



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: April 10, 2018	INSP. TIME: 13:05
OPERATOR: Schuler Construction	OPERATOR REPRESENTATIVE: Dave Schuler	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Priority	BOND CALCULATION TYPE: Partial Bond	BOND AMOUNT: \$10,000.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: August 31, 2018	

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. Items in **red** are outstanding from the previous inspection.

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</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>	(RS) RECL PLAN/COMP-- <u>NA</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <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

OBSERVATIONS

This inspection was considered a priority in order to discuss the corrective actions from the previous inspection (conducted 10/11/2016) with the Permittee. The Permittee (Schuler Construction) was represented by Mr. Dave Schuler. 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: No mining activity has occurred on this site since it was permitted. The site was investigated as an illegal mine based on a complaint received by the Division in 2005/2004. The Mined Land Reclamation Board required a permit be obtained. However, the Permittee has never obtained the required permit from El Paso County in order to actively mine it. As such, the Division has not required Schuler Construction to enter temporary cessation for inactivity.

Annual fees are paid through January 2017. The previous inspection was on October 11, 2016. The approved post-mine land use is rangeland. There were three infractions cited during the previous inspection. Two of those three remain unresolved:

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: 4/2/18 – Resolved 8/22/2018

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: 4/2/18 – **PAST DUE**

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: 4/2/18 – **PAST DUE**

Backfilling and Grading: I discussed the Division's requirement for flattening the highwalls (see **Photo 1**). Mr. Schuler and I agreed there was ample room in the permit boundary to push material down from the top of the highwall to flatten it to the required 3H:1V or flatter. Mr. Schuler indicated he has been having trouble getting a working dozer mobilized to the site to complete the required earthwork.

Excess Spoil and Dev. Waste: Mr. Schuler stated there is no distinction between topsoil and overburden for this site.

Financial Warranty: The \$10,000 bond is considered adequate for reclamation of the observed disturbance.

Fish and Wildlife: No impacts were observed.

Hydrologic Balance: Standing water was observed in the pit (see **Photo 2**) and was believed to be exposed groundwater. The Permittee provided the Division with photographic evidence of having backfilled the exposed groundwater on August 22, 2018. **PROBLEM/POSSIBLE VIOLATION No. 1** (from the previous inspection) is considered resolved.

Gen. Compliance With Mine Plan: 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 **Photo 1**) with significant erosion. This is unresolved **PROBLEM/POSSIBLE VIOLATION No. 2**. Mr. Schuler explained the eroded ramp into the pit was part of the previous owner's debris/trash dump which he cleaned up and moved off site.

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

Revegetation: The two Russian olive trees were observed during the previous inspection did not appear to have been removed, nor has the Division received documentation of their removal. This is unresolved **PROBLEM/POSSIBLE VIOLATION No. 3**.

Sediment Control: As mentioned above, severe erosion is present on the highwall, but appears to be contained in the pit bottom, preventing it from leaving the site for now.

Signs and Markers: The permit sign was properly posted (see **Photo 3**).

Permit Stipulations: None.

Topsoil: Mr. Schuler indicated the berms on the north side of the excavation (see **Photo 4**) consist of salvaged topsoil.

Summary: The Division acknowledges the challenges and difficulties the Permittee has experienced recently preventing the corrective actions from being completed in a timely manner. However, given the time these have been unresolved, the **Division expects the remaining corrective actions to be completed during the 2018 construction season.**

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).
[Note the permittee has provided evidence of the exposed water being filled in subsequent to this inspection]



Photo 2. Standing water in pit bottom.

PHOTOGRAPHS (cont.)



Photo 3. Required permit sign at entrance of Ramah Hwy.



Photo 4. Berms on the north side of the excavation consisting of salvaged topsoil.

Inspection Contact Address

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Schuler Construction
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Yoder, CO 80864

ec: DRMS file
Tammy Myers (via email)