



**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><br>Pickard Pit                   | <b>MINE/PROSPECTING ID#:</b><br>M-2012-048       | <b>MINERAL:</b><br>Gravel                                       | <b>COUNTY:</b><br>Kit Carson |
| <b>INSPECTION TYPE:</b><br>Preoperation Inspection | <b>INSPECTOR(S):</b><br>Tyler V. O'Donnell       | <b>INSP. DATE:</b><br>January 24, 2013                          | <b>INSP. TIME:</b><br>11:30  |
| <b>OPERATOR:</b><br>Kit Carson County              | <b>OPERATOR REPRESENTATIVE:</b><br>Randy Schafer | <b>TYPE OF OPERATION:</b><br>110c - Construction Limited Impact |                              |

|  |   |  |
|--|---|--|
| <b>REASON FOR INSPECTION:</b><br>Preoperation Inspection | <b>BOND CALCULATION TYPE:</b><br>None                   | <b>BOND AMOUNT:</b><br>N/A                 |
| <b>DATE OF COMPLAINT:</b><br>NA                          | <b>POST INSP. CONTACTS:</b><br>None                     | <b>JOINT INSP. AGENCY:</b><br>None         |
| <b>WEATHER:</b><br>Windy                                 | <b>INSPECTOR'S SIGNATURE:</b><br><i>Tyler O'Donnell</i> | <b>SIGNATURE DATE:</b><br>February 5, 2013 |

**GENERAL INSPECTION TOPICS**

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

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

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

**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:** Gen. Compliance With Mine Plan

**PROBLEM/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 C.R.S. 34-32.5-109(1).

**CORRECTIVE ACTIONS:** This possible violation will require a hearing before the Mined Land Reclamation Board. The matter will be scheduled for the March 13-14, 2013 Board meeting to occur at 1313 Sherman Street, Room 318, Denver, Colorado. The schedule and other details for the Board hearing will be provided under separate cover to be sent by certified mail to Kit Carson County Road and Bridge.

**CORRECTIVE ACTION DUE DATE:** To be determined during the March 13-14, 2013 Board meeting.

### **OBSERVATIONS**

This pre-operation inspection was conducted in response to an application for a new 110 reclamation permit (M-2012-048) that the Division of Reclamation, Mining and Safety (Division/DRMS) received on November 16, 2012. The permit application file number is M-2012-048. The inspection was conducted by Tyler O'Donnell and Tom Kaldenbach of the Division. Randy Schafer, the consultant for Kit Carson County Road and Bridge, was present during the inspection. The site is located approximately 2 miles northeast of Vona, Colorado, on land owned by the Kenneth E. & JoAnn Pickard Trusts #1. The permit application proposes a 9.9 acre pit for the removal of construction materials. The proposed post-mining land use is cropland. The site is surrounded by cropland.

At the time of the inspection it was windy and overcast, and the ground was dry. The required notice of the permit application was displayed at the entrance to the site. The proposed permit area was delineated by a bundle of stake flags placed at each corner.

During the inspection it was found that an area of approximately 5.28 acres has been previously disturbed on the site. The disturbed area is comprised of an excavated area, three stockpiles of sandy material, and open areas where grading has occurred (see attached Figure 1 and Photos 2 through 6). The 5.28 acres excludes a well-maintained access road that extends southeast from the site to County Road W (Photo 3). The access road is approximately 365 feet long and 45 feet wide. The three stockpiles on the site were roughly estimated to contain 2,850 cubic yards of material. The dimensions of the excavated area indicated a minimum of 16,000 cubic yards of material had been extracted.

When asked about the existing disturbance, the operator's representative explained that the landowner had removed sand and gravel from the site and for use on their property. The representative further explained that Kit Carson County Road and Bridge had also removed material from the site, but he did not know the quantity removed or the duration of the activity. The representative explained that he advised Kit Carson County Road and Bridge to stop removing material from the site and obtain a reclamation permit from the



Division. Exhibit G of the new permit application (M-2012-048) includes as proof of legal right to enter a document dated June 1, 2011, signed by Kenneth Pickard, granting permission to Kit Carson County the right to explore for gravel in the quarter-quarter section where the site is located (Figure 2).

### Conclusion

A "mining operation" is defined in C.R.S. 34-32.5-103(13) 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 operations. A "construction material" is defined in C.R.S. 34-32.5-103(3) as rock, clay, silt, sand, gravel, limestone, dimension stone, marble, or shale extracted for use in the production of nonmetallic construction products. Based on the observations made during this inspection, a construction material mining operation has been conducted on the site. C.R.S. 34-32.5-109 (1) requires an operator to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation. The existing mining operation on the site, without a permit in place, gives the Division reason to believe a violation of C.R.S. 34-32.5-109 (1) has occurred. This possible violation will be scheduled for consideration by the Mined Land Reclamation Board during the Board's meeting on March 13-14, 2013. A notice of possible violation will be sent under separate cover to Kit Carson County Road and Bridge.

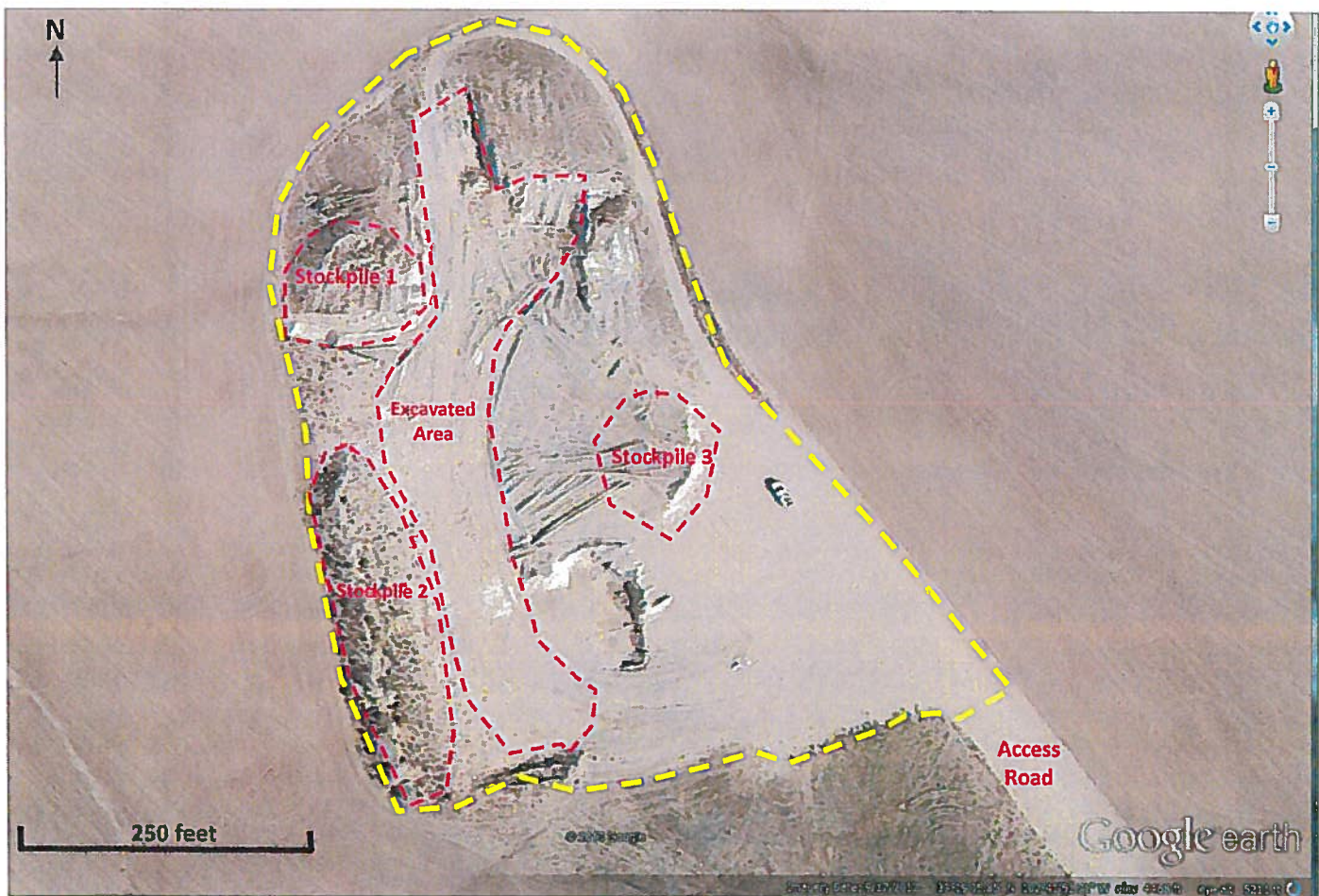


Figure 1: Affected area boundary (marked by yellow dashed line on this Google Earth image) encloses approximately 5.28 acres. Image is dated 9/17/2012. The affected area is surrounded by cropland.

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p.1

June 2011

I, Kenneth E Pickard, give Permission  
To Kit Carson County To Explore  
For gravel in SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of  
Section 30 Township 8 Range 47.

Kenneth E Pickard

Walt Smith  
Kit Carson County

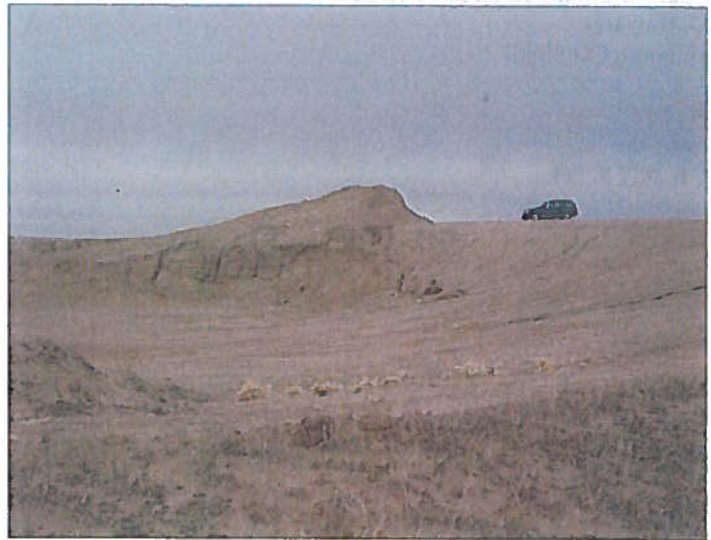
Figure 2: 6.3.7 Exhibit G- Source of Legal Right-to Enter provided by Kit Carson County Road and Bridge.



## PHOTOGRAPHS



**Photo 1:** Applicant's notice posted at entrance to site.



**Photo 2:** View looking north-northeast to excavated area (low area), cut-face (near center of photo), and stockpile (to left of vehicle).



**Photo 3:** Access road (looking south from vehicle location shown in Photo 2).



**Photo 4:** Excavated area and cutslope.



**Photo 5:** View looking south from within the excavated area.



**Photo 6:** View looking northwest at excavated area and stockpiles.

**Inspection Contact Address**

Kit Carson County Road and Bridge  
P. O. Box 160  
Burlington, CO 80807

Enclosure

CC: Randy Schafer