




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.

MINE NAME: Kurtzer Pit	MINE/PROSPECTING ID#: M-2002-053	MINERAL: Sand and gravel	COUNTY: Phillips
INSPECTION TYPE: Surety Release Inspection	WEATHER: Clear	INSP. DATE: May 25, 2023	INSP. TIME: 10:45
OPERATOR: John R. Kurtzer	OPERATOR REPRESENTATIVE: Ryan Kurtzer	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Surety Release Requested	BOND CALCULATION TYPE: None	BOND AMOUNT: \$9,400.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
INSPECTOR(S): Amber Michels	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 28, 2023	

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>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</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>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</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

This inspection was conducted as a response to a full and final release request received by the Division on May 19, 2023. Amber Michels, with the Division of Reclamation, Mining, and Safety (Division/DRMS), conducted the inspection and was accompanied by the Permittee's son, Ryan Kurtzer, representing the Operator.

The Kurtzer Pit, permit file no. M-2002-053, is a Construction Materials Limited Impact 110c Operation Reclamation Permit with 9.9 permitted acres. Affected lands will be reclaimed to support a pastureland post-mining land use. The site is located approximately 7 miles south-southeast of Haxtun, Colorado.

The Division met Ryan Kurtzer at the mine site entrance located on the west side of County Road 9, three tenths of a mile south of County Road 16. The site is located along the southern bank of the ephemeral channel known as Sandy Creek. The site is no longer active and entered into final reclamation in 2019

Backfilling and Grading and Reclamation Success

The site was previously inspected by the Division in 2019. At that time, there was minor reclamation work needed, such as grading and seeding areas that had recent disturbance. The Operator and his brother have graded and seeded several areas throughout the site since that time (Photos 7 and 9: Map 1). However, there are a few areas that need additional work. There are a few areas along the south and south-west area of the permit with 1H:1V slopes that are approximately 1 to 2 feet high (Photos 12, 16-18: Map 1). Additionally, along the creek-bed at the western extent of the disturbance, there is a 1H:1V section that is approximately 7 feet high at the tallest point (Photos 20 and 21). The Operator was instructed to knock down and grade all slopes within the disturbed area to a 3H:1V or shallower, and seed them with the approved seed mix. Due to remaining reclamation work that needs to be completed at this time, **the Division will deny the full release request**. Some scattered waste was also observed on site (Photos 8 and 11: Map 1) and the Operator stated that they will remove it before the next release is requested.

The Operator stated in an email following the inspection, that they would send photos to the Division once the highwalls have been knocked down and graded. Once all slopes have been returned to a 3H:1V or shallower, the vegetation has established, and waste has been removed from the site, the Operator may again request a full and final release.

Hydrologic Balance:

Haxtun and surrounding areas had recently received high amounts of rainfall. Due to the recent precipitation, and because the site is located in and around an ephemeral stream, the creek bed within the permit boundaries contained water at the time of the inspection (Photos 3-6, 8, 14, 15, and 18: Map 1). The areas that have not yet been seeded do not appear to be contributing excess sediment to the creek. No stream cuts were observed along the banks.

Revegetation:

The vegetation on site resembles that on the adjacent pastureland (Photos 3, 4, and 7-9: Map 1). The areas that have been seeded since the previous inspection are growing and stabilized. An abundance of the state noxious weed Mullein was observed on-site (Photos 10, 15, 16, and 20: Map 1). The Operator was asked if they had sprayed in the past, and he stated that he believed so. He also stated that Phillips County has a weed mitigation program established that the Operator could request spraying services through. Following the inspection, the Operator sent an email to the Division with an attached copy of their County weed spraying

(enclosed with this report). The creek bed itself will not be seeded pursuant to the approved mining and reclamation plans.

Right of Entry:

The Operator and his family are the landowners of the parcel containing the mine site.

Signs and Markers:

A sign posted in compliance with Rule 3.1.12(1) was observed at the site entrance (Photo 1: Map 1).

Three posts, representing what the Operator believes to be boundary markers were observed on-site (Photos 2, 6, and 17: Map 1). The boundary marker at photo location 17 was found knocked down, and the Operator re-installed it during the inspection. The Operator and the Division both looked at the approved map, which is hand-drawn and does not correlate exactly with the land. The Operator and Division believe that the disturbance is contained within the approved permit boundary. Using Google Earth, the Division estimates approximately 8.2 acres have been disturbed throughout the life of the mine. The permit and all mining related disturbance is located on property owned by the Operator.

Topsoil:

A topsoil pile observed during the 2019 inspection, and approved to stay for the personal use by the landowners, was again observed during the 2023 inspection (Photos 12 and 13: Map 1). The vegetation on the pile had been disturbed since the 2019 inspection due to reclamation activities requiring topsoil cover on-site. During the 2023 inspection, the Operator stated that they'll use the pile for the remaining reclamation on-site and have plans for the remaining material for use in projects on their land that will begin later this year.

Conclusion:

This concludes the Division's Inspection Report; a map displaying topics discussed during the inspection and a subset of corresponding photographs that were taken during the time of the inspection are included below. If you need additional information or have any questions, please contact me by email at amber.michels@state.co.us or by telephone at (720) 836-0967.

Inspection Contact Address

Ryan Kurtzer
John R. Kurtzer
24463 CR 11
Haxtun, CO 80731

Enclosure: Weed Spraying Contract with Phillips County

CC: Jared Ebert, DRMS

PHOTOGRAPHS



Photo 1: Looking west at mine sign posted at site entrance.



Photo 2: Looking north at a boundary marker post.



Photo 3: Looking west from the south-east corner of the pit. Arrow indicates a slope that had recently been graded and seeded.



Photo 4: Looking north from the south-east corner of the pit. Arrow indicates a slope that had recently been graded and seeded.



Photo 5: Looking north-east from the south-east corner of the pit.



Photo 6: Looking north-east at another boundary marker.



Photo 7: Looking west across a recently graded and seeded slope.



Photo 8: Looking north-east from the recently graded and seeded slope.



Photo 9: Looking east from the recently graded and seeded slope.



Photo 10: Looking south-west across a dry portion of the creek bed.



Photo 11: Looking east across dry portion of the creek bed.



Photo 12: Looking south at a small steep cut-out that will need to be regraded. The east portion of the topsoil pile is pictured in the background.



Photo 13: Looking west across the top-soil pile approved to remain on-site after reclamation.



Photo 14: Looking north along a water-containing portion of the creek bed.



Photo 15: Looking north-east across a water containing portion of the creek bed.



Photo 16: Looking north at a 1-2' tall 1H:1V section that will need to be graded and seeded.



Photo 17: Looking west at a post that had fallen, and at another 1-2' cut-out area that will need to be graded and seeded.



Photo 18: Facing east, looking at another portion of the cut out in Photo 17 that will need to be graded and seeded.



Photo 19: Looking west from the western edge of the disturbance at the adjacent undisturbed creek bed.



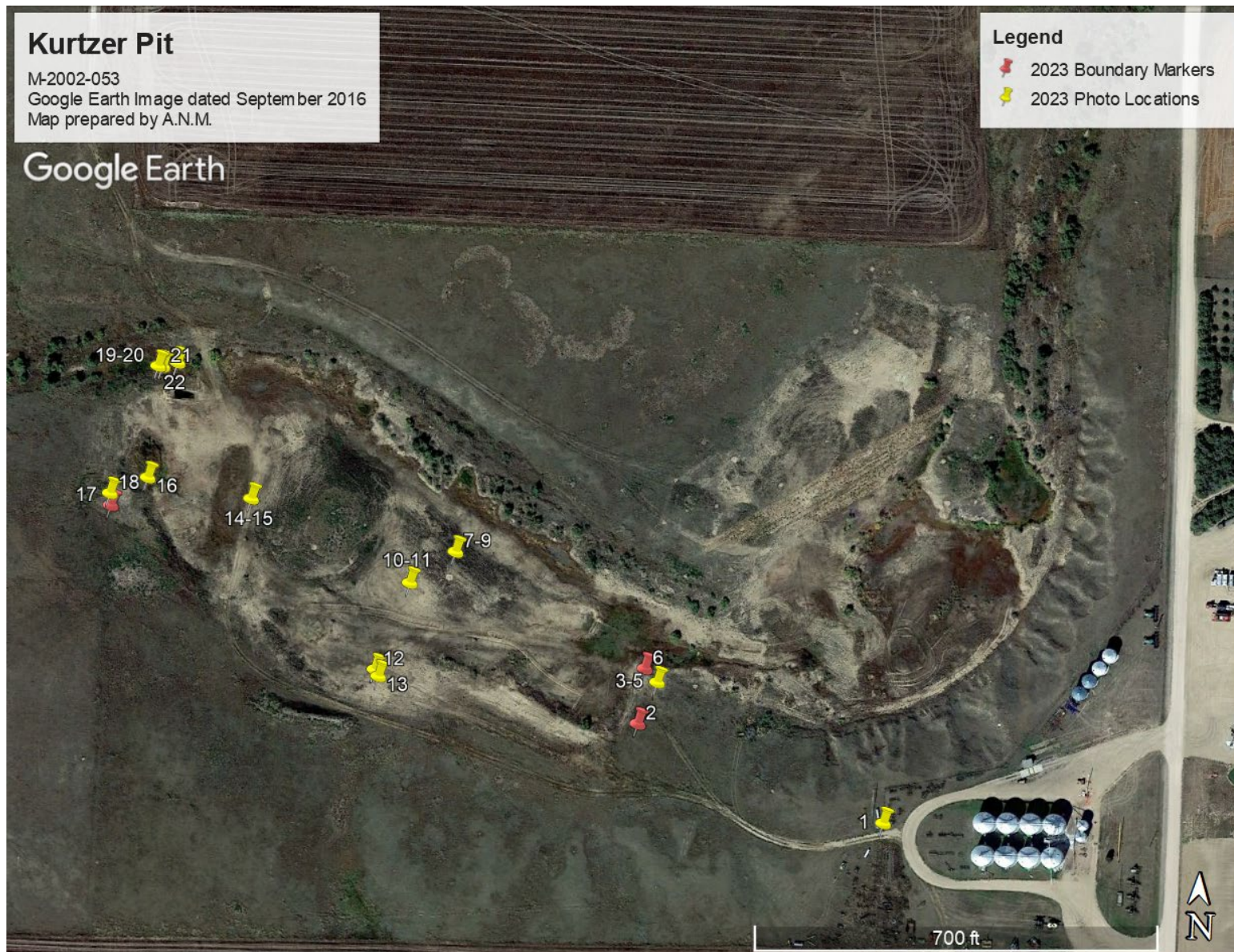
Photo 20: Looking east from the western disturbance boundary at the highwall along the creek bank that will need to be knocked down, graded, and seeded.



Photo 21: Looking west along the highwall in the creek bed that will need to be knocked down, graded and seeded. Young mullein is pictured along the creek bed.



Photo 22: Looking west at the young and mature mullein established within the creek bed.



Map 1: A map of the Kurtzer Pit generated in Google Earth Pro that illustrates the locations that photos were taken during the DRMS' 2023 inspection.

STATE OF
COLORADO

Michels - DNR, Amber <amber.michels@state.co.us>

Weed control

2 messages

Ryan Kurtzer <kurtzergrain@gmail.com>
To: amber.michels@state.co.us

Wed, May 31, 2023 at 1:18 PM

Amber,
Here is the contract for the county to spray the weeds. I will get the hills knocked down and send pictures.
Thanks,
Ryan

Sent from my iPhone

2 attachments**IMG_6161.jpg**
3353K**IMG_6162.jpg**
2669K

Michels - DNR, Amber <amber.michels@state.co.us>
To: Ryan Kurtzer <kurtzergrain@gmail.com>

Wed, May 31, 2023 at 1:42 PM

Great, thank you Ryan, I'll add this to your permit file.

-Amber

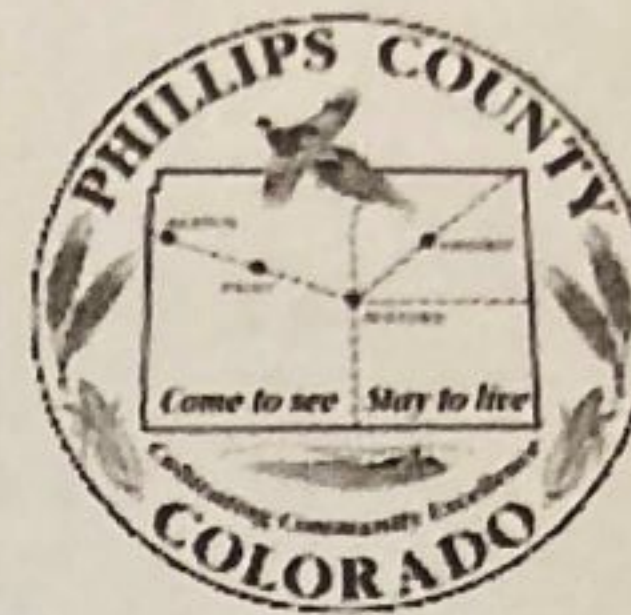
[Quoted text hidden]

[Quoted text hidden]

Sent from my iPhone

Phillips County Weed & Pest District
433 East Fletcher
PO Box 81
Haxtun, CO 80731

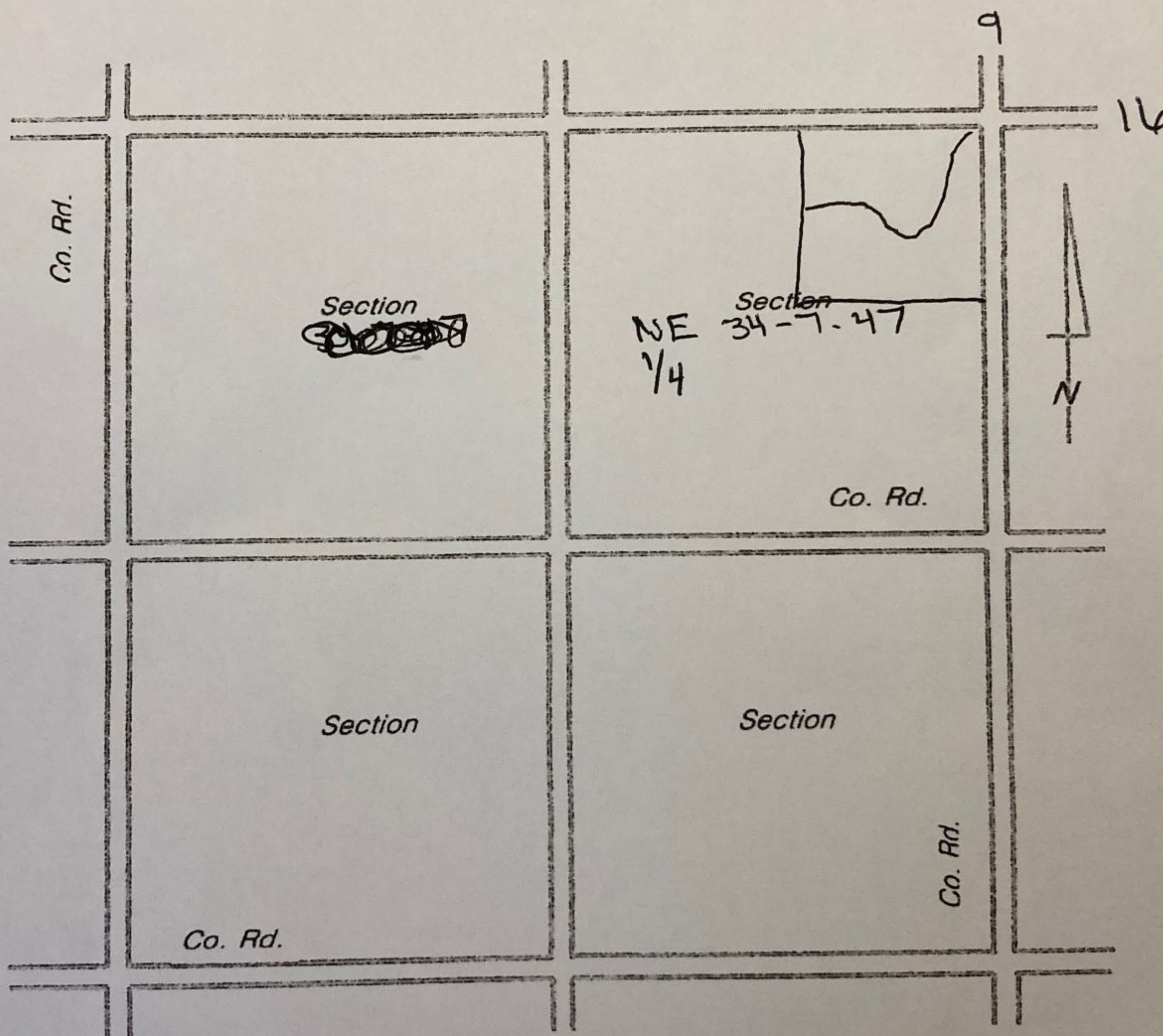
Kerri Doleshall, Manager
Office: (970) 774-7453
Cell: (970) 466-0628



Weed & Pest District

E-mail: kerri.doleshall@phillipscounty.co
Web Page: phillipscounty.colorado.gov

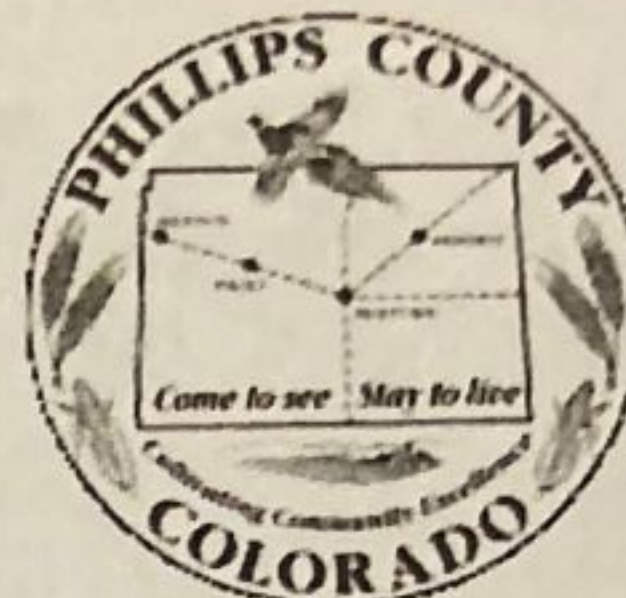
From: Phillips County Weed & Pest District



Please identify location of weeds to be treated using any available landmarks, e.g. fence lines, crop rows, buildings, property lines, etc.

Phillips County Weed & Pest District
433 East Fletcher
PO Box 81
Haxtun, CO 80731

Kerri Doleshall, Manager
Office: (970) 774-7453
Cell: (970) 466-0628



E-mail: kerri.doleshall@phillipscounty.co
Web Page: phillipscounty.colorado.gov

Weed & Pest District

Weed Control Contract

In consideration of the mutual covenants and premises set forth herein, this agreement is made this 30th day of May, 2023 between Phillips County CO. (County) and Jared & Ryan Kurtzer (Landowner). The parties hereto acknowledge that the County is acting pursuant to the provisions of the duly formed **Phillips County Weed and Pest Control District**, and the landowner represents that he is acting on behalf of the owner of the real estate described below and agrees that he will assume joint liability under this contract.

- The County hereby agrees to furnish labor, equipment and chemicals, reasonably necessary to control noxious weeds and outdoor vertebrate pest control upon the following real estate (legal description)

					Next crop / Plant date
1. Section; <u>34</u>	Township; <u>7</u>	Range; <u>47</u>	<u>Rangeland</u>	Crop / CRP	<u>None</u> /
2. Section; _____	Township; _____	Range; _____	Rangeland	Crop / CRP	_____ /
3. Section; _____	Township; _____	Range; _____	Rangeland	Crop / CRP	_____ /
4. Section; _____	Township; _____	Range; _____	Rangeland	Crop / CRP	_____ /

Other: Address _____

Control requested Noxious weed control, Pest Control _____ (Please specify)

- The landowner; hereby agrees to allow Phillips County access upon the above land for the purpose of weed or pest control and understands the potential hazard to crops, livestock, and persons through their possible accidental contact of this products. Also agrees to any restrictions of the application as stated on the product label. Vertebrate pest control will require monitoring over a period of time and 14 day grazing restriction.

Cost of treatment are as listed;

Chemical; Cost Plus 10%

Labor Rate; \$45.00 per hour with a minimum charge of \$45.00.

Prairie dog Blaster application; \$1.50 per burrow treated (oxygen & propane and marker)

Equipment fee; \$15.00 one charge per application

The landowner will be responsible for the cost of all applications and agrees to reimburse the County for the cost of any products applied and any labor charges accrued according to this agreement **within thirty (30) days** from receiving a bill for those charges from the County. If any chemical or labor bill is not paid to the County **within thirty (30) days**, the landowner hereby agrees to pay a late fee of \$10.00 or 2% per month whichever is greater, and if necessary, all costs of collection, including a reasonable attorney fee of not less than twenty percent (20%) of the total amount due.

- This contract shall constitute the full and complete agreement between the parties hereto and shall be in full force and effect for a period of _____ months, unless modified in writing and signed by both parties to this agreement.

Signature:

Landowner

County Representative; Kerri Doleshall

Address

14710 CR 9, Haxtun, CO 80731

Phillips County Weed Manager

Phone Number

970-520-2990

E-mail

Kurtzerjared@gmail.com

Comments:

Spray bindweed and mullein in creek bottom and grass