

March 8, 2018

Jon Muller
Elam Construction, Inc.
556 Struthers Ave
Grand Junction, CO 81501



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

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Highway 50 Borrow Area No. 2, Permit No. M-1999-076, Unresolved Problem(s) Noted in a Past Inspection Report

Dear Mr. Muller:

According to records kept by the Division of Reclamation, Mining and Safety, some problem(s) noted in a past mine site inspection report have not been corrected. If the problem has already been corrected, documentation of the corrective actions taken to correct the problem must be submitted to our office. If the problem is not yet resolved please provide the Division with an update on the progress being made towards resolution. A response is required by May 1, 2018.

Please see the enclosed inspection report for the above noted mine site, issued as a result of a past inspection of this site. Problems noted in this report that remain unresolved according to our records, have been highlighted.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell

Environmental Protection Specialist
Department of Natural Resources
Division of Reclamation, Mining and Safety
Phone: (970) 254-8511
Fax: (970) 241-1516


Cc:
Russ Means, Senior EPS, Grand Junction DRMS





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.

MINE NAME: Highway 50 Borrow Area No. 2	MINE/PROSPECTING ID#: M-1999-076	MINERAL: Borrow material for	COUNTY: Mesa
INSPECTION TYPE: Monitoring	INSPECTOR(S): Stephanie J. Mitchell	INSP. DATE: June 6, 2017	INSP. TIME: 12:00
OPERATOR: Elam Construction, Inc.	OPERATOR REPRESENTATIVE: Jon Mueller	TYPE OF OPERATION: 111 - Construction by Government Agency	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$55,000.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 28, 2017	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(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>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>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(CI) COMPLETE INSP---- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION-- <u>Y</u>	(RS) RECL PLAN/COMP-- <u>PB</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>

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

OBSERVATIONS

This was a normal monitoring inspection of the Highway 50 Borrow Pit No. 2; DRMS file# M-1999-076. This site is located 10 miles southeast of Grand Junction, Colorado in Mesa County. I, Stephanie Mitchell of the Colorado Division of Reclamation, Mining and Safety conducted the inspection. Mr. Jon Mueller of Elam Construction, Inc. accompanied me on the inspection.

The mine identification sign and permit boundary markers were not in place during the inspection. This is not seen as a problem due to the current stage of reclamation.

Overall, the site appears to have been graded to match the surrounding topography. No stockpiles are in place at the site. The amount of vegetation is adequate at the site. However, tamarisk, Russian Olive and Russian Knapweed were all observed. Elam submitted a weed management plan as technical revision in 2005. The Operator ensures that they will be spraying the site in the spring. The Division will be closely monitoring the progress of the weed (Russian Knapweed) management in the future. Because the site was in final reclamation prior to January 19, 2005, the site is considered "grandfathered in" respect to Russian Olive and Tamarisk. Division staff has enclosed a copy of DRMS policy regarding this issue.

As noted in the previous three inspection reports, the site is impounding water. This is still considered a problem at the beginning of the inspection report. A well permit to account for the evaporative losses is required by the Division of Water Resources. Enforcement action will be initiated if an evaporative loss permit or another form of compliance is not received by the Division on or before October 30, 2017. In July of 2013, Elam wrote a letter to the Division ensuring that an approval for augmentation will be filed with the Water Court or plans would be completed to otherwise mitigate the hydrologic balance problem by March 31, 2014. This has still not been resolved.

Overall it appears that the reclamation of the site is proceeding well, over the next several years the grasses and shrubs should become more prominent.

Responses to this inspection report should be directed to Stephanie Mitchell at the Division of Reclamation, Mining & Safety, Grand Junction Field Office, 101 S. 3rd Street, Suite 301, Grand Junction, Colorado 81501, phone number 970.242.5025.

PHOTOGRAPHS





Inspection Contact Address

Jon Mueller
Elam Construction, Inc.
556 Struthers Ave
Grand Junction, CO 81501

Enclosure: Minerals Program Policy Memo, January 19,
2005

STATE OF COLORADO

DIVISION OF MINERALS AND GEOLOGY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



MINERALS PROGRAM POLICY MEMO ✓

To: Minerals Staff
From: HBH *[Signature]*
Date: January 19, 2005 ✓

Bill Owens
Governor

Greg E. Walcher
Executive Director

Ronald W. Cattary
Division Director
Natural Resource Trustee

RE: Tamarisk and Russian Olive Management at Permitted Mine Sites

This policy supplements the Board approved Weed Control Policy, dated July 17, 1998 and revised 2/14/02, and 10/28/02. This policy pertains just to tamarisk (salt cedar) and Russian olive.

As we developed this amendment to the Board's Weed Policy, we received input from industry associations, state weed experts, the Office of the Executive Director, Department of Natural Resources, the Attorney General's Office (AGO) and Office staff. We appreciate and thank those that provided comments and suggestions.

Our existing Weed Control Policy addresses noxious weeds and provides guidance for mine site control and/or eradication of noxious weeds. The policy currently excludes tamarisk or Russian olive. However, these species are now infestation problems on some permitted sites.

Where tamarisk and/or Russian olive occur and the State Weed Rules do not require eradication from the region in which the mining operation occurs, the Board directs the DMG to process reclamation liability release requests if:

1. The release area was in reclamation prior to January 19, 2005 (grandfathered); and
2. acceptable evidence is provided to the Division that the approved reclamation plan has been fully implemented; and
3. the release area satisfies all other provisions of the Act, Rules and Regulations, and the approved permit application.

However, where tamarisk and/or Russian olive are the sole source for infestation on to adjacent properties that are free of tamarisk and/or Russian olive, these plants shall be eradicated just as any other noxious weed would be required to be eradicated from reclaimed areas under these circumstances.

Mine sites or portions of mine sites that were not in reclamation as of January 19, 2005 shall manage or control tamarisk and Russian olive as noxious weeds.

The level of management or control of tamarisk and Russian olive, depends upon whether the permit area is behaving as a noxious weed "source" or a "sink". A site shall be considered a "source" if it is the sole area harboring noxious weed species which act as a source for propagation, through seeds or other means, to adjacent undisturbed areas. Complete eradication of the target species is typically required for "source" areas. A site may be considered a "sink" if it is adjacent to infested areas that could give rise to an invasion of the site by noxious weed species. The level of management will vary in "sink" areas but total eradication is not likely to be required either during active mining or at the time a release request is made. Noxious weed management plans and future warranty releases shall be based on site-specific criteria in both instances.

The proposed revisions to 8 C.C.R. 1203-19, Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act, (Weed Rules), requires that regional areas of the State shall eradicate tamarisk. Where the State Weed Rules require regional noxious weed eradication, the DMG, Minerals Program may also require eradication. The Board's weed policy may be revised at any time so that it is consistent with the State Weed Rules and State noxious weed policy.