




**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> Beaver Creek Clay Mine	<b>MINE/PROSPECTING ID#:</b> M-1977-322	<b>MINERAL:</b> Clay (general)	<b>COUNTY:</b> Fremont
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Timothy Cazier, P.E.	<b>INSP. DATE:</b> June 15, 2021	<b>INSP. TIME:</b> 14:30
<b>OPERATOR:</b> Summit Brick & Tile Co.	<b>OPERATOR REPRESENTATIVE:</b> Julie Welte	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	
<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b>	<b>BOND AMOUNT:</b> \$11,300.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> U.S.BLM	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Cloudy	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> November 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>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>Y</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>NA</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>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>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 by Tim Cazier (Division) as part of the regular monitoring program. The Permittee (Summit Brick & Tile) was represented during the inspection by Ms. Julie Welte. The Beaver Creek Clay Mine is approximately 8 miles NNW of Penrose, and accessed from Fremont Co Rd 132/Upper Beaver Creek Road. This is a 110c clay mine. It was operating at the time of the inspection. Signs of recent activity were observed and this inspector witnessed a blast at this site on March 30, 2021 following a nearby inspection.

Availability of Records: Annual fees are paid through February 2021. The previous inspection was on June 22, 2016. The approved post-mine land use is rangeland. There were no open infractions prior to the inspection. The western portion of the site is managed by the BLM, the eastern portion surface and minerals are privately owned by Grant H. and Danny J. Chess.

There is a discrepancy in the records with respect to the approved area in the permit. The original application (received 9/30/1977) requests 8.2 acres. An adequacy response letter from Impact (dated 12/19/1977) states the "application covers 9.9 acres" referencing an enclosed "revised C-3 Mine Plan Map which clearly delineates the 9.9 acres". *Note: a search of the Division's electronic records could not locate the "revised C-3 Mine Plan Map"*. The Permit issued by the Mined Land Reclamation Board on February 17, 1978 states the permit area is 9.9 acres. However, a subsequent letter from Impact (dated 8/11/1981) provided a clarification response to a letter from the Division (dated 8/14/1981 – *clearly at least one of the dates contains a typo*) stating the permit area is 8.2 acres. Furthermore, the Division initiated enforcement actions in December 1993 related to mining outside the permit boundary. A response letter from Brain Geddes (dated 1/21/1994) states "The affected area in the permit was designated as 9.9 acres". This letter references an aerial photograph contained in "the application" showing 8.2 acres of disturbance, that Summit had not exceeded at the time. A search of the Division's electronic records could not locate the aerial photograph. The Division's permit system database shows the permit area as 8.2 acres. As the map and aerial photograph delineating the 9.9 acres could not be located to determine where the additional 1.7 acres of the permit boundary might be, the Division maintains the permit area is 8.2 acres. If Summit Brick & Tile wishes to dispute this position, please contact the Division.

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

Backfilling and Grading: Ms. Welte indicated they intend to bench the highwall. It should be noted the approved permit requires grading to 2H:1V.

Excess Spoil and Dev. Waste: Ms. Welte stated overburden is pushed into areas requiring backfill (see **Photo 1**).

Explosives: The mine has filed a blasting plan with DRMS (July 2002). Ms. Welte said Southwest Energy performs their blasting every one to two years and that the blasting reports are kept by Southwest Energy.

Financial Warranty: DRMS records indicate the BLM holds a \$20,000 bond for this site and the DRMS holds a \$11,300 bond for a total of \$31,300. The DRMS reviewed the permit as part of this inspection and found insufficient information from which to perform a bond estimate. Missing details include:

- A specific seed mix,
- A map with final reclamation contours, from which to estimate backfill volumes,
- Reclamation task details such as: overburden and topsoil stockpile locations; methods to flatten highwalls to 2H:1V (push up vs. push down).

Subsequent to this inspection, the DRMS had a meeting with Julie Welte and Stephanie Carter (BLM) to review the bond on November 10, 2021. Ms. Carter confirmed the BLM holds the \$20,000. She also indicated the BLM recently (ca. 2018) updated their bond estimate to ~\$26,000 which was based on more detailed reclamation task information from their 1979 records and includes a specific seed mix. There is no record of a DRMS bond calculation. As there have been no significant revisions to this permit since approved in 1977 and the BLM holds the majority of the bond, it is assumed the BLM has primacy on the bond amount. Based on the BLM estimate and DRMS experience with similar sites, the \$31,300 bond is deemed adequate.

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: The operation appeared to be in compliance with the approved mine plan. The maximum allowed disturbed area is 8.2 acres. Google Earth was used to measure the disturbed area, which was estimated to be approximately 6.6 acres, based on 2019 imagery. There is also about 2.1 acres of pre-law disturbance, some of which was claimed to be reclaimed (see **Photo 2**) as early as 1994. The northeast facing highwall (see **Photo 3**) was estimated to be 60 feet high and slightly steeper than 1H:1V. It has a temporary bench (see **Photo 4**) where the elevation will decrease as mining progresses. The southeast facing highwall (see **Photo 5**) was near vertical and varied between zero and about 20 feet in height. The west facing highwall (see **Photo 6**) was also near vertical and varied between zero and about 15 feet in height. The northwest facing highwall (see **Photo 1**) is being backfilled with overburden. Ms. Welte indicated they are considering a conversion and stated during the November bond meeting, barring unexpected land acquisition problems, the conversion application would be submitted within 18 months. If this option is pursued it will be the best opportunity to clarify the permit boundary discrepancy and develop a more detailed bond estimate as discussed above.

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

Processing Waste: Ms. Welte stated oversized rock sorted out with the 8-inch grizzly screen is used for backfill in the gully.

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

Right of Entry: The permittee has a lease with both the BLM (for the west side) and with the Chess family (for the east side).

Reclamation Success: Other than the aforementioned pre-law reclaimed areas, the only reclamation currently under way is the backfilling of the gully (see **Photo 1**).

Revegetation: No noxious weeds were observed.

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

Support Facilities On-site: An 8-inch grizzly screen and D8 dozer were observed on site.

Signs and Markers: The permit sign was properly posted (see **Photo 7**) and boundary markers were observed to delineate the permit boundary (see **Photo 8**).

Permit Stipulations: There are no open permit stipulations.

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. Backfill in gully between access road and working bench (a.k.a. NW facing highwall, looking NE).



**PHOTOGRAPHS (cont.)**



Photo 2. Pre-law reclaimed area & access road (looking NE from above gully backfill).



Photo 3. NE facing highwall (looking NW from access road to top of mine, note grizzly screen).



**PHOTOGRAPHS (cont.)**



Photo 4. Temporary bench above NE facing highwall (looking NW).



Photo 5. SE facing highwall (looking west from near pit floor entrance).



**PHOTOGRAPHS (cont.)**



Photo 6. West facing highwall (looking east from NE facing highwall bench).



Photo 7. Permit sign (near pit floor entrance).



**PHOTOGRAPHS (cont.)**



Photo 8. Typical boundary marker T-post (NE corner).

**Inspection Contact Address**

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ec: DRMS file  
Stephanie Carter, BLM