



STATE OF  
COLORADO

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

---

## Bernhardt inspection report

1 message

---

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

Wed, Nov 15, 2023 at 9:10 AM

To: Andy Carpenter <acarpenter@ihcscott.com>, JC York <jcyork@j-tconsulting.com>

JC and Andy -

Please see the attached report from last week.

Rob

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



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

***I am working remotely and can be reached by cell at 720.601.2276.***

**Physical Address:**

1313 Sherman Street, Room 215  
Denver, CO 80203

**Mailing Address:**

Division of Reclamation, Mining and Safety, Room 215  
1001 East 62nd Avenue  
Denver, CO 80216

[rob.zuber@state.co.us](mailto:rob.zuber@state.co.us) | <http://drms.colorado.gov>




**INSP-REPORTM\_M2023025\_RDZ\_11152023.pdf**  
1444K



**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> Bernhardt Sand and Gravel Pit	<b>MINE/PROSPECTING ID#:</b> M-2023-025	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Preoperation Inspection	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> November 9, 2023	<b>INSP. TIME:</b> 08:45
<b>OPERATOR:</b> IHC Scott, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Andy Carpenter, JC York	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Preoperation Inspection	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> NA	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Robert Zuber, P.E.	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> November 15, 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>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>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>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</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

## **APPLICATION BACKGROUND**

A Construction Materials application for the Bernhardt Sand and Gravel Pit (M-2023-025) was received by the Division of Reclamation, Mining and Safety (Division/DRMS) on August 3, 2023. The application is for a Regular (112) Operation Reclamation Permit, and it was deemed complete on September 14, 2023. Objections have been received by the Division and forwarded to the Applicant (IHC Scott, Inc.). Also, comment letters from the Colorado Division of Water Resources, Colorado Parks and Wildlife, and History Colorado have been forwarded to the Applicant.

The application has not been approved by the Division. Adequacy letters have been sent to the Applicant (between September 29 and November 14, 2023), and the Division is awaiting responses.

The application proposes a 111-acre site, with all that area to be disturbed, and 98 acres to be mined. There are no houses or buildings on the site, but there are multiple structures (power lines, oil and gas). The site is located approximately one mile south of Weld County Road 46, within the town limits of Milliken, Colorado.

Topsoil depth at the site is estimated to be six inches. One topsoil stockpile is proposed north of the processing area, in the northwest part of the site. Overburden depth is estimated at 1 to 8 feet. It will be stockpiled near the topsoil, in the northwest portion of the site, and used to reclaim slopes. The depth of aggregate material (sand and gravel) below the overburden is estimated to range from 4 to 37 feet across the site. The proposed site is approximately 140 feet from the South Platte River, on the east side. Depth to groundwater ranges seasonally from 3 - 7 feet deep.

A processing area is shown on maps in the application, near the northwest corner, and processing equipment is discussed in the text. These include screens, a crusher, stackers, and conveyors. The text also mentions a wash plant. More details of the wash plant are needed (an adequacy item).

The perimeter slopes of the pits will be reclaimed at the final 4.5H:1V grade, and topsoil will be replaced at a depth of 12 inches.

The current land use is cropland. The proposed post-mining land use is developed water resources.

## **OBSERVATIONS FROM THE INSPECTION**

This was a pre-operational inspection of the Bernhardt Sand and Gravel Pit conducted by Rob Zuber with the Division on November 9, 2023. Andy Carpenter (IHC Scott, Inc.) and J.C. York (J&T Consulting, Inc.) were present during the inspection. The weather was cool and clear. The ground was dry.

The required notice sign was posted at the entrance of the site off WCR46.

The surrounding area includes unused rangeland and rural residential use. A fence exists along most, but not all, of the proposed permit boundary.

The site is predominantly fallow agricultural land with large amounts of kochia and grasses. It has not been irrigated for two seasons, per Mr. Carpenter. No equipment was onsite. The perimeter has been mowed for access, approximately 20 feet wide.

Permanent man-made structures within 200 feet of the proposed permit area are shown on a map in the application (Map C-1). These include the fence, a power line, railroad tracks and a trestle, dirt roads, water pumps (owned by IHC Scott), monitoring wells (owned by IHC Scott), abandoned oil/gas wells, and oil/gas lines. Several markers were seen indicating underground oil/gas lines. No ponds or irrigation ditches were seen in the vicinity of the proposed permit area. The map appears to be accurate with one exception: the power line to the pumps is not shown. However, this line is owned by IHC Scott, and this is not a concern of the Division. The adjacent landowners do not have permanent structures such as houses or barns within 200 feet of the site. The adjacent properties do contain tanks, dirt piles, wood piles, and old equipment.

Along the south and east sides of the site, 5' – 10' levees were observed. These have been in place for decades, per Mr. Carpenter.

Along the east side, between the site and the South Platte River, there are extensive stands of trees. No wetland areas were observed within the proposed permit boundary. No weed patches were observed. Coyote scat was seen on the west side of the site.

Photographs taken during the inspection are attached.

Please contact me with comments or questions at 720-601-2276 or [rob.zuber@state.co.us](mailto:rob.zuber@state.co.us).

## **PHOTOGRAPHS**



**Looking at east side of site toward river, from NE entrance**



**Looking north at site from levee on south side of site**





**Oil line marker near NE entrance**



**Public Service power line on north side of site**



Levee on south side of site



Notice at WCR46

**Inspection Contact Address**

Andy Carpenter, JC York  
IHC Scott, Inc.  
10303 East Dry Creek Road, #300  
Englewood, Co 80112

CC: Michael Cunningham, DRMS