




**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> Burton Pit	<b>MINE/PROSPECTING ID#:</b> M-1987-013	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Rio Grande
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Stephanie Mitchell	<b>INSP. DATE:</b> November 7, 2019	<b>INSP. TIME:</b> 09:00
<b>OPERATOR:</b> Southway Construction Company, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Loretta Martinez	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$42,184.00	
<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> November 20, 2019	

**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:** Slides & Other Damage

**PROBLEM/POSSIBLE VIOLATION:** Problem: Land has been affected outside of the approved permit boundary. This is a possible violation at this time pursuant to: 1.) C.R.S. 34-32.5-109(1) for failure to first obtain from the board or office a reclamation permit prior to engaging in a new operation. AND/OR 2.) 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. 2.) 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.

**CORRECTIVE ACTIONS:** Move the material stockpile that is sitting just over the southern boundary onto the Burtons property. Please take photos of the moved pile and send to the Division.

**CORRECTIVE ACTION DUE DATE:** 1/20/20

### **OBSERVATIONS**

This was a normal monitoring inspection of the Burton Pit; DRMS File No. M-1987-013 operated by Southway Construction. This site is located approximately 1 mile northwest of Del Norte, Colorado in Saguache County. I, Stephanie Mitchell of the Colorado Division of Reclamation, Mining and Safety (Division) conducted the inspection. Ms. Loretta Martinez of Southway Construction and Bob and Suzanne Burton -landowners for the southern portion of the permit area accompanied me on the inspection.

This is a 112c mining operation with a 13.44 permit acres. Mining is moving in a northeasterly direction and is following the approved mining plan. A highwall was about 20' high. Corner markers and fences delineated the permit area. At this time there is a material stockpile that is lying on the outside of the southern boundary of the permit area. Right now this is a possible violation. It is recommended that the Operator move the pile back in the permit area onto the Burton's land that is within the permit area but not move it off site. For this reason, there is another problem with the permit at this time which is lack of maintaining legal right of entry with Bob and Suzanne Burton. The lease expired 2.5 years ago. The material stockpile is one the southern portion of the permit area- the land that the Burton's own. This is a civil matter between the two parties and not a matter that the Division is going to take issue upon at this time. There are two landowners: Rio Grande Canal Water Users and the Burtons. The Burtons have expressed submitting their own 110c application that will overlay the existing permit that will encompass their land only. With that, once the permit gains approval, the existing permit that Southway has permitted will shrink down to less acres than 13.44 acres. The Division will require a new permit boundary map at that time and a survey to determine the new boundary.

There are no noxious weeds on site.

There was no equipment or fuel on site.

Responses to this inspection report should be directed to Stephanie Mitchell at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 South 3rd Street, Room 301, Grand Junction, Colorado 81501, phone number (303)866-3567, ext 8180.

## PHOTOGRAPHS

Stockpile outside of permit boundary (arrow)



Highwall



Looking South



Mine ID Sign



Looking East





## COLORADO GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

Department of Natural Resources

(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>N</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</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

### Inspection Contact Address

Loretta Martinez  
Southway Construction Company, Inc.  
117 White Pine Dr.  
Alamosa, CO 81101

CC: Bob and Suzanne Burton