



COLORADO


Division of Reclamation,
Mining and Safety

Department of Natural Resources

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.

MINE NAME: 5550 Goldfield Rd./Big Johnson Reservoir	MINE/PROSPECTING ID#: M-2020-028	MINERAL: Silt/Sand	COUNTY: El Paso
INSPECTION TYPE: Illegal(Unpermitted Operation)	INSPECTOR(S): Timothy A. Cazier	INSP. DATE: May 29, 2020	INSP. TIME: 8:50
OPERATOR: Fountain Mutual Irrigation Co.	OPERATOR REPRESENTATIVE: Gary Steen	TYPE OF OPERATION: IM - Is it Mining	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: May 6, 2020	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 5, 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>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 describing a fleet of trucks hauling a substantial amount of material from 5550 Goldfield Rd in southeast Colorado Springs. The site visited was the Big Johnson Reservoir approximately 1.5 miles northwest of the intersection of S. Powers Blvd and Fontaine Blvd. Tim Cazier represented the DRMS for the inspection. Mr. Gary Steen was present, representing the land owner (Fountain Mutual Irrigation Co).

Investigation:

Mr. Steen explained Colorado Dam Safety ordered some repairs done to the Big Johnson Reservoir outlet works, requiring the reservoir level be significantly lowered. While the reservoir was lowered, Fountain Mutual Irrigation Co (FMI) thought it would be a good time to remove sediment accumulated near the inlet since the dam was constructed in 1910, thereby increasing the storage capacity of the reservoir. It is this accumulated sediment that is being trucked offsite. Mr. Steen stated 270 ac-ft (or 435,600 CY) of material had been removed from the reservoir since it had been lowered a few years ago. He thought the current excavation to be an average of 8 feet deep and the area to be less than 10 acres, but that that had not been verified via survey. He indicated at least six different contractors are, or have been involved in hauling material offsite to at least 10 different projects. The contractors all excavate and self-load their haul trucks (see **Photo 1**) using their own track hoes (see **Photo 2**) and loaders. Scrapers had been used to stockpile topsoil (see **Photo 3**). Mr. Steen also stated some clay had been found and that FMI was stockpiling the clay material on site for use in lining their irrigation ditch. The current offsite transfer operation consists of 27 haul trucks per day. Mr. Steen stated FMI is not being compensated for any of the removed material.

Given the haul truck traffic on the west (see **Photo 4**) and the reservoir being refilled on the east (see **Photo 5**), it was unsafe and impractical to use a GPS to determine the excavation area. Subsequent to the inspection, a more recent Google Earth image from 10/6/2019 became available (see **Post Inspection Map**). This image showed 18 acres had been affected as part of the excavation as of that date. Based on Mr. Steen's estimate of an average excavation depth of 8 feet and an excavated volume of 435,600 CY, the DRMS estimated 33.74 acres to have been affected.

With respect to reclamation after the excavation operation is completed, Mr. Steen indicated most, if not all the area would be under water when the reservoir was full. He planned to have the excavated area graded to a 6H:1V slope.

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. Steen 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 onsite discussions with Mr. Steen, the site might have been eligible for a 110c (less than 10 acre disturbance) permit or the new 111(1)(b) mine reclamation permit [C.R.S. 34-32.5-111(1)(b)] if it is under 30 acres of planned disturbance and the project would be completed and all exported material transported offsite within one year. However, given the disturbance is almost certainly over 30 acres, it appears a 112c mine reclamation permit is what is required.

If FMI can demonstrate our estimated area of disturbance is in error and the exportation of material will be completed within one year of the date of this inspection, a 110c or 111(1)(b) permit might be an option.

Please be sure to reference the permit number assigned to this operation (**M-2020-028**) 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].

A mine reclamation permit application is required within 60 days of the date of this inspection report or the DRMS may consider a letter committing to cease exportation of any additional material within 10 days of this inspection report.

Please contact Tim Cazier (303)866-3567 ext. 8169 / (303)328-5229 (cell) or email at tim.cazier@state.co.us if you have any questions regarding this report.

PHOTOGRAPHS



Photo 1. Typical contractor haul truck – leaving site (looking north).

PHOTOGRAPHS (cont.)



Photo 2. Contractor track hoe in excavation area (looking NE).



Photo 3. Topsoil stockpile (part of haul road, looking north).

PHOTOGRAPHS (cont.)



Photo 4. Haul road on west side and typical excavation area – note reservoir water on right (looking NE).



Photo 5. Reservoir beginning to flood excavation area (looking NE).

Inspection Contact Address

Gary Steen
Fountain Mutual Irrigation Co
PO Box 75292
Colorado Springs CO, 80970-5292

ec: Michael Cunningham, DRMS
DRMS file
Complainant
Gary Steen (FMI)

M-2020-028 Big Johnson Reservoir Post-Inspection Map

Satellite imagery from 10/6/2019

Legend

- ☆ 5550 Goldfield Rd
- M-20-28 Approx. Excavation Area (18 acres)



5550 Goldfield Rd ☆
Google Earth

1000 ft