




**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> Broken Spear Pit	<b>MINE/PROSPECTING ID#:</b> M-2000-050	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Lincoln
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Daniel Cunningham	<b>INSP. DATE:</b> September 9, 2020	<b>INSP. TIME:</b> 13:30
<b>OPERATOR:</b> Lincoln County	<b>OPERATOR REPRESENTATIVE:</b> Fred Lundy	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$10,000.00
<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> October 14, 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:** Boundary Markers

**PROBLEM:** The 2019 Annual Report states the current boundary is 14.8 acres, while the actual permitted area is 9.9 acres. There does not appear to more disturbance than the permitted 9.9 acres. The current mine plan will need to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The boundary markers will need to be reset and the Operator will need to provide sufficient information to identify the boundary.

**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved permit boundary to reflect 9.9 acres while including the current disturbed area in the boundary.

**CORRECTIVE ACTION DUE DATE:** 11/17/20

**INSPECTION TOPIC:** Hydrologic Balance

**PROBLEM:** Standing water was noted in the bottom of the mine pit. This water is likely a mixture of impounded

surface water and possibly exposed groundwater. The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site or surface water impounded for greater than 72 hours. This is a problem related to 34-32.5-116(4)(h) of the Colorado Revised Statutes and Rule 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

**CORRECTIVE ACTIONS:** The Operator shall demonstrate that the operation is in compliance with the Office of the State Engineer(SEO), show evidence that the Operator is taking measures to bring the site into compliance with the SEO, backfill the pits to at least two feet above the groundwater surface or ensure the mine pit positively drains by the corrective action date specified.

**CORRECTIVE ACTION DUE DATE:** 11/17/20

## **OBSERVATIONS**

This was a routine monitoring inspection conducted at the Broken Spear Pit by DRMS representative DJ Cunningham. Mr. Fred Lundy was present during the inspection representing the Operator. This site is an active 110c permit with an approved permit area of 9.9 acres. Five acres has been disturbed to date. The site was not active at the time of the inspection.

A Permit Transfer/Succession of Operator application was approved on September 3, 2020. Lincoln County is the new Operator for the mine site.

The site identification sign was posted at the mine entrance and the boundary was marked. A topsoil pile was located at the mine entrance.

The site was retaining a large amount of water on the bottom of the pit floor. This was mention in the 2017 inspection report. This water is likely a mixture of surface and groundwater and appears to remain in the pit for longer than 72 hours. This is noted as a problem at the beginning of the report. The Operator will need to contact the Division of Water Resources (State Engineer's Office) and ensure they are in compliance with their rules and regulations regarding impacts to water rights. The Operator is not approved to expose groundwater at the site or impound surface water for greater than 72 hours. Given this, the Operator will either need to backfill the pit excavation to at least two feet above the groundwater table, conduct earthwork so that the affected lands positively drain without causing off-site sedimentation; or submit documentation that they have obtained a valid well permit and substitute water supply plan or permanent plan for augmentation from the Colorado Division of Water Resources.

The 2019 annual report, that was submitted on October 11, 2019, stated 14.8 acres have been disturbed to date. In addition to the annual report, the annual report map showed a boundary of 14.8 acres based on the dimensions of the approved mining plan map. The boundary marked at the site is about 10.4 acres in size. However, the Operator's permit is a 110c permit for 9.90 acres only. The discrepancy in the permit boundary needs to be addressed. This is noted as a problem at the beginning of the report. The Operator will need to submit a technical revision and move one or more boundary markers to reduce the permit area down to 9.9 acres while keeping the current affected area within the boundary. The Operator could also submit a conversion application, converting from an 110c-construction material permit to an 112c construction material permit, to expand the current 9.9 max acreage to a larger amount.

No other issues were noted during the inspection.

**PHOTOGRAPHS**



Mine Entrance



First impoundment of water





Second impoundment of water



Permit facing North

### GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>PB</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>PB</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>Y</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>Y</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 / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

#### Inspection Contact Address

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Enclosure

CC: