


**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: Luke the Duke Gravel Pit	MINE/PROSPECTING ID#: M-2013-036	MINERAL: Gravel	COUNTY: La Plata
INSPECTION TYPE: Monitoring	INSPECTOR(S): Lucas J. West	INSP. DATE: October 24, 2018	INSP. TIME: 15:56
OPERATOR: Luke The Duke, LLC	OPERATOR REPRESENTATIVE: John Avery	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$14,631.48	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: December 21, 2018	

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>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <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 inspection was conducted as part of the normal monitoring program established by the Colorado Division of Reclamation, Mining and Safety. The Luke the Duke Gravel Pit is listed as an active 110(c) that is approved for reclamation only activities in La Plata County. The site is located approximately 3.8 miles south of Hesperus, CO at approximately 7940 feet in elevation. Public access is controlled by a locked gate that also serves as Mr. Avery's driveway. John Avery, Operator and landowner, was present during the inspection. The Division currently holds \$14,631.48 in financial warranty for the site. A reclamation cost estimate update was performed and staff calculations found that the currently held financial warranty is sufficient to achieve reclamation. Five photos accompany this report to illustrate the current site conditions.

The proper mine identification signage is posted near the entrance to the site and can be seen in Photo One. The permit boundaries are clearly marked with agricultural tape hot fence stretched around the permit area. This permit was issued as a result of enforcement action in 2014. The permit issuance documents indicate that it is a reclamation only permit and no further excavation of the area can take place. The Operator is however allowed to remove any materials that have already been stockpiled on site. Consequently the condition of the site is similar to that when the original permit was issued. No further excavation of material has taken place in accordance with the Board Order and no reclamation activities have been conducted yet. The areas that were excavated were concentrated to two main areas that will be reclaimed to ponds. These areas can be seen in Photos Two and Three. The two ponds have near vertical walls that are on average approximately 10 feet tall. The walls all appear to be stable and in good condition and show no signs of settling, slumping or erosion. Several stockpiles are located on site including topsoil, overburden and excavated materials stockpiles. Examples of these stockpiles can be seen in Photos Four and Five. The stockpiles all appear to be stable and in good condition and free from erosion or sedimentation.

The overall footprint of the site is in good condition and free from any trash and debris. Evidence of chemical treatment of weeds was observed and no untreated populations were noted. No signs of significant erosion, settling or slumping was observed throughout the site. No problems or possible violations were observed.

Enclosed with this report is a copy of the "Decision to Approve a 110c Reclamation Only Application", which authorize the Operator to remove any previously excavated, processed and stockpiled materials not required for reclamation purposes. All responses to this report should be directed to Lucas West at the Colorado Division of Reclamation, Mining and Safety at 1313 Sherman Street, Room 215, Denver CO, 80203, by phone at 970-243-6368 or by email at lucas.west@state.co.us.

Inspection Contact Address

John Avery
Luke The Duke, LLC
989 County Road 120
Hesperus, CO 81326

Enclosure: Decision to Approve a 110c Reclamation Only Application

PHOTOGRAPHS

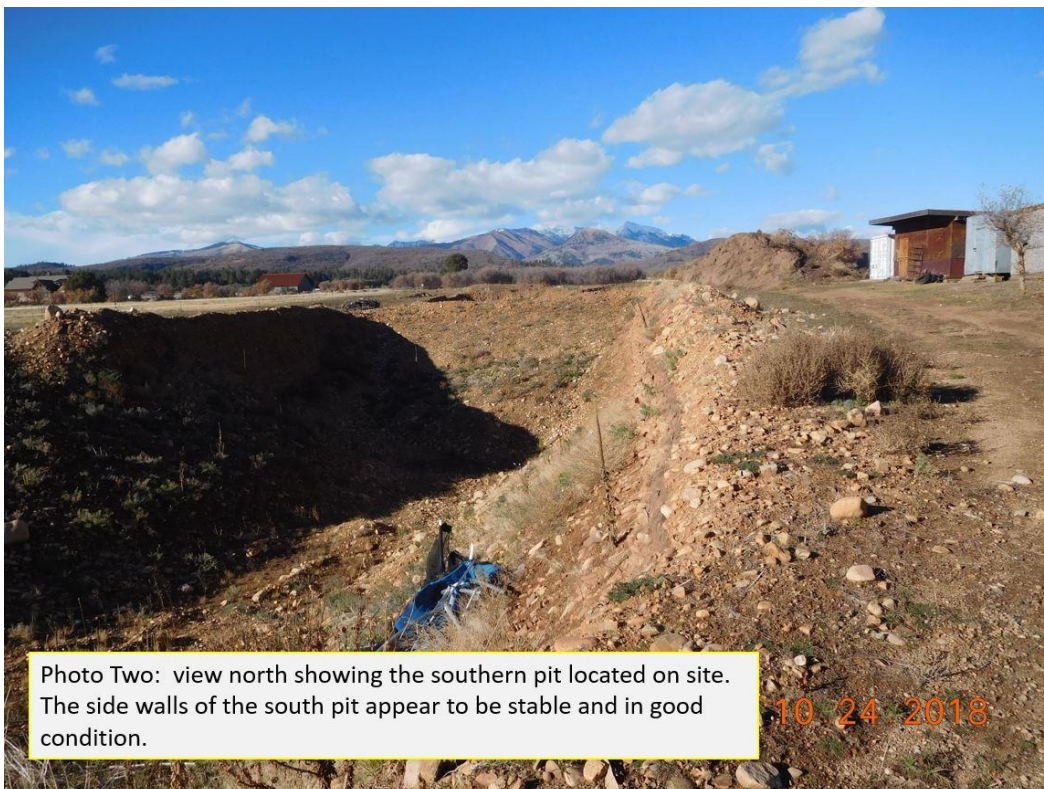
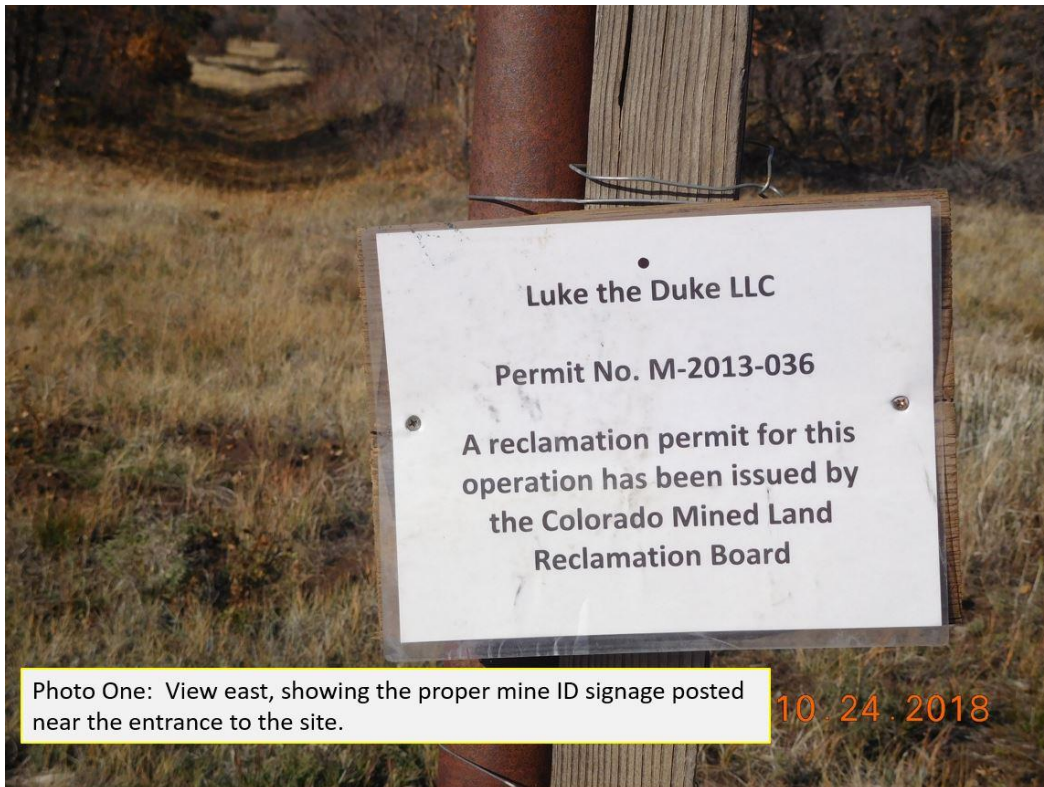




Photo Three: View north showing the separate north pit area. Both pits will be reclaimed to support stock ponds for agricultural use.

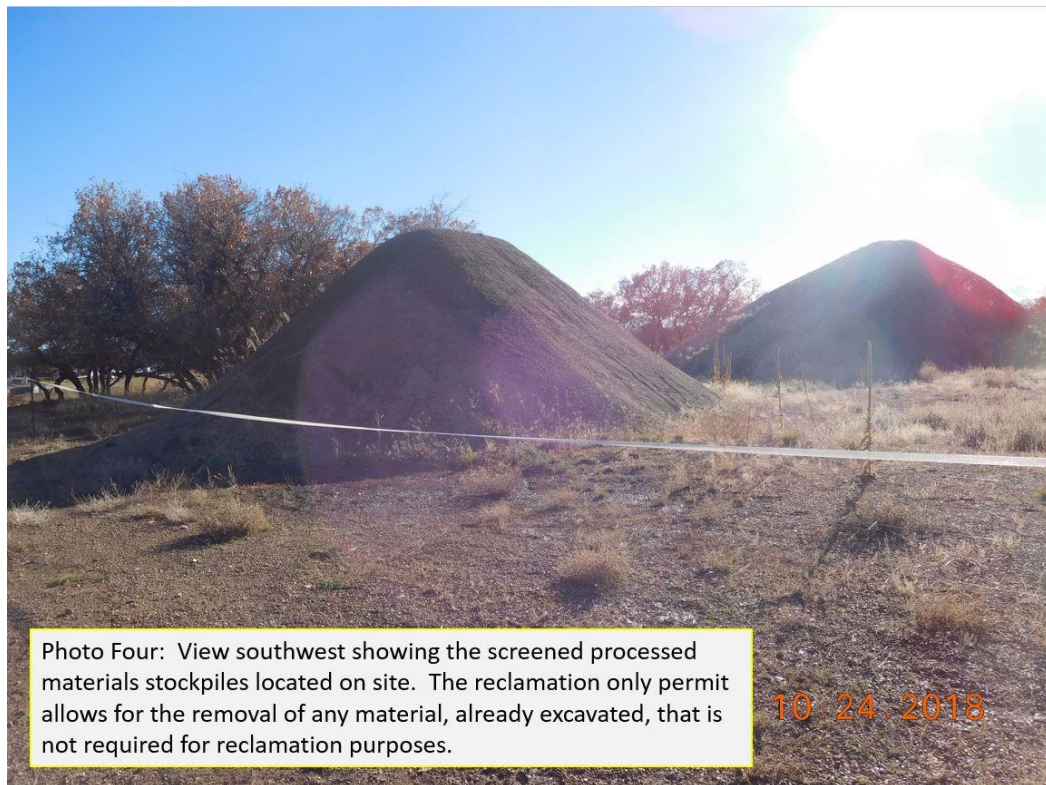


Photo Four: View southwest showing the screened processed materials stockpiles located on site. The reclamation only permit allows for the removal of any material, already excavated, that is not required for reclamation purposes.



Photo Five: View southeast showing the topsoil stockpile located on site. This material was reserved for use during the reclamation of the ponds.

10.24.2018