

STATE OF  
COLORADO

Gibson - DNR, Amber &lt;amber.gibson@state.co.us&gt;

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**Citizen Complaint (CT1), Shannon Pit, M-1979-163 Follow-up**

1 message

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**Gibson - DNR, Amber** <amber.gibson@state.co.us>  
To: ruthshannon02@gmail.com

Tue, Sep 24, 2024 at 4:45 PM

Good afternoon,

On September 6, 2024, the Division conducted an inspection at the Shannon Pit (M-1979-163) in response to your concern filed under Citizen Complaint (CT-1). Attached is a copy of the Division's inspection report. The Division found that the Operator appears to be in compliance with the approved permit. Therefore, the Division considers this matter: **resolved**.

Thank you,

**Amber M. Gibson**  
Environmental Protection Specialist I**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources**P 720.836.0967** | F 303.832.8106 |  
**[amber.gibson@state.co.us](mailto:amber.gibson@state.co.us)**Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216Physical: 1313 Sherman Street, Room 215, Denver, CO 80203<https://drms.colorado.gov/>**INSP-REPORT\_ShannonPit\_M1979163\_AMG\_CT1\_Sept-6-2024.pdf**  
3217K

STATE OF  
COLORADO

Gibson - DNR, Amber &lt;amber.gibson@state.co.us&gt;

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## Inspection Report, Shannon Pit, M-1979-163, Citizen Complaint

1 message

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**Gibson - DNR, Amber** <amber.gibson@state.co.us>

Tue, Sep 24, 2024 at 4:45 PM

To: keith.woodring@lasanimascounty.org, brian.heguy@lasanimascounty.org

Good afternoon,

Attached for your records is a copy of the Division's inspection report conducted as part of an investigation into citizen complaint no. 1 (CT1) received by the Division. The Division found that the Operator appears to be in compliance with the approved permit. Therefore, the Division considers this matter: **resolved**.

Thank you,

**Amber M. Gibson**  
Environmental Protection Specialist I



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

**P 720.836.0967** | F 303.832.8106 |  
**[amber.gibson@state.co.us](mailto:amber.gibson@state.co.us)**

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

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3217K



**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> Shannon Pit	<b>MINE/PROSPECTING ID#:</b> M-1979-163	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Las Animas
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> September 6, 2024	<b>INSP. TIME:</b> 09:20
<b>OPERATOR:</b> Las Animas County	<b>OPERATOR REPRESENTATIVE:</b> Keith Woodring and Brian Heguy	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$0.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>INSPECTOR(S):</b> Amber M. Gibson	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> September 24, 2024

**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>Y</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</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>N</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>Y</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</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

## **OBSERVATIONS**

The Shannon Pit was inspected by Amber Gibson with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed as part of the Division's investigation into Citizen Complaint no. 1 (CT1) submitted for this site. The site was previously inspected by the Division on November 3, 2020 as routine monitoring inspection. Keith Woodring with Las Animas County (representing the Permittee/Operator) and Brian Heguy also with Las Animas County (representing the Operator), accompanied me during the inspection. At the time of the inspection, the sky was clear and the weather was warm.

The Shannon Pit is located in Las Animas County approximately 5 miles south of Kim, Colorado. This site is a 112c Construction Materials Reclamation Permit, permitted for 19.92 acres, all of which are approved to be affected. This is a sand and gravel operation where the primary commodity being mined at the site is material for road base, with a potential secondary commodity of large rocks for landscaping materials. The approved post-mining land use is rangeland.

### **Availability of Records:**

The annual report, map, and fee are paid through September 27, 2025. A Citizen Complaint (CT1) was received by the Division on August 22, 2024. The complaint was submitted with the following concerns:

1. Unsafe Mining
2. Mining over bucket height of loader
3. Banks in excess of 30-40'
4. Large amount of scrap iron in mining area.

Concerns numbers 1 and 2 pertain to operational safety and are non-jurisdictional items under DRMS, but may be within the jurisdiction of the Mine Safety and Health Administration (MSHA). The complainant stated on the CT1 form that MSHA was also contacted. A couple large boulders located on top of, and within the top of, the highwalls in the north-west corner of the site that were included in the pictures submitted with CT1 were observed during the inspection and addressed by the Operators. The Operators stated that they no longer mine within those areas, but they will determine how to remove the boulders to increase safety on-site.

Concerns numbers 3 and 4 are addressed in the General Compliance with Mine Plan section below.

### **Acid And Toxic Materials:**

All fuel storage tanks onsite are either double-walled or have secondary containment berms.

### **Financial Warranty:**

The Shannon Pit is permitted and operated by Las Animas County. The Division does not hold a financial warranty for County operations.

### **Hydrologic Balance and Sediment Control:**

It had rained in the area on the day prior to the inspection. Only a few shallow puddles were observed around site during the inspection. The Operators stated that the water onsite either infiltrates or evaporates within 72 hours. Stormwater berms were observed along the perimeter of the disturbance. No evidence of sediment having left the site was observed.

### **General Compliance with Mine Plan:**

The Operator stated that they had been hauling material the week prior to the inspection. This operation was approved to be an Intermittent Operation, therefore they are approved to have periods of inactivity and can mine

on as as-needed basis. Mining has finished in the northeastern portion of the permit. The two boulders mentioned in the CT1 and in the Availability of Records section above are within this area of the permit. For now, the Operators plan to stay out of that area, but will assess any safety issues before beginning reclamation. Moving forward, mining will continue to the south, southeast, and southwest (see Photos 1-9 showing views of the permitted area from various locations around the site).

A few product stockpiles were observed towards the center of the permitted area as well as some excavation and portable processing equipment near the north-west side (Photo 5). Near vertical highwalls were observed along the north, northeast, and within some central portions of the pit. The highwall along the northeast side of the permit is approximately 25 feet high and near vertical (Photo 6). The approved mining plan states that overburden ranges from 6 inches to 5 feet throughout the permit, and that the depth of the deposit is up to 25 feet in some areas. Therefore, to address CT1 concern number 3, the depth of the excavation appears to be in compliance with the approved plan.

Addressing CT1 concern number 4, large amounts of scrap iron material was observed within the permit boundary (Photo 7). The Operators stated that they have collected some of the material, mostly consisting of old cattle grates, and that some of the material was brought onsite via other parties. The Operators have a plan to haul the material off-site and have begun to do so since the inspection was conducted. Storing scrap metal material on-site is not against the Division's regulations. However, it is against the Division's Rules and Regulations to backfill with any metal materials. The Division reminded the Operators that the material cannot be used for backfill and the Operators stated that it would not be used for that purpose.

Therefore, concerning the items mentioned in the CT1, the Division **did not find evidence** that the Operators were not in compliance with the Division's Rules and Regulations, and thus no problems were cited within this report.

#### Backfilling, Grading, Revegetation, and Reclamation Success:

No reclamation work has yet been conducted at this site. The Operator stated that since they have finished mining in the north-east portion of the site, they plan to begin knocking down the highwalls in this area and backfilling the slopes. Overburden piles line the north-east side of the pit and will be used for backfilling and grading (Photo 8). The Division reminds the operator that the north-east portion of the disturbance is very close to the permitted boundary (see Map 2) and cautions the operator to maintain line of sight during reclamation to ensure that off-site disturbance is not created at that time.

#### Signs and Markers:

A permit sign is posted at the entrance to the permit in compliance with Rule 3.1.12(1) (Photo 6). During the inspection, the Division and the Operators walked around the perimeter of the permit boundary to locate the affected land boundary markers. The affected land boundary is marked with t-posts and the markers appear to be in compliance with Rule 3.12.1(2). The Division took coordinate points using the Esri Field Map application and synced the information with the Division's georeferenced permit boundary map using Esri ArcGIS Online. The Operator's *Map C-1 Aerial Photo* map included in revision CN1 (conversion application no. 1) was georeferenced and used to approximate the permit boundary location on the 2024 inspection map that has the boundary marker locations. Both Maps are enclosed at the end of this report.

#### Topsoil:

Topsoil stockpiles were observed along the southern sides of the permitted area (Photo 9). The piles were vegetated, out of the way of on-going mining activity, and appear to be stable.

**Conclusion:**

This concludes the Division's Inspection Report; a few maps displaying topics discussed during the inspection, and a subset of corresponding photographs that were taken during the time of the inspection, are included below. If you need additional information or have any questions, please contact me by email at [amber.gibson@state.co.us](mailto:amber.gibson@state.co.us) or by telephone at (720) 836-0967.

**Inspection Contact Address**

Keith Woodring and Brian Heguy  
Las Animas County  
2000 N. Linden Ave.  
Trinidad, CO 81082

EC: Jared Ebert, DRMS



**PHOTOGRAPHS**



**Photo 1:** Looking southwest from the northern boundary.



**Photo 2:** Looking southwest from the northeast boundary.





**Photo 3:** Looking northwest from the eastern boundary.



**Photo 4:** Looking east within the pit.





**Photo 5:** Permit sign located to the east of the entrance road along the northern permit boundary. Product stockpiles are circled and equipment and processing equipment is indicated by the arrow.



**Photo 6:** Looking east at the highwall along the northeast side of the permit boundary. The notebook in the photo was used in combination with ImageJ to estimate the highwall height.





**Photo 7:** Scrap metal stockpiled outside of the excavated area.



**Photo 8:** Looking southeast along the north-eastern highwall. Arrows point to location of stockpiled overburden.



**Photo 9:** Looking northwest from the southeastern boundary. Circled are the stockpiled topsoil piles along the southern side of the disturbance.





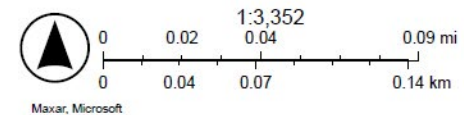
**Map 1:** *Map Exhibit C-i Aerial Photo* from the Operator's conversion (CN1) application package. This map shows the permitted boundary overlain onto an aerial photo.



### Shannon Pit M-1979-163 Inspection Map



9/23/2024



**Map 2:** Map generated using field data (collected in the Esri Field Maps application) in combination with a georeferenced boundary (purple line) in Esri ArcGIS Online. The green points indicate locations where t-posts were observed around the site. The posts appear to mostly agree with the permitted boundary. The Operator should be cautious when nearing the points that appear to possibly be located slightly past than the approved boundary.