




**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> Argo Gravel Pit	<b>MINE/PROSPECTING ID#:</b> M-1978-267	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Otero
<b>INSPECTION TYPE:</b> Surety Release Inspection	<b>INSPECTOR(S):</b> Amy Eschberger, DJ Cunningham	<b>INSP. DATE:</b> January 14, 2020	<b>INSP. TIME:</b> 10:30
<b>OPERATOR:</b> Otero County	<b>OPERATOR REPRESENTATIVE:</b> Lex Nichols	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Surety Release Requested	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$0.00	
<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> January 17, 2020	

**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>NA</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>NA</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>N</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>Y</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>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 was a surety release inspection of the Argo Gravel Pit (Permit No. M-1978-267) conducted by Amy Eschberger and DJ Cunningham of the Division of Reclamation, Mining and Safety (Division) in response to the Acreage Reduction Request (AR-4) filed with our Office on December 2, 2019. No comments on AR-4 were received within the public comment period which closed on December 19, 2019. The operator was represented by Lex Nichols during the inspection. The site is located approximately 2.25 miles southwest of Manzanola, CO in Otero County. The main site entrance is off of Co Rd JJ.5. The affected lands are owned by the operator. The approved post-mining land use for the site is rangeland. **Photos 1-4** taken during the inspection are included with this report.

This is a 112c operation permitted for 159 acres (at the time of AR-4 submittal) to mine sand and gravel for use in road construction and maintenance. The site is situated in the high plains area of the Arkansas River Valley, between the Smith Arroyo and Apishapa River. The permit area is bisected by the Rocky Ford Highline Canal which runs northwest-southeast across the middle of the site. This is a phased operation that began mining Phase 1 east of the canal and Co Rd 9. The operator has completed mining in this area, and portions of it were released in 2007 and 2015. Currently, 17 acres remain in the eastern mining area, and are undergoing revegetation. Phases 2 and 3 (comprised of 142 acres) are located mostly west of the canal and Co Rd 9, and have not yet been disturbed by the operation. According to the approved mining plan, a temporary haul road will be constructed across the canal to access Phases 2 and 3 from Co Rd 9 when the operation is ready to move into that area.

At the time of the inspection, the weather was clear and dry. A permit sign was posted at the main entrance to the site off Co Rd JJ.5. The permit boundary was delineated with property fencing and T-posts. The Division inspected the 2.31 acre area proposed for release in AR-4 (see enclosed map submitted with AR-4 showing area proposed for release), which is located in the northeastern portion of the western parcel, west of Co Rd 9 and north of the canal. This area was delineated with survey stakes. The operation has not yet disturbed land in the western parcel, including the area proposed for release. Therefore, the Division approved AR-4 on January 17, 2020, reducing the permit area to 156.69 acres (139.69 acres west of Co Rd 9 + 17 acres east of Co Rd 9). This approval letter was mailed to the operator under separate cover.

Now that AR-4 has been approved, the operator will need to submit a Technical Revision (see enclosed form) to provide an updated mining plan map and reclamation plan map for the site reflecting the new permit boundary. The Division recommends the operator review Rules 6.2.1(2), 6.4.3, and 6.4.6 (see enclosed rules) to ensure the updated maps meet these requirements.

*Any questions or comments regarding this inspection report should be forwarded to Amy Eschberger at the Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at 303-866-3567, ext. 8129, or via email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).*



## **PHOTOGRAPHS**



**Photo 1.** View looking south from entrance to western parcel, showing survey stake marking new permit boundary proposed in AR-4. Permit area is left of stake in photo.



**Photo 2.** View looking southwest across northern portion of area proposed for release in western parcel.





**Photo 3.** View looking south across central portion of area proposed for release in western parcel.



**Photo 4.** View looking north from canal, showing survey stake (circled) marking new permit boundary proposed in AR-4. Permit area is right of stake in photo.

**Inspection Contact Address**

Lex Nichols  
Otero County  
13 West 3rd St., Room 208  
La Junta, CO 81050

Encl: Site map submitted with AR-4 showing area proposed for release  
Technical Revision form  
Rules 6.2.1(2), 6.4.3, and 6.4.6

CC: DJ Cunningham, DRMS  
Michael Cunningham, DRMS



## M 1978-267/Argo Pit Otero County

Red=156.69 Acres-New Permit Area  
Yellow= 2.31 Acres to be released

### Legend

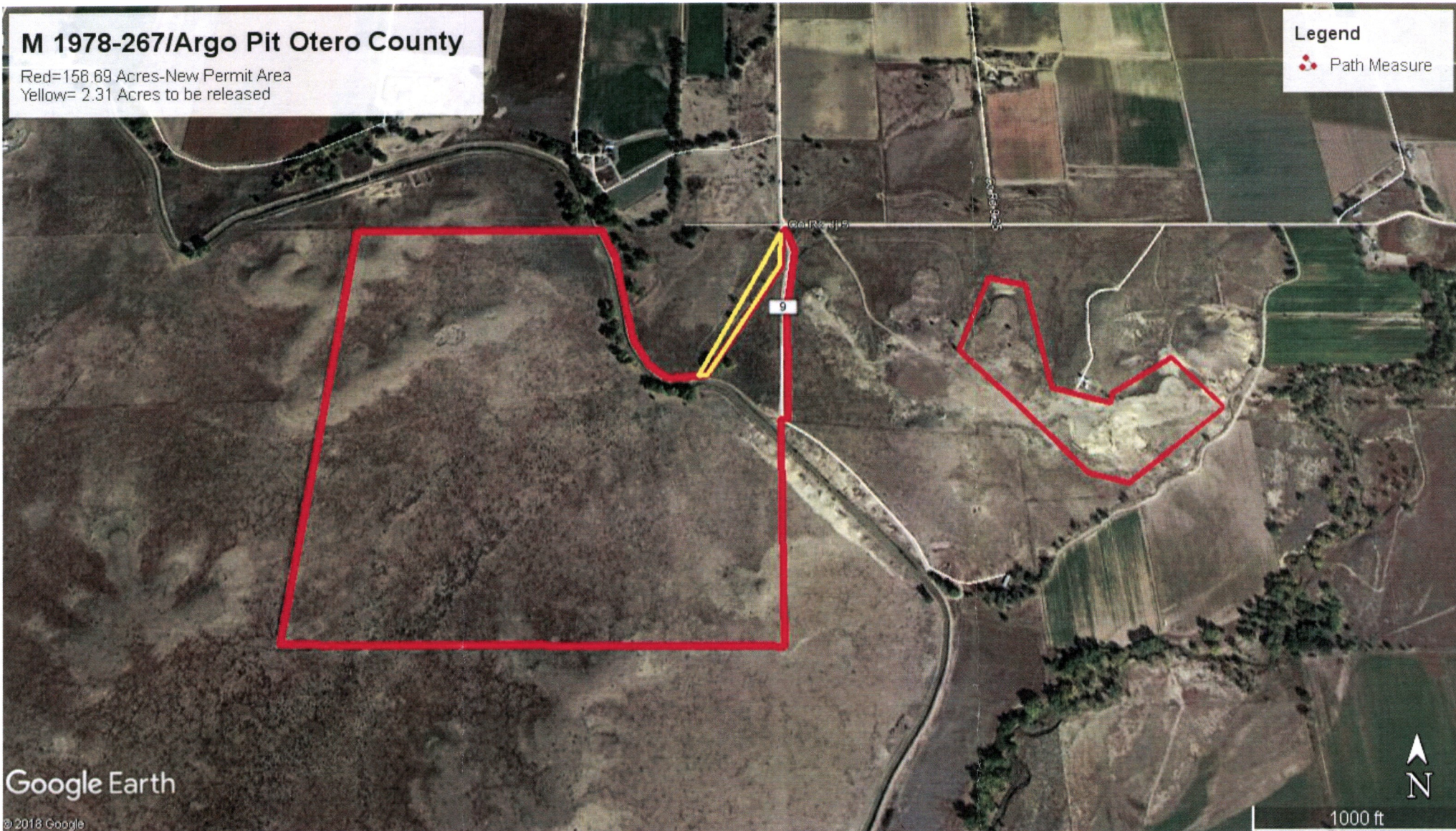
Path Measure

Google Earth

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1000 ft







## 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"/>

**RULE 6:**        **PERMIT APPLICATION EXHIBIT REQUIREMENTS**

**6.1        REQUIREMENTS FOR SPECIFIC OPERATIONS**

**6.1.1     General Provisions**

This Rule provides for the specification of Exhibits required to be submitted along with each type of Permit application.

**6.1.2     110, 110(6) Limited Impact, 111 Special Operations**

These operations shall provide all the Exhibits, as described in Rule 6.3. Rule 6.5 (Geotechnical Stability Exhibit) may also be required on a case-by-case basis.

**6.1.3     112 Reclamation Permit Operations**

These operations shall provide all the Exhibits, as described in Rule 6.4. Rule 6.5 (Geotechnical Stability Exhibit) may also be required on a case-by-case basis.

**6.2        GENERAL REQUIREMENTS OF EXHIBITS**

**6.2.1     General Requirements**

(1)        This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Rule 6.1.

**(2)        Maps and Exhibits**

Maps, except the index map, must conform to the following criteria:

- (a)        show name of Applicant;
- (b)        must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
- (c)        give date prepared;
- (d)        identify and outline the area which corresponds with the application;
- (e)        with the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.

110  
112



- (c) where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

112

## **6.4 SPECIFIC EXHIBIT REQUIREMENTS - 112 RECLAMATION OPERATION**

### **6.4.1 EXHIBIT A - Legal Description**

- (1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a), township, range, and section, to at least the nearest quarter-quarter section and (b), location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of township, range, and section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.
- (2) The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

### **6.4.2 EXHIBIT B - Index Map**

An index map showing the regional location of the affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. Scale criteria need not be followed for this map.

### **6.4.3 EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands**

One or more maps may be necessary to legibly portray the following information:

- (a) all adjoining surface owners of record;
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
- (e) the type of present vegetation covering the affected lands; and

- (f) in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
- (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
- (h) In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section.
- (i) Aerial photos, if available, may be included in this section.

112(3)(c)  
115(4)(e)

#### **6.4.4 EXHIBIT D - Mining Plan**

The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:

- (a) description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands;
- (b) earthmoving;
- (c) all water diversions and impoundments; and
- (d) the size of area(s) to be worked at any one time.
- (e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. An Operator/Applicant shall not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt an Operator/Applicant from complying with the performance standards of Rule 3.1. If the operation is intended to be an intermittent operation as defined in Section 34-32.5-103(11)(b), C.R.S., the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S. Such timetable should include:
  - (i) an estimate of the periods of time which will be required for the various stages or phases of the operation;
  - (ii) a description of the size and location of each area to be worked during each phase; and
  - (iii) outlining the sequence in which each stage or phase of the operation will be carried out.

(Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.)



- (v) Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.

**6.4.6 EXHIBIT F - Reclamation Plan Map**

The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and
- (b) Portrayal of the proposed final land use for each portion of the affected lands.

**6.4.7 EXHIBIT G - Water Information**

- (1) If the operation is not expected to directly affect surface or groundwater systems, a statement and sufficient demonstration of that expectation shall be submitted.
- (2) If the operation is expected to directly affect surface or groundwater systems, the Operator/Applicant shall:
  - (a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;
  - (b) Identify all known aquifers; and
  - (c) Submit a brief statement or plan showing how water from de-watering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.
- (3) The Operator/Applicant shall provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.
- (4) The Operator/Applicant shall indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.
- (5) The Operator/Applicant shall affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health and Environment, if necessary.