



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

February 10, 2021

Keith Nienhueser  
Nienhueser Construction & Excavating Co  
P.O. Box 173  
Sidney, NE 69162

**RE: Schumacher II Pit, Permit No. M-2001-018  
Notice of Proposed Decision**

Dear Mr. Nienhueser:

On February 10, 2021, the Colorado Division of Reclamation, Mining and Safety (Division) has approved the Surety Release 2 application (SL-02). In accordance with Rule 4.17.2(5), the Division is required to wait thirty (30) days from this notice to allow for appeal of the Division's decision. Once this period closes, if no appeal is submitted, the Division's decision will be final.

The Division's approval of this revision releases all applicable Financial and Performance Warranties.

If you have any questions, please contact me at (720) 774-0040 or [brock.bowles@state.co.us](mailto:brock.bowles@state.co.us).

Sincerely,

Brock Bowles  
Environmental Protection Specialist

Enclosed: Inspection report, 1/27/2021


CC: Michael Cunningham, DRMS





**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> Schumacher II	<b>MINE/PROSPECTING ID#:</b> M-2001-018	<b>MINERAL:</b> Gravel	<b>COUNTY:</b> Logan
<b>INSPECTION TYPE:</b> Surety Release Inspection	<b>INSPECTOR(S):</b> Brock Bowles	<b>INSP. DATE:</b> January 27, 2021	<b>INSP. TIME:</b> 13:00
<b>OPERATOR:</b> Nienhueser Construction & Excavating Co	<b>OPERATOR REPRESENTATIVE:</b> Keith Nienhueser	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	
<b>REASON FOR INSPECTION:</b> Surety Release Requested	<b>BOND CALCULATION TYPE:</b>	<b>BOND AMOUNT:</b> \$6,100.00	
<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> February 10, 2021	

**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>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</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>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</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>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

## **OBSERVATIONS**

The Schumacher II Pit was inspected by Brock Bowles of the Division of Reclamation, Mining and Safety (Division) to evaluate the final performance warranty release request (SL-02) filed by the Operator on January 15, 2021. Mr. Keith Nienhueser (operator) was present during the inspection. The weather conditions during the inspection were clear, cold (20F) and the ground was frozen with patchy snow.

The Schumacher Pit is a 110 construction materials site permitted for 9.9 acres. The approved post-mining land use is rangeland and the Division holds a financial warranty of \$6,100.00.

The mine entrance sign was in place facing CR 45 (photo 1). The pit slopes were graded to approximately 3h:1v and appear to be stable as there were no signs of erosion.

The access road and in pit road (photo 2) appeared to be stable and there were no signs of erosion. The vegetation on the road areas were planted in June 2017 according to Mr. Nienhueser. The vegetation looks good and is well established.

The pit area was fenced and the gate was closed upon arrival. The pit area was also seeded in June 2017. The vegetation has improved greatly since the last inspection. It is well established and the cover is similar to that of the surrounding areas (Rule 3.1.10(1)). The bare spots noted in the last report were still present but have filled in (photos 3 & 4). Many seed heads on grasses and forbs were noted indicating the plants are mature and self-regenerating. The patches of musk thistle were treated and no thistle or any other noxious weeds were noted.

No objections to the full reclamation responsibility release request were received by the Division.

The Division will recommend approval of the final performance and financial warranties release request (SL-02) based on the observations from this inspection.

## **PHOTOGRAPHS**





Photo 1 - Mine entrance sign facing CR-45



Photo 2 – In pit road facing northeast



Photo 3 – Pit floor vegetation has filled in compared to previous inspection, facing northeast



Photo 4 – Pit floor vegetation filled in, facing north

**Inspection Contact Address**

Keith Nienhueser  
Nienhueser Construction & Excavating Co.  
1243 RD 113  
Sidney, NE 69162

CC: Michael Cunningham, DRMS