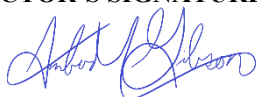




**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

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> Jolly Pit	<b>MINE/PROSPECTING ID#:</b> M-2012-010	<b>MINERAL:</b> Borrow material for construction	<b>COUNTY:</b> Las Animas
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Cloudy	<b>INSP. DATE:</b> November 5, 2024	<b>INSP. TIME:</b> 14:00
<b>OPERATOR:</b> Las Animas County	<b>OPERATOR REPRESENTATIVE:</b> Keith Woodring and Joe Avila	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<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> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Amber M. Gibson	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> November 25, 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:** Off-site Damage

**POSSIBLE VIOLATION:** Land has been affected outside of the approved permit boundary. This is a possible violation at this time pursuant to: 1.) C.R.S. 34-32.5-109(1) for failure to first obtain from the board or office a reclamation permit prior to engaging in a new operation. AND/OR 2.) C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

**CORRECTIVE ACTIONS:** This possible violation will require a hearing before the Mined Land Reclamation Board. 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:** Tentative MLRB Hearing Date - 1/15/25

## **OBSERVATIONS**

The Jolly 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 routine monitoring inspection program. The site was previously inspected by the Division on January 15, 2020 as a routine monitoring inspection. Kieth Woodring and Joe Avila (representing the Operator – Las Animas County Road and Bridge Department), accompanied me during the inspection. The sky was cloudy, the weather was cold, and the ground had a blanket of snow.

The Jolly Pit is located in Las Animas County approximately 8.5 miles east-northeast of Aguilar, Colorado. The entrance to the pit is via a private road that extends approximately 3.75 miles east from County Road 61. The permit is for a 12-acre 112c Construction Materials Reclamation Permit. The primary commodity being mined at the site is road base for county roads. Possible secondary commodities include big rocks to be used for rip rap and overburden to be used for road work. The approved post-mining land use is rangeland.

### **Availability of Records:**

The annual report, map, and fee are paid through June 18, 2025. In 2013, the Jolly Pit was granted intermittent operation status via a Technical Revision (TR1) and is therefore allowed to operate less than 180 days per year, and on an as-needed basis. There are no outstanding infractions.

### **Financial Warranty:**

The Jolly 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:**

The current pit, and the next areas planned to be excavated, are bordered by stormwater berms to both indicate the disturbance limits within the permit boundary and to prevent run-off and excess sediment from leaving the site (Photo 1; Map 1). The mining plan states that the diversion/disturbance berm will be located approximately 10 feet inside the permit boundary (where existing slopes allow), or further. However, along the north side of the permit boundary, the berm is located on the northern boundary as well as along a portion of the southeast side of the permit boundary (see Map 1). At the time of the inspection, the Division did not observe any standing water nor signs that sediment had left the site.

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

During the inspection, the Operator stated that the last date of active mining at the site was approximately 1.5 years ago and consisted of hauling off material from the product stockpile. Per the mining plan, this operation consists of an open pit, where mining had begun in the northwest corner of the boundary and has since moved south and east. The pit is currently about 1.75 acres, and consists of a level pit floor, approximately 1,087' long by 25' deep highwalls that are at about a 0.5H:1V slope, and an internal road that leads up to the processing area (Photos 2-5). Some overburden material, to be used later during reclamation, is stockpiled above and behind some of the highwalls (Photo 7). There was also a product stockpile located southwest of the pit (Photo 6; Map 1). At the time of the inspection, there was no equipment onsite.

The Division estimates the disturbance onsite to be approximately 7.15 acres (see the purple boundary on Map 1). Upon inspection follow-up, the Division discovered that a few roads had been constructed sometime between the time the permit application was submitted in 2012, and 2013. It appears that a section of the road leading into the pit is constructed outside of the permit boundary, as well as a few roads leading into the west side of the permit (Photos 8-9; black polygons on Map 1; Figure 1). **This has been cited as a possible violation**

**above** for off-site damage affecting approximately 0.25 acres near the entrance of the pit, located outside of the approved affected area. The Division will bring this matter before the Mined Land Reclamation Board (MLRB) for a hearing for consideration of a possible violation pursuant to C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the approved affected land from slides or damages, and/or for failure to first obtain a reclamation permit prior to engaging in a new operation in accordance with C.R.S. 34-32.5-109(1). 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.

Reclamation Success:

No backfilling and grading has yet occurred at this site. Reclamation has not yet begun.

Signs and Markers:

The mine sign was observed and appears to be in compliance with Rule 3.1.12(1). The mine sign is posted approximately 2.9 miles west of the entrance to the pit, near the start of the private road leading east from CR 61 (Photo 10; Map 2).

The Division walked around the site with the Operator representatives and collected GPS points for the field markers posted in compliance with Rule 3.1.12(2). The permit boundary is marked with green t-posts with orange tops (Photo 11). The Division georeferenced the permit boundary into the Esri FieldMaps application and determined that the markers appear to closely resemble the placement of the permit boundary. However, in some areas, it appears that the field markers are more conservative than the boundary, and in others, they seem to lie outside of the depicted boundary on the *Permittee's Map C-1 Aerial Photo* (enclosed), which the Division used to georeference the permit boundary. Other than the roads mentioned in the General Compliance with the Mine Plan section above, no additional off-site disturbance was observed. The Division cautions the Operator to ensure that additional disturbance does not go outside of the boundary depicted in the approved application, nor does it exceed the 12.0 acres approved to be affected for this operation.

Topsoil:

A stockpile of topsoil was observed to the east of the northeastern corner of the pit boundary, approximately where the north topsoil stockpile is indicated on the enclosed Permittee's *Map C-e Mining Plan Map* (Photo 12: Map 1). The topsoil stockpile had some vegetation growing on it and appears stable at this time. The Division reminds the Operator that once placed, per Rule 3.1.9(4), the topsoil stockpile shall not be moved again unless it's being applied to regraded disturbed areas during reclamation, or if it has been approved to be moved through a Technical Revision.

Conclusion:

This concludes the Division's Inspection Report; a few maps, a figure 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  
Las Animas County  
2000 N. Linden Ave.  
Trinidad, CO 81082

Enclosures: Permittee's Map C-e Mining Plan Map and Map C-i Aerial Photo

CC: Jared Ebert, DRMS  
Joe Avila, Las Animas County Road and Bridge Dept.

### GENERAL INSPECTION TOPICS

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

(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>N</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>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>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

## **PHOTOGRAPHS**



**Photo 1:** Looking north along the eastern stormwater diversion/disturbance boundary berm.



**Photo 2:** Looking south across the pit from the north boundary.





**Photo 3:** Looking west across the pit from the north boundary. The north boundary markers are circled in yellow.



**Photo 4:** Looking east at highwalls from within the pit.





**Photo 5:** Looking east at the internal pit road leading to the processing area.



**Photo 6:** Looking west at the processing area and at the processing pile (arrow), from the eastern disturbance boundary.





**Photo 7:** Looking at the overburden material stockpiled above and behind the highwalls within the pit area.



**Photo 8:** Looking east into the pit from the entrance constructed outside of the permit boundary.





**Photo 9:** Looking southeast at the pit from beyond the permit boundary. The circle indicates the northern permit boundary marker. The arrow points to a road constructed outside of the permit boundary.



**Photo 10:** Looking east at the mine sign located approximately 2.9 miles west of the pit boundary (see Map 2).



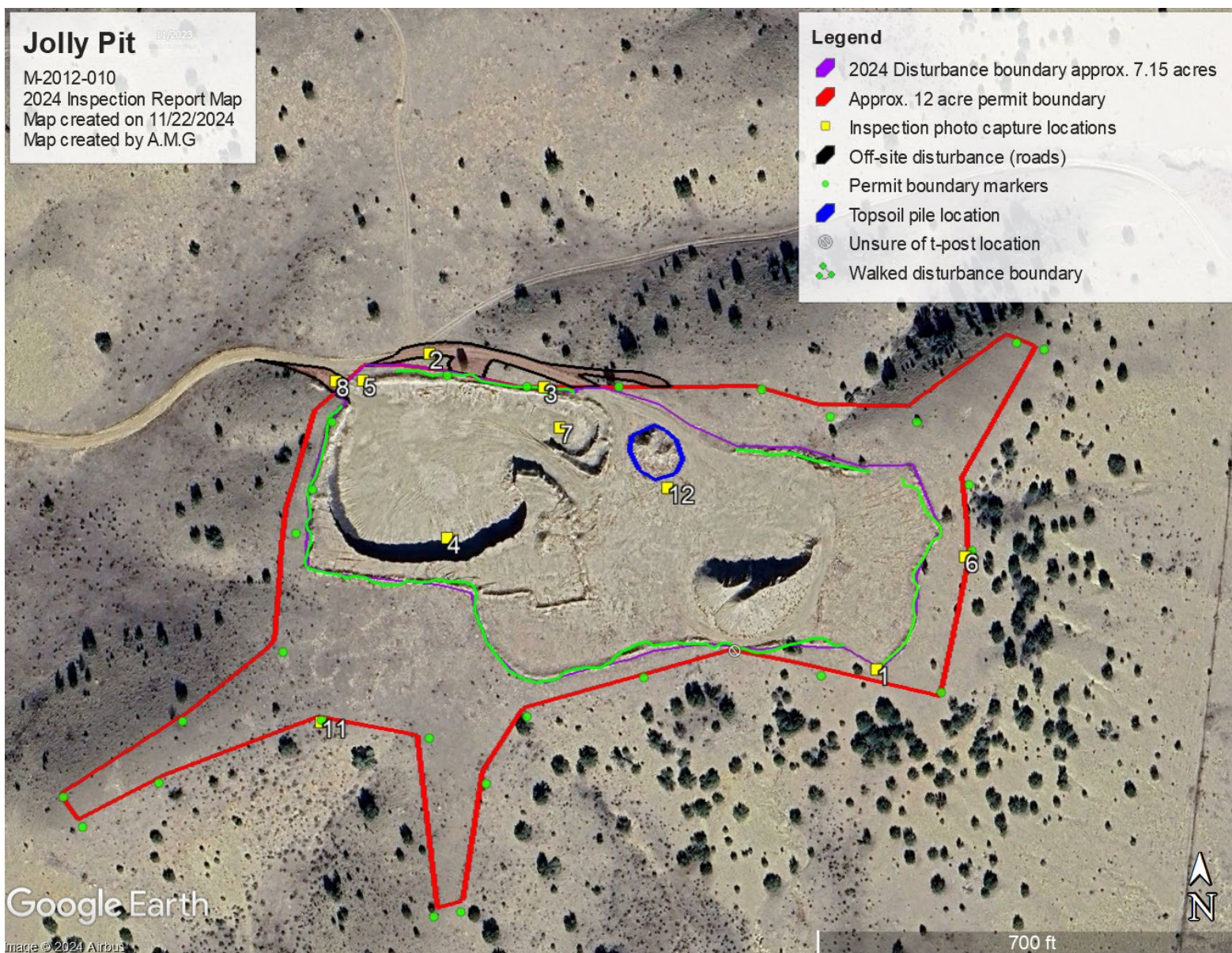


**Photo 11:** Looking northeast from the west permit boundary at the southern pit boundary.



**Photo 12:** Topsoil stockpile.





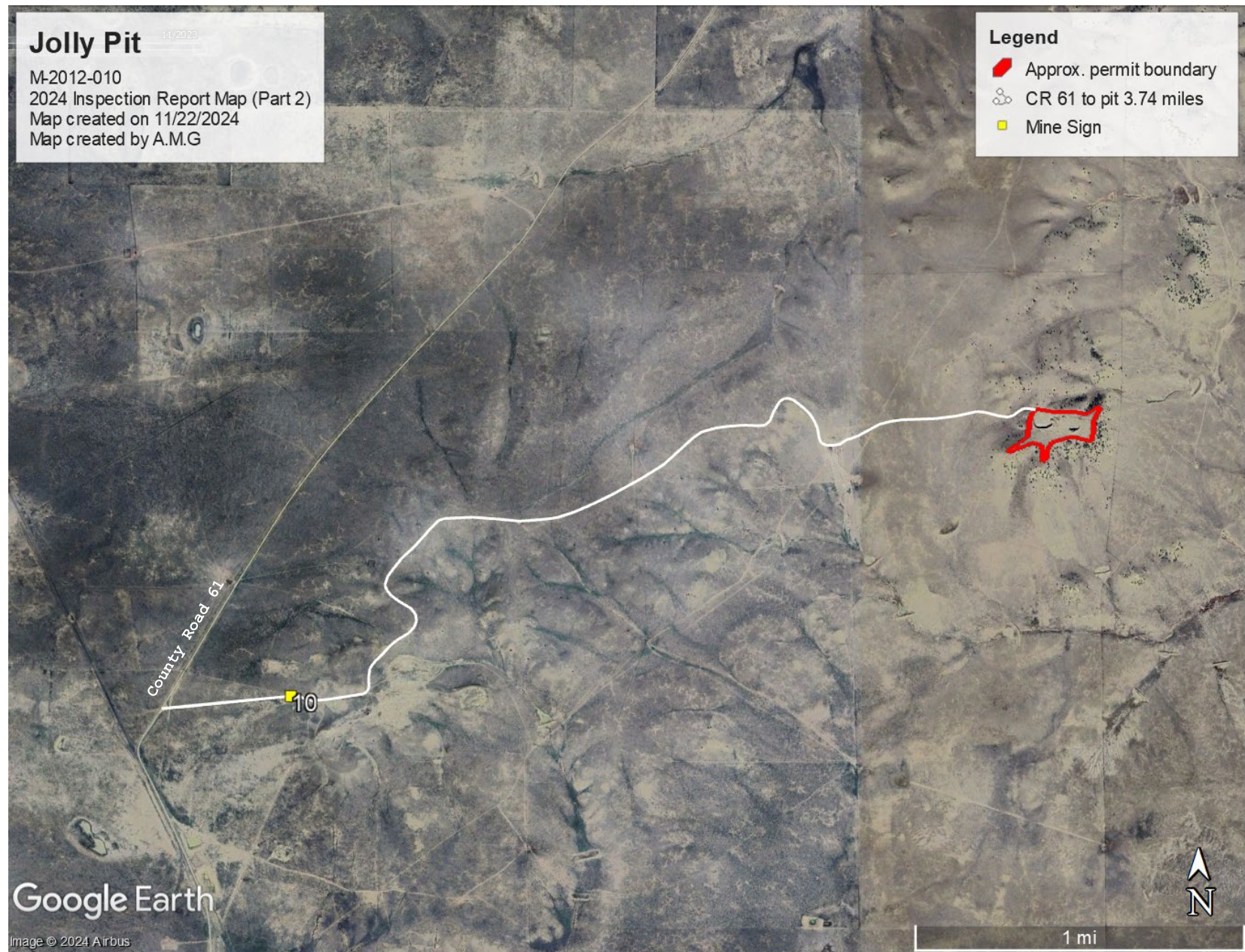
**Map 1:** Inspection map generated in Google Earth Pro, using data collected in the field using Esri FieldMaps, and inspection photo GPS data imported into Esri ArcPro and ArcOnline. The aerial imagery is dated 11/12/2023. The icon shown as a white circle with a slash through it along the southern boundary indicates where there may have been a boundary marker present, but not data was collected at that point. The black outlined polygons located north of the permit boundary indicate areas where roads have been significantly improved and or created in support of the mining operation (see Figure 1 below).





**Figure 1:** Figure showing the formation of roads and paths outside of the approved affected area. A) Google Earth aerial image dated 8/18/2011. B) Road area from the Permittee's Map C-I Aerial Photo where the map is dated 12/8/2011. C) Google Earth aerial image dated 4/27/2013. D) Google Earth aerial image dated 10/14/2015.





**Map 2:** Inspection report map showing the private access road located off of CR 61 that leads to the permit area, and the location of the permit sign along that road.

**Legend**

**Applicant: Las Anim as County**

**Prepared by: Phil Dorenkamp**

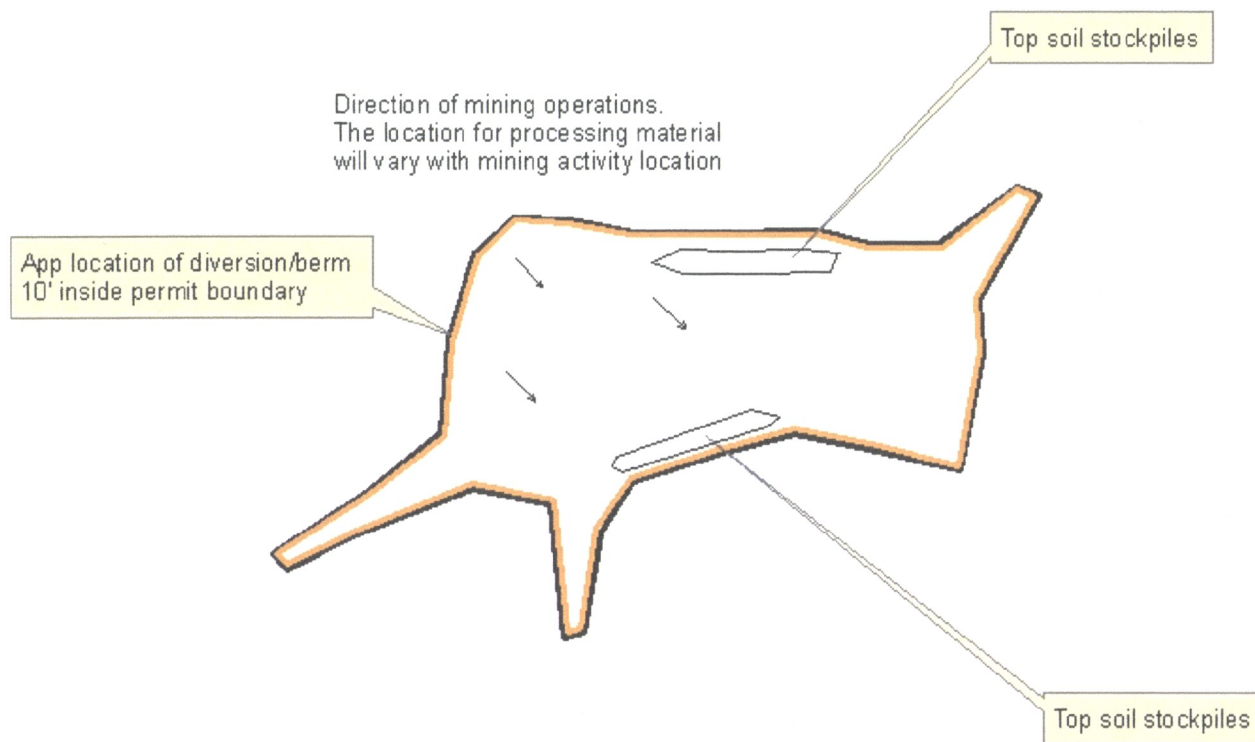
**Prepared: 12-8-11**

*Phil Dorenkamp*

— Jolly Pit Boundary



**Display C-e mining plan map**



1 inch = 350 feet



**Legend**

**Applicant: Las Animas County**

**Prepared by: Phil Dorenkamp**

**Prepared: 12-8-11**

*Phil Dorenkamp*  
— Jolly Pit Boundary

Display C-i aerial photo

1 inch = 350 feet