




**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> Boyer Pit	<b>MINE/PROSPECTING ID#:</b> M-2002-122	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Custer
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Timothy Cazier	<b>INSP. DATE:</b> June 19, 2019	<b>INSP. TIME:</b> 08:30
<b>OPERATOR:</b> Seifert Construction dba Seifert Enterprises, LLC	<b>OPERATOR REPRESENTATIVE:</b> Kent Beach	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$35,600.00
<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> March 10, 2020

**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:** Revegetation

**PROBLEM/POSSIBLE VIOLATION:** Problem: There are state-listed noxious weeds (Scotch Thistle) present on site. This is a problem for failure to employ weed control methods for state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

**CORRECTIVE ACTIONS:** Implement approved weed control plan and provide proof to the Division that this has been done. If a weed control plan is not already in place, the operator shall develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of \$216.00 by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 4/24/20

## **OBSERVATIONS**

This inspection was conducted by Tim Cazier (DRMS) as part of the regular monitoring program. The Permittee (Seifert Construction) was represented by Mr. Kent Beach during the inspection. The Boyer Pit is located approximately 12 miles southeast of Westcliffe, just west of Hwy 69 on CR 105. This is a 112c operation. It was not operating at the time of the inspection.

Availability of Records: Annual fees are paid through July 2019. The previous inspection was on December 2, 2014. The approved post-mine land use is rangeland. There were no open infractions prior to the inspection. Both the surface and minerals are privately owned.

Backfilling and Grading: Sufficient backfill material, consisting of fines and reject material appeared to be available.

Excess Spoil and Dev. Waste: Crusher fines (squeegee) piles were observed in the pit bottom (see **Photo 1**).

Financial Warranty: The \$35,600 bond held by the DRMS was last updated in 2009 with the approval of TR-01 to increase the maximum allowed disturbed area to 13 acres. Depending on the results of the highly [recommended acreage reduction request](#), his amount is likely going to need to be increased (see the discussion below under "Gen. Compliance with Mine Plan").

Fish and Wildlife: No impact to wildlife was observed.

Hydrologic Balance: Some standing water was observed in the pit (see **Photo 1**), assumed to be from recent storm events. No exposed groundwater was observed.

Gen. Compliance with Mine Plan: Mining is essentially complete on the northwest end of the operation (north and west of CR 105 and Phase 1 on the original application Exhibit C). Mr. Beach stated the increasing thickness of the overburden towards the northeast (Phase 9) makes it uneconomical to continue mining in that direction. The maximum allowed disturbed area is 13 acres. Google Earth was used to measure the historical cumulative disturbed area, which was estimated to be approximately 30 acres, based on 2017 imagery. However, a significant portion of the northwest part of the permit has been reclaimed and may be enough to bring the affected area down to the approved 13 acres if a release request is submitted. [The DRMS recommends Seifert Construction submit an acreage reduction request for the reclaimed area so an assessment can be made as to whether the permit and/or financial warranty need to be adjusted for the current disturbance.](#) Highwalls were estimated to vary between 8 and 12 feet in height and appeared stable (see **Photos 2 and 3**).

Off-site Damage: The operation appeared to be confined to the permit boundary, based on Google Earth review and site observations. The DRMS notes the disturbance in Phase 1 is limited to the northeast of the drainage south of Phase 1 and that this drainage is within the permit boundary on the original application exhibit maps.

Processing Waste: Reject and squeegee material stockpiles were observed on the pit floor (see **Photo 4**).

Roads: Haul and access roads did not appear to be a source of sediment that could be tracked offsite.

Reclamation Success: Reclamation was in progress in the northwest portion of the permit area where grading topsoiling and seeding had been completed (see **Photo 5**). Mr. Beach indicated additional reclamation work in this area was being delayed as the land had recently been sold to the Navajo Nation and updated agreements were in process.

Revegetation: Several scotch thistle plants (see **Photo 6**) were observed northwest of CR 105. **The presence of this List B species is cited as a Problem on page 1 of this report.** No noxious weeds were observed on the

southeast side of CR 105.

Sediment Control: No erosion problems were observed and no BMPs were needed at the time of the inspection.

Support Facilities On-site: A loader was observed on site (see **Photo 7**).

Signs and Markers: The permit sign was properly posted (see **Photo 8**) and boundary markers were observed to delineate the permit boundary (see **Photo 9**). Mr Beach indicated the ag ditch is used on the SW side.

Permit Stipulations: There are no open permit stipulations.

Storm Water MGT Plan: No oil or fuel spills observed. Stormwater drains to the pit and infiltrates.

Topsoil: Mr. Beach indicated topsoil was being pushed back prior to mining and stockpiled above the highwall (see **Photo 2**).

Structures: No structures were observed within 200 feet of the affected area.

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.

## **PHOTOGRAPHS**



Photo 1. Crusher fines and standing water from recent rain (south of CR 105, looking south).



**PHOTOGRAPHS (cont.)**



Photo 2. Highwall south of CR 105 (looking north).



Photo 3. Highwall north of CR 105 (looking east).



**PHOTOGRAPHS (cont.)**



Photo 4. Reject and squeegee material stockpiles observed on the pit floor (looking south).



Photo 5. Northwest portion of permit area where reclamation had been completed (looking north).



**PHOTOGRAPHS (cont.)**



Photo 6. Scotch thistle north of CR 105 (looking east).



Photo 7. Loader south of CR 105 (looking SE).



**PHOTOGRAPHS (cont.)**



Photo 8. Permit sign off CR 105 (looking NW).



Photo 9. Typical permit boundary marker (NE corner).

### GENERAL INSPECTION TOPICS

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

(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>NA</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>Y</u>	(RV) REVEGETATION---- <b>PB</b>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>Y</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

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ec: DRMS file