


**COLORADO**Division of Reclamation,
Mining and Safety

Department of Natural Resources

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: Fountain Pit	MINE/PROSPECTING ID#: M-1981-307	MINERAL: Sand and gravel	COUNTY: El Paso
INSPECTION TYPE: Surety-Related Inspection	INSPECTOR(S): Timothy A. Cazier	INSP. DATE: December 6, 2018	INSP. TIME: 11:00
OPERATOR: Martin Marietta Materials, Inc.	OPERATOR REPRESENTATIVE: Julie Mikulas	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Surety Related	BOND CALCULATION TYPE: Partial Bond	BOND AMOUNT: \$1,369,462.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Cloudy	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: December 10, 2018

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: Problem: Rule 6.4.14 requires the Permittee provide the source of the Operator's/Applicant's legal right to enter and initiate a mining operation on the affected land. The land is no longer owned by the Permittee and is now owned by the City of Fountain. The DRMS has no record indicating the Permittee has provided the DRMS with a source of legal right of entry since the transfer of ownership of the property.

CORRECTIVE ACTIONS: Provide the DRMS with the source of the Permittee's legal right to enter and initiate a mining operation on the affected land by the corrective action due date.

CORRECTIVE ACTION DUE DATE: 1/09/19

OBSERVATIONS

This inspection was conducted by Tim Cazier (DRMS) as part of an acreage release request (AR-01). As such, only the 20-acre parcel requested for release was inspected (see attached **Post Inspection Map**). The Operator (Martin Marietta Materials) was represented by Ms. Julie Mikulas during the inspection. Mr. Taylor Murphy representing the City of Fountain was also present. The City of Fountain intends to build on the 20-acre parcel in 2019.

The Fountain Pit access road entrance is located off Charter Oak Ranch Road from Exit 128 on I-25, Near Fountain CO. This is a 112c sand and gravel mine. The mine was active (trucks were observed transporting material offsite) at the time of the inspection.

Availability of Records: Annual fees are paid through June 2018. The previous inspection was on May 26, 2016. The approved post-mine land use is rangeland. There are no open infractions. Pursuant to the approval of TR-06, the maximum allowable affected area is 450 acres. Ms. Mikulas and Mr. Murphy agreed the City of Fountain is the property owner. **The DRMS has no record of the updated legal right of entry for the Permittee to conduct mining and reclamation at the site and is cited as a Problem on page 1 of this report.**

Backfilling and Grading: The 20-acre parcel was level and required no backfilling or grading.

Financial Warranty: The \$1,369,462 bond held by the Division is adequate for the observed mine disturbance.

Fish and Wildlife: No impact on wildlife was observed. A small herd of pronghorn were observed just west of the access road on the adjacent parcel.

Hydrologic Balance: No standing water was observed in the 20-acre parcel and no exposed groundwater was observed.

Gen. Compliance with Mine Plan: Ms. Mikulas indicated the 20-acre parcel was stripped of topsoil many years ago when Lafarge was the Permittee. The area was used by a mulch manufacturer, and subsequently seeded a few years ago.

Processing Waste: No processing waste was observed in the 20-acre parcel.

Roads: The access/haul road through the 20-acre parcel (trending NW to SE) will remain for Martin Marietta to transport product offsite. The City of Fountain agreed to a ROW for this truck traffic.

Revegetation: The vegetation appeared adequate (see **Photos 1 and 2**) for reclamation liability release.

Sediment Control: No erosion problems were observed and no BMPs were needed at the time of the inspection.

Support Facilities On-site: No processing or mining equipment was observed on the 20-acre parcel.

Signs and Markers: The permit sign was properly posted (see **Photo 3**). The primary purpose of this inspection was to ensure the 20-acre parcel was marked and there was no additional mine reclamation required within the parcel. The DRMS found the four corners of the 20-acre parcel marked with T-posts (see **Photo 4**). No additional mine reclamation required within the release area (see **Photos 5 and 6**).

Permit Stipulations: There are no permit stipulations.

The Division recommends approval of this release request. You will be notified of our decision under separate cover.

Please contact Tim Cazier (303)866-3567 ext. 8169 or email at tim.cazier@state.co.us if you have any questions regarding this report.

PHOTOGRAPHS



Photo 1. Adequate revegetation (looking east from NW corner of release area).



Photo 2. Adequate revegetation (looking NW from SE corner of release area)..

PHOTOGRAPHS (cont.)



Photo 3. Permit sign (at entrance).



Photo 4. Typical T-post marking release parcel (SW corner, looking north).

PHOTOGRAPHS (cont.)



Photo 5. Adequate reclamation (from NW corner, looking south).



Photo 6. Adequate reclamation (from SE corner, looking west).

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- PB	(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>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</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>NA</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

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

Julie Mikulas
Martin Marietta Materials, Inc.
1800 N. Taft Hill Road
Fort Collins, CO 80521







Enclosure

ec: DRMS file

M-1981-307 2018 Post-Inspection Map

Satellite Imagery from 6/9/2017
GPS data collected 12/6/2018

Legend

-  Access Road ROW Centerline
-  AR-01 (From GPS data 12-06-18)
-  Disturbed Area
-  M-81-307 Permit Boundary
-  Misc. Road Disturbance ONLY
-  T-post

GPS data indicates
19.8 (~20) Acres

Google Earth



1000 ft