



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

February 23, 2024

Deborah Penner / Jennifer Klaetsch  
Colorado Department of Transportation  
260 Ranney Street  
Craig, CO 81625

**RE: North of Douglas Pass, Permit No. M-1981-043, Unresolved Problem(s) Noted in a Past Inspection Report -2**

Dear Ms. Penner / Klaetsch:

According to records kept by the Division of Reclamation, Mining and Safety, some problem(s) noted in a past mine site inspection report have not been corrected. If the problem(s) have already been corrected, documentation of the corrective actions taken to correct the problem(s) must be submitted to our office.

Please see the enclosed inspection report for the above noted mine site, issued as a result of a past inspection of this site. Problems noted in this report that remain unresolved according to our records, have been highlighted.

To avoid potential future enforcement actions for non-compliance with State Statutes, Rules and Regulations, and/or conditions specified in your permit for this site, you must submit compliance documentation with the corrective actions by **Friday, March 29, 2024**.

If you require additional information, or have questions or concerns, please feel free to contact me.

Sincerely,

**Amy C Yeldell**  
Environmental Protection Specialist




Enclosures:  
DRMS Inspection Report from October 24, 2023

EC:  
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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> N Of Douglas Pass	<b>MINE/PROSPECTING ID#:</b> M-1981-043	<b>MINERAL:</b> Shale	<b>COUNTY:</b> Rio Blanco
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> October 24, 2023	<b>INSP. TIME:</b> 12:40
<b>OPERATOR:</b> Colorado Department of Transportation	<b>OPERATOR REPRESENTATIVE:</b> None	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	
<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$0.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> DRMS	<b>JOINT INSP. AGENCY:</b> U.S.BLM	
<b>INSPECTOR(S):</b> Amy Yeldell	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> November 9, 2023	

**GENERAL INSPECTION TOPICS**

The following inspection topic(s) were identified as having a **Problem (PB)**, which includes correction actions and a deadline whereby the Operator must demonstrate compliance with the conditions of the Permit and the requirements of the Act and Rules. Failure to address the corrective actions by the deadline may cause the Division to escalate the Problem to a **Possible Violation (PV)** and schedule the issue for formal hearing before the Mined Land Reclamation Board (Board).

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>NA</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
<b>(SM) SIGNS AND MARKERS----- <u>PB</u></b>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>NA</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>NA</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

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

## **CORRECTIVE ACTION**

### **INSPECTION TOPIC: Signs & Markers**

**PROBLEM:** The affected area boundary markers are insufficient to delineate the affected lands. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.

**CORRECTIVE ACTIONS:** The operator shall 1) conduct a survey and replace the boundary markers in the correct location(s). 2) Provide a map which correlates to the photographic documentation of location points. 3) And include a cover letter declaring if all disturbance were contained within the permit boundary OR if land has been affected outside of the approved permit boundary. The operator shall provide this corrective action documentation to the Division by the corrective action deadline.

**CORRECTIVE ACTION DUE DATE:** 1/08/24

## **OBSERVATIONS**

This inspection was conducted as part of the Colorado Division of Reclamation, Mining and Safety's (Division) normal monitoring program. The N of Douglas Pass is a 110c permitted site that consists of 7.8 acres. The site is located in Rio Blanco County approximately 22.5 miles south of Rangely, Colorado. It is accessed from Highway 139. Amy Yeldell of the Division conducted the inspection. James Roberts of the BLM was also present for the inspection. No representative for the Colorado Department of Transportation (CDOT) was present for the inspection, however they were contacted ahead of time.

### Acid And Toxic Materials:

No fuel or other hazardous materials were observed on site

### Backfilling and Grading:

Near vertical highwalls have been excavated (Photo One). There is some small interstitial benching of the highwall and one main bench on the eastern side (Photo Three). There is a road on the east side to access the top of the highwall. The main bench serves as a switch back on the access road.

In several areas rocks and loose soils were observed falling and sloughing off throughout the inspection. A large amount of rockfall material is located at the base of the highwalls (Photo Two). It is unclear if this was by design or sloughing over time. While the site is approved to leave slopes at 1.5H: 1V they must be stable. If rock slopes are not stable catch benches may be necessary.

### Explosives:

This operation is not approved for the use of explosives in conjunction with mining. No explosives or evidence of use on site were observed. If this type of activity becomes necessary for mining the Mining Plan must first be revised.

### Financial Warranty:

No financial warranty is held for this site as it is operated by the Colorado Department of Transportation (CDOT), per Rule 4.1.2(2) and C.R.S. 34-32.5-117 (3)(f)(VIII)

Hydrologic Balance:

No exposed groundwater was observed. No water is used to process material at this site.

Gen. Compliance With Mine Plan:

Only screening and crushing of rock takes place on site. A grizzly bar screen was observed on site. No washing of material occurs at this location. No cement or asphalt production is approved. No equipment was observed on site.

Off-site Damage:

There may be off site damage. The Division was unable to fully delineate the permit boundary. However several t-posts that appeared to be boundary markers were observed. Disturbances were observed beyond those markers (Photo Four). In order to conduct reclamation activities additional land may be necessary where mining extends up to permit boundary. See additional comment under Signs and Markers section.

Other:

Several jersey barriers are being stored on the pit floor. All materials must remain within the affected lands footprint pursuant to Rule 1.1(3). Several of the barrier appeared to be stored around and outside of the affected lands boundary (Photo Five).

Import stockpiles of recycled asphalt and road base were observed. This site is not approved for import of inert backfill. No imported material may be used for reclamation purposes.

Roads:

There is a short access road over the creek from Hwy 139. Access to the site is restricted by a locked gate.

Right of Entry:

This site is located on BLM.

Reclamation Success:

No areas were evaluated for final reclamation during this inspection.

Revegetation:

Many areas have appeared to self-reclaim due to the infrequent use of this site. Sagebrush and Rabbit brush are the predominant desirable species. Common mullen and Russian Thistle were observed through the affected lands. The operator must control noxious weeds on the affected lands pursuant to Rule 3.1.10(6).

Support Facilities On-site:

No fuel, buildings or equipment were located within the permit.

Signs and Markers:

A mine sign was posted at the entrance to the mine site as required by Rule 3.1.12(1). The information depicted was correct/ up to date and the sign was of sufficient size.

The permit boundary of the affected land was not sufficiently delineated as required by Rule 3.1.12(2). This is cited as an inspection problem. Only a few markers were observed. Along the west side of the highwall access road several t-post were observed on both sides of the road cut. And most notable there was a t-post on the edge of the highwall with additional disturbances to the north (behind it). In several instances disturbances were observed on both sides of the t-post markers indicating a potential for offsite impacts (Photos Four – Seven).

Please field delineate the approved 7.8 ac permit boundary (AM-1 in 1999 revised). Provide the Division with photo documentation that all boundary markers have been replaced by the corrective action deadline on page 2 of this report. Provide a map which correlates to the photographic documentation of location points. Additionally include a cover letter declaring if all disturbance were contained within the permit boundary OR if land has been affected outside of the approved permit boundary. Affected lands is defined by Rule 1.1(3)

“Affected Land” means the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of such operation. Affected lands include but shall not be limited to private ways, roads, except those roads excluded pursuant to Rule 1.1(3), and railroad lines appurtenant to any such area; land excavations; exploration sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; work, parking, storage or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated. All lands shall be excluded that would be otherwise included as land affected but which have been reclaimed in accordance with an approved plan or otherwise, as may be approved by the Board. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation.

If lands outside of the permit boundary have been affected, the permit must be amended to include all affected lands.

Topsoil:

No apparent topsoil stockpile was observed on site. As mining progresses the Operator must salvage any available topsoil encounter for reclamation purposes. Insufficiently salvaged topsoil may result in topsoil having to be imported to complete reclamation. The Division urges the operator to be proactive in reclamation to avoid delays and difficulties in the completing the approved reclamation plan.

Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, Rm 215, 1001 E 62nd Ave, Denver Co 80216. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at [amy.yeldell@state.co.us](mailto:amy.yeldell@state.co.us)

**Inspection Contact Address**

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## PHOTOGRAPHS



Photo 1: Highwall overview, some benches and sloughed material



Photo 2: Highwall overview, vertical portions with significant rock fall









Photo 5: Jersey barriers stored around t-post markers



Photo 6: t-post at top of highwall with disturbance behind



