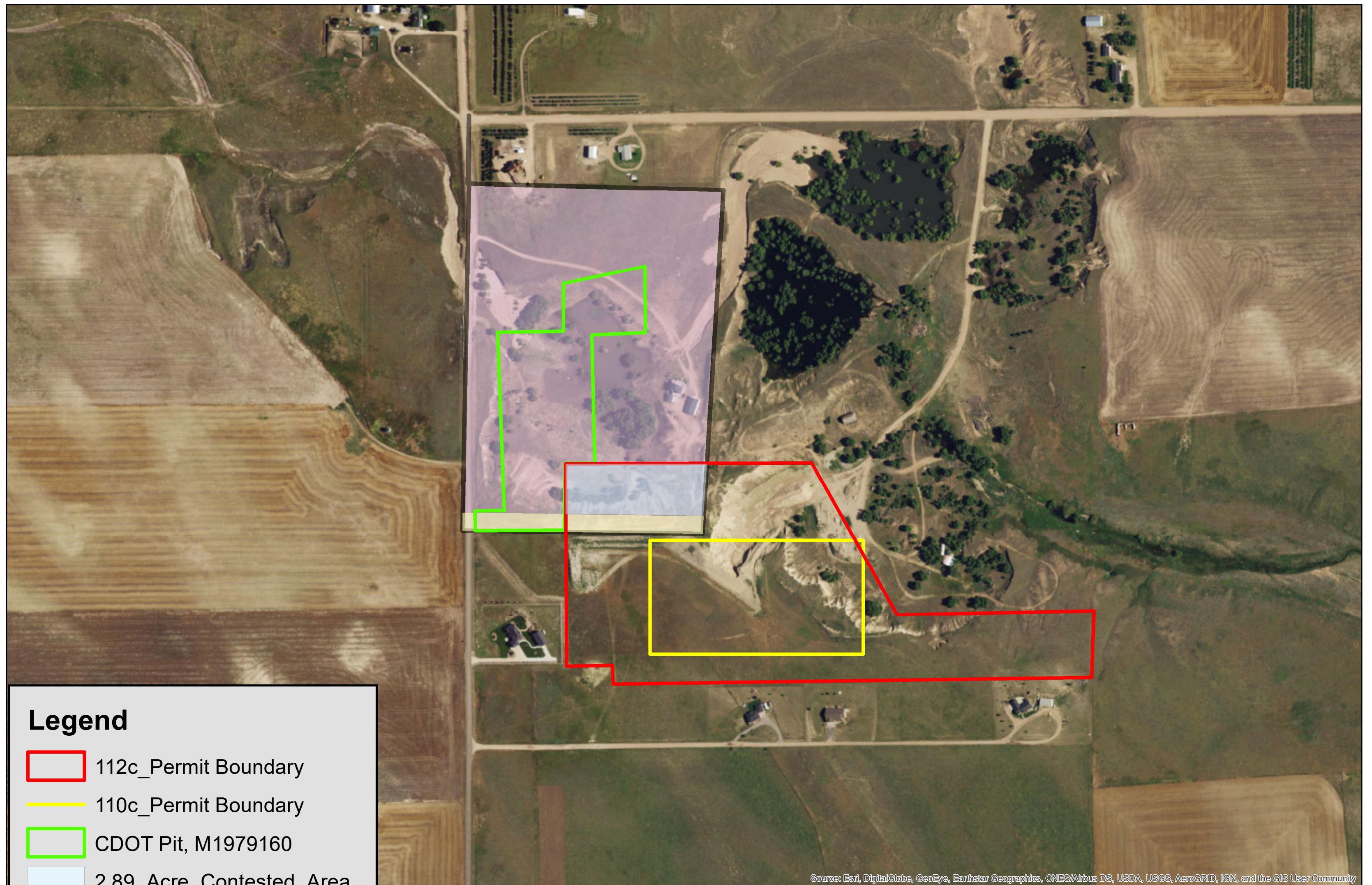
Figure 13. From the northwest corner of the Tract 6 area looking southeast.



Figure 14. Erosion gully repair on the southwest corner of the Tract 6 area.



# Dollerschell Pit, M-1986-074



## Legend

- 112c\_Permit Boundary
- 110c\_Permit Boundary
- CDOT Pit, M1979160
- 2.89\_Acre\_Contested\_Area
- 25 Yard S & G Reserve Area
- Hradecky\_Property

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 250 500 1,000 Feet

DRMS, 18 October 2017  
Jared Ebert, DRMS