




**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY**  
**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> Buster Moss Rock	<b>MINE/PROSPECTING ID#:</b> M-2012-018	<b>MINERAL:</b> STN	<b>COUNTY:</b> Boulder
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Michael A. Cunningham	<b>INSP. DATE:</b> May 15, 2012	<b>INSP. TIME:</b> 09:00
<b>OPERATOR:</b> Bernard Buster & Brenda Buster	<b>OPERATOR REPRESENTATIVE:</b> Bernard Buster, Brenda Buster	<b>TYPE OF OPERATION:</b> ILL - Illegal	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> NA
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 29, 2012

**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:** Availability Of Records

**PROBLEM/POSSIBLE VIOLATION:** Possible Violation: Failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by 34-32.5-109(1) C.R.S.

**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:** 7/11/12

### **OBSERVATIONS**

The inspection was conducted by Michael Cunningham of the Colorado Division of Reclamation, Mining and Safety (Division). The landowners, Bernard and Brenda Buster, were also present for the inspection. The moss rock operation is located approximately 2 miles north of Lyons, Colorado.

On April 25, 2012, the Division observed the product storage area associated with the moss rock operation while conducting regular monitoring inspections in the vicinity. No permit sign was posted at the site and no personnel were present at the time. A review of the Division's records found that a reclamation permit has not been issued for the site. The purpose of this inspection was to determine if the observed activity met the Division's definition of a mining operation; a mining operation is defined as the development or extraction of a construction material from its natural occurrences on affected land. The term includes, but is not limited to open mining and surface operation.

The property owners live on a 35 acre parcel which is located on the west side of Stone Canyon Rd. The site is situated on a ridge with an easterly aspect and is surrounded by sandstone quarries. The access road which leads to their property also serves as an entrance onto other residential properties located immediately south of the 35 acre parcel. The storage area which the Division observed on April 25, 2012 is located on the west side of the access road, approximately 50 ft. in from Stone Canyon Rd. The storage area is approximately 375 square feet. and contained numerous pallets of stacked moss rock. The landowners informed the Division that moss rock has been gathered and sold from the property over the past year and a half. The majority of the stones which have been removed from the property were small enough to remove by hand; however, the landowner indicated that some of the larger stones were removed with a forklift. In addition to the disturbance related to the storage area, the operator has created a road to access the moss rock. The road is located approximately 160 ft. south of the storage area and runs east to west on the ridge; the road is approximately 10 ft. in width and 530 ft. in length. The Division observed piles of moss rock along the entire length of the road. During the inspection, the Division traversed the disturbed area with a Juno Trimble hand-held GPS unit. The data were downloaded into GPS Pathfinder Office software and the disturbed area was found to be 0.14 acres in size.

Based on the findings of this inspection, the Division has reason to believe the Operator is in violation of C.R.S. 34-32.5-109(1) for failure to obtain from the board or office a reclamation permit prior to engaging in a new mining operation. The possible violation will be scheduled for the July 11-12, 2012 Mined Land Reclamation Board Hearing. The notice of possible violation will be sent under separate cover.

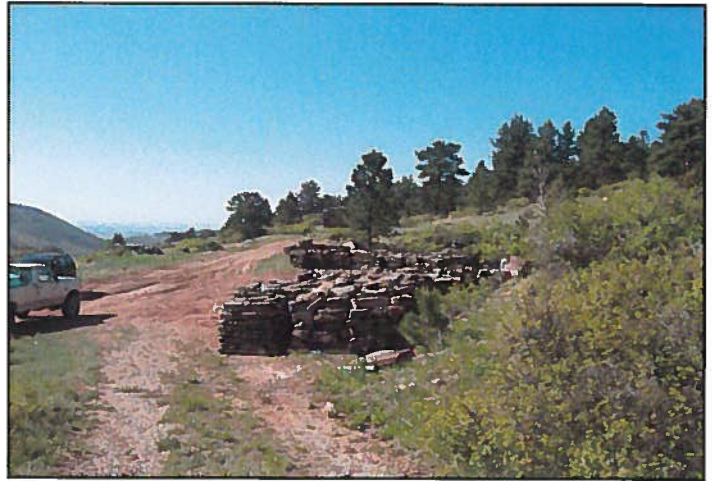
This concluded the inspection.



## PHOTOGRAPHS



1. Storage Area, facing southwest.



2. Storage area, facing south.



3. Haul road, facing west.



4. Haul road, facing east.



5. Stone on side of haul road.



6. Stone on side of haul road.

### GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- PV	(FN) FINANCIAL WARRANTY----- N	(RD) ROADS----- N
(HB) HYDROLOGIC BALANCE----- N	(BG) BACKFILL & GRADING----- N	(EX) EXPLOSIVES----- N
(PW) PROCESSING WASTE/TAILING---- N	(SF) PROCESSING FACILITIES----- N	(TS) TOPSOIL----- N
(MP) GENL MINE PLAN COMPLIANCE- N	(FW) FISH & WILDLIFE----- N	(RV) REVEGETATION---- N
(SM) SIGNS AND MARKERS----- N	(SP) STORM WATER MGT PLAN---- N	(SB) COMPLETE INSP---- N
(ES) OVERBURDEN/DEV. WASTE----- N	(SC) EROSION/SEDIMENTATION--- N	(RS) RECL PLAN/COMP-- N
(AT) ACID OR TOXIC MATERIALS----- N	(OD) OFF-SITE DAMAGE----- N	(ST) STIPULATIONS----- N

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

#### Inspection Contact Address

Bernard Buster and Brenda Buster  
2493 CR 37 E  
Lyons, CO 80540

CERTIFIED MAIL NO. 7010 1060 0001 0936 7818  
Return Receipt Requested

Enclosure: Site Map

CC: Tom Kaldenbach, DRMS



# Buster Moss Rock (M-2012-018)



## Legend

- Storage Area
- ===== Haul Road

0 62.5 125 250 Feet

Data Collected: May 15, 2012  
Map Created: May 29, 2012  
2011 NAIP Image Source: CGS  
Michael Cunningham, DRMS