



STATE OF  
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

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## Bowie 1 inspection

1 message

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**Zuber - DNR, Rob** <rob.zuber@state.co.us>

Thu, Nov 18, 2021 at 1:26 PM

To: Basil Bear <basilbear@wolverinefuels.com>, Daniel MacKinnon <dmackinnon@osmre.gov>

Basil and Dan -

Please see my attached inspection report.

Basil, please put some thought into options to address the fallen fence near the upper end of the East Mine. Perhaps you could hire tree trimmers or other folks with climbing equipment and expertise to help resolve the safety issue.

Regards,  
Rob

Rob Zuber, P.E.  
Environmental Protection Specialist  
Active Mines Regulatory Program



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

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

**PERMIT INFORMATION**

<b>Permit Number:</b> C-1981-038 <b>Mine Name:</b> Bowie No. 1 Mine <b>Operator:</b> Bowie Resources, LLC <b>Operator Address:</b> Mr. Basil R Bear P.O. Box 1488 Paonia, CO 81428	<b>County:</b> Delta <b>Operation Type:</b> Underground <b>Permit Status:</b> Active <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  Basil Bear
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> November 16, 2021 <b>Inspection Start Time:</b> 12:20 <b>Inspection End Date:</b> November 16, 2021 <b>Inspection End Time:</b> 15:30		<b>Inspection Type:</b> Coal Complete Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Cloudy	
<b>Joint Inspection Agency:</b>  None		<b>Joint Inspection Contacts:</b>	
<b>Post Inspection Agency:</b>  OSM		<b>Post Inspection Contacts:</b>	
<b>Inspector(s):</b>  Robert Zuber, P.E.	<b>Inspector's Signature:</b>  <i>Robert D. Zuber</i>		<b>Signature Date:</b>  11/18/2021

**Inspection Topic Summary**

NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable

Y - Air Resource Protection

R - Availability of Records

Y - Backfill &amp; Grading

Y - Excess Spoil and Dev. Waste

NA - Explosives

Y - Fish &amp; Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

N - Other

Y - Processing Waste

R - Roads

R - Reclamation Success

R - Revegetation

Y - Subsidence

Y - Slides and Other Damage

NA - Support Facilities On-site

R - Signs and Markers

R - Support Facilities Not On-site

NA - Special Categories Of Mining

Y - Topsoil

**COMMENTS**

A complete inspection was conducted by Rob Zuber of DRMS on November 16, 2021. Dan MacKinnon of the Office of Surface Mining Reclamation and Enforcement (OSM) was also present for the inspection. Basil Bear of Bowie Resources, LLC (BRL) met the inspectors at the East Mine for a short time.

No mining or reclamation activities were being conducted at this site. BRL is focusing on Bowie No. 2 in 2021.

The weather was cloudy and cool, and the ground was mostly dry.

**AVAILABILITY OF RECORDS – Rule 5.02.4(1):**

The records were found to be very well organized and complete with one exception: the 2020 Annual Hydrology Report was not in the binder with the other documents. Basil Bear indicated that he has an electronic copy on his computer. This was found acceptable by the Division because this report was submitted to the Division in the spring of 2021, and it is apparent that BRL has the document in some form. The operator needs to place a hard copy in the binder in the near future.

Please see the Availability of Records form in this report.

**HYDROLOGIC BALANCE - Rule 4.05**

Drainage Control 4.05.1, 4.05.2, 4.05.3; Siltation Structures 4.05.5, 4.05.6; Discharge Structures 4.05.7, 4.05.10; Diversions 4.05.4; Effluent Limits 4.05.2; Ground Water Monitoring 4.05.13; Surface Water Monitoring 4.05.13; Drainage – Acid and Toxic Materials 4.05.8; Impoundments 4.05.6, 4.05.9; Stream Buffer Zones 4.05.18:

The ponds at the loadout and the Coal Storage Area (near Black Bridge Road) were dry, and no problems were identified with these ponds.

Number of Partial Inspection this Fiscal Year: 3

Number of Complete Inspections this Fiscal Year: 2

Riprap ditches at the East Mine are stable.

The newly installed straw bales east of the RDA should be monitored closely. It is not apparent that they were installed deep enough in the soil, and undercutting could occur. Also, it would be better if more bales (or wattles) were added on the sides, extending up the bank.

#### GENERAL MINE PLAN COMPLIANCE:

The utility boxes and pipe at the East Mine are permanent features per Basil Bear. The boxes are currently in use by the local utility company (DMEA). Per Basil, the landowner wants the pipe to remain in place.

#### ROADS – Rule 4.03

Construction 4.03.1(3)/4.03.2(3), Drainage 4.03.1(4)/4.03.2(4), Surfacing and Maintenance 4.03.1(5) and (6)/4.03.2(5) and (6), Reclamation 4.03.1(7)/4.03.2(7):

Roads at the East Mine are in good shape. The road to the ROM area is also in good shape, although the operator should remove trash (plastic and peach pits) that were dumped there.

#### RECLAMATION SUCCESS - Rule 4.15, Rule 3:

No erosion was seen at the reclaimed area of the East Mine, although an area on the upper part (on the very steep slope near the reclaimed portal bench) requires monitoring and possibly some maintenance. There is a fallen fence (chain link and t-posts) that is mostly buried but partially exposed. Ideally, the fencing material should be removed to protect wildlife, and this part of the hillside should be further stabilized to prevent erosion. This issue requires future coordination between BRL, the Division, and (as appropriate) OSM. The Division recognizes that safety is a concern if BRL works in this area.

The drainage below the East Mine where the reclaimed ponds (Ponds 1 – 4) are located was in good shape, including the straw bales at the Pond 4 area.

#### REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

At Ponds 3 and 4, many thistle plants were seen, including Canada thistle and another species (possibly Scotch thistle). These should be sprayed, spring 2022 at the latest.

#### SIGNS AND MARKERS – Rule 4.02:

Entrance signs and boundary markers were seen in many locations.

Number of Partial Inspection this Fiscal Year: 3

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**OFFSITE SUPPORT FACILITIES - Rule 4.04, 4.28:**

No problems were seen with the Coal Storage Area by Black Bridge Road. Vegetation cover is good.

The slope below the loadout is stable. No erosion or other problems were seen at the loadout area. Some branches were stacked on site, likely related to ditch cleaning, which Basil Bear mentioned in a conversation at the East Mine.

**DOCUMENTS RECEIVED - none**

**OTHER (SPECIFY) - none**

**ENFORCEMENT ACTIONS/COMPLIANCE**

No enforcement actions were initiated as a result of this inspection, nor are any pending.

Number of Partial Inspection this Fiscal Year: 3

Number of Complete Inspections this Fiscal Year: 2

## **PHOTOGRAPHS**



**East Mine, upper portion**



**East Mine, area of concern (circled)**

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**East Mine, lower portion including RDA**



**Riprap channel above RDA**

Number of Partial Inspection this Fiscal Year: 3

Number of Complete Inspections this Fiscal Year: 2



**Newly installed straw bales southeast of RDA**



**Reclaimed Pond 2 at East Mine**

Number of Partial Inspection this Fiscal Year: 3

Number of Complete Inspections this Fiscal Year: 2





**Canada thistle at reclaimed Pond 3**



**Reclaimed Pond 4**

Number of Partial Inspection this Fiscal Year: 3

Number of Complete Inspections this Fiscal Year: 2





**Trash at ROM road**



**Coal Storage Area by Black Bridge Road**

Number of Partial Inspection this Fiscal Year: 3

Number of Complete Inspections this Fiscal Year: 2

**AVAILABILITY OF RECORDS****PERMIT RECORDS**

DRMS Permit	RN7 exp. 4/20/2023
Permit Application w/Revisions	On shelf
Findings Document	RN7 findings 3/30/2018
Insurance Certificate	Exp.5/1/2022
Bond Document	SEE COMMENT 1
Phased Bond Release	SL6, Findings
Documents/Findings	2/15/2018
Air Emission Permits	NA
County Special Use Permits	NA
UG Mining Landowner Notification	1993 and 1994
Subsidence Monitoring Reports	NA
Subsidence Monitoring Data	NA
Rill & Gully Survey	March 31, 2021
Vegetation Monitoring Data	
Specific Variance Approvals	2.06.1(3) Steep Slope
Annual Reclamation Reports	2020
Midterm Review Documents	MT8 10/13/2020
DRMS/OSM Inspection	Thru
Reports/Enforcement Actions (3 Years)	October 2021
Transfers/Succession of Operator	7/29/2009
Temporary Cessation Notification	NA
Reclamation Cost Estimate	SEE COMMENT 2

**CERTIFICATIONS**

Pond Certifications	W-1 and W-2 (2002)
Annual Certifications for Large Impoundments	NA
Fill Certifications for Excess Spoil or Underground Development Waste	Yes 2/4/1987
• Quarterly Inspections	NA
• Compaction Testing	NA
• Final Certification	NA
Coal Processing Waste Banks	NA
Haul Road Certifications	Yes, several years
Access Road Certifications	Yes, PAP Vol. 8A

**HYDROLOGIC RECORDS**

NPDES Permit	CO-0049045 Exp. 2025
NPDES Records (DMRs)	October 2021
Stormwater Management Plan	Aug. 2018
SPCC Plan	No longer valid
MSHA Pond Inspections	NA
State Engineer's Pond Inspection	NA
Quarterly Pond Inspections	3Q 2021
Annual Hydrology Reports	2019
• Ground Water Monitoring	2019 AHR
• Surface Water Monitoring	2019 AHR
• Spring & Seep Monitoring	2019 AHR
• Mine Water Discharge Monitoring	NA
• Mine Inflow Study	NA
• Water Consumption Records	NA
Well Permits	NA

**BLASTING RECORDS**

NA

**ADDITIONAL RECORDS**

CDOT Access Permits	June 1999
Annual Subsidence Report (in AHR)	2019

**COMMENTS:**

1. Two instruments with Lexon Insurance Co.: \$2,500,000 + \$380,000 = \$2,880,000.
2. The cost estimate of \$1,639,674 (from MT8) does not match liability. This is explained in SL-06 findings.

Number of Partial Inspection this Fiscal Year: 3Number of Complete Inspections this Fiscal Year: 2