



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> Wiley Pit	<b>MINE/PROSPECTING ID#:</b> M-1977-223	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Prowers
<b>INSPECTION TYPE:</b> Surety Release Inspection	<b>INSPECTOR(S):</b> Amy Eschberger	<b>INSP. DATE:</b> November 29, 2018	<b>INSP. TIME:</b> 11:30
<b>OPERATOR:</b> Five Rivers Ranch Cattle Feeding LLC	<b>OPERATOR REPRESENTATIVE:</b> Thane Milenski	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Surety Release Requested	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$761,000.00	
<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> December 5, 2018	

### 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>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</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>Y</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</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 of the Wiley Pit (Permit No. M-1977-223) was conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division) in response to a Surety Reduction request (Revision No. SR-1) filed for this site on November 7, 2018. No comments were received during the public comment period for SR-1, which closed on November 22, 2018. However, the Division did receive comments on SR-1 from the Division of Water Resources (DWR) on November 27, 2018 (see enclosed comment letter), stating their agency has no objection to the requested surety reduction. The site is located approximately 7 miles northwest of Lamar, Colorado in Prowers County. The primary mine access is from the east off Hwy 287. However, the mine site may also be accessed from the north off Co Rd LL, or from the south off Hwy 50. **Photos 1-28** taken during the inspection are included with this report.

This is a 112c operation permitted for 174.6 acres to mine sand and gravel (see enclosed Google Earth image of site showing entire permit area). An Amendment application (AM-1) was approved in 2010 to increase the permit area from 86.6 acres to the current 174.6 acres, and to change the post-mining land use from general agriculture to developed water resource and rangeland use. The approved mining plan (see enclosed mining plan map) includes construction of a permanent, clay-lined water storage reservoir approximately 20 acres in size, with a maximum depth of 30 feet. Portions of the reservoir are composed of a compacted earth embankment dam approximately 16.8 feet in structural height and 3,600 feet in total length. A letter of acceptance of construction of the dam was issued to the operator by the Office of the State Engineer (SEO) on March 10, 2014. Water will be supplied to the reservoir via an existing open drainage channel located west of the reservoir. Water will be conveyed from the reservoir to the operator's cattle feeding facility located south of Hwy 50 via an underground pipeline that terminates at the Amity Canal. The surface area associated with the pipeline construction is included in the permit area. A portable crushing/screening plant will operate on site. Mined material and any salvaged overburden and topsoil will be stockpiled northeast and east of the reservoir.

The approved reclamation plan (see enclosed reclamation plan map) includes grading the reservoir slopes to 4H:1V or flatter, and placing riprap along its western and southern slopes. Disturbed areas outside of the reservoir will be graded to 3H:1V or flatter. All disturbed land, including portions of the reservoir slopes above the expected water line (not covered by riprap) will be retopsoiled at a depth of approximately 6 inches, and revegetated with a native grass mixture recommended by the local soil conservation district. Any areas compacted by stockpiling, processing, or mine traffic will be ripped prior to topsoil placement. The approved reclamation plan map shows the existing gravel service road south of the reservoir and the access road from Hwy 287 which runs along the northeastern edge of the reservoir to Co Rd LL will remain after reclamation. All other haul roads used by the mine operation will be reclaimed.

The existing financial warranty held for this site in the amount of \$761,000.00 covers costs for backfilling the reservoir and demolishing any structures associated with the reservoir (concrete channels, concrete sand trap and spillways, infiltration gallery, parshall flume) until the reservoir liner has been accepted by the DWR.

During the inspection, a permit sign was observed posted at the main site entrance off Hwy 287. The corners of the permit boundary were delineated with metal posts. The reservoir had been graded and riprap placed along the western and southern shorelines as approved. According to the operator, construction of the reservoir was completed in 2012. The Division estimates the water surface area of the reservoir to cover approximately 14 acres. A pump house is located just south of the reservoir. All infrastructure associated with the reservoir has been installed and is in use, including the water pipeline which runs south of the reservoir, and beneath Hwy 50 to the cattle feeding facility located south of the highway. The pipeline has been backfilled and the ground surface reclaimed.

The site was active during the inspection, with the operation hauling off from product stockpiled northeast of the reservoir. The operator estimates approximately 65,000 tons of product remains on site. No material processing equipment was observed on site during the inspection. Growth medium stockpiles are stored northeast and east of the reservoir. These stockpiles appeared to be stable with good grass cover. The operator has seeded portions of the site which are less active during current operations. Native grasses were establishing in some areas, mainly west of the growth medium stockpiles. However, much of the disturbed land around the reservoir and the stockpiling/processing area had very little to no vegetative cover. Vegetation in these areas consisted mainly of annual weeds. The reservoir slopes lacked any vegetative cover.

The Division estimates disturbance at the site to be 75.3 acres (not including the two roads to remain or reclaimed areas such as the water line; see enclosed Google Earth image of site showing disturbed area). Of this amount, approximately 18 acres of the reservoir area not requiring additional reclamation can be subtracted, leaving a total of 57.3 acres at this site that require reclamation. This amount includes portions of the reservoir slopes to be reclaimed, areas around the reservoir, and the stockpiling/processing area located northeast and east of the reservoir. Because the lined reservoir has been approved by the DWR as meeting the design standard (letter dated May 9, 2016, submitted with SR-1), the Division no longer requires the reclamation bond to include costs for backfilling the reservoir and demolishing its associated infrastructure. The Division estimates remaining reclamation at this site to include ripping approximately 45 acres, spreading growth medium from existing stockpiles across 57.3 acres (including reservoir slopes), and revegetating the 57.3 acres with the approved native grass mixture. The Division estimates the required financial warranty at this time to be in the amount of \$193,235.00. After discussing this calculated amount with Mr. Milenski, the Division approved the surety reduction (SR-1) in the amount of \$567,765.00 on December 4, 2018. The approval letter and associated bond estimate was mailed to the operator on the date of approval.

During the inspection, the Division discussed a few other items with Mr. Milenski, summarized below:

- 1) The water line to the cattle feeding facility has been installed and its associated disturbance reclaimed. Therefore, the operator may submit an Acreage Reduction request (see enclosed form) within 60 days of the signature date of this report to release the water line area from the permit area. The Division estimates the portion of the permit area specifically associated with the water line to consist of approximately 5.6 acres (see enclosed Google Earth image of site showing entire permit area). Therefore, release of the water line portion of the permit area would leave a remaining permit area of 169 acres. The Acreage Reduction request must be submitted via Certified Mail separate from any other correspondence.
- 2) The operator has an interest in using the overburden material stockpiled on site for maintaining roads on the property and for sale to the public. The Division informed Mr. Milenski that, according to the approved reclamation plan, the overburden material must be preserved for use as a growth medium in reclamation. The Division could only authorize non-reclamation use of the overburden material under one of two circumstances: a) the operator could submit a Technical Revision (see enclosed form) to revise the reclamation plan to allow for importation of a sufficient amount of growth medium for reclamation, or b) the operator could submit a Technical Revision to revise the reclamation plan to include the post-mining land use of industrial/commercial for areas around the reservoir, specifying these areas will not require retopsoiling and revegetation for reclamation. In this case, the operator must describe how the areas will be used after reclamation, and demonstrate the land is appropriately zoned for this use.

This concludes the report.

## PHOTOGRAPHS



**Photo 1.** View of permit sign posted at main site entrance off Hwy 287.



**Photo 2.** View looking west, showing product stockpiled northeast of reservoir. Note operation hauling off from stockpile during inspection.



**Photo 3.** View looking southwest across northeastern portion of permit area, which has sparse vegetative cover consisting mainly of annual weeds.



**Photo 4.** View looking east across northeastern portion of permit area utilized for stockpiling/processing, which has no vegetative cover.



**Photo 5.** View looking southeast across northeastern portion of permit area utilized for stockpiling/processing, which has sparse vegetative cover consisting mainly of annual weeds.



**Photo 6.** View looking east across land between overburden stockpile (visible in background) and reservoir, which operator has seeded. Note native grasses starting to establish in this area.



**Photo 7.** View looking south across land between overburden stockpiles and reservoir, which operator has seeded. Note native grasses starting to establish in this area.



**Photo 8.** View looking southeast across land northeast of reservoir, which has very little to no vegetative cover.



**Photo 9.** View looking west across northern shoreline of reservoir, which was graded to approved final configuration of 4H:1V, but lacks vegetative cover.



**Photo 10.** View looking south across eastern shoreline of reservoir, which was graded to approved final configuration of 4H:1V, but lacks vegetative cover.



**Photo 11.** View looking north across land north of reservoir, which lacks vegetative cover.



**Photo 12.** View looking west across reservoir from its eastern shoreline.



**Photo 13.** View looking north from southeastern corner of reservoir, showing riprap placed across eastern and southeastern slopes of reservoir.



**Photo 14.** View looking west from southeastern corner of reservoir, showing riprap placed across southern slope of reservoir. Note pump house visible in background.



**Photo 15.** View looking south, showing concrete structure installed at southeastern edge of reservoir.



**Photo 16.** View looking northeast across land east of reservoir, which lacks vegetative cover.



**Photo 17.** View looking north across area north of reservoir, which operator has seeded. Note native grasses establishing in this area.



**Photo 18.** View looking south, showing access road that runs north to Co Rd LL which will remain after reclamation.



**Photo 19.** View looking northeast across concrete-lined inlet channel constructed north of reservoir.



**Photo 20.** View of Parshall Flume installed in inlet channel north of reservoir. Note tumbleweeds filling flume due to recent high wind conditions. Operator should work to keep flume clear of vegetation and debris.



**Photo 21.** View of solar-powered monitoring station installed at reservoir inlet, which reports flow data via radio telemetry to DWR on a daily basis. Operator should work to keep inlet channel clear of vegetation and debris.



**Photo 22.** View looking southwest from top of overburden stockpile, showing current vegetative cover of land north of reservoir. Native grasses are establishing in some portions of this area, while other portions have sparse cover consisting mainly of annual weeds.



**Photo 23.** View looking south from top of overburden stockpile, showing current vegetative cover of land northeast of reservoir. Native grasses are establishing in some portions of this area, while other portions have sparse cover consisting mainly of annual weeds. Separate overburden stockpile visible in background.



**Photo 24.** View looking east from top of overburden stockpile, showing current vegetative cover of land between overburden and product stockpiles. Vegetative cover in this area mainly consists of annual weeds. Product stockpile visible in background.



**Photo 25.** View looking east, showing pump house located south of reservoir. Note this area lacks any vegetative cover.



**Photo 26.** View looking northwest, showing southern embankment of reservoir. Note this area lacks any vegetative cover.



**Photo 27.** View looking east along portion of permit area north of and parallel to Hwy 50 which includes water pipeline from reservoir. Note area has been backfilled and reclaimed.



**Photo 28.** View looking south along portion of permit area south of and perpendicular to Hwy 50 which includes water pipeline from reservoir. Note area has been backfilled and reclaimed.

**Inspection Contact Address**

Thane Milenski  
Five Rivers Ranch Cattle Feeding LLC  
2258 US Hwy 50  
Lamar, CO 81052

Encl(s): Comment letter from Division of Water Resources, received on November 27, 2018  
Google Earth image of site showing entire permit area  
Approved Mining Plan Map  
Approved Reclamation Plan Map  
Google Earth image of site showing disturbed area  
Acreage Reduction request form  
Technical Revision request form

CC: Juan Cocoba via email at: [juan.cocoba@jbssa.com](mailto:juan.cocoba@jbssa.com)  
Michael Cunningham, DRMS



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

## Response to Reclamation Permit Financial Warranty Reduction Request Consideration

DATE: November 27, 2018

TO: Amy Eschberger, Environmental Protection Specialist

CC: Division 2 Office; District 67 Water Commissioner

FROM: Ivan Franco, P.E. *IF*

RE: Wiley Pit, File No. M-1977-223  
Operator: Five Rivers Ranch Cattle Feeding LLC  
Contact: (719)829-4841  
Sec. 19, Twp. 22S, Rng. 47W, 6<sup>th</sup> P.M., Prowers County

**RECEIVED**

NOV 27 2018

DIVISION OF RECLAMATION,  
MINING AND SAFETY

---

### CONDITIONS FOR APPROVAL

- ☒ If stormwater is contained on-site, it must infiltrate into the ground or be released to the natural stream system within 72 hours, or all work must cease until a substitute water supply plan, or augmentation plan approved by water court, is obtained. Reclamation plans must ensure water will not be retained onsite for more than 72 hours unless an augmentation plan approved by water court is obtained.
- ☒ According to a May 9, 2016 letter from this agency, the Colorado Beef (Five Rivers) Reservoir, also known as the Wiley Pit, has been lined to the design standard referenced in the State Engineer Guidelines for Lining Criteria for Gravel Pits; therefore, this agency has no objection to the requested reduction request.

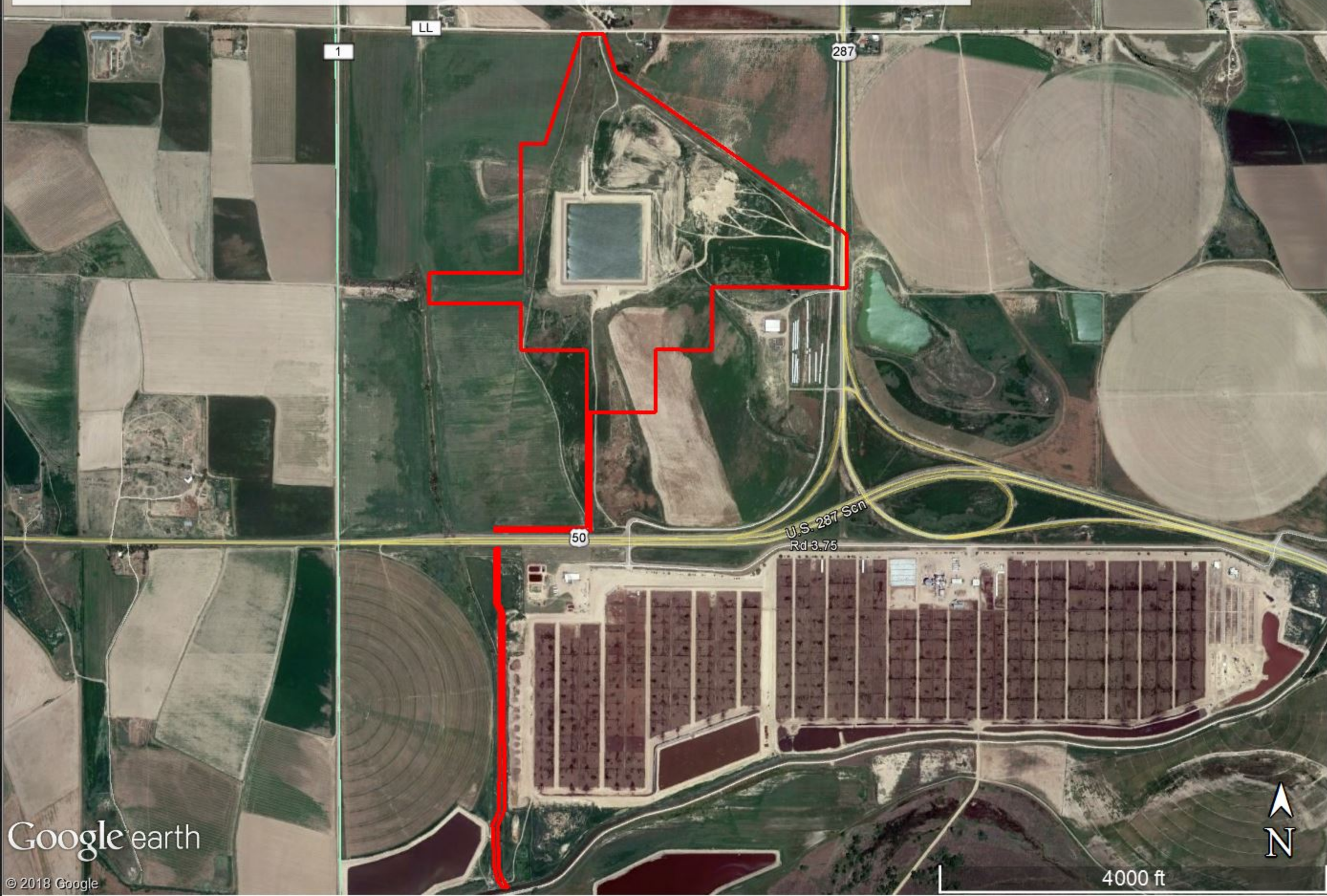
---

**COMMENTS:** The local Water Commissioner may be contacted at (719) 688-6711 regarding legal supplies of water in the area.



# M-1977-223 / Wiley Pit / Five Rivers Ranch Cattle Feeding LLC

Red Outline = 174.6 acres = Approved Permit Area (~169 acres mine site + ~5.6 acres water line)  
(Image data from 6/12/2017)

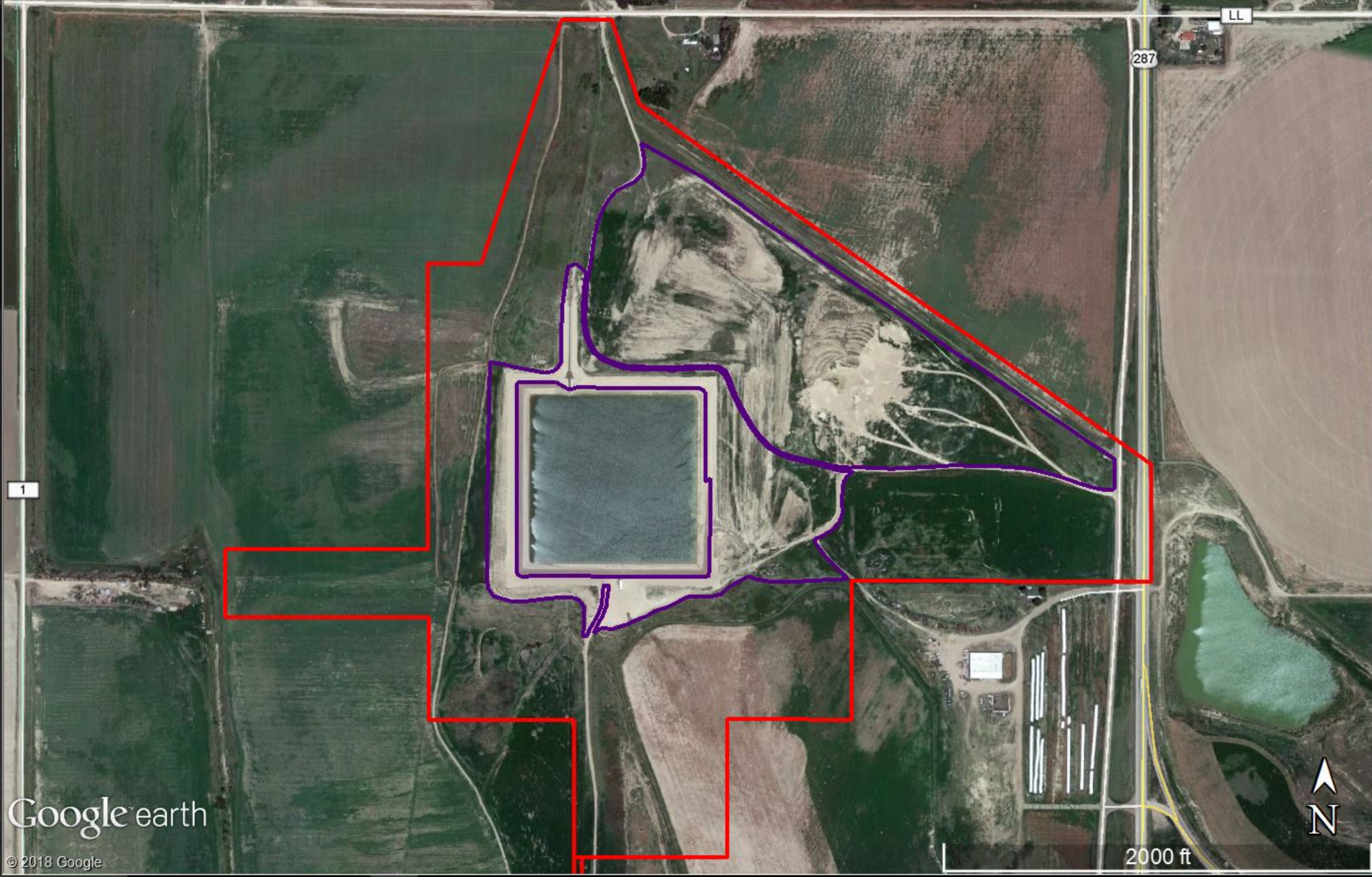






# M-1977-223 / Wiley Pit / Five Rivers Ranch Cattle Feeding LLC

Red Outline = 174.6 acres = Approved Permit Area (~169 acres mine site + ~5.6 acres water line)  
Purple Outline = 57.3 acres = Disturbed Area To Be Reclaimed (75.3 acres total - 18 acres reservoir)  
The two access roads to remain after reclamation are not included in the disturbed area.  
(Image data from 6/12/2017)





**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

**REQUEST FOR FULL OR PARTIAL RELEASE OF PERMIT AREA/SURETY REDUCTION**

Please indicate if you are requesting:

FULL/FINAL RELEASE OF ENTIRE PERMITTED AREA (per Rule 4.17)

\_\_\_\_\_

ACREAGE REDUCTION (PARTIAL RELEASE per Rule 4.17)

\_\_\_\_\_

I wish to release \_\_\_\_\_ acres at this time.

You will need to submit with this request: a map showing the acreage to be released from the current permit and updated mining and reclamation plan maps that will accurately depict the new permit boundary if the release is approved.

SURETY (Bond) REDUCTION (per Rule 4.14)

\_\_\_\_\_

If you are requesting a surety (bond) reduction you will need to include with this request a new estimate of the actual cost to reclaim the site based on what it would cost an independent contractor to complete reclamation, including unit costs for reclamation activities as appropriate to the operation to comply with the provisions of Rule 3.1 and the Permit's approved Reclamation Plan.

File No.: M \_\_\_\_\_

Site Name: \_\_\_\_\_

County: \_\_\_\_\_

Permittee: \_\_\_\_\_

Permittee Address: \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip)



Operator (If Other than Permittee): \_\_\_\_\_

Permittee Representative: \_\_\_\_\_

Certified Mail # \_\_\_\_\_

In accordance with Rule 4.17.1(2) the Operator shall include the names, addresses and phone numbers of all owners of record to the affected land. Please attach additional sheets for this information if required.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

In accordance with Rule 4.17.1(4), if requesting a partial acreage release the Operator or their agent MUST sign that they have complied with the following statement: “All applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act.”

\_\_\_\_\_  
Signature of Permittee, Operator or their authorized agent      Date

*Important: In accordance with Rules 4.14.2(a) and 4.17.1(3) This release request must be submitted to the Division via certified mail and separate from any other correspondence to the Division.*



## COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

### REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- \_\_\_\_\_ Site Name: \_\_\_\_\_

County \_\_\_\_\_ TR# \_\_\_\_\_ (DRMS Use only)

Permittee: \_\_\_\_\_

Operator (If Other than Permittee): \_\_\_\_\_

Permittee Representative: \_\_\_\_\_

Please provide a brief description of the proposed revision: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

As defined by the Minerals Rules, a Technical Revision (TR) is: “a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan.” The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted</u> (mark only one)
110c, 111, 112 construction materials, and 112 quarries	\$216	<input type="checkbox"/>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1006	<input type="checkbox"/>