



STATE OF
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

Inspection report for C1981-038

1 message

Zuber - DNR, Rob <rob.zuber@state.co.us>

Fri, May 9, 2025 at 9:07 AM

To: Art Etter <AETter@wolverinefuels.com>

Cc: Ryan Wilson <RWilson@wolverinefuels.com>, Tamme Bishop <tammekb@gmail.com>

Good morning. Please see the attachment. This is my report from my inspection of Bowie #1 on Tuesday this week.

Rob

Rob Zuber, P.E.
Environmental Protection Specialist
Active Mines Program



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

Phone: 720.601.2276 | **Fax:** 303.832.8106

Physical Address:

1313 Sherman Street, Room 215
Denver, CO 80203

Address for FedEx or UPS:

Division of Reclamation, Mining and Safety, Room 215
1001 East 62nd Avenue
Denver, CO 80216

rob.zuber@state.co.us | <http://drms.colorado.gov>




INSP-REPORTC_C1981038_RDZ_05092025.pdf
2907K



PERMIT INFORMATION

Permit Number: C-1981-038 Mine Name: Bowie No. 1 Mine Operator: Bowie Resources, LLC Operator Address: Mr. Art Etter P.O. Box 1488 Paonia, CO 81428	County: Delta Operation Type: Underground Permit Status: Active Ownership: Private
	Operator Representative Present: Art Etter in office
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: May 6, 2025 Inspection Start Time: 10:30 Inspection End Date: May 6, 2025 Inspection End Time: 14:00		Inspection Type: Coal Complete Inspection Inspection Reason: Normal I&E Program Weather: Cloudy	
Joint Inspection Agency: None		Joint Inspection Contacts: 	
Post Inspection Agency: None		Post Inspection Contacts: 	
Inspector(s): Robert Zuber, P.E.	Inspector's Signature: 		Signature Date: 5/9/2025

Inspection Topic Summary

NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable

Y - Air Resource Protection

R - Availability of Records

N - Backfill & Grading

NA - Excess Spoil and Dev. Waste

NA - Explosives

Y - Fish & Wildlife

R - Hydrologic Balance

Y - Gen. Compliance With Mine Plan

N - Other

NA - Processing Waste

R - Roads

R - Reclamation Success

R - Revegetation

Y - Subsidence

Y - Slides and Other Damage

NA - Support Facilities On-site

R - Signs and Markers

R - Support Facilities Not On-site

Y - Special Categories Of Mining

Y - Topsoil

COMMENTS

A complete inspection was conducted by Rob Zuber of DRMS on May 6, 2025. No staff representing Bowie Resources LLC (BRL) were present at the inspection, other than the records check in the office. Art Etter, representing BRL, indicated that they are working on obtaining a permit with the Army Corps of Engineers to perform the reclamation at the West Mine that is within East Roatcap Creek.

No mining or reclamation activities were being conducted at this site.

No cattle were seen at the West Mine. Cattle have been seen there in the past.

The weather was cool and cloudy. The ground was dry.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

The records were found to be well organized and complete. Please see the list of records included in this report. BRL is awaiting documentation from CDPHE for the CDPS permit.

HYDROLOGIC BALANCE - Rule 4.05

Drainage Control 4.05.1, 4.05.2, 4.05.3; Siltation Structures 4.05.5, 4.05.6; Discharge Structures 4.05.7, 4.05.10; Diversions 4.05.4; Effluent Limits 4.05.2; Ground Water Monitoring 4.05.13; Surface Water Monitoring 4.05.13; Drainage – Acid and Toxic Materials 4.05.8; Impoundments 4.05.6, 4.05.9; Stream Buffer Zones 4.05.18:

The ponds contained no water. This includes the ponds at the loadout and the Coal Storage Area (near Highway 133) and the ponds at the West Mine. No discharge was observed. No problems were identified with embankments, spillways, or other aspects of these ponds.

No problems were identified with the large culvert (that carries the Farmers Ditch) or the other ditches and culverts at the loadout. The Farmers Ditch was flowing about half full in the culvert.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4

The large culvert under the West Mine was functioning, and the water was approximately 18 inches deep at the lower end. However, a sinkhole was seen above the lower portion of this culvert. This hole is close to the toe of the embankment of the W-1 pond (the lower pond at the West Mine) and approximately 100 feet below the crest of the embankment. The sinkhole was approximately 15 to 20 feet in diameter and approximately 10 to 20 feet deep. BRL should try to address this issue in 2025, preferably by completing the West Mine reclamation. If permitting or other issues delay the project, the issue should be addressed in 2026. In the short term, BRL should consider some mitigation to prevent the hole from getting worse and to protect wildlife from this hazard.

ROADS – Rule 4.03

Construction 4.03.1(3)/4.03.2(3), Drainage 4.03.1(4)/4.03.2(4), Surfacing and Maintenance 4.03.1(5) and (6)/4.03.2(5) and (6), Reclamation 4.03.1(7)/4.03.2(7):

No problems were seen at the road to the ROM area.

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

No erosion was seen at the reclaimed areas of the West Mine, including the reclaimed road.

No problems were identified with the reclamation in the area of Ponds 1, 2, 3, and 4 (East Mine).

REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

Whitetop, aka hoary cress, was seen at the Coal Storage Area beside Highway 133 and the loadout pond. This invasive plant is a “B List” species, per the Colorado Weed Management Association. Also, there was considerable cheat grass at the Coal Storage Area by the highway. No other weed problems were observed at any of the locations that were inspected. These areas include the West Mine (the area that has not been released), the reclaimed ponds at the East Mine, the Coal Storage Area by the highway, and the loadout.

SIGNS AND MARKERS – Rule 4.02:

No issues with signs or markers were identified during the inspection.

OFFSITE SUPPORT FACILITIES - Rule 4.04, 4.28:

No erosion or other problems were seen with the Coal Storage Area beside Highway 133.

No erosion was seen at the loadout, including the steep slope between the loadout and the orchard below. The trestle across the river appears stable.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4

DOCUMENTS RECEIVED - none

OTHER (SPECIFY) - none

ENFORCEMENT ACTIONS/COMPLIANCE

No enforcement actions were initiated as a result of this inspection, nor are any pending.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4

PHOTOGRAPHS



Pond W-1 at West Mine



Northern portion of West Mine

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4



Sinkhole near lower end of large culvert at West Mine



Lower end of large culvert at West Mine (East Roatcap Creek)

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4



Reclaimed Pond 1 at East Mine, looking upstream



Reclaimed Pond 2 at East Mine, looking downstream

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4



Whitetop at Coal Storage by Highway



Coal Storage by Highway

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4



Pond at loadout – note whitetop in circle



Lower end of large culvert at loadout (Farmers Ditch)

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4

AVAILABILITY OF RECORDS

PERMIT RECORDS		HYDROLOGIC RECORDS	
DRMS Permit	Expires 4/20/2028	CDPS Permit	CO-0049045 Exp. April 30, 2025 (pending approval)
Permit Application w/Revisions	On shelf	CDPS Records (DMRs)	Thru March 2025
Findings Document	RN8 findings 7/27/2023	Stormwater Management Plan	Aug. 2018
Insurance Certificate	Exp.5/1/2026	SPCC Plan	No longer valid
Bond Document	SEE COMMENT 1	MSHA Pond Inspections	NA
Phased Bond Release	SL9 findings 12/7/2023	State Engineer's Pond Inspection	NA
Documents/Findings		Quarterly Pond Inspections	Thru 1Q 2025
Air Emission Permits	NA	Annual Hydrology Reports	2023
County Special Use Permits	NA	• Ground Water Monitoring	2023 AHR
UG Mining Landowner Notification	1993 and 1994	• Surface Water Monitoring	2023 AHR
Subsidence Monitoring Reports	NA	• Spring & Seep Monitoring	2023 AHR
Subsidence Monitoring Data	NA	• Mine Water Discharge Monitoring	NA
Rill & Gully Survey	February 2024	• Mine Inflow Study	NA
Vegetation Monitoring Data	NA	• Water Consumption Records	NA
Specific Variance Approvals	2.06.1(3) Steep Slope	Well Permits	NA
Annual Reclamation Reports	2024	BLASTING RECORDS	NA
Midterm Review Documents	MT8 10/13/2020		
DRMS/OSM Inspection	Thru		
Reports/Enforcement Actions (3 Years)	March 2025		
Transfers/Succession of Operator	7/29/2009		
Temporary Cessation Notification	NA		
Reclamation Cost Estimate	SEE COMMENT 2		
CERTIFICATIONS			
Pond Certifications	5/5/2025	ADDITIONAL RECORDS	
Annual Certifications for Large Impoundments	NA	CDOT Access Permit	Permit #399055 (June 1999)
Fill Certifications for Excess Spoil or Underground Development Waste	Yes 2/4/1987	Annual Subsidence Report	NA
• Quarterly Inspections	NA		
• Compaction Testing	NA		
• Final Certification	NA		
Coal Processing Waste Banks	NA		
Haul Road Certifications	Yes, several years		
Access Road Certifications	Yes, PAP Vol. 8A		

COMMENTS:

1. Two instruments with Lexon Insurance Co.: \$2,500,000 + \$268,916 = \$2,768,916.
2. The cost estimate of \$1,639,674 (from MT8) does not match liability. This is explained in SL-06 findings.

Number of Partial Inspection this Fiscal Year: 7Number of Complete Inspections this Fiscal Year: 4