




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: Diehl Borrow Pit	MINE/PROSPECTING ID#: M-2018-054	MINERAL: Borrow material for construction	COUNTY: Larimer
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Eschberger, Rob Zuber	INSP. DATE: February 13, 2020	INSP. TIME: 11:00
OPERATOR: SEMA Construction, Inc.	OPERATOR REPRESENTATIVE: Tyson Geist	TYPE OF OPERATION: 111 - Construction by Government Agency	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$88,112.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: March 5, 2020

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: Signs & Markers

PROBLEM: The mine identification sign was not posted at the entrance of the mine site. This is a problem for failure to post a mine identification sign as required by Rule 3.1.12(1).

CORRECTIVE ACTIONS: The operator shall, at the entrance of the mine site, post a sign which shall be clearly visible from the access road, with a minimum size equaling 187 square inches, such as 11 inches in height by 17 inches in width, with appropriate font size, including the following: the name of the operator and operation name, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board (can be abbreviated to "CMLRB"); and the permit number. By the corrective action date, the operator shall submit photo documentation that a proper sign has been posted.

CORRECTIVE ACTION DUE DATE: April 5, 2020

INSPECTION TOPIC: Gen. Compliance with Mine Plan

PROBLEM: The current mining plan map needs to be updated pursuant to Rules 6.4.3 and 6.4.4. The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation. Specifically, the operator has created a new access road to the site which is not portrayed on the approved mining plan map.

CORRECTIVE ACTIONS: By the corrective action date, the operator shall submit a Technical Revision, with the required \$216 fee, to update the current approved mining plan map to reflect existing and proposed activities at the site, particularly to portray the new access road constructed at the site.

CORRECTIVE ACTION DUE DATE: April 5, 2020

INSPECTION TOPIC: Gen. Compliance with Reclamation Plan

PROBLEM: The current reclamation plan map needs to be updated pursuant to Rules 6.4.5 and 6.4.6. The operator must describe how reclamation will be achieved on all affected land. Specifically, the operator has constructed a new access road to the site which is not portrayed on the approved reclamation plan map.

CORRECTIVE ACTIONS: By the corrective action date, the operator shall submit a Technical Revision, with the required \$216 fee (can be same revision submitted for problem cited above), to update the approved reclamation plan map to reflect existing and proposed activities at the site, particularly to portray reclamation of the new access road. If the operator proposes to leave any roads for reclamation, this must be reflected on the reclamation plan map. Additionally, the Division would need to receive a notarized letter from the landowner agreeing to leave the road(s) for reclamation.

CORRECTIVE ACTION DUE DATE: April 5, 2020

OBSERVATIONS

This was a normal monitoring inspection of the Diehl Borrow Pit (Permit No. M-2018-054) conducted by Amy Eschberger and Rob Zuber of the Division of Reclamation, Mining and Safety (Division). The operator was represented by Tyson Geist during the inspection. The site is located approximately 8.5 miles north of Wellington, CO near the eastern edge of Larimer County. The site is situated directly adjacent to and east of I-25. Access to the site is off the I-25 frontage road. **Photos 1-7** taken during the inspection are included with this report.

This is a 111c operation permitted for 26.95 acres to mine borrow material for a CDOT roadway project. The affected lands are owned by Diehl Land Enterprises. The permit area is bisected by a drainage that empties into an ephemeral stream (Indian Creek) located to the east of the site. This drainage will not be disturbed by the operation. Mining will begin in the southern half of the permit area, which was mined historically. The mining plan includes excavating material from the two mining areas at an average depth of 20-30 feet. Initial mining slopes will be at 0.5H:1V, then as the operation approaches the perimeter of the pit, slopes will be maintained at 3H:1V. Mined material will be directly hauled off site to the construction project. No on-site processing of material will occur. Salvaged topsoil will be stored along the eastern edges of the two mining areas. The site entrance will be constructed off the I-25 frontage road to access the southern half of the permit area. The northern half of the permit area will be accessed from internal haul roads.

The approved post-mining land use for the site is rangeland. The reclamation plan includes grading all disturbed land to 3H:1V or flatter, ripping compacted areas (e.g., pit floor, stockpile areas, haul roads), replacing 6 inches of topsoil on disturbed land, and revegetating the land with a rangeland grass and forb mixture. While the historically mined southern half of the site has limited topsoil available, the northern half of the site may have enough topsoil available (18 inches) to make up for this deficit. If enough topsoil is not available on site to achieve the 6 inch depth for reclamation, the operator will construct a suitable plant growth medium on site. This will be done by augmenting the available topsoil using subsoil material and applying soil amendments per the results of a composite soil sample analysis. All roads constructed for the operation will be reclaimed, including the one access road into the southern half of the permit area.

At the time of the inspection, the weather was clear and the ground was covered with snow. The permit boundary was delineated by barbed wire fencing. The required mine identification sign was not posted at the main site entrance. The public notice sign observed during the pre-operation inspection was still posted at the entrance. However, this sign does not meet the requirements for the mine identification sign. Therefore, a problem is cited in this report (see page 1) for failure to post a mine identification sign as required by Rule 3.1.12(1). The operator will need to post an adequate sign at the site and provide photographic evidence to the Division this was done by the corrective action date.

The site was not active during the inspection. Depending on weather conditions, the operator anticipates mining activities will recommence next week. The operation has mined approximately 15-20 feet from the southern half of the permit area, leaving a pit wall along its western edge with slope gradients of approximately 3H:1V. The operation has encountered a deposit in this mining area that is not favorable for the roadway project. Therefore, this southern pit will most likely not be mined any deeper. The operation has started mining in the northern half of the permit area. A cut approximately 15 feet in depth with near vertical slope gradients is present along the western edge of this area. Salvaged topsoil is bermed along the eastern edges of the two mining areas.

During the inspection, the Division observed a new gated access road has been constructed off the I-25 frontage road to enter the northern half of the permit area. This additional mine entrance is not portrayed on the approved

mining plan map. Therefore, a problem is cited in this report (see pages 1 and 2) pursuant to Rules 6.4.3 and 6.4.4, requiring the operator to submit a Technical Revision (see enclosed form) to update the mining plan map to portray the new access road constructed at the site. This new access road is also not portrayed on the current reclamation plan map. Therefore, a separate problem is cited in this report (see page 2) pursuant to Rules 6.4.5 and 6.4.6, requiring the operator to submit, in the same Technical Revision, an updated reclamation plan map that portrays reclamation of the new road. If the operator proposes to leave any roads for reclamation, this must be reflected on the reclamation plan map. Additionally, the Division would need to receive a notarized letter from the landowner agreeing to leave the road(s) for reclamation.

During the inspection, the operator inquired about the possibility of using material mined from this site for other projects in the area. If the operator has secured a government contract for a separate construction project, the operator would need to submit a Technical Revision to revise Exhibit K of the application to include a copy of the new signed government contract. Upon approval of this revision, the operator would be authorized to continue mining the site under the existing 111c permit.

On the other hand, if the operator intends to mine the site for purposes other than obtaining material for a construction project under a government contract that calls for work to be commenced within a specifically short time frame, the operator may pursue one of the following options:

- 1) Submit a conversion application to convert the 111c permit to a 112c permit. This application is very similar to a new 112c application, and would provide an opportunity for the permit area to be increased and the mining and reclamation plans to be revised, as necessary. It should be noted, Rule 1.11.2(1) states the original permittee cannot convert a permit unless the permit has been in existence for two (2) consecutive years. Given the current permit was issued on November 5, 2018, this means a conversion application could be approved no earlier than November 5, 2020.
- 2) Submit a new 112c permit application that, at a minimum, covers all affected lands of the 111c permit. After the 112c permit is issued for the site, the operator could request a full release of the 111c permit. This option could be pursued at any time.

This concludes the report.

Any questions or comments regarding this inspection report should be forwarded to Amy Eschberger at the Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at 303-866-3567, ext. 8129, or via email at amy.eschberger@state.co.us.

PHOTOGRAPHS



Photo 1. View of public notice sign posted at site entrance which does not meet requirements for a mine identification sign.



Photo 2. View looking north across western edge of southern mining area. Note pit wall slopes at approximately 3H:1V.



Photo 3. View looking east across southern mining area from top of pit wall. This pit may not be mined much deeper due to unfavorable deposits encountered.



Photo 4. View looking west across southern mining area from its eastern edge. Note pit wall (in background) which daylights to the east.



Photo 5. View looking south across pit wall along western edge of northern mining area, with near vertical slopes.



Photo 6. View looking southeast across northern mining area from its northwestern edge.



Photo 7. View looking west showing new (gated) access road constructed off I-25 frontage road to enter north mining area.

GENERAL INSPECTION TOPICS

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

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

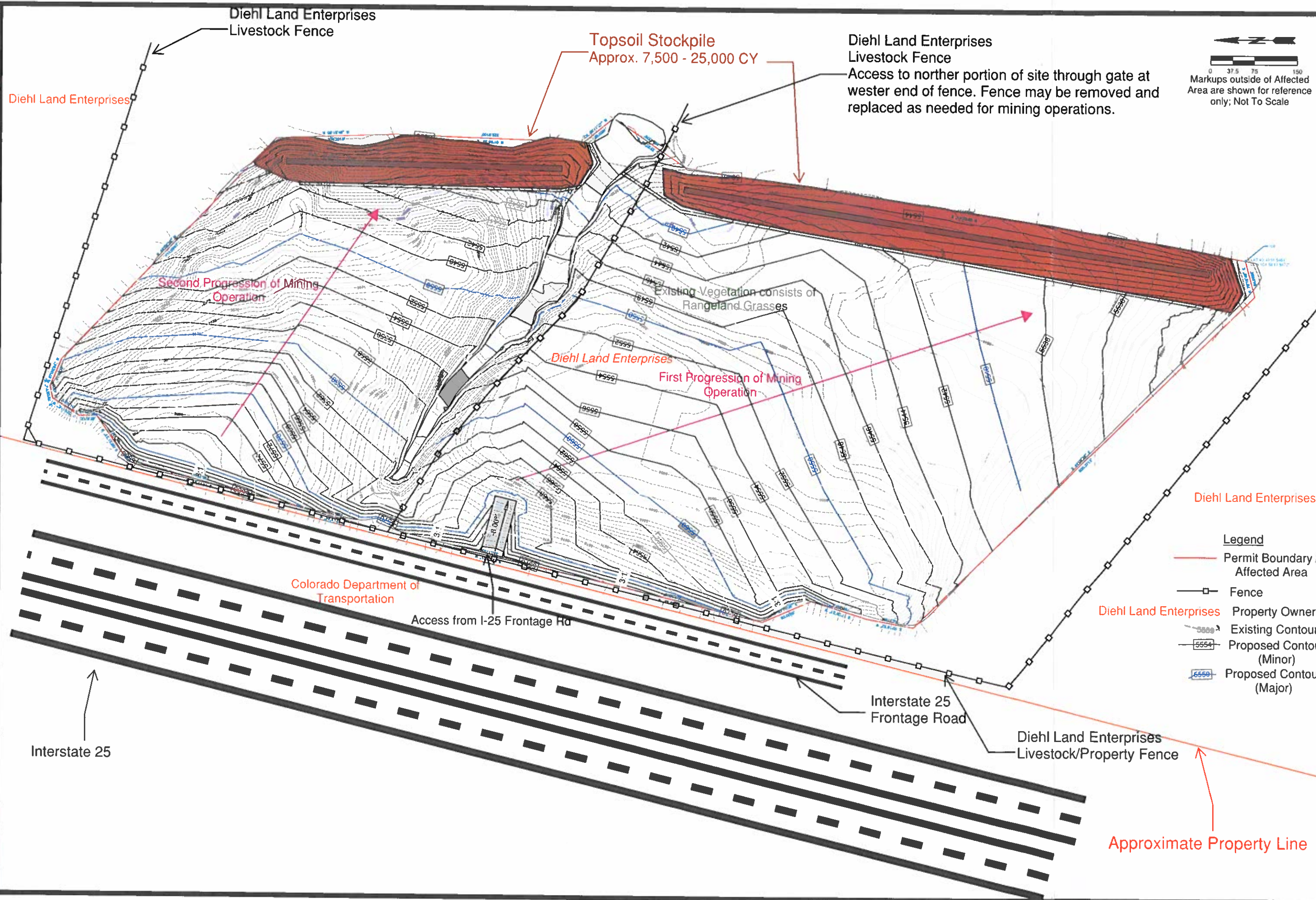
Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

Inspection Contact Address

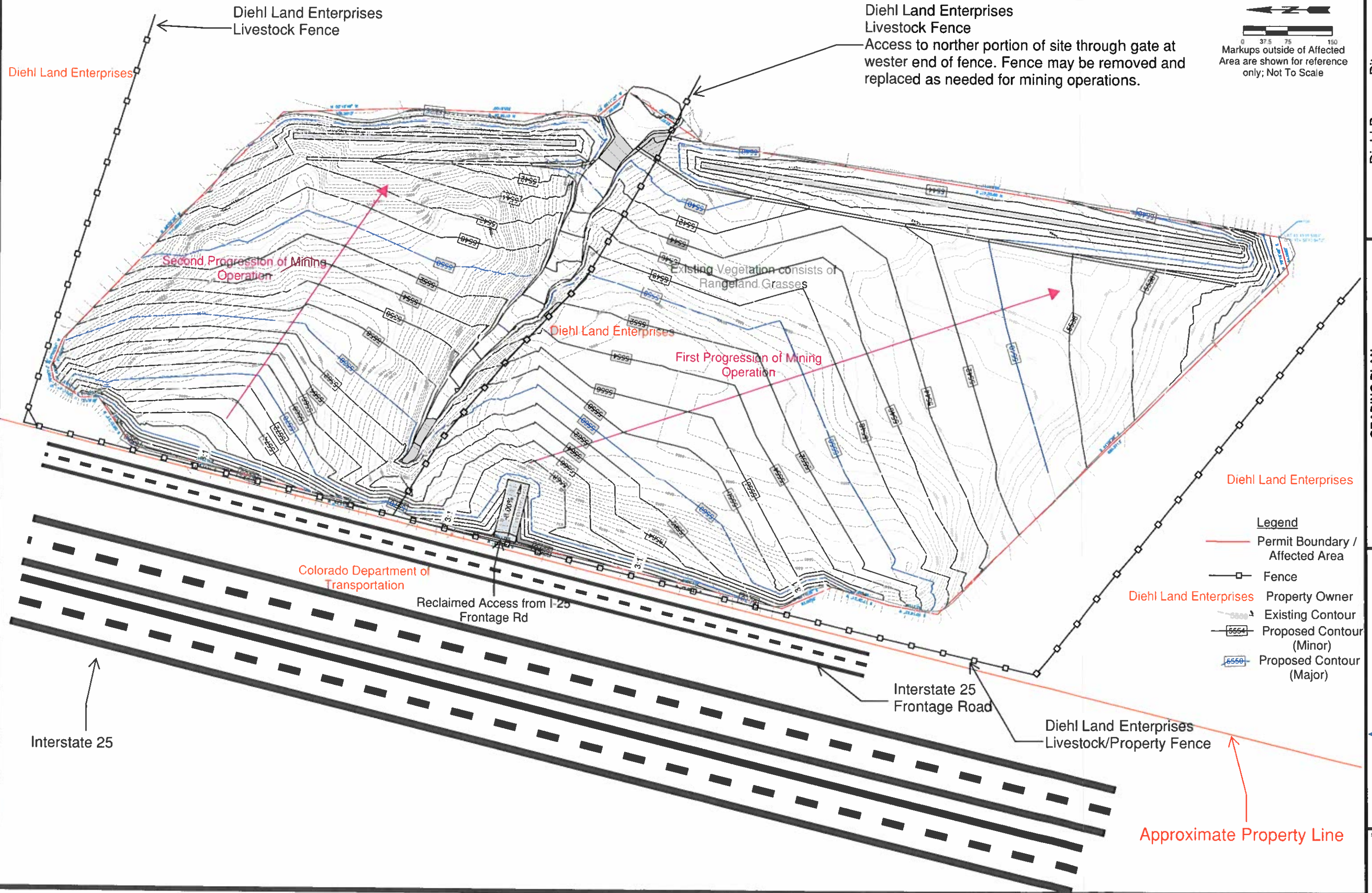
Cameron Mang
SEMA Construction, Inc.
7353 S Eagle St
Centennial, CO 80112

Encls: Approved Mining Plan Map
Approved Reclamation Plan Map
Technical Revision form

CC: Michael Cunningham, DRMS



DESIGNED BY: JLG	DATE: 10/1/13
DRAWN BY: JLG	DATE: 10/1/13
CHECKED BY: JLG	DATE: 10/1/13
REVISIONS:	BY: JLG



Diehl Borrow Pit
Relcamation Plan Map

GRADING PLAN

DESIGNED BY: JGG	DATE:
DRAWN BY: JGG	DATE:
CHECKED BY: JGG	DATE:
REVISIONS:	BY: DATE:



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- _____ Site Name: _____

County _____ TR# _____ (DRMS Use only)

Permittee: _____

Operator (If Other than Permittee): _____

Permittee Representative: _____

Please provide a brief description of the proposed revision: _____

As defined by the Minerals Rules, a Technical Revision (TR) is: “a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan.” The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted</u> (mark only one)
110c, 111, 112 construction materials, and 112 quarries	\$216	<input type="checkbox"/>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1006	<input type="checkbox"/>