



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

September 18, 2023

Merle and Charlotte Ritchey
Ritchey's Redi-Mix, Inc.
35787 C.R. HH.5
Wray, CO 80758

Dear Merle and Charlotte Ritchey:

On August 22 and 23, 2023, the Division of Reclamation, Mining and Safety (Division) received three complaints indicating unpermitted mining was occurring at a site in Yuma County. In response to the complaints, on August 31, 2023, the Division conducted an inspection of an excavation on the west side of County Road HH.5 near the intersection with Road 36, just north of the town of Wray. The Division's inspection report, which includes the complaints received, is attached for your records.

Construction Materials Rule 1.1(30) defines a "mining operation" as the development or extraction of a construction material from its natural occurrences on affected land. Based on observations made during this inspection, the Division has reason to believe Ritchey's Redi-Mix and Yuma County Road and Bridge were engaged in a mining operation and are in violation of C.R.S. 34-32.5-109(1) for failure to obtain a reclamation permit prior to engaging in a mining operation. The possible violation will be scheduled for consideration by the Mined Land Reclamation Board (MLRB) during their November 15-16, 2023 meeting. **Formal notice of the possible violation and MLRB hearing will be sent under separate cover.**

Sincerely,

Nikie C. Gagnon
Environmental Protection Specialist

CC: Tom Andersen, Yuma County Road and Bridge
Yuma County Commissioners

Physical Address: 1313 Sherman Street, Room 215, Denver, CO 80203 P 303.866.3567 F 303.832.8106

Mailing Address: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216 <https://drms.colorado.gov>

Jared S. Polis, Governor | Dan Gibbs, Executive Director | Virginia Brannon, Director





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.

MINE NAME: Ritchey Sand Pit	MINE/PROSPECTING ID#: M-2023-027	MINERAL: Sand	COUNTY: Yuma
INSPECTION TYPE: Illegal(Unpermitted Operation)	WEATHER: Sunny, Clear	INSP. DATE: August 31, 2023	INSP. TIME: 09:00 a.m.
OPERATOR: Ritchey's Redi-Mix, Inc.	OPERATOR REPRESENTATIVE: Merle and Charlotte Ritchey	TYPE OF OPERATION: ILL - Illegal	

REASON FOR INSPECTION: Citizen Complaints	BOND CALCULATION TYPE: N/A	BOND AMOUNT: N/A
DATE OF COMPLAINT(S): August 22 and 23, 2023	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Nikie Gagnon	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: September 18, 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: Off-site Damage

PROBLEM/POSSIBLE VIOLATION: Possible Violation: Failure to first obtain a reclamation permit from the Mined Land Reclamation Board (MLRB) before engaging in a new mining operation as required by C.R.S. 34-32.5-109(1).

CORRECTIVE ACTIONS: This possible violation will require a hearing before the MLRB. The hearing will be scheduled during the November 15-16, 2023 MLRB meeting. The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the operator.

CORRECTIVE ACTION DUE DATE: 11/15/2023

OBSERVATIONS

This inspection was prompted by three complaints received by the Division of Reclamation, Mining and Safety (Division) on August 22 and 23, 2023 indicating unpermitted mining was occurring at a site in Yuma County and material was being transported to a location 30 miles away (see enclosed complaints). The excavation site is in the northwest corner of Section 6, Township 2N, Range 43W, in Yuma County, Colorado. According to Yuma County Assessor data, the property is owned by Ritchey's Redi-Mix, Inc. Merle and Charlotte Ritchey (landowners) met the Division at the site to conduct the inspection.

The Division observed a recent excavation on the side of a sand hill on the west side of County Road HH.5 near its intersection with Road 36, just north of the town of Wray. According to the landowners, they started the excavation for fill sand to use for landscaping on their adjacent property. The Ritcheys own five adjacent parcels and their residence is immediately south of the excavation, on County Road HH.5. Mr. Ritchey said he put up a small "free sand" sign just to the right of the excavation area. He stated he didn't realize this was considered mining. According to the complaint, over the past month, Yuma County Road and Bridge Department excavated and trucked approximately 30 truckloads of the fill sand to the Yuma County Fairgrounds, located in Yuma, 30 miles west of Wray. The Ritcheys confirmed they were aware the County was taking the material to the fairgrounds to line the facilities utilized by the kids who live in the area.

The Division estimates the u-shaped excavation into the side of the hill is approximately 40 feet wide in front, 30 feet deep and 20 feet high in the back. Approximately 450 cubic yards of material has been excavated, equating with the Ritchey's estimate of approximately 30 dump trucks of material.

While in Yuma County, the Division also met with a Yuma County Road and Bridge representative, Tom Andersen, Road Supervisor. He confirmed that the County excavated and trucked approximately 30 truckloads of material to the Yuma County Fairgrounds. Tom stated he was aware that the Ritcheys did not have a mining permit for the excavation and the County reinstalled the wire fence in front of the excavation to prevent further mining, after the State contacted him and the Ritcheys about the complaints.

Immediately following the inspection, the Division met with David Wingfield, one of the neighbors who submitted a complaint. Mr. Wingfield's property is directly across County Road HH.5 and his residence is approximately 500 feet from the excavation. During the meeting, Mr. and Mrs. Wingfield indicated their main concern is erosion and sand blowing off the excavation impacting their home and vegetation.

Construction Materials Rule 1.1(30) defines a "mining operation" as the development or extraction of a construction material from its natural occurrences on affected land. Based on the observations made during this inspection, the Division has reason to believe Ritchey's Redi-Mix, Inc. and Yuma County Road and Bridge were engaged in a mining operation and are in violation of C.R.S. 34-32.5-109(1) for failure to obtain a reclamation permit prior to engaging in a mining operation. The possible violation will be scheduled for consideration by the Mined Land Reclamation Board (MLRB) during their November 15-16, 2023 meeting. Formal notice of the possible violation and MLRB hearing will be sent under separate cover.

Photographs taken during the inspection are included with this report. Any questions regarding this report should be forwarded to Nikie Gagnon at (303) 866-3567 ext. 8126 or nikie.gagnon@state.co.us.

PHOTOGRAPHS



Photo 1: Looking west at the u-shaped excavation from across County Road HH.5.



Photo 2: Standing at the wire fence surrounding the excavation.



Photo 3: Looking south at the sand hill surrounding the excavation.



Photo 4: Looking north towards the end of the sand hill, showing type/density of existing vegetation.

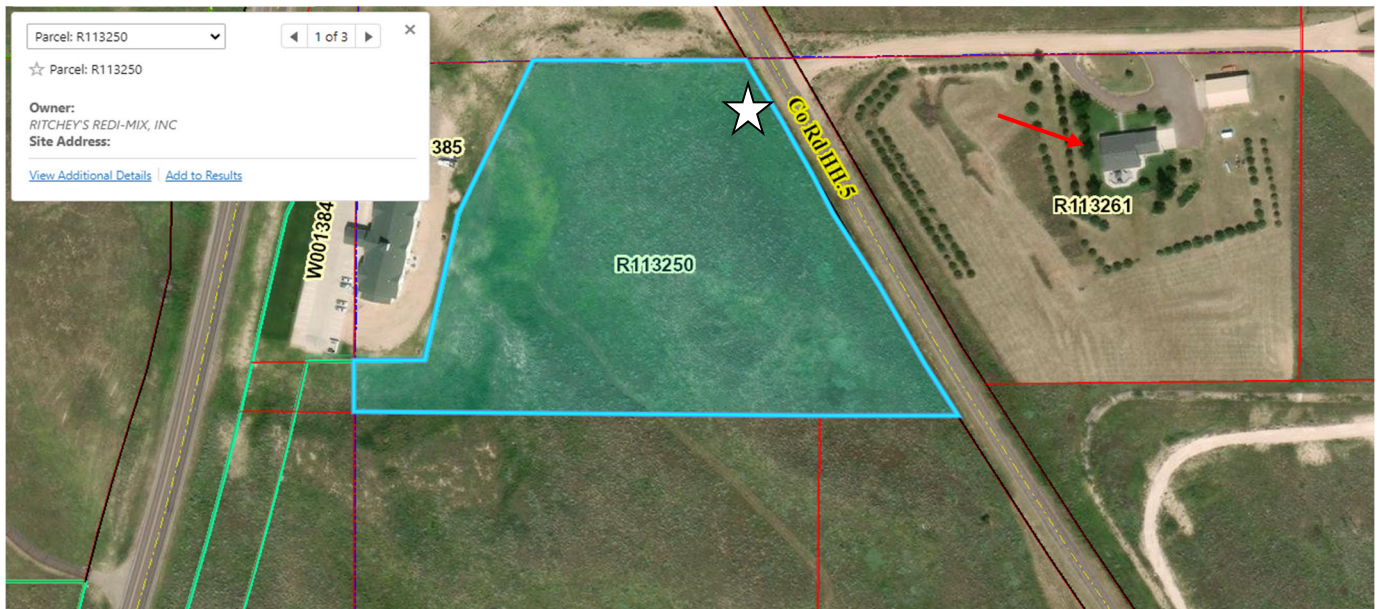


Figure 1: Parcel owned by Ritchey's Redi-Mix, Inc. is highlighted. White star indicates approximate location of excavation. Red arrow points to Mr. Wingfield's residence.



Figure 2: Area map showing the parcel owned by Ritchey's Redi-Mix, Inc., located north of Wray, Colorado. Google Earth image from 10/2019.

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>N</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>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</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>PV</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

Inspection Contact Address

Merle and Charlotte Ritchey
Ritchey's Redi-Mix, Inc.
35787 C.R. HH.5
Wray, CO 80758

Attn: Tom Andersen
Yuma County Road and Bridge
1310 S. Blake Street
Wray, CO 80758

Encl(s): Complaint from David Wingfield, received on August 22, 2023 (File No. M-2023-027)
Complaint from Aurelia Cure, received on August 22, 2023 (File No. M-2023-028)
Complaint from Anonymous, received on August 23, 2023 (File No. M-2023-029)

CC: Yuma County Commissioners
310 Ash, Suite A
Wray, CO 80758

David Wingfield, complainant
Aurelia Cure, complainant
Amy Eschberger, DRMS

Report Possible Violation/Illegal Activity



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

COMPLAINANT INFORMATION

Note: You are requesting an investigation of a compliance issue with DRMS rules. This form is not intended for comments or objections on permitting actions under review.

Date of Complaint

08/22/2023

***** Indicates a Required Field

This form is for requests to investigate compliance issues with DRMS rules. This form is not intended for comments or objections on permitting actions.

Do you wish to remain anonymous? *

☐ Yes ☒ No

Please note that, if you choose to remain anonymous, the complaint will be investigated but the Division will not contact you to follow up on the complaint.

Your First Name *

David

Your Last Name *

Wingfield

Your Address *

35984 C.R. HH.5

Your City *

Wray

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80758

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail and copy of your Complaint form.

dewingfield@icloud.com

Your Phone Number *

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

970-630-2775

Alternate Phone Number

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

Connection to Incident *

Select all that apply

- | | |
|---|---|
| <input type="checkbox"/> Land Owner | <input type="checkbox"/> Mineral Owner |
| <input checked="" type="checkbox"/> Nearby Resident | <input checked="" type="checkbox"/> Observed Incident |
| <input type="checkbox"/> Other <input type="text"/> | |

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: You are requesting an investigation of a compliance issue with DRMS rules. This form is not intended for comments or objections on permitting actions under review. Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

Location- intersection of Yuma County road HH.5 and Road 36

Incident County *

Yuma County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|---|---|
| <input checked="" type="checkbox"/> Illegal Mining | <input checked="" type="checkbox"/> Dust |
| <input type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input type="checkbox"/> Surface Water Impact / Stormwater Management | <input checked="" type="checkbox"/> Property Damage |
| <input type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input type="checkbox"/> Signs and Markers | <input type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input checked="" type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input checked="" type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input checked="" type="checkbox"/> Topsoil |
| <input checked="" type="checkbox"/> Revegetation | <input type="checkbox"/> Weeds |
| <input checked="" type="checkbox"/> Reclamation Plan Compliance | <input type="checkbox"/> Other <input type="text"/> |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

Issue started with Yuma County Road Department removing approximately 30 loads to a location 30 miles away. I am concerned about erosion, blowing sand, reclamation of the area and devaluation of neighboring property.

I feel that it could take decades for the area to heal.

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☐ Yes ☒ No

If known, please provide the name of the operator or party conducting the operation.

Merle Ritchey , 35787 C.R HH.5 Wray, CO

If known, please provide the Permit or NOI Number (ie M1970111 or P1970111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☒ Yes ☐ No

Details

Talked with Yuma County Commissioner's. They seemed indifferent to the situation and thought it was a state issue .

ADDITIONAL INFORMATION

Are there supporting photos, maps, or documents you wish to upload? *

☒ Yes ☐ No

Attachments are accepted for informational purposes only. Action by DRMS requires a direct observation by DRMS staff.

Upload Supporting Documents

Maximum of 5 files can be uploaded and each file size must be 10mb and under. PDF, JPG, and PNG formats only.

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☐ Phone ☒ E-mail ☐ US Mail

Report Possible Violation/Illegal Activity



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

COMPLAINANT INFORMATION

Note: You are requesting an investigation of a compliance issue with DRMS rules. This form is not intended for comments or objections on permitting actions under review.

Date of Complaint

08/22/2023

*** Indicates a Required Field**

This form is for requests to investigate compliance issues with DRMS rules. This form is not intended for comments or objections on permitting actions.

Do you wish to remain anonymous? *

☐ Yes ☒ No

Please note that, if you choose to remain anonymous, the complaint will be investigated but the Division will not contact you to follow up on the complaint.

Your First Name *

Aurelia

Your Last Name *

Cure

Your Address *

31431 CR 36

Your City *

Wray

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80758

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail and copy of your Complaint form.

aureliagay@hotmail.com

Your Phone Number *

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

970-630-0720

Alternate Phone Number

Used only to follow up. Please enter phone number in this format: (Example) 123-456-7890

Connection to Incident *

Select all that apply

- | | |
|---|--|
| <input type="checkbox"/> Land Owner | <input type="checkbox"/> Mineral Owner |
| <input checked="" type="checkbox"/> Nearby Resident | <input type="checkbox"/> Observed Incident |
| <input type="checkbox"/> Other <input type="text"/> | |

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: You are requesting an investigation of a compliance issue with DRMS rules. This form is not intended for comments or objections on permitting actions under review. Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

NE corner of Sec 6 R43W & T1N

Also known as Intersection of County Road. HH.5
and County Roads 36.

Road HH.5 also known as Main Street or Blake St

Runs adjacent to N/S bound USHwy 385, or the frontage road accessed from Hwy 385 at HH.5 and travels south to Main Street. About 1/4 mile south it intersects w CR 36 which runs east and west.

At this point a new gravel pit has been established offering free sand on a small sign.

Yuma Co and their machinery were the first truck loads out of hillside running for several days, 7 or more trucks lined up then others joined in with their own means of removing sand and vehicles to haul the material. Thank you in advance for your overseeing of this eyesore and values of our homes and weather related issues and concerns.

Incident County *

Yuma County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|--|--|
| <input checked="" type="checkbox"/> Illegal Mining | <input checked="" type="checkbox"/> Dust |
| <input type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input checked="" type="checkbox"/> Surface Water Impact / Stormwater Management | <input type="checkbox"/> Property Damage |
| <input checked="" type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input type="checkbox"/> Signs and Markers | <input type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input checked="" type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input checked="" type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input checked="" type="checkbox"/> Topsoil |
| <input checked="" type="checkbox"/> Revegetation | <input checked="" type="checkbox"/> Weeds |
| <input checked="" type="checkbox"/> Reclamation Plan Compliance | <input checked="" type="checkbox"/> Other <input type="text"/> |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

Landowner neighbor placed a small 'free sand' signage at the spot where County Road HH.5 intersects with CR 36 in Wray, CO, Yuma County CO. This is a frontage road which runs parallel to HWY 385 a North & South Bound roadway.

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☐ Yes ☒ No

If known, please provide the name of the operator or party conducting the operation.

Land owner is Ritchey Redi Mix, PO Box 334, Wray CO 80758

If known, please provide the Permit or NOI Number (ie M1970111 or P1970111).

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☐ Yes ☒ No

ADDITIONAL INFORMATION

Are there supporting photos, maps, or documents you wish to upload? *

☒ Yes ☐ No

Attachments are accepted for informational purposes only. Action by DRMS requires a direct observation by DRMS staff.

Upload Supporting Documents

Maximum of 5 files can be uploaded and each file size must be 10mb and under. PDF, JPG, and PNG formats only.

IMG_1057.png	5.28MB
IMG_1057.png	220.56KB
IMG_1057.png	220.56KB

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

☒ Phone ☒ E-mail ☐ US Mail

DRMS Complaint Intake Tool

By Submitting this form you are requesting an investigation of compliance with DRMS rules.



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

DRMS Internal Information

Select Permit Type *

Minerals

Permit No List *

M2023029

Date of Complaint

08/23/2023

COMPLAINANT INFORMATION

*** Indicates a Required Field**

Do you wish to remain anonymous? *

☒ Yes ☐ No

Connection to Incident *

Select all that apply

☐ Land Owner

☐ Mineral Owner

☒ Nearby Resident

☐ Observed Incident

☐ Other

DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

It located on HH 5/10 north of Wray on west side of road.

Incident County *

Yuma County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

- | | |
|--|--|
| <input checked="" type="checkbox"/> Illegal Mining | <input checked="" type="checkbox"/> Dust |
| <input checked="" type="checkbox"/> Ground Water / Water Well Impact | <input type="checkbox"/> Acid or Toxic Materials/Spills |
| <input checked="" type="checkbox"/> Surface Water Impact / Stormwater Management | <input checked="" type="checkbox"/> Property Damage |
| <input checked="" type="checkbox"/> Mine Plan Compliance | <input type="checkbox"/> Waste Management / Dumping |
| <input checked="" type="checkbox"/> Signs and Markers | <input checked="" type="checkbox"/> Overburden / Development Waste |
| <input type="checkbox"/> Financial Warranty | <input checked="" type="checkbox"/> Backfilling and Grading |
| <input type="checkbox"/> Processing Waste / Tailings | <input type="checkbox"/> Processing Facilities |
| <input type="checkbox"/> Fish / Wildlife | <input checked="" type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage | <input checked="" type="checkbox"/> Roads |
| <input type="checkbox"/> Explosives / Blasting | <input checked="" type="checkbox"/> Topsoil |
| <input checked="" type="checkbox"/> Revegetation | <input checked="" type="checkbox"/> Weeds |
| <input checked="" type="checkbox"/> Reclamation Plan Compliance | <input type="checkbox"/> Other <input type="text"/> |

Detailed description of the issue(s) * (?)

Please provide as much detail as possible. It is important to narrow down the issue(s).

There has been a big pit being dug on the west side of our road that comes into our property, I am concerned about the soil erosion that is going to occur. The Sandhills here are very fragile, and this major disturbance is going to cause this hill to erode, and the vegetation isn't going to recover for many many years.

Have you contacted the operator or party conducting the operation? If yes, please provide details. *

☐ Yes ☒ No

If known, please provide the name of the operator or party conducting the operation.**If known, please provide the Permit or NOI Number (ie M-1970-111 or P-1970-111).**

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. *

☐ Yes ☒ No

ADDITIONAL INFORMATION**Are there supporting photos, maps, or documents you wish to upload? ***

☐ Yes ☒ No

What is your preferred method for DRMS to communicate with you throughout the investigation? *

Select all that apply

- ☒ Phone ☒ E-mail ☐ US Mail