



## COLORADO

Division of Reclamation,  
Mining and Safety


Department of Natural Resources

### 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> Hooper Pit	<b>MINE/PROSPECTING ID#:</b> M-2020-024	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Saguache
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> August 10, 2023	<b>INSP. TIME:</b> 07:50
<b>OPERATOR:</b> APC Southern Construction Co., LLC	<b>OPERATOR REPRESENTATIVE:</b> Jim MacDonald	<b>TYPE OF OPERATION:</b> 111 - Construction by Government Agency	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$20,000.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>INSPECTOR(S):</b> Todd Jesse	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> August 21, 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:** Hydrologic Balance

**PROBLEM/POSSIBLE VIOLATION:** Problem: The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to 34-32.5-116(4)(h) of the Colorado Revised Statutes and 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

**CORRECTIVE ACTIONS:** The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer, show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the pits to at least two feet above the groundwater surface by the corrective action date specified.

**CORRECTIVE ACTION DUE DATE:** 10/23/23

## **OBSERVATIONS**

This inspection report was conducted as part of the normal monitoring program established by the Colorado Division of Reclamation, Mining and Safety's Active Mines Program. The Hooper Pit is a 111 Operation operated by APC Southern Construction Co., LLC. The site is located less than one mile north of the town of Hooper, CO at an elevation of approximately 7,548 feet. Public access is controlled by a gate off Co Rd 62 and the site consists of 9.5 acres to be reclaimed for the post mine land use of rangeland. The previous inspection occurred in 2021 and the Division holds a \$20,000.00 financial warranty on the site. Jim MacDonald, a representative of APC Southern Construction Co., LLC was present for the inspection.

The proper mine identification signage was posted at the entrance to the site. Permit boundaries are clearly marked with fence line. The site was not active at the time of the inspection and is in final reclamation. The road project that required the creation of the pit is complete and there has been no equipment on site for some time. There are no support facilities, equipment, or hydrocarbons stored in the permit area.

Groundwater was exposed at some point during the mining process which contradicts the approved Mine Plan. Water was observed at the bottom of the pit during this inspection and the previous inspection. This is noted as a problem. The permit application states that groundwater would not be exposed. Please contact the Colorado Division of Water Resources (DWR) to obtain a Gravel Well Pond Permit or other documentation that allows groundwater to be exposed on the pit floor. If permission from DWR cannot be obtained, the operator will need to backfill the pit to at least two feet above the groundwater surface.

Mining has been conducted at reclamation grade resulting in no high wall on the property. Slopes of the pit generally appear stable with minor erosional rills in the southwest corner of the pit. Revegetation attempts on the pit slopes were not successful – most likely due to poor quality of topsoil in the area. Before the permit could be released the Operator will need to obtain documentation from the land owner that they will accept the land in its current condition. The letter must contain statements that the land owner accepts exposed groundwater, vegetation, and erosion rills. If no documentation is provided that the land owner accepts the land in the current condition then the operator will be responsible for backfilling the pit to at least two feet above the groundwater surface, removing erosion features on the pit walls, and revegetating.

Photos that show the conditions observed during the inspection are included at the end of this report.

All responses to this report should be directed to Todd Jesse with the Division's Active Mines Program at DRMS, Room 215, 1001 E 62<sup>nd</sup> Ave. Denver, CO 80216. Direct contact can be made at the Division's Grand Junction Field Office, by phone at 720-688-0626 or by email at [todd.jesse@state.co.us](mailto:todd.jesse@state.co.us).

## PHOTOGRAPHS



View to the west showing proper Mine ID signage posed at the entrance to the site.



View to the north showing fence line that clearly marks permit boundary.



View to the west showing vegetation above the pit along the northern permit boundary



View to the south of erosion rills on the far side of the pit. Water can be seen on pit floor



View to the southwest showing exposed groundwater, erosion rills on pit slopes and lack of revegetation.



View to the west showing slopes of the pit walls. The pit was mined at reclamation grade, but limited vegetation is present on the slopes

### **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>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>PB</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>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>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

#### **Inspection Contact Address**

Jim MacDonald  
APC Southern Construction Co., LLC  
14802 W 44th Ave  
Golden, CO 80403

CC: Travis Marshall, DRMS