




**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> Hale Pit aka Earl's Pit	<b>MINE/PROSPECTING ID#:</b> M-1981-121	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> El Paso
<b>INSPECTION TYPE:</b> Surety-Related Inspection	<b>INSPECTOR(S):</b> Timothy Cazier, P.E.	<b>INSP. DATE:</b> September 10, 2021	<b>INSP. TIME:</b> 11:50
<b>OPERATOR:</b> S & K No. 1, LLC	<b>OPERATOR REPRESENTATIVE:</b> Joe Kraig	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	
<b>REASON FOR INSPECTION:</b> Surety Related	<b>BOND CALCULATION TYPE:</b> Partial Bond	<b>BOND AMOUNT:</b> \$17,570.00	
<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> September 23, 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>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---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>Y</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>Y</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

This inspection was conducted as the result of a request for succession of Operator (SO) received by the DRMS upon arrival at the site. The current Permittee (S & K No. 1, LLC) was represented by Mr. Joe Kraig who was present for the inspection. A representative for the prospective successor (Atticus Land) was unable to attend the inspection. The primary focus of this inspection was to determine if the existing financial warranty is adequate. The Hale Pit site entrance is located at the intersection of Spencer Rd and McClelland Rd, approximately five miles southeast of Peyton, CO. This is a 110c sand and gravel mine. It was not operating at the time of the inspection.

Availability of Records: Annual fees are paid through July 2021. The previous inspection was on October 15, 2019 related to a request to enter Temporary Cessation (TC). The site has been in TC since 9/23/2019. The approved post-mine land use is general agriculture. There are no open infractions. Both the surface and minerals are privately owned.

Acid And Toxic Materials: No acid or toxic materials are stored at this site.

Backfilling and Grading: Sufficient backfill material appeared to be available. There is adequate room within the permit boundary to push material down to slope existing highwalls to 3H:1V.

Excess Spoil and Dev. Waste: No overburden piles were observed.

Financial Warranty: The \$17,570 bond held by the DRMS was last updated in 2015 and included 6.6 acres of reseeding and about 11 hours of dozer work. As indicated below under Reclamation Success, less than an acre of revegetation effort is needed and less than 11 hours of dozer work is needed for highwall sloping. As such, the existing bond amount is adequate for the observed site disturbance.

Fish and Wildlife: No impact to wildlife was observed.

Hydrologic Balance: No standing water was observed in the pit and no exposed groundwater was observed.

Gen. Compliance with Mine Plan: No activity has taken place since the previous inspection. The maximum allowed disturbed area is 9.9 acres. Google Earth was used to measure the disturbed area, which was estimated to be 2.5 acres, based on 2019 imagery. Highwalls were estimated to vary between 6 and 10 feet in height (see **Photo 1**).

Off-site Damage: The operation appeared to be confined to the permit boundary, based on Google Earth review and site observations.

Processing Waste: No processing waste was observed.

Roads: The only access road is pre-law and outside the permit boundary, therefore not under DRMS jurisdiction.

Right of Entry: The site is owned by the current Permittee (S & K No. 1). However, a legal right to enter for mining and reclamation for the prospective successor (Atticus Land) must be provided to the DRMS prior to approving the permit transfer.

Reclamation Success: More than half of the 2.5 acres of disturbance have self-reclaimed (see **Photo 2**). Three highwall segments (see **Photos 3** through **5**) require slope reduction for stability (see yellow lines on **Figure 1**). Approximately 0.9 acres need grading and seeding (see blue outlines on **Figure 1**). This includes the three highwall segments plus the area in the northeast where erosion headcutting was observed (see **Photos 6** and **7**).

Revegetation: As stated above much of the site has self-reclaimed. Only the areas requiring earthwork will

need seeding (see **Figure 1**). No noxious weeds were observed.

Sediment Control: As stated above, headcutting was observed in the northeast portion of the pit. Mr. Kraig stated the erosion was the result of a poorly maintained roadside ditch along McClelland Road, causing an overflow of stormwater into the pit. He said the ditch has been repaired.

Support Facilities On-site: No equipment was observed on site.

Signs and Markers: The permit sign was properly posted (see **Photo 8**). Boundary markers are still absent as indicated in the March 29, 2019 inspection report (where the DRMS indicated they needed to be replaced prior to the re-initiation of mining activity). The DRMS recommended Mr. Kraig place markers on the southwest and southeast corners of the permit boundary to aid in delineation of pre-law vs permitted area reclamation for final release.

Permit Stipulations: There are no permit stipulations.

Storm Water MGT Plan: No oil or fuel spills observed. Mr. Kraig indicated stormwater drains to the pit and infiltrates.

Topsoil: There appears to be a pre-law topsoil stockpile on the west side of the pit, near the north end of the pre-law disturbance (see **Figure 1**).

Structures: No structures were observed within 200 feet of the permitted 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. Three highwalls from southwest corner (looking NE).



**PHOTOGRAPHS (cont.)**



Photo 2. Mostly reclaimed site (looking NE from pre-law access road).



Photo 3. West highwall needing flattening (looking NW).



**PHOTOGRAPHS (cont.)**



Photo 4. North central highwall needing flattening and west end of headcut (looking NNW).



Photo 5. East highwall needing flattening (looking north).



**PHOTOGRAPHS (cont.)**



Photo 6. Erosion headcut needing repair (looking NW).



Photo 7. Erosion headcut needing repair (looking west).



**PHOTOGRAPHS (cont.)**



Photo 8. Permit sign off McClelland Road.

**Inspection Contact Address**

Joe Kraig  
S & K No. 1, LLC  
P.O. Box 49681  
Colorado Springs, CO 80949

Enclosure: Figure 1

ec: DRMS file  
Joe Kraig, S & K No. 1  
Jacob Decoto, Atticus Land (prospective successor)



# Figure 1. Hale Pit - Post Inspection

Satellite imagery from 10/6/2019

## Legend

- M-81-121 2021 Area Needing Reclamation
- M-81-121 Approx. Permit Boundary
- M-81-121 Highwall Needing Reduction
- M-81-121 Permit Disturbed Area
- M-81-121 Pre-Law Disturbance

