



## 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> Mattics Pit	<b>MINE/PROSPECTING ID#:</b> M-2021-044	<b>MINERAL:</b> Aggregate & gravel	<b>COUNTY:</b> Cheyenne
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> April 23, 2024	<b>INSP. TIME:</b> 11:00
<b>OPERATOR:</b> Cheyenne County	<b>OPERATOR REPRESENTATIVE:</b> Victor Gibbs	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> NA	<b>BOND AMOUNT:</b> NA – County Government
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>INSPECTOR(S):</b> Nikie Gagnon	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 24, 2024

**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: Records

**PROBLEM 1:** The Division observed a water well in the Phase 1 Mining Area 2. This well is not shown on the approved Exhibit C Mining Plan Map and a structure agreement has not been submitted for this well. Per Rule 6.4.7(2)(a), please locate on the map (in Exhibit C) the well, within the affected land boundary. Additionally, per Rule 6.4.19, where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall: (a) provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or (c) where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation.

**CORRECTIVE ACTIONS:** The Operator shall determine the owner of the well and submit a notarized structure agreement for the well. Or, the operator could choose to update the mining and reclamation plan to demonstrate how the well will be protected during the operation with an appropriate engineering evaluation per Rule 6.4.19(c).

**CORRECTIVE ACTION DUE DATE:** 6/24/24

**INSPECTION TOPIC:** Signs & Markers

**PROBLEM 2:** The mine identification sign and affected area boundary markers were not observed per the requirements of Rule 3.1.12 (1) and 3.1.12 (2). The Operator shall, at the entrance of the mine site post a sign, which shall be clearly visible from the access road, with a minimum size equaling one hundred and eighty-seven (187) square inches, such as eleven (11) inches in height and seventeen (17) inches in width, with appropriate font size, with the following: the name of the Operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number.

**CORRECTIVE ACTIONS:** The operator must post a mine sign at the entrance to the mine site which shall be clearly visible from the access road and specify the following: the name of the operator, indicate that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board, and the permit number. The boundaries of the affected area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries. The operator shall demonstrate compliance by submitting photographic evidence of the installation of the sign and markers should be submitted to the Division by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 6/24/24

**INSPECTION TOPIC:** Topsoil

**PROBLEM 3:** The Division observed topsoil stockpiles in Mining Area 1 do not have established vegetation on them and are therefore susceptible to erosion. Rule 3.1.9(1) states if topsoil is not replaced into the backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is protected from erosion.

**CORRECTIVE ACTIONS:** The operator shall seed the stockpiles with the seed mix that was submitted as part of the approved Reclamation Plan. If no seed mix has been provided, the operator shall submit a seed mix for approval as a technical revision to the permit along with the appropriate \$216 revision fee to the Division by the corrective action date. The Operator shall demonstrate compliance by submitting seed tags, a bill of sale or photographs of seeding activities. The Operator may also request a follow up inspection.

**CORRECTIVE ACTION DUE DATE:** 6/24/24

## **OBSERVATIONS**

This inspection was conducted as a follow-up to an approved Succession of Operator (SO1) application transferring the permit from Fremont Paving and Redi Mix to Cheyenne County. Nikie Gagnon, with the Division of Reclamation, Mining and Safety's (Division), conducted the inspection. Victor Gibbs, representing Cheyenne County (Operator) accompanied the Division during the inspection.

The Mattics Pit is located 14 miles north of Kit Carson on State Highway 59 and 4 miles east on County Road AA, in Cheyenne County, CO. The site is a 112c operation permitted to affect 1,313 acres. Affected lands will be reclaimed to support a rangeland post-mining land use. At the time of the inspection, it was clear and warm, and the site was dry.

The permit area originally contained a 9.95-acre pit within a large ranch owned by the Mattics Family Trust. Fremont Paving and Redi Mix obtained a 112c permit in 2019. On April 16, 2023, the permit was transferred to Cheyenne County.

### **Gen. Compliance With Mine Plan:**

The majority of the 1313-acre permit area is undisturbed. Mining is anticipated to be conducted in 4 phases. Each phase will be mined 100 acres at a time with the previous 100 acres undergoing reclamation. A private road leads to the 350-acre Phase 1 area. During this inspection, the Division observed two mining areas in the center of Phase 1. The Division estimates the overall disturbance in Phase 1 is currently 50 acres. An access road leads to a flat 30-acre mining area (Mining Area 1) on the southeast side of Phase 1. Several large stockpiles were observed in this area. Overburden is stored on the western edge and topsoil stockpiles were observed on the eastern edge of Mining Area 1. A front-end loader was parked near one of the stockpiles on the south end of this area. Mr. Gibbs indicated the stockpiled material was left there by the former operator.

A second 20-acre pit is located approximately 0.25 mile to the west (Mining Area 2). The pit in Mining Area 2 slopes to the west and is approximately 10-15 feet deep on the western side of the disturbance area. A large stockpile of overburden sits above the eastern edge of Mining Area 2. A dirt haul road connects the two mining areas.

At the time of inspection, no mining activity was observed in either area, however a haul truck arrived as the County and Division were closing out the inspection. Mr. Gibbs indicated the truck driver was the former operator removing material from a stockpile.

### **Groundwater Well and Structure Agreement**

A water well was observed in the center of Mining Area 2 in Phase 1 (See Photos 9 & 10). This well is not shown on the Exhibit C map submitted with the 2019 112c application. Additionally, Exhibit S does not contain a structure agreement for the water well. As noted in Problem 3, Per Rule 6.4.7(2)(a), the Division will require the Operator to revise the Exhibit C Mining Map showing the well within the affected land boundary. Additionally, Per Rule 6.4.19(a) the Operator shall determine the owner of the well and submit a notarized structure agreement for the well. Or, the operator could choose to update the mining and reclamation plan to demonstrate how the well will be protected during the operation with an appropriate engineering evaluation per Rule 6.4.19(c).

### Roads

An access road runs from County Road AA in the southwest corner of the site to the center of Phase 1. There is also an access road that runs from the north side of the Phase 1 area and connects to County Road CC.

### Signs and Markers:

During the inspection, the Division did not observe a mine sign at either entrance to the mine as required by Rule 3.1.12(1). Additionally, although barbed wire fencing is installed around the parcels in the permit area, the permit boundary was not clearly delineated. As noted in Problem 1 cited above, the operator must post mine signs at the entrance to the mine site which shall be clearly visible from the county roads. Additionally, per Rule 3.1.12(2), the Operator must mark boundaries of the affected area by monuments or other markers that are clearly visible and adequate to delineate the permit area. The operator shall demonstrate compliance by submitting photographic evidence of the installation of the sign and markers by the corrective action date listed above in Problem 2.

### Topsoil

The Division observed topsoil stored in piles along the eastern edge of the stockpile area in Phase 1 (See Photos 3 & 4). The topsoil does not have a vegetative cover and showed signs of erosion. Per Rule 3.1.9 (1), if topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is protected from erosion, remains free of any contamination by toxic or acid-forming material, and is in a usable condition for reclamation. As noted in Problem 2, the topsoil stockpiles need to be stabilized by seeding with the seed mix that was submitted as part of the approved Reclamation Plan. The Operator shall demonstrate compliance by submitting seed tags, a bill of sale or photographs of seeding activities.

This concludes this inspection report. A subset of the photographs taken during inspection are attached. Please contact Nikie Gagnon (303)866-3567 ext. 8126 or email at [nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us) if you have any questions regarding this report.

**PHOTOGRAPHS**



Photo 1: Stockpiles stored in disturbance area on the southeast side of Mining Area 1 in the Phase 1.



Photo 2: Looking north across Mining Area 1.





Photo 3: Looking east at a stockpile in Mining Area 1. Topsoil is stored along the disturbance boundary behind the stockpile (red arrow).



Photo 4: Closeup of topsoil piles sitting on the eastern edge of Mining Area 1.





Photo 5: Looking northwest at overburden storage (red arrow) and a sand stockpile on the right in Mining Area 1.



Photo 6: Looking north across Mining Area 1 in Phase 1.





Photo 7: Looking west across Mining Area 2. Water well in center of pit noted by arrow.



Photo 8: Looking at overburden stockpile in Mining Area 2.





Photos 9 & 10: Groundwater Well observed in the center of Mining Area 2.







Photo 11: Looking southeast towards Mining Area 1 (red arrow) from Mining Area 2. Land between the two is undisturbed.



Photo 12: Looking southeast from Mining Area 2. Haul road connecting the two disturbance areas noted by red arrow.





Photo 13: Entrance on the north side leading to Phase 1 Mining Area 1.



Photo 14: View of undisturbed land in the Phase 2 area, north of the current disturbance.





Photo 15: Stock watering troughs within the Phase 2 area, north of the current disturbance.



Photo 16: Dump truck picking up stockpiled material from Mining Area 1.



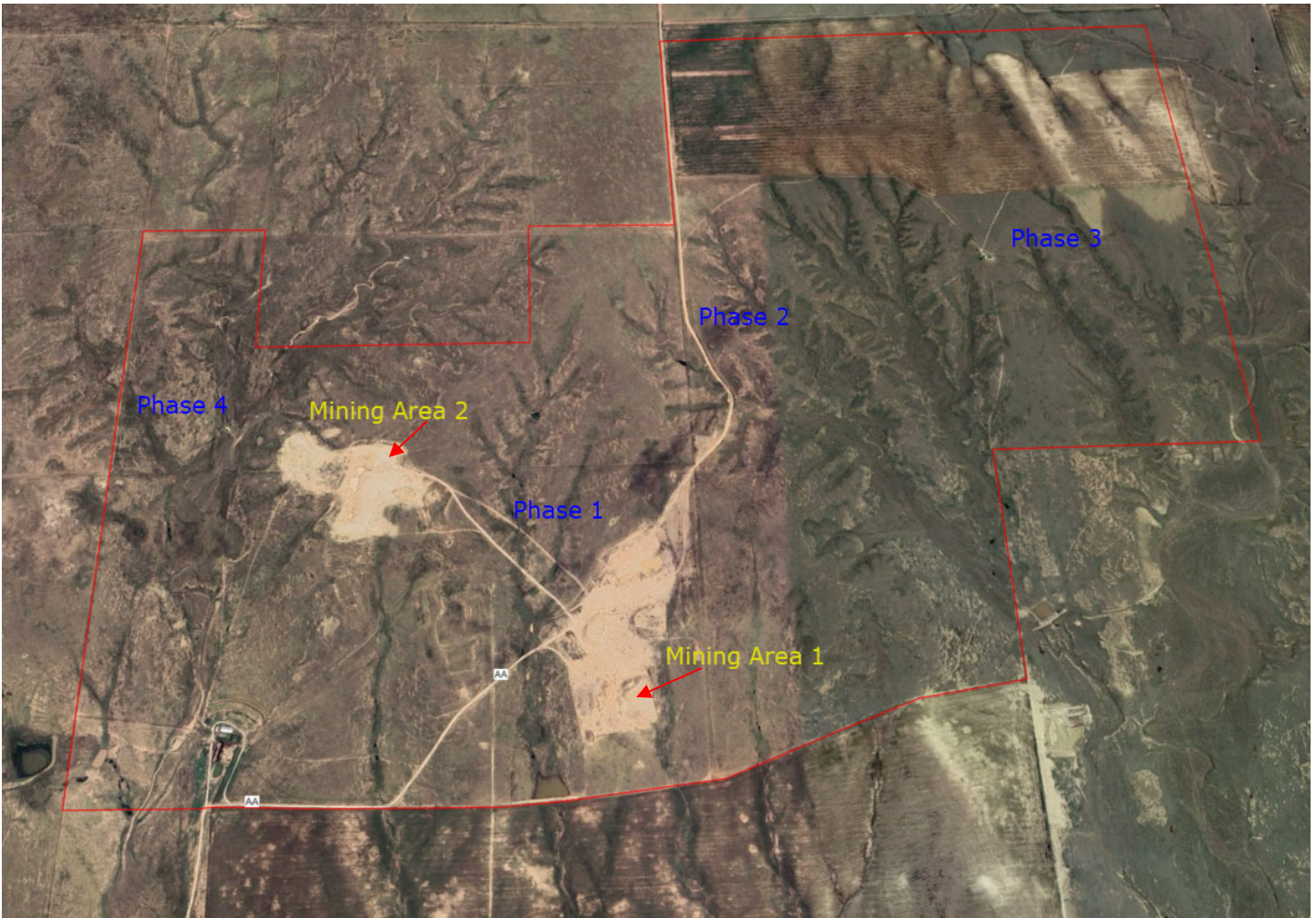


Figure 1. Red line indicates the permit boundary. Google earth imagery dated 8/5/2023.

**GENERAL INSPECTION TOPICS**

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>PB</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>N</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>PB</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>PB</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>N</u>	

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

**Inspection Contact Address**

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