


**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.

<b>MINE NAME:</b> Schmidt Site	<b>MINE/PROSPECTING ID#:</b> M-2011-014	<b>MINERAL:</b> Borrow material for	<b>COUNTY:</b> Archuleta
<b>INSPECTION TYPE:</b> Multi Person Inspection	<b>INSPECTOR(S):</b> Lucas J. West	<b>INSP. DATE:</b> May 2, 2018	<b>INSP. TIME:</b> 14:45
<b>OPERATOR:</b> Dale and Ellen Schmidt	<b>OPERATOR REPRESENTATIVE:</b> Dale Schmidt	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	

<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$7,404.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Raining	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 8, 2018

**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:** Gen. Compliance With Mine Plan

**PROBLEM/POSSIBLE VIOLATION: Problem:** The current Mining and Reclamation plans need to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). Several problems exist on site that are not in compliance with the originally submitted mine plan that include but are not limited to; No sign posted, No Permit Boundary Markers in place, and No Storm Water Control Structures on site as detailed in the Mine Plan. The site will also require an updated reclamation plan to clarify the final topography of the site and where required, will need a Geotechnical Stability Analysis in compliance with Rule 6.5 to demonstrate the constructed faces, slopes and retaining walls meet the Division's Memorandum for the Design Standard of Care for Slope Stability/ Geotechnical Analyses. The Operator must provide sufficient information to describe how the operator intends to conduct the operation as well as demonstrate that the Mining Operation is being conducted in compliance with all applicable sections of the Act and Rules and that the conditions on site match the approved plan. Evidence of compliance in the form of an Approved Technical Revision, and photo documentation of the work being completed on site must be received by the Division no later than Friday August 31, 2018

**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities as well as bring the site into compliance with all applicable sections of the Act and Rules no later than Friday August 31, 2018.

**CORRECTIVE ACTION DUE DATE:** 8/31/18

**INSPECTION TOPIC:** Off-site Damage

**PROBLEM/POSSIBLE VIOLATION: Problem:** It appears that land has been affected outside of the approved permit boundary. Recent activities on the access road leading to the home site has pushed material into an area that appears to be outside of the Permit Boundary and over the Property line on the Eastern and Western edges. This is a possible violation pursuant to 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 Operator must complete the corrective action within 30 days of the date of this report. It is highly recommended that the Operator discontinue any and all activities on site until the matter is resolved.

**CORRECTIVE ACTIONS:** The Operator must within 30 days of the date of this report have a survey of the Property/ Permit Boundaries conducted by a licensed surveyor and the boundaries should be clearly marked with two strand nylon taping or another method of the Operator's choosing. The Operator must also obtain an accurate survey of the current disturbance on site to include the mining area and access road leading up to the home site. Photo documentation and new maps showing the extent of the disturbance and areas in question must be submitted to the Division within 30 days of the date of this letter.

**CORRECTIVE ACTION DUE DATE:** 5/08/18

### **OBSERVATIONS**

This inspection was conducted in response to a phoned in complaint as well as two written complaints submitted to the Division. The Schmidt Site is an active 110(c) Operation that consists of 2.7 Permitted Acres located in Archuleta County. The site lies just off River Run Road in the Aspen Springs Subdivision approximately 10 Miles West of Pagosa Springs at nearly 7,000 Feet in Elevation. In addition to the Operator and Inspector listed on Page One of this report, John Sheppard of the Archuleta County Planning Department was Present during the inspection. The Division currently holds \$7,404.00 in Financial Warranty for the site. Seven Photos accompany this report to illustrate the current site conditions.

The site was not active during the day of the inspection and the only mining related equipment that is located on site is a small backhoe. The written complaints received by the Division detailed concerns regarding potential offsite impacts on both the Eastern and Western edges of the property which is synonymous with the Permit Boundaries. The complaints also detailed concerns regarding unsafe mining conditions, Compliance with the Mine Plan, Property Damage as well as others. The site conditions that triggered the complaints were observed during this inspection.

Discussions with the Operator indicated that on or about April 20, 2018 an acquaintance of the Operator conducted maintenance of the access road leading up to the home site that exists within the Permitted Area. In the process of performing the maintenance two switch backs were improved to allow for a greater turning radius. The switch backs exist on both the Eastern and Western Permit Boundaries. During the process it appears that material from the road was built up and pushed off site on both sides which can be seen in Photos One through Three. This is a possible violation pursuant to 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 Operator must within **30 days** of the date of this report have a new survey of the Property/ Permit Boundaries conducted by a licensed surveyor and the boundaries should be clearly marked with two strand

nylon taping or another high visibility method of the Operator's choosing. The Operator must also obtain an accurate survey of the current disturbance on site to include the mining area and access road leading up to, and the home site. Photo documentation and new maps showing the extent of the disturbance and areas in question must be submitted to the Division no later than **Friday June 8, 2018**.

During the inspection the Division recommended to the Operator that he discontinue mining activities until these matters can be resolved as any increased disturbance may affect the Possible Violations listed above. Recent correspondence with the complainants detail that mining operations were continuing between the date of the inspection and the date of this report. **It is highly recommended that the Operator discontinue any and all activities on site until the matter is resolved.**

In addition to the Possible Violation listed above, further inspection of the site uncovered several other problems that require attention. The current Mining and Reclamation plans need to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). Several problems exist on site that are not in compliance with the originally submitted mine plan that include but are not limited to; No sign posted, No Permit Boundary Markers in place, and No Storm Water Control Structures on site as detailed in the Mine Plan. The site will also require an updated reclamation plan to clarify the final topography of the site and where required, will need a Geotechnical Stability Analysis in compliance with Rule 6.5 to demonstrate the constructed faces, slopes and retaining walls meet the Division's Memorandum for the Design Standard of Care for Slope Stability/ Geotechnical Analyses. The Operator must provide sufficient information to describe how the operator intends to conduct the operation as well as demonstrate that the Mining Operation is being conducted in compliance with all applicable sections of the Act and Rules and that the conditions on site match the approved plan. Evidence of compliance in the form of an Approved Technical Revision, and photo documentation of the work being completed on site must be received by the Division no later than **Friday August 31, 2018**.

The mining activities that are being conducted on site have also created unsafe conditions in the way of having unmarked highwalls near the property line. Examples of the unsafe conditions can be seen in Photos Four and Five. In addition to marking the Permit Boundaries along the Eastern and Western edges the Operator should install safety flagging, marking or signage along all highwalls, mining faces and areas where dangerous conditions exist along the property lines. Several areas throughout the site are being used to store scrap and excess materials. Examples of these items can be seen in Photos Six and Seven. While this is allowed on sites the materials that are being stored need to be kept in a neat and orderly fashion. The Operator should conduct a general site cleanup and consolidate all excess materials being stored on site to one location and kept as neat as possible.

To reiterate, several problems and possible violations exist on site and the Division highly recommends that the Operator discontinue all activities that may increase the disturbance on site until the corrective actions listed above have been addressed. All responses to this report should be directed to Lucas West at the Colorado Division of Reclamation Mining and Safety at 1313 Sherman Street, Room 215, Denver CO, 80203, by phone at 970-243-6368 or by email at [lucas.west@state.co.us](mailto:lucas.west@state.co.us).



## **PHOTOGRAPHS**











Photo Five: View North, showing an overview of the site, including the unsafe mining conditions that have been created along the highwalls and active mining areas.



Photo Six: View East showing an example of the debris / scrap material being stored on site in an unorderedly manor. The Operator should conduct a site wide cleanup and consolidation of materials





Photo Seven: View North, showing more of the materials that are stored onsite in an unordered fashion. These materials should be either removed from the site, or consolidated to a central location and stored in a neat and orderly manor.

### 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----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>PB</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>PB</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>PB</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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Pagosa Springs, CO 81147

Enclosure

CC: Russ Means, Senior Environmental Protection Specialist