



## 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> Orphan View Gravel Pit	<b>MINE/PROSPECTING ID#:</b> M-2013-016	<b>MINERAL:</b> Borrow material for construction, gravel and sand	<b>COUNTY:</b> Huerfano
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> February 13, 2025	<b>INSP. TIME:</b> 12:50
<b>OPERATOR:</b> Huerfano County	<b>OPERATOR REPRESENTATIVE:</b> Dustin Hribar	<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> February 27, 2025

**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: Signs & Markers

**PROBLEM:** The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The Operator must provide sufficient information to describe or identify how the Operator intends to conduct the operation.

**CORRECTIVE ACTIONS:** The Operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities by the corrective action date.

**CORRECTIVE ACTION DUE DATE: 4/30/25**

## **OBSERVATIONS**

The Orphan View Gravel 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 October 7, 2020 as part of an acreage release request. Dustin Hribar (representing the Operator - Huerfano County) accompanied me during the inspection. The weather was cool and the sky was clear.

The pit is adjacent to County Road (CR) 640 approximately 1.1 miles west from the junction of the frontage road along Interstate 25. The site itself is approximately 9.2 miles north of Walsenburg, CO. The site is surrounded by rangeland and farmland with the post-mining land use of rangeland. The Orphan View Pit is a 16.8-acre operation for the removal of construction materials, primarily sand and gravel.

### **Availability of Records:**

The annual report, map, and fee are paid and current through 5/10/2025. There are no outstanding infractions.

The Division found that the recent annual report maps were inadequate.

1. **For the 2025 submittal of the annual report map please** refer to the Annual Report Form. The Annual Report Form states that as required by the Colorado Land Reclamation Act for the Extraction of Construction Materials (C.R.S. 34-32.5-116), **the Permittee shall attach a map to the report that accurately depicts:**

- i. the permit boundary,
- ii. the current affected area boundary and;
- iii. the location of the acreages specified in Items no. 8-12 and 15.

*Items 8-12 and 15 on the Annual Report Form are listed below.*

#8. Number of acres currently affected (mining + incomplete and or unreleased reclamation).

#9. Number of acres that were newly affected during the current report year.

#10. Number of acres that were reclaimed during the current report year.

#11. Estimated new acreage to be affected in the next report year.

#12. Estimated acres to be reclaimed in the next report year.

#15. Is adequate topsoil reserved for reclamation, based on your approved permit?

2. Please also include the following features:

- A google earth background image
- A north arrow and scale
- A legend indicating the polygons and/or lines for the features identified in items 8-12 and 15 on the form OR include clear labels for each feature.

### **Financial Warranty:**

The Orphan View Pit is permitted and operated by Huerfano County. The Division does not hold a financial warranty for County operations.

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

The active mining areas are surrounded by earthen barriers and berms that help prevent stormwater runoff from

leaving the site. No signs of sediment leaving the site were observed during the inspection. The Operator stated that when the site does experience rainfall, the water either infiltrates or evaporates within 72 hours.

#### General Compliance with Mine Plan:

Mining at this site has extended from the northeast corner to the northwest corner, and is gradually moving south (Photos 1-3). Currently, the processing area is located on the south side of the pit. Some portable equipment, and a product stockpile, was observed onsite at the time of the inspection (Photos 4-6). There is a topsoil pile located in the southeast corner of the permit boundary. The Operator has created a low earthen berm along the west and part of the eastern boundary to delimitate the edges of the permit (Photo 7 and Photo 12). There is an abandoned canal, the Homestead canal, that runs east to west through the northern side of the pit (Photo 8). During the inspection, an area in the northeast corner of the site held a lot of broken-up concrete material (Photos 9-10). The Operator stated that the concrete was from another project, is only temporarily being stored onsite, and will be hauled off soon to be used for riprap on another project.

Mining at this site had originally been at a depth of about 12' that was limited to the location of a bedding plane consisting of dense clay/sandy material that was difficult to dig past (Photo 3). Now, equipment has been used on the northern side of the pit that can break through this plane to reach the material below to reach a depth around 15'. Additionally, once broken and allowed to be exposed to the elements, the material from the thick plane can be broken up and incorporated with the product. The Operator stated that right now, the plan is to continue southward at the shallower depth and possibly go back through at the deeper depth in the future. The approved mine plan states that the depth of the deposit ranges from 12 feet to about 18 feet deep. Therefore, the depth of the pit is in compliance with the approved mining plan.

The Operator's 2024 annual report submission indicates that all 16.8 acres have been affected (including mining and incomplete and/or unreleased reclamation). However, from reviewing aerial imagery, field observations, and conversation with the Operator, this appears to be a reporting mistake. The Division estimates there is approximately 11 acres of disturbance on the site to date. **The Operator shall ensure the affected acreage reported under item #8 on the annual report is accurate for the 2025 submittal.**

#### Roads, Markers, and Maps

Originally, this site had been permitted as a 31-acre 112c construction materials operation, planned to be mined in three phases. In 2020, the Permittee had requested an acreage release (AR1) to release the undisturbed Phases 2 and 3. The acreage release was approved, and the Operator submitted a technical revision (TR1) in 2021 to update the mining and reclamation plan maps.

During the pre-inspection permit review, a few discrepancies were identified that occurred during the AR1/TR1 process. First, the shape of the phase boundaries were simplified on the acreage release description map submitted with TR1 (see Figure 1). Also, the phases were assumed to equal the acreages shown for each phase on the original mining plan map (Figure 1). However, the acreages shown on the original mining plan map correspond with the estimated acres to be mined, which does not equal the total acreage at the site.

**Table 1:** Table included on the original mining plan map that described the acreages to be mined within each phase.

<u>ESTIMATED MINING TIME TABLE</u>		
PHASE AREA NUMBER	ACRES	ESTIMATED MINING DATES
PHASE #1	12.80	2013-2018
PHASE #2	9.00	2018-2023
PHASE #3	5.20	2023-2028

Per the original phasing (see Table 1 above) the total mining area within each phase totaled 27 acres. When AR1 was requested and subsequently approved, Phases 1 and 2 were assumed to total 14.2 acres, which was subtracted from the *total* acreage of 31 acres, to equal the current 16.8 acres. Due to the changes in the phase boundaries, and the misunderstanding with the mining and phase acreages, the current permit boundary as depicted on the new mining plan map submitted with TR1 encompasses less than 16.8 acres. On the TR1 map, coordinates were provided for the southeast, southwest, northwest, and partially northeast new corner markers (see the Operator's current mining map enclosed with this report). The longitude coordinate for the NE permit marker was cut-off and not included on the current map. However, based on the three coordinates included, and the aerial image included with the current map, the Division estimates that the current boundary depicted on the map equals approximately 16 acres. Additionally, of the 16.8 acres, 12.8 acres is still the approved acreage (reported on file) to be disturbed at any one time. Due to the change in shape, this no longer appears to correspond with the current operating plan.

When reviewing the new map, and looking at recent disturbance at the site, it appeared that the southern topsoil pile, and the southern tip of recent disturbance on the southwest side, extends outside of the permit boundary to the south. When looking at the TR1 map, it also appears that the topsoil pile in the southeast corner is shown as extending past the new boundary. During the inspection, the Operator stated that the field markers had not been reconfigured since the original permit boundary and were assumed to match the map submitted with TR1. The Operator also stated that the field markers show that the southern disturbance is within the boundary. Five field markers (T-posts and PVC pipe extensions) were observed around the site. The Division collected the field markers during the 2025 inspection (Map 1; Photos 11- 15), compared them with marker locations collected during prior inspections, and agrees that the coordinates provided for the current map do not match the field markers, which was not the Operator's intention.

Lastly, when looking at aerial imagery, it appears that sometime between September 2013 and September 2019, a new entrance to the site was being utilized. This entrance can be seen on the aerial images included with the TR1 maps and in recent imagery Map 1. The original entrance extends directly south from County Road 640 into the pit via a pre-existing road (Figure 1). The new entrance is approximately 83 feet east of the old entrance and enters the pit at a northeast to southwest orientation (Photos 14-15). The new entrance is located within the same parcel as the rest of the mining operation. When asked about the new road, the Operator stated that there is a pipe that runs underneath the original entrance, and to prevent damage to it, the new entrance was created.

Due to the various issues highlighted above, this has collectively been **cited as a problem**. Because these issues are due both to mistakes made by the Operator and by the Division, this shall be remedied through a Technical Revision. The Operator shall submit a Technical Revision application that provides updated mining and reclamation plan maps where the permit boundary matches the boundary in the field, with the exception of the



entrance location. The entrance road must be included within the permit boundary. The permit boundary shall equal the approved 16.8 acres. Additionally, because highwalls are present onsite, but are not included in the current mining plan, the mining exhibit shall be updated to reflect current operations and how the mining at the site is planned to be conducted moving forward. A technical revision application with the required changes shall be received by the Division by the corrective action date.

Sign

A mine sign was posted at the entrance to the site (Photo 16) in compliance with Rule 3.1.12(1).

Topsoil:

A topsoil stockpile is located at the southeast corner of the site (Photo 17). Additional smaller topsoil piles were observed above and behind the pit walls within the current disturbance. The Operator stated that there is an abundance of available topsoil at this site. The topsoil piles appeared to be stable at this time.

Conclusion:

This concludes the Division's Inspection Report; a map and 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**

Dustin Hribar  
Huerfano County  
1038 Russell Ave  
Walsenburg, CO 81089

*Enclosure: Current Mine Plan Map as of TRI Approval  
Original Mine Plan Map*

CC: Jared Ebert, DRMS

### 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>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>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>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



**Map 1:** Inspection map generated in ArcGIS Pro for the February 13, 2025 inspection of the Orphan View Gravel Pit, permit no. M-2013-016. The features included on the map were collected using the Esri Field Maps application during the inspection. The permit boundary shown is based off the coordinates provided with TR1.



### PHOTOGRAPHS

The yellow dots in the reference map pictures to the right of the photos indicate the location where the photo was taken, and the yellow arrows indicate the direction that the photo was taken.



**Photo 1:** Looking across the pit floor at the 12' depth. The arrow points to where mining has gone to a depth of about 15'.

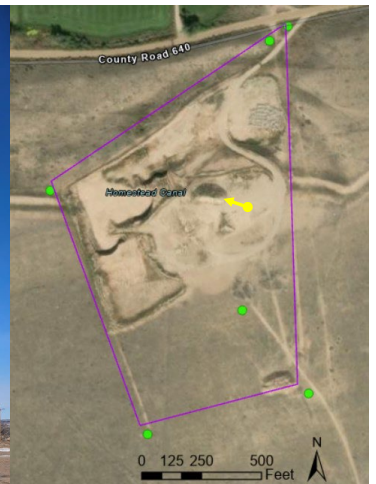


**Photo 2:** Looking south across the pit in the direction that mining is currently proceeding.





**Photo 3:** The arrows point to the bedding plane of dense material that has been dug through in the northern portion of the pit.

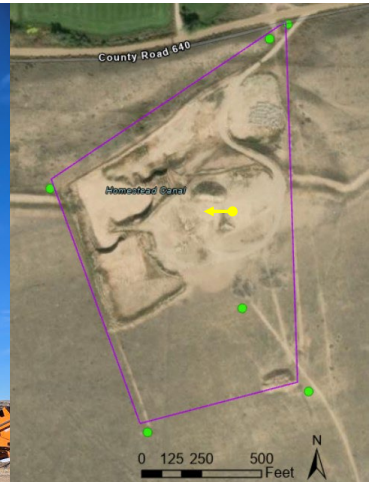


**Photo 4:** Product stockpile within the processing area.





**Photo 5:** Equipment within the processing area.



**Photo 6:** Looking southeast at the end of the truck turn around area.







**Photo 7:** Looking south along the berm lining the west side of the permit boundary.



**Photo 8:** Looking east along the abandoned Homestead Canal.





**Photo 9:** Looking south at the basin in the northeast portion of the permit area that is temporarily storing concrete material.

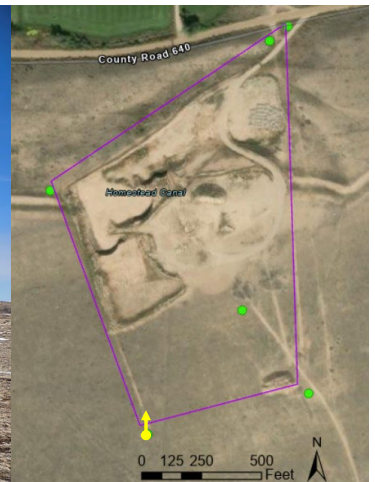


**Photo 10:** Looking west at the basin in the northeast portion of the permit area that is temporarily storing concrete material.



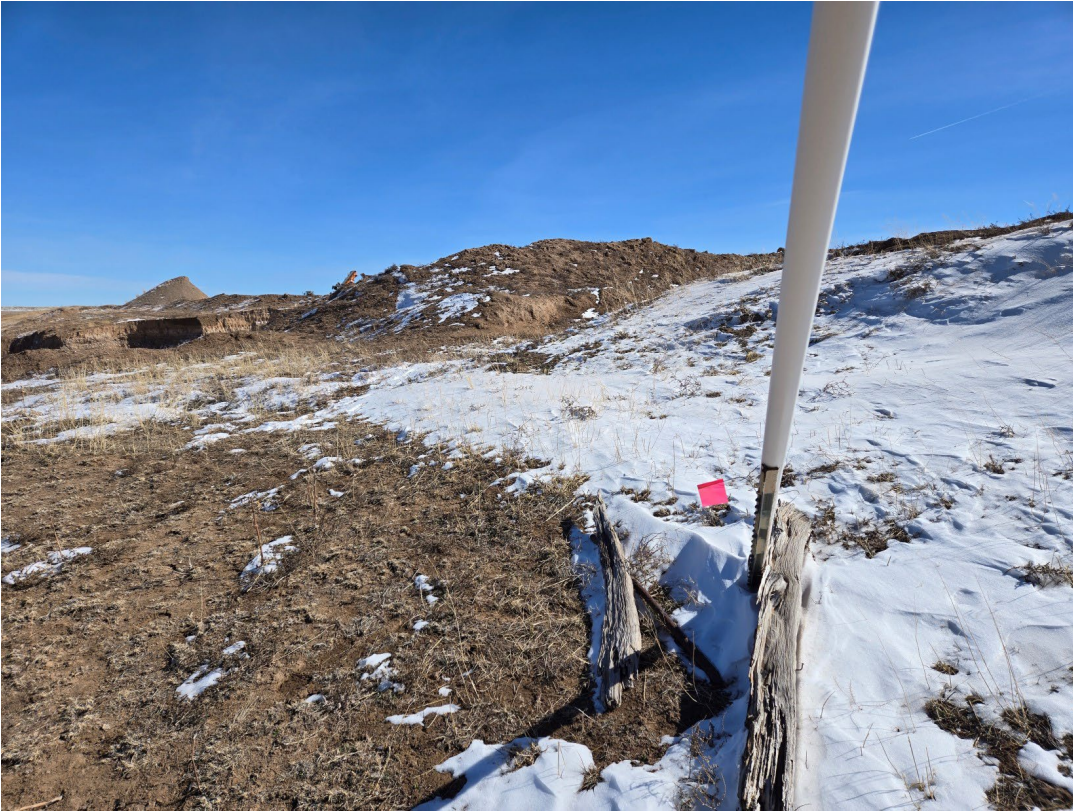


**Photo 11:** Looking northwest at the southeast permit boundary marker.

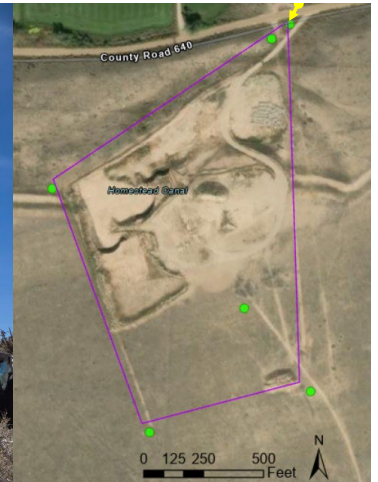


**Photo 12:** Looking northeast at the southwest permit boundary marker. The low earthen berm lining the west side of the permit boundary is shown in this photo.





**Photo 13:** Looking southeast at the northwest permit boundary marker.



**Photo 14:** The red arrow points to the northeast permit boundary marker. The yellow arrow points to the north permit boundary marker.





**Photo 15:** The red arrow points to the new entrance. The yellow arrow points to the original permitted entrance.



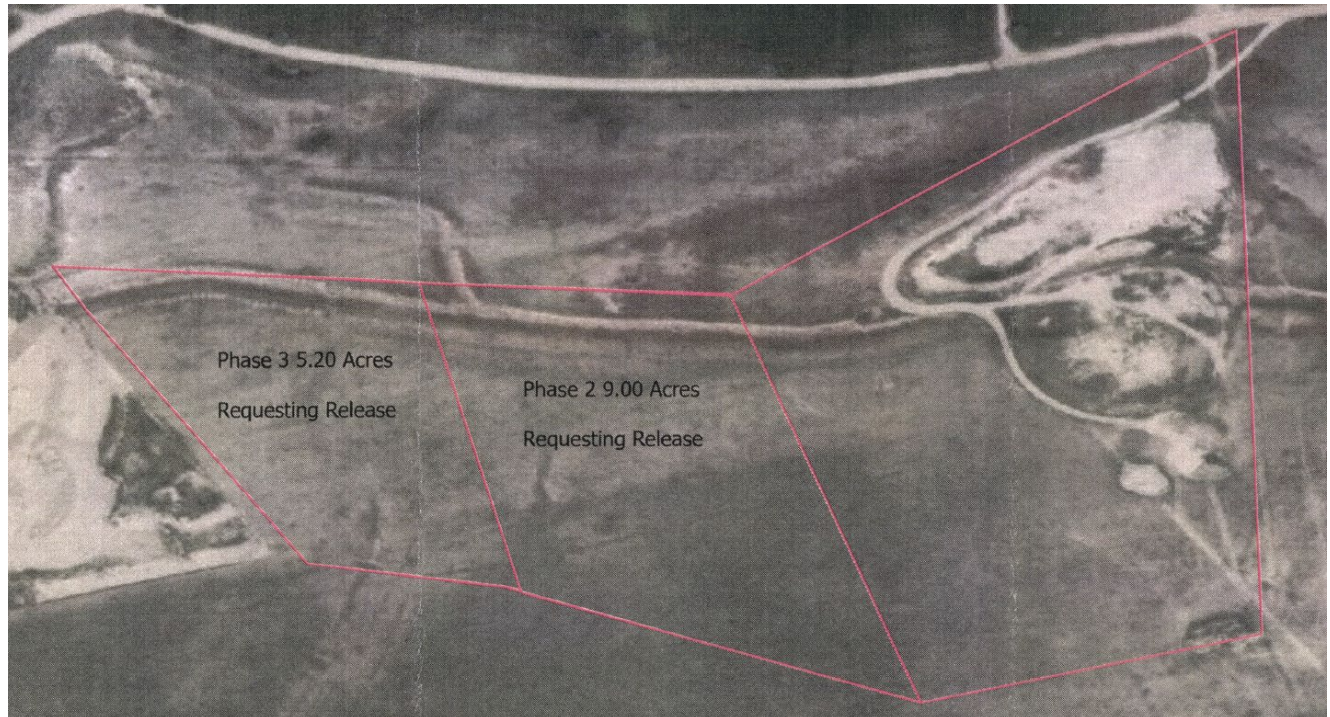
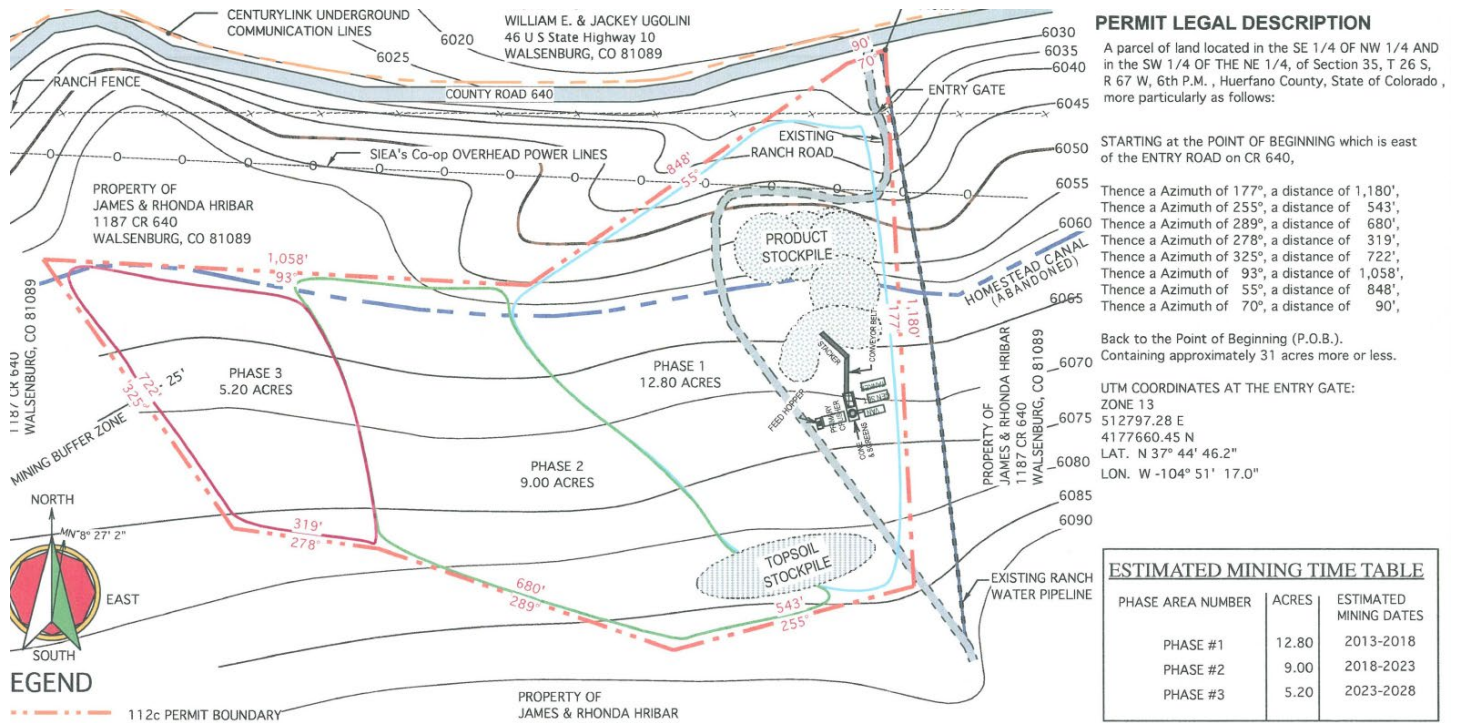
**Photo 16:** Mine sign posted at the entrance gate to the site.





**Photo 17:** Main topsoil pile located in the southeast corner of the site.





**Figure 1:** (Top) Photo from the original mine plan map. The red solid line indicates the minable acreage in Phase 3, the green solid line indicates the minable acreage in Phase 2, and the light blue solid line indicates the mineable acreage in Phase 1. (Bottom) The acreage release reference map submitted with TR1, where the phase boundaries were unknowingly simplified/altered.





Current Time: 1/6/2021 11:31 AM

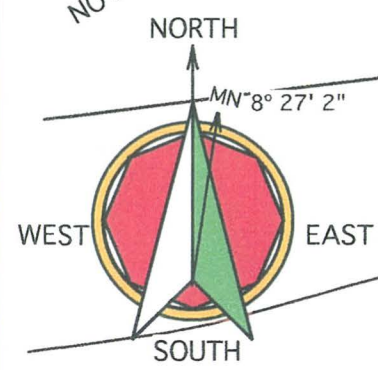
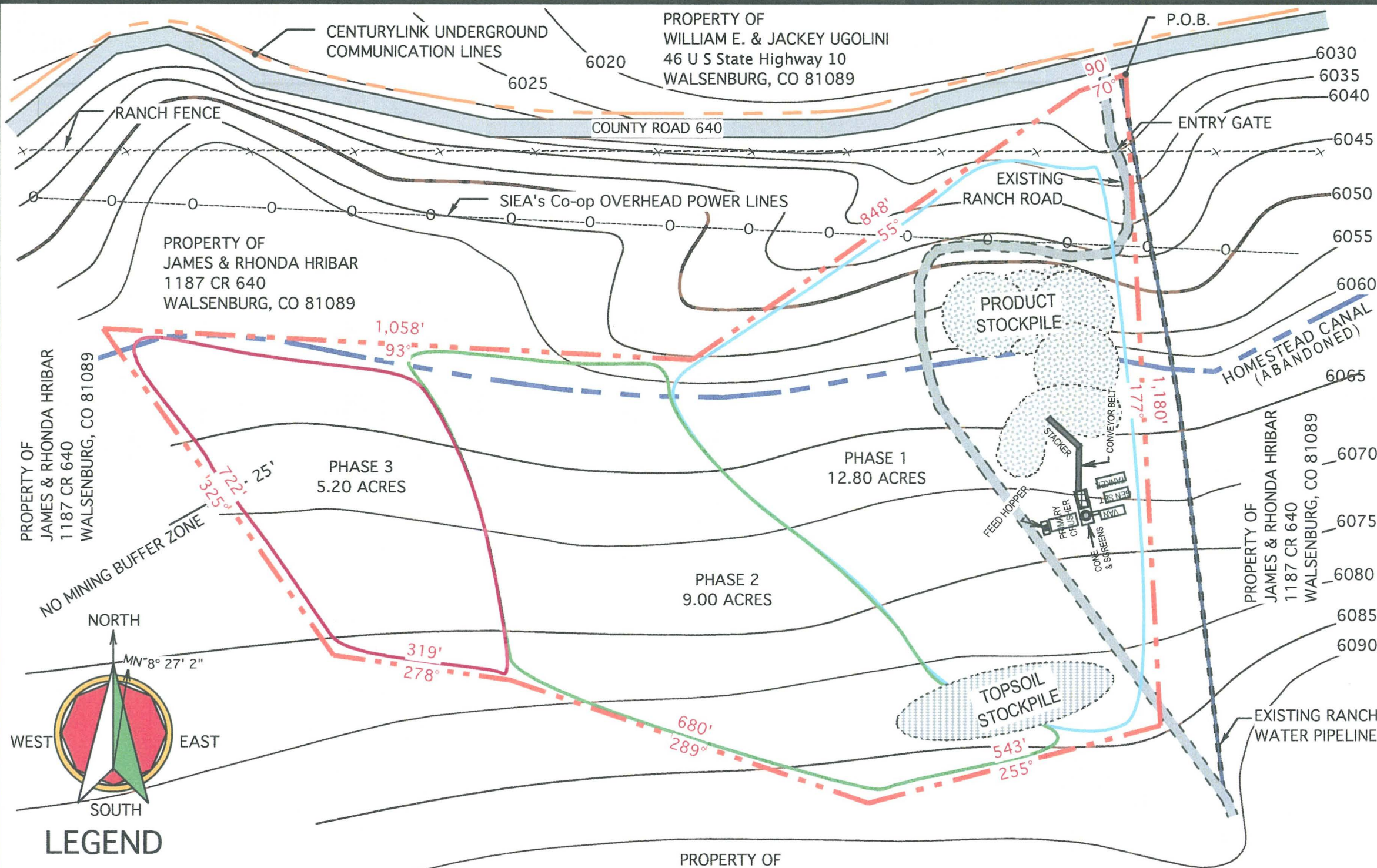
## Orphan View Mining Plan

0 220 440 880 Feet



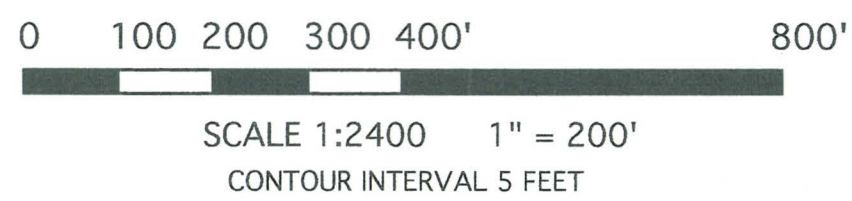
Prepared By: *[Signature]*





### LEGEND

- 112c PERMIT BOUNDARY
- CENTURY LINK UNDERGROUND COMMUNICATION LINES
- EXISTING RANCH ROAD
- EXISTING RANCH WATER PIPELINE
- HOMESTEAD CANAL (ABANDONED)
- COUNTY ROAD 640
- OVERHEAD POWER LINES  
SAN ISABEL ELECTRIC ASSOCIATION, INC.
- RANCH FENCE



### PERMIT LEGAL DESCRIPTION

A parcel of land located in the SE 1/4 OF NW 1/4 AND in the SW 1/4 OF THE NE 1/4, of Section 35, T 26 S, R 67 W, 6th P.M. , Huerfano County, State of Colorado , more particularly as follows:

STARTING at the POINT OF BEGINNING which is east of the ENTRY ROAD on CR 640,

Thence a Azimuth of 177°, a distance of 1,180',  
Thence a Azimuth of 255°, a distance of 543',  
Thence a Azimuth of 289°, a distance of 680',  
Thence a Azimuth of 278°, a distance of 319',  
Thence a Azimuth of 325°, a distance of 722',  
Thence a Azimuth of 93°, a distance of 1,058',  
Thence a Azimuth of 55°, a distance of 848',  
Thence a Azimuth of 70°, a distance of 90',

Back to the Point of Beginning (P.O.B.).  
Containing approximately 31 acres more or less.

UTM COORDINATES AT THE ENTRY GATE:  
ZONE 13  
512797.28 E  
4177660.45 N  
LAT. N 37° 44' 46.2"  
LON. W -104° 51' 17.0"

### ESTIMATED MINING TIME TABLE

PHASE AREA NUMBER	ACRES	ESTIMATED MINING DATES
PHASE #1	12.80	2013-2018
PHASE #2	9.00	2018-2023
PHASE #3	5.20	2023-2028

## ORPHAN VIEW GRAVEL PIT

CLIENT :HUERFANO COUNTY GOVERNMENT

CONSULTANT : L J DEVELOPMENT, INC.

DRMS FILE NO. \_\_\_\_\_

PREPARED BY:  
JOE GAGLIANO *Joe Gagliano*

EXHIBIT C

MINING MAP

DATE: 3/07/2013