




**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> Caldwell-Nesselhuf Pit No. 1	<b>MINE/PROSPECTING ID#:</b> M-1997-071	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Crowley
<b>INSPECTION TYPE:</b> Preoperation Inspection	<b>INSPECTOR(S):</b> Patrick Lennberg	<b>INSP. DATE:</b> September 17, 2019	<b>INSP. TIME:</b> 11:00
<b>OPERATOR:</b> All-Rite Paving & Redi-Mix, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Jodi Schreiber	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Preoperation Inspection	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$36,000.00	
<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> September 19, 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>Y</u>	(FN) FINANCIAL WARRANTY----- <u>N</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>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</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>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 was a pre-operation inspection pursuant to Rule 3.2(7) for AM-01 of the Caldwell-Nesselhuf Pit No. 1. The site was inspected by Patrick Lennberg with the Division of Reclamation, Mining and Safety (Division/DRMS). The site was previously inspected by the Division on December 20, 2018 as part of the Division's routine inspection protocol. Jodi Schreiber with Fremont Paving & Redi-Mix, Operator/Permitee, accompanied me during the inspection. The weather was clear and warm.

Currently the site is 112c Construction Materials permit for 92 acres of total disturbance with a phased mining approach for 8 phases. It is located in Crowley County, approximately 1.5 miles north from Manzanola, Colorado on Highway 207, and approximately 0.5 miles east on Co Rd A 5/10. The site has a gated entrance off of Co Rd A 5/10. The amendment notice was clearly posted at the mine entrance along with the mine sign as required by Rule 3.1.12. The post-mining land use for this site is rangeland.

During the December 2018 inspection it was determined that there were a few problems and one violation was issued. The problems were; missing or incorrectly placed boundary markers, mining operations had come within 75 feet of the Arkansas River which was not in accordance with the approved mining plan, grading of high-walls steeper than 2H:1V, and a suitable volume of topsoil had not been salvaged. The violation was issued for affecting lands outside the permit boundary.

In order to address the problems and the violation a Succession of Operators application was submitted in February 2019 and approved in April 2019 that transferred the permit from William & Beverly Caldwell and Albert & Lola Nesselhuf to All-Rite Paving and Redi-Mix, Inc. In June 2019 Amendment 1 (AM-01) was submitted to expand the permit from 92 acres to 199.4 acres, incorporating the lands affected outside the original permit boundary. Several of the problems had been abated prior to submission of AM-01.

The site was not active at the time of inspection. It was noted that all high walls have been graded to 3H:1V or shallower, including the area around the power pole base. All mining affected lands have been brought to >75 feet of the Arkansas River. The proposed permit boundary markers were in place and consisted of 10 foot tall 2-inch PVC pipe.

During the inspection it was discussed that the 2,000 gallon AST had to be identified on the Mining Plan map and narrative included in the Mining Plan that described how the AST was going to be used. Specifically, that during mining operations water obtained from a suitable source may be trucked in and off-loaded into the AST. The water then would be used as needed for dust suppression and washing of gravel during processing. Structure agreements are needed for the two wells along the river, both owned by the current landowner, and the fences along the eastern and western boundaries of the proposed permit.

It was also recommended that the Mining Plan be updated to reflect how often mining was anticipated to occur at the site. The Division recognizes that use of the pit will depend on market conditions and a statement to that effect would be useful.

No other issues were noted during the inspection and no objections have been received by DRMS during the first public comment period that ended on September 11, 2019. Due to an error in the first publication another 4 weeks of publication was required. The comment period for the second round of publication ends

on October 16, 2019.

The financial warranty will be recalculated when responses to the Division's second adequacy review letter are received.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us) if you have any questions regarding this report.

**Inspection Contact Address**

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cc: Michael Cunningham, DRMS

**PHOTOGRAPHS**



**Photo 1:** Application sign at entrance of mine



**Photo 2:** Mine sign at entrance





**Photo 3:** Typical proposed permit boundary markers



**Photo 4:** Typical proposed permit boundary markers (yellow arrows)



**Photo 5:** Portable scale and scale house near entrance to mine



**Photo 6:** Graded high wall slopes to 3H:1V or less





**Photo 7:** Graded slopes at base of power pole, note 2,000 gal AST center background



**Photo 8:** AST 2,000 gallon estimate capacity



**Photo 9:** Stockpiles still remaining at the site



**Photo 10:** Lone stockpile near the southwestern corner of current permit boundary