

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

## Inspection Report, Mesa DeMaya Pit

1 message

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

Wed, Apr 9, 2025 at 12:02 PM

To: Keith Woodring &lt;keith.woodring@lasanimascounty.org&gt;

Cc: Brian Heguy &lt;brian.heguy@lasanimascounty.org&gt;

Good afternoon,

Attached is a copy of the Division's inspection report for the Mesa DeMaya Pit (M-2014-019) conducted on March 26, 2025.

I have also attached an excel spreadsheet of the coordinates provided in Exhibit A of the permit application that I converted to lat/long. I also attached my KML file of the markers and the permit boundary generated from those points.

Let me know if you have any questions.

Thank you,

**Amber Michels Gibson**  
Environmental Protection Specialist I



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

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Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

<https://drms.colorado.gov/>

### 5 attachments



**InspRpt\_MesaDeMaya\_M2014019\_AMG.pdf**  
6497K



**pointstoKML.kmz**  
4K



**PBlayer\_to\_KML.kmz**  
4K



**PB\_convertedfromUTMtoLatLong\_2\_withmainentrance.xlsx**  
10K




**InspRpt\_MesaDeMaya\_M2014019\_AMG.pdf**  
6497K



**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> Mesa DeMaya Pit	<b>MINE/PROSPECTING ID#:</b> M-2014-019	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Las Animas
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> March 26, 2025	<b>INSP. TIME:</b> 12:33
<b>OPERATOR:</b> Las Animas County	<b>OPERATOR REPRESENTATIVE:</b> Keith Woodring and Brian Heguy	<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> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Amber M. Gibson	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> April 9, 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 affected area boundary markers are missing or incorrectly placed. 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 replace the boundary markers in the correct location(s). The Operator shall provide proof to the Division that this has been done by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 5/09/25

## **OBSERVATIONS**

The Mesa DeMaya 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 May 19, 2021 as a routine monitoring inspection. Keith Woodring and Brian Heguy representing Las Animas County (Permittee/Operator), accompanied me during the inspection. The sky was clear and the weather was hot.

The Mesa DeMaya Pit is located in Las Animas County approximately 45 miles northwest of Kim, Colorado. The entrance to the pit is located off the east side of County Road 165.4. The site is permitted as an 8.5-acre 110c Limited Operation Construction Materials Reclamation Permit. This site has been approved to operate as an intermittent operation. The primary commodity being mined at the site is sand and gravel. The approved post-mining land use is rangeland.

### **Availability of Records:**

The annual report, map, and fee are paid through May 16, 2025. This permit has not undergone any revisions.

### **Financial Warranty:**

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

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

The Operator stated that the last time excavation took place at this site was approximately 10 years ago. The 2024 annual report indicates that hauling activities were conducted through 2018. The material mined from this site was used for maintenance of county roads. There is a new crew in charge of operating this site since mining last occurred. The foreman (Mr. Heguy) walked around the site with me and stated that they're interested in resuming mining at the site soon. Mining at this site has disturbed about four acres within the northern half of the site.

Mining had extended north, northeast, and east from the entrance, with the stockpiling area located to the southeast (Photo 1). The mined area along the east portion of the north half of the site, has been leveled to the floor of the old creek bed that runs through the permit (Photos 2-4 and see Hydrologic Balance section below). There are what the Operator believes to be safety berms along the processing/stockpiling area to prevent equipment from falling into the depressed excavated area.

There are natural highwalls lining the east side of the permit boundary and the southwest side of the boundary (Maps 1 and 2). The permit boundary is located inside each bounding highwall (Photos 5-7). In the depressed area in the north half of the permit, there are earthen berms consisting of disjunct piles approximately four feet high lining the boundary. It is unclear why they were placed there but it appears that they may have been used to help prevent runoff from leaving the site. Upon reclamation, the Operator shall grade these berms/piles to a 3H:1V or shallower and revegetate them.

Many cottonwood trees were observed during the inspection along the creek bed (Photo 8). During the permitting application process, the Colorado Division of Parks and Wildlife (CPW) recommended that the old cottonwood trees be undisturbed as they are vital to the wildlife in the area and would be impossible to replace. The Operator then included the following sentence in their Reclamation Plan Exhibit: *"There are existing cottonwood trees at the eastern and western boundaries of the proposed pit. Efforts will be made to not disturb the trees that are near the boundaries."* During the inspection, the Division reminded the Operator that should

mining operations commence, the Operator is to do all that they can not to disturb the cottonwoods. A cottonwood tree was observed lying along the southeast boarder of the permit boundary where mining has not yet taken place (Photo 9). The Operator was unsure of who removed the tree or why it was placed there. Upon reviewing the aerial imagery post-inspection, it appears that there was a cottonwood tree just southeast of the disturbance boundary in the north portion of the site as of February 5, 2013 (Figure 1). In Google Earth, the tree is present in the 2016 aerial image, but in the next aerial image (2020) the tree is no longer there. The tree can be seen in the location observed during this 2025 inspection in the aerial images taken in 2022 and 2024. The Operator may want to consider placing markers around the trees to ensure that no additional trees will be disturbed for the life of the operation.

#### Backfilling, Grading, Topsoil, and Revegetation:

The disturbance appears to have been backfilled, graded, and revegetated along the southeast side of the northern half of the site. The slopes leading into the depressed area appear to have been backfilled, graded, and seeded along the west side. As mentioned in the General Mine Compliance section above, the berms/piles lining the boundary on the northeast side of the permit shall be graded to a 3H:1V and revegetated upon reclamation. The topsoil pile located in the north half of the site, shown on the mining plan map, no longer exists. The inspector and the Operator suspect that it probably was used to reclaim the stockpile area that has been revegetated.

#### Hydrologic Balance and Sediment Control:

Plum Creek bisects the permit area. The creek flows intermittently and was dry at the time of the inspection. The creek channel previously flowed along a cut bank located on the eastern edge of the permit boundary but mining in the northern portion of the mine site has resulted in the relocation of the creek channel towards the center of the mine site. The earthen berms located around the disturbance boundary appear to ensure that no excess sediment is leaving the site.

#### Signs and Markers:

A mine sign was posted at the entrance to the site in compliance with Rule 3.1.12(1) (Photo 11). The affected area boundary/permit boundary was marked within the northern half of the site. The boundary was marked with t-posts. The west side of the southern half of the site is missing boundary markers along the highwall (Photos 12-14). The Operator stated that they will replace these markers prior the resumption of mining. The southeast portion of the site, where the boundary diagonals up to the east highwall, is currently marked with fence posts (Photo 15). It appears that there had been a fence there at the time the site was permitted, but the barbed wire has since detached from most of the posts. The fence appeared to mark the southeast boundary, however, it does not match with the coordinates in the application. A polygon drawn from coordinates provided in Exhibit A of the application, indicating the 8.5 acre permit boundary, is shown on Map 1. Figure 2 shows that the diagonal posts in the field are offset about 15 feet outside of the permit boundary polygon drawn from the coordinates provided in Exhibit A. Upon looking closer at the Mining Plan map, this offset appears to be indicted on the approved mining plan map as well (Figure 2). Because there are no boundary markers accurately depicting the southern half of the boundary, this has been **cited as a problem above**. The Operator shall install permit boundary markers matching the coordinates provided in Exhibit A and the orientation depicted on the Mining Plan Map by the corrective action date. Once installed, the Operator shall provide photo evidence to the Division.

#### Conclusion:

This concludes the Division's Inspection Report; a few maps and figures 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

CC: Keith Woodring, Las Animas County Road and Bridge Department  
Brian Heguy, Las Animas County Road and Bridge Department  
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>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----- <b>PB</b>	(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

## **PHOTOGRAPHS**



**Photo 1:** Looking south along the north half of the permit area. The arrows point to some of the safety berms lining the processing area and indicate where the “north half” ends. This area had stockpiles in the southeast corner. The area has since been graded and revegetated.



**Photo 2:** Looking east across the processing area into the depressed area that was excavated.



**Photo 3:** Looking along the west slopes within the depressed area that have been graded and seeded.



**Photo 4:** Looking southwest along the depressed area. The slopes on the west side have been graded and seeded.



**Photo 5:** Looking northeast at the eastern highwall within the north half of the permit area.



**Photo 6:** Looking east along the eastern highwall in the north half of the permit. The circle shows a t-post that has been placed in the material that has naturally sloughed off the highwalls.



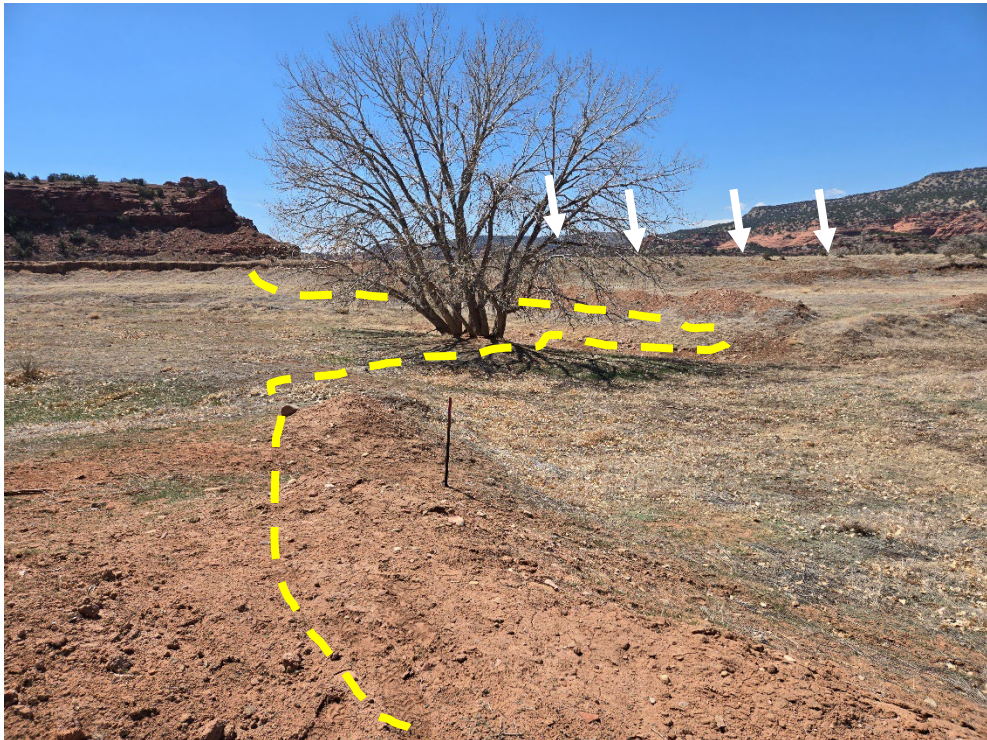
**Photo 7:** Looking north along the east wall in the norther half of the site. Material has naturally sloughed off the highwalls in some areas. Some of the t-posts are placed within the natural deposition (see Photo 6 above).



**Photo 8:** Cottonwood trees within the permit area.



**Photo 9:** Looking east at the fallen/removed tree along the east highwall in the southern half of the permit area.



**Photo 10:** Looking west across the site. The dotted line indicates approximately where mining disturbance ends between the northern half (right side) and southern half (left side) of the site. The white arrows point to where the slopes in the northern portion of the site have been backfilled, graded, and revegetated.



**Photo 11:** Mine sign posted at the site entrance with a t-post boundary marker next to it.



**Photo 12:** Looking south along the western highwall in the southern half of the site. No mining has occurred in this area yet. This area needs to be marked with markers.



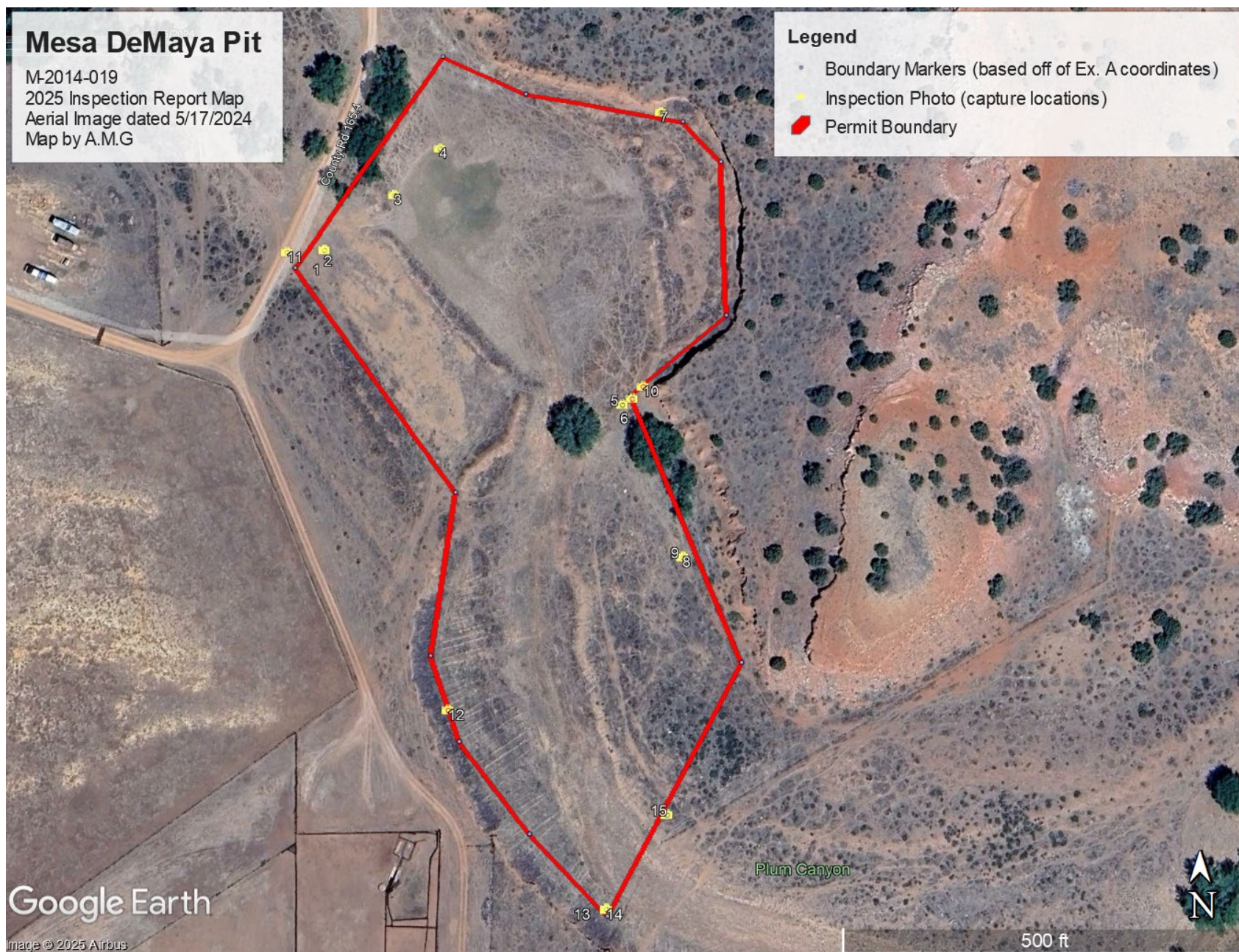
**Photo 13:** Looking north along the western highwall in the southern half of the site. No mining has occurred in this area yet. This area needs to be marked with markers.



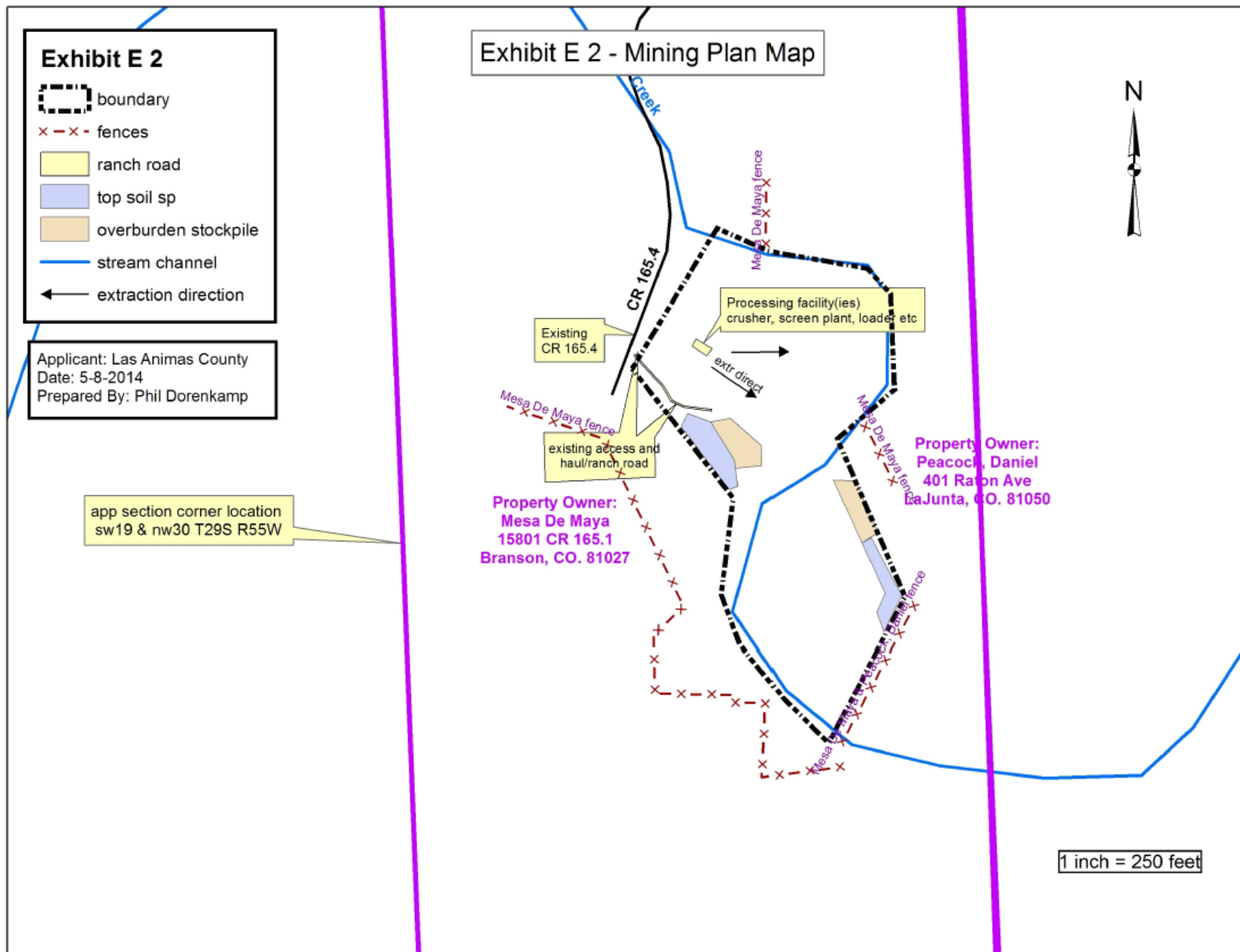
**Photo 14:** Looking northeast at the creek bed from the southern permit boundary.



**Photo 15:** Looking east at the diagonal fence posts in the southern portion of the site.



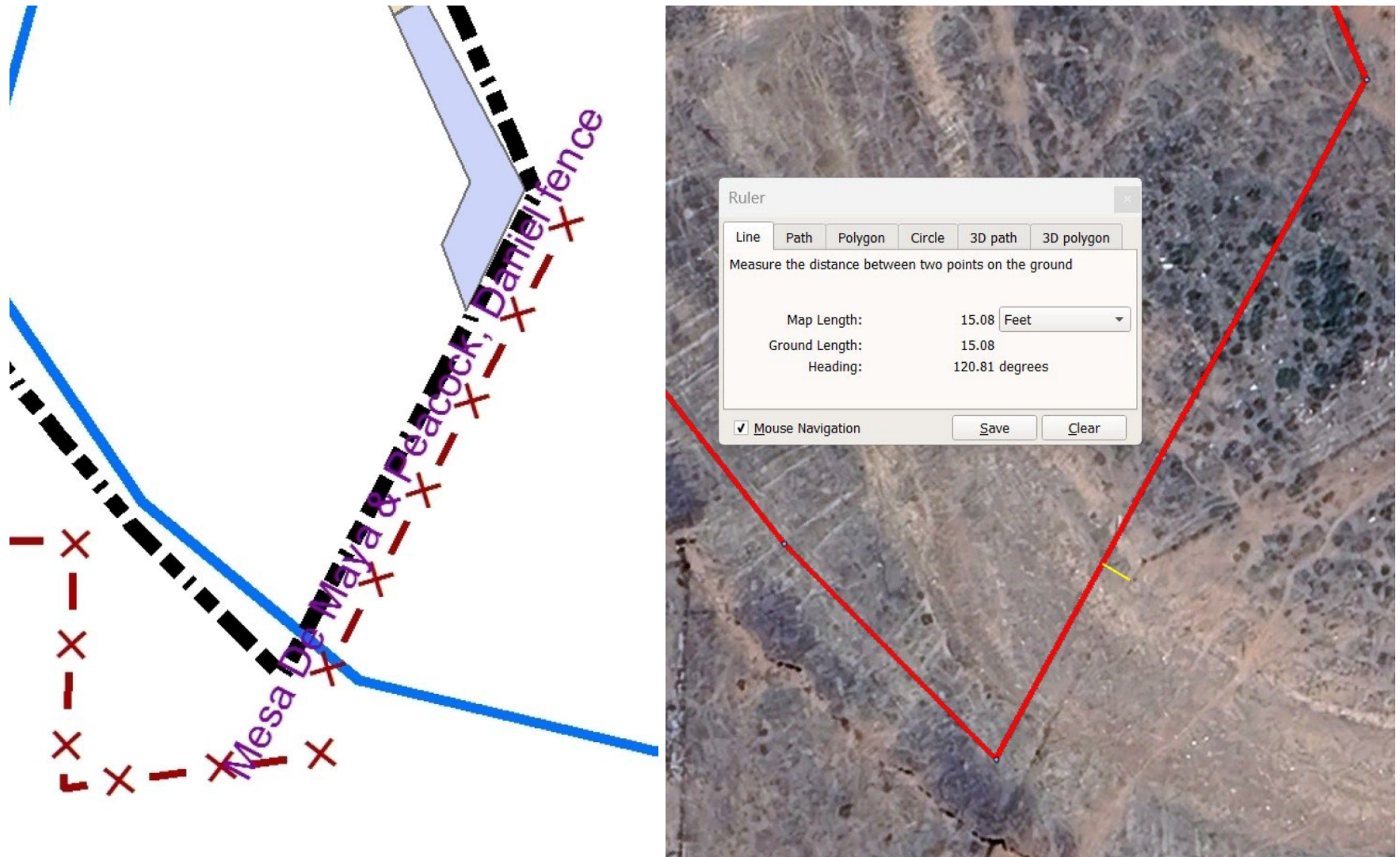
**Map 1:** 2025 Inspection Map created in Google Earth Pro. The numbers next to the camera icons correspond to the inspection photos.



**Map 2:** The approved Mining Plan Map for the Mesa DeMaya Pit.



**Figure 1:** (Left) Image dated February 2, 2013. Circled in yellow is a cottonwood tree along the creek bed. (Right) Image dated May 17, 2024. The tree circled in the left image is no longer standing. Instead, a downed tree is present just outside of the boundary along the southeast wall.



**Figure 2:** (Left) A screenshot from the mining plan map (see Map 2 above). The dashed black line is the permit boundary. The map appears to indicate that there is an offset from the diagonal fence. (Right) A screenshot taken in Google Earth. The red line represents the permit boundary. The yellow line measures the approximate distance from the permit boundary to the diagonal fence and indicates that the markers need to be placed about 15' northwest of the diagonal posts.