



STATE OF  
COLORADO

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

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## Kagie Pit, M-1979-102, Inspection Report

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Ridley - DNR, Hunter <hunter.ridley@state.co.us>

Tue, May 2, 2023 at 3:31 PM

To: Chuck Armbruster <realestate@chuckarmbruster.com>

Cc: "realestate@kamdevincentis.com" <realestate@kamdevincentis.com>

Chuck,

Please find attached the report from my most recent inspection of the Kagie Pit (M-1979-102) as required by the approval of SO2. Please let me know if you have any questions or concerns.

Kind regards,  
Hunter Ridley  
Environmental Protection Specialist



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

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**M1979102\_Kagie\_Report.pdf**  
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**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> Kagie Gravel Pit	<b>MINE/PROSPECTING ID#:</b> M-1979-102	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Routt
<b>INSPECTION TYPE:</b> Monitoring / SO	<b>WEATHER:</b> Cloudy	<b>INSP. DATE:</b> April 26, 2023	<b>INSP. TIME:</b> 09:00
<b>OPERATOR:</b> West Fish Creek Ranch, LLC	<b>OPERATOR REPRESENTATIVE:</b> Kameron DeVincentis	<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> \$24,159.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>INSPECTOR(S):</b> Hunter Ridley	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 2, 2023

**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:** Gen. Compliance With Mine Plan

**PROBLEM/POSSIBLE VIOLATION:** Problem: The current reclamation plan map needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI) and in accordance with Rule 6.3.5. The operator must provide sufficient information to describe or identify how the operator intends to conduct reclamation.

**CORRECTIVE ACTIONS:** The operator must submit a reclamation plan map to the Division by the corrective action due date. The reclamation plan map should clearly describe the features associated with the components of the Reclamation Plan as outlined in Rule 6.3.5(3) and follow the plan outlined in the site's currently approved reclamation plan.

**CORRECTIVE ACTION DUE DATE:** 7/03/23

**INSPECTION TOPIC:** Signs & Markers

**PROBLEM/POSSIBLE VIOLATION:** Problem: The mine identification sign posted at the entrance of the mine site was inadequate. This is a problem for failure to post a mine identification sign as required by Section 3.1.12(1) of the rule. The Operator shall, at the entrance of the mine site post a sign, which shall be clearly visible from the access road, with a minimum size equaling one hundred and eighty-seven (187) square inches, such as eleven (11) inches in height and seventeen (17) inches in width, with appropriate font size, with the following: the name of the Operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number.

**CORRECTIVE ACTIONS:** The operator shall, at the entrance of the mine site, post a sign which shall be clearly visible from the access road with the following: the name of the operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number. The operator shall submit photo documentation that a proper sign has been posted by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 7/03/23

### **OBSERVATIONS**

This inspection was conducted in response to the approval of the Succession of Operator (SO1) request submitted to the Colorado Division of Reclamation, Mining and Safety (Division) on 3/9/2023 and issued 3/17/2023. The purpose of this inspection is to determine if a surety increase (SI) is required pursuant to the Transfer of Permit and Succession of Operators process and Rule 1.12. **Please address the Bold items below.**

The Kagie Pit is a 110c sand and gravel operation that consists of 9 acres. Kameron DeVincentis represented the operation's inspection contact, Chuck Armbruster, and accompanied Hunter Ridley of the Division on the inspection. The site is located in Routt County approximately 15 miles southeast of Hayden, Colorado and is accessed from Routt County Road 29. The site was partially snow covered and entrance to the site was made on foot from the access point off CR 29. Only the upper pit was accessible. However, photographs taken from above at the upper pit adequately show the status of the lower pit.

The Division's records currently indicate that Randy Foster at [fosterranch@gmail.com](mailto:fosterranch@gmail.com) is the inspection contact. However, upon reaching out to schedule this inspection, the EPS was redirected to contact Chuck Armbruster at [realestate@chuckarmbruster.com](mailto:realestate@chuckarmbruster.com) to confirm an inspection. **To ensure proper contact is made for future inspections, please update records to include this preferred inspection contact information through the permit's e-permitting account.**

During review of the permit file, it was determined that a reclamation plan map which satisfies the requirements of Rule 6.3.5(3) has not been submitted to the Division. This is cited as a problem. Please submit a revised reclamation plan map to the Division by the corrective action due date.

The site is divided into upper and lower pit sections (Photo 8). The lower pit contains a scale, scale house, as well as an empty ~10,000 gallon tank and grizzly bars (Photos 2 & 3). The Division recommends removing unutilized equipment from the site to reduce liability. The sediment pond located in the northeastern portion of the lower pit was covered in snow. Affected area boundary markers in the form of a fence and metal posts are in place and in compliance with Rule 3.1.12. The mine sign was located at the main entrance from CR 29 (Photo 1). The mine sign was not in compliance with Rule 3.1.12, as the operator name has not been updated to reflect the changes made under SO1. This is cited as a problem. Please send the Division photo documentation that an updated sign has been posted at the mine entrance by the corrective action due date.

Approximately 9 acres of area is disturbed and tire tracks indicate that some activity likely occurred before the winter season. This site is approved for intermittent status. The operator is reminded that under that status they must remain active annually however they do not need to operate more than 180 days a year. If production ceases for more than a year, Rule 1.13.5(1) requires operators to file for temporary cessation. The site was inactive at the time of the inspection.

The upper pit entrance leads to the excavation area (Photo 6). There are no true highwalls at this site and all mining slopes exist at an approximately 2H:1V grade. There is a small stockpile of pea gravel in this upper

excavation area (Photo 7). There were also two topsoil stockpiles across the site (Photos 4, 5, and 7) which were partially vegetated.

The Division is required to recalculate the reclamation bond amount as part of the SO process. The Division's review of the financial warranty determined the current financial warranty is inadequate to reclaim the site based on the observations from this inspection. Thus, an additional financial warranty is required to be posted by the Operator for SO1. The Division will send a Notice of Surety Increase (SI) following the issuance of this inspection report. A reclamation cost estimate summary which reflects this increase will be enclosed with the SI request to follow.

Responses to this inspection report should be directed to: Hunter Ridley at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 720-868-7757 or via email at [hunter.ridley@state.co.us](mailto:hunter.ridley@state.co.us)

### **PHOTOGRAPHS**



**Photo 1: Mine sign posted at the entrance. Needs to be updated to reflect operator changes made under revision SO1.**





**Photo 2: View of the lower pit from the upper pit area. Scale and scale house are visible.**



**Photo 3: View north of the empty tank, grizzly bars, and assorted equipment being stored in the lower pit area.**





**Photo 4: View east of the lower pit area. A partially vegetated topsoil pile is visible to the north.**

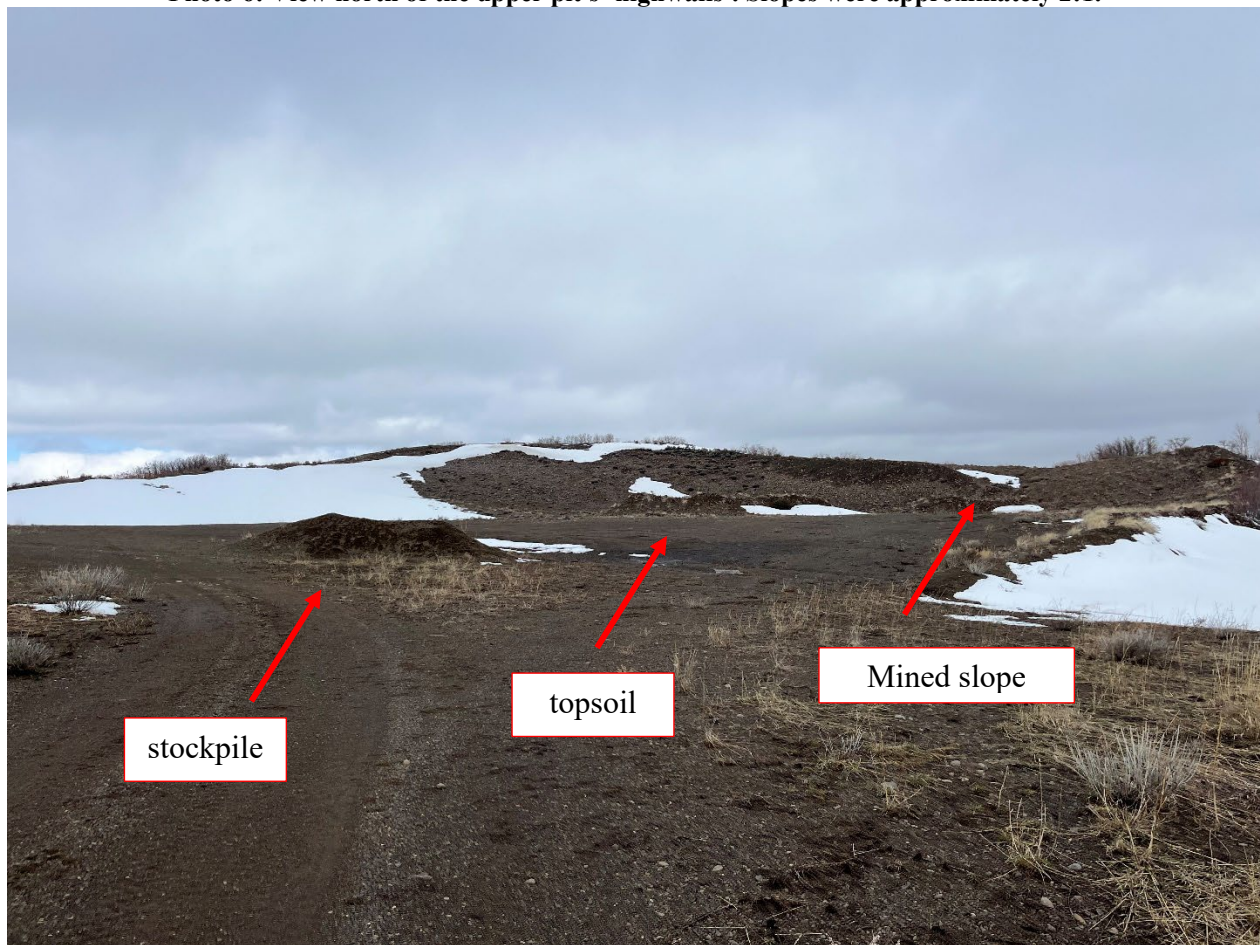


**Photo 5: View southwest of the upper pit taken atop the 'highwall'. A partially vegetated stockpile is visible in the foreground and a small stockpile of pea gravel is visible in the background to the east.**





**Photo 6: View north of the upper pit's 'highwalls'. Slopes were approximately 2:1.**



**Photo 7: View north at the entrance to the upper pit. The pea gravel stockpile, mined slopes, and topsoil pile are all visible.**



**Photo 8: View north atop the ridge between the upper and lower pit sections. The ridge is undisturbed.**



### GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</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>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>PB</u>	(FW) FISH & WILDLIFE----- <u>Y</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>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

#### Inspection Contact Address

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West Fish Creek Ranch, LLC  
108 Harvard Ct.  
Plano, TX 75093

Cc: Michael Cunningham, DRMS