




**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> Unknown	<b>MINE/PROSPECTING ID#:</b> M-2019-009	<b>MINERAL:</b> Sand	<b>COUNTY:</b> El Paso
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Timothy A. Cazier	<b>INSP. DATE:</b> February 21, 2019	<b>INSP. TIME:</b> 14:05
<b>OPERATOR:</b> Luther Huddleson	<b>OPERATOR REPRESENTATIVE:</b> Luther Huddleson	<b>TYPE OF OPERATION:</b> IM - Is it Mining	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held	
<b>DATE OF COMPLAINT:</b> February 13, 2019	<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> March 5, 2019	

**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>NA</u>	(FN) FINANCIAL WARRANTY----- <u>NA</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>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>NA</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>NA</u>
(SM) SIGNS AND MARKERS----- <u>NA</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>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 inspection was prompted by a complaint received by the DRMS alleging **“Exposing Water in Creek Bed, Hauling Gravel, Installing Pipeline For Fish Pond”** at “2554 Hwy 110 North Of House Can Be Seen From Ellicott Hwy And Judge Orr Road”. The site visited was approximately 0.5 miles east of N. Ellicott Hwy on the north side of State Hwy 110. The complainant wished to remain anonymous and did not attend the inspection. Tim Cazier represented the DRMS for the inspection. Mr. Luther Huddleson was present as the land owner.

### **Investigation:**

The address provided in the complaint was in error. The correct address is 24550 E State Hwy 110. Mr. Huddleson explained he was and is excavating a stock pond. He plans to excavate an area of about an acre in size with a depth of 6 to 10 feet. Mr. Huddleston's estimate to the depth of groundwater is 22 feet and he intends to stay well above the water table. Mr. Huddleson uses his loader/trackhoe for excavation and has salvaged topsoil for the purpose of vegetating the side slopes of the stock pond. The excavation is occurring in a low lying area west of his house. This area is at least adjacent to, if not within the Brackett Creek ephemeral drainage. Mr. Huddleson showed where he had done some drainage improvements to improve flow to the nearby culverts under Hwy 110. He indicated the excavated material could be piled in berms around the pond or as it is suitable “spec 33 sand”, it would be good material for use in his septic system business.

This inspector observed the stock pond excavation and found no evidence of exposed groundwater. The enclosed **Huddleson Stock Pond Map** provides an approximate location and size of the stock pond upon completion.

Mr. Huddle indicated he had loaded several trucks of material for a neighbor and that material was hauled off site. He estimated between 1,000 and 2,000 cubic yards had been removed from the site.

### **DRMS Evaluation:**

Because material from the excavation has been hauled offsite, this situation meets the statutory definition of mining pursuant to C.R.S. 34-32.5-103(13). The following two options were presented to Mr. Huddleson in order to obtain compliance:

- A) Ensure no additional excavated material is transported off the property;
- B) If, additional material is to be transported offsite, apply for and obtain a mine reclamation permit from the DRMS. Based on discussions with Mr. Huddleson, this situation is eligible for the new 111(1)(b) mine reclamation permit [C.R.S. 34-32.5-111(1)(b)] as it is under 30 acres of planned disturbance, and he expects to have the project completed and all exported material transported offsite within one year.

On Friday, February 22, 2019 the DRMS mailed a copy of the 111(1)(b) application to Mr. Huddleson. Please be sure to reference the permit number assigned to this operation (M-2019-009) on the permit application and all future correspondence.

**Please be aware that failure to comply may result in a violation and civil penalties of not less than \$1,000 per day nor more than \$5,000 per day for each day the land has been affected, not to exceed three hundred sixty-five days [C.R.S. 34-32.5-123].**

Please contact Tim Cazier (303)866-3567 ext. 8169 or email at [tim.cazier@state.co.us](mailto:tim.cazier@state.co.us) if you have any questions regarding this report.

**Inspection Contact Address**

Luther Huddleson  
24550 E State Highway 110  
Calhan, CO 80808

Enclosure


EC: Michael Cunningham, DRMS  
DRMS file  
Complainant



# M-2019-009 Huddleson Stock Pond Map

Satellite imagery from 6/9/17  
Pond outline is approximate

## Legend

 Stock pond extents - approximate

~ 1.0 Acres

Luther Huddleson

<----- Approximately 1/2 mile to N. Ellicott Hwy

Google Earth

110



400 ft