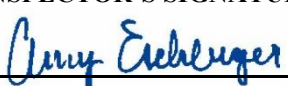




**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

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> 22 West Pit	<b>MINE/PROSPECTING ID#:</b> M-2017-032	<b>MINERAL:</b> Borrow material for construction, sand and gravel	<b>COUNTY:</b> Otero
<b>INSPECTION TYPE:</b> Preoperation Inspection	<b>INSPECTOR(S):</b> Amy Eschberger	<b>INSP. DATE:</b> October 25, 2017	<b>INSP. TIME:</b> 11:00
<b>OPERATOR:</b> Deep Cut LLC	<b>OPERATOR REPRESENTATIVE:</b> Chris Tomky	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Preoperation Inspection	<b>BOND CALCULATION TYPE:</b> To be calculated for proposed operation	<b>BOND AMOUNT:</b> To be calculated for proposed operation
<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> November 6, 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>Y</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>NA</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>NA</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>NA</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>NA</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>Y</u>	(RS) RECL PLAN/COMP-- <u>NA</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>NA</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>NA</u>	

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

This was a pre-operation inspection of the 22 West Pit (File No. M-2017-032) conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division). The applicant, Deep Cut, LLC was represented by Chris Tomky during the inspection. A 112c permit application was filed for this proposed operation on August 18, 2017. The Division received three agency comments on the application within the public comment period, which closed on October 5, 2017. These comments were forwarded to the applicant with the preliminary adequacy review letter.

The site is located approximately 1.5 miles east of Rocky Ford, Colorado, just north of and adjacent to Hwy 50. The proposed permit area includes land currently permitted under M-1977-560 as the Rocky Ford East Pit. The intent is to have this area released from the M-1977-560 permit once it is permitted by M-2017-032. The proposed affected land is owned by Valco, Inc.

This is a proposed 112c operation to mine borrow material, sand, and gravel for fill material and specification aggregates. The proposed permit area is 38.35 acres, and includes portions of two existing ponds (see enclosed Google Earth image of site showing proposed permit area). The site has been disturbed by previous mining operations, including some pre-law disturbed areas that were apparently not redisturbed by the M-1977-560 operation. Pre-law disturbance exists in the northeastern portion of the proposed permit area, including old overburden and topsoil stockpiles, and in the northwestern portion of the proposed permit area, now mostly covered by mature trees. The proposed mining plan consists of three primary phases, starting with connection of the two ponds, then expansion of the pond westward, and finally, expansion of the pond eastward (if the northeastern pre-law disturbed area is mined). In its preliminary adequacy review, the Division recommends the applicant clearly differentiate the mining phases in the application, describing the disturbance and reclamation to occur during each phase, and depicting this information on the mining and reclamation plan maps.

The proposed post-mining land use is industrial/commercial and recreation. The proposed reclamation plan calls for leaving a large pond approximately 29.32 acres in size, and an industrial area in the southwestern portion of the site for parking. A gravel road will be constructed along the western, northern, and eastern edges of the pond. Pond shorelines will be graded to 3H:1V at least 5 feet above to 10 feet below the expected water line, then retopsoiled and revegetated with a native grass mixture. A small portion of the western shoreline will be graded to 5H:1V for a proposed swimming area. The Division has requested additional information from the applicant regarding the sliver of shoreline to remain along the southern edge of the proposed permit area, where the two ponds will be connected. The Division is concerned offsite damage may occur in this area during mining or reclamation given its closeness to the proposed southern boundary.

Enclosed with the report are **Photos 1-19** taken of the site during the inspection. The Division observed boundary markers have been placed to mark the corners of the proposed permit boundary. Markers included existing fence posts that have been painted orange, and metal stakes where fencing is not present. The only corner not marked is the one located in the middle of the larger pond. The Division discussed with Mr. Tomky potential methods for marking this corner, possibly with a float or buoy. This marker would need to be checked by the operation on a regular basis to be sure it is properly located. Because the southern permit boundary crosses bodies of water, the most important corner markers will be the ones located on either side of the ponds. However, the Division expressed to Mr. Tomky the importance of delineating the entire permit boundary in accordance with Rule 3.1.12(2).

The applicant has identified several permanent man-made structures located within 200 feet of the proposed affected land boundary, and a total of seven structure owners. The Division did not observe any structures during the inspection that were unaccounted for in the application. The Division observed the area labeled as

“concrete” on the mining plan map submitted, located in the southwestern portion of the proposed permit area. This concrete feature appears to be the remaining foundation from a batch plant that operated at the site many years ago. The Division has requested clarification on the operation’s potential use and reclamation of this feature. The Division also requested clarification on what the applicant intends to do with the old pieces of equipment and containers that are scattered across the western half of the proposed permit area, some rusting in place. The Division understands these items were left by the previous operation. However, pursuant to C.R.S. 34-32.5-116(4)(e), all refuse shall be disposed of in a manner that controls unsightliness or the deleterious effects of such refuse. If the equipment will not be used by the operation, the applicant will need to either dispose of the items on site (in an acceptable manner), or haul the items off site for disposal.

The proposed affected land includes portions of two ponds that were created by previous mine operations. The applicant estimates there to be 12.65 acres of existing exposed groundwater within the proposed affected land boundary, including 1.05 acres of the smaller pond, and 11.6 acres of the larger pond. The proposed southern permit boundary cuts across the two ponds, separating pre-1981 exposed groundwater to the south (which does not require permanent augmentation), from post-1981 exposed groundwater to the north (which does require permanent augmentation). The applicant has indicated a water court approved augmentation plan is not currently in place for the existing 12.65 acres of groundwater exposed on site. The Division has informed the applicant that, prior to the application decision date, the applicant must submit either a revised Exhibit L including costs for backfilling the pits to a depth of two feet above static water level, or provide documentation from the SEO confirming the applicant has committed the appropriate amount of water shares toward an augmentation plan for the site. A well permit and Substitute Water Supply Plan (SWSP) will be obtained for the operation. The SWSP will cover any evaporative losses while the operation works to obtain an augmentation plan. Given that the proposed mining plan includes expanding the pond, the Division recommends the applicant commit enough water shares to cover the additional exposure anticipated.

The Division observed several weeds present at the site, including the state-listed noxious weed species, Tamarisk (Salt cedar). These weeds were particularly dense in the area between the two ponds. The Division understands the land between the two ponds would be extracted during the first mining phase. However, pursuant to Rule 3.1.10(6), methods of weed control shall be employed for all prohibited noxious weed species. The applicant has submitted a weed control plan with the application. The Division recommends the weed control plan be implemented at the site after permit issuance, especially for the Tamarisk trees.

The Division sent a preliminary adequacy review letter to the applicant on October 31, 2017. This letter identified several items requiring clarification or additional information. On November 3, 2017, the Division approved the applicant’s request to extend the application decision date to January 17, 2018. All adequacy issues must be addressed by that time in order for the Division to approve the application.

This concludes the inspection.



## **PHOTOGRAPHS**



**Photo 1.** View looking southwest toward main site entrance, showing metal stake marking a corner of the proposed southern permit boundary.



**Photo 2.** View looking east across western portion of proposed permit area to be used as a material and equipment storage area during operations.





**Photo 3.** View looking north across western portion of proposed permit area to be used as a material and equipment storage area during operations. Later in the operation, the area located north of the access road (area in background with trees) may be excavated to expand the pond westward.



**Photo 4.** View looking west across concrete feature that exists in southwestern portion of proposed permit area. This feature appears to be the remaining concrete foundation from an old batch plant that operated at the site many years ago.





**Photo 5.** View of existing fencepost (painted orange) marking a corner of the proposed southwestern permit boundary, near the main site entrance.



**Photo 6.** View looking north across western portion of proposed permit area which may be the farthest western expansion of the pond later in the operation.





**Photo 7.** View of existing fencepost (painted orange; circled) marking the northwestern corner of the proposed permit boundary.



**Photo 8.** View of metal stake (painted orange; circled) marking a northern corner of the proposed permit boundary. This area has dense vegetation.





**Photo 9.** View of existing fencepost (painted orange) marking another northern corner of the proposed permit boundary.



**Photo 10.** View looking west across pre-law disturbed area in northwestern portion of proposed permit area. This area may be redisturbed by the operation to expand the pond westward.





**Photo 11.** View looking north across ditch owned by City of Aurora, located within approximately 50 feet from the proposed northern permit boundary. Yellow dash lined marks approximate center line of ditch. A structure agreement has not yet been obtained for this structure.



**Photo 12.** View looking south from proposed northern permit boundary, showing land to potentially be mined later in westward expansion of pond. Note old equipment left by earlier operations.





**Photo 13.** View looking south across northern portion of proposed permit area, showing land to potentially be mined later in westward expansion of pond.



**Photo 14.** View looking southwest across western shoreline of larger existing pond. Shoreline slopes are 3H:1V or flatter and well-vegetated. However, this area will be mined to expand the pond westward.





**Photo 15.** View looking southeast across larger existing pond. A corner of the proposed southern permit boundary is located inside the pond approximately near the center of the photo. This boundary corner will need to be delineated somehow, possibly with a buoy or float.



**Photo 16.** View looking north across northwestern portion of larger existing pond. Shoreline slopes are at 3H:1V or flatter and well vegetated. However, this portion of the pond will be expanded westward by the operation.





**Photo 17.** View of metal stake (painted orange) marking a corner of the proposed southern permit boundary, located at the southeastern shoreline of the smaller existing pond. This boundary marker will become especially important in preventing offsite damage as the operation connects the two ponds.



**Photo 18.** View looking northwest across smaller existing pond. The operation intends to connect this pond to the larger pond during the first mining phase. It's northwestern shoreline (shown in background) will be graded 5H:1V for a proposed swimming area.





**Photo 19.** View looking north across land between two ponds which will be mined during the first mining phase. Note dense vegetation in this area, including several Tamarisk trees. The operator will need to implement the approved weed control plan after permit issuance, especially for state-listed noxious weed species (i.e., Tamarisk).

**Inspection Contact Address**

Chris Tomky  
Deep Cut, LLC  
20330 County Road CC  
Rocky Ford, CO 81067

Enclosure: Google Earth image of site showing proposed permit area

EC: Steve O'Brian, Environment Inc. at: [environment-inc@outdrs.net](mailto:environment-inc@outdrs.net)



# M-2017-032 / 22 West Pit / Deep Cut, LLC

New 112c permit application filed for review on 8/18/2017

Red Outline = 38.35 acres = Proposed Permit Area

Light Blue Outline = 12.65 acres = Total Pond Surface Area Within Proposed Permit Area (1.05 acre small pond + 12.6 acre large pond)

(Image data from 3/19/2016)

