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: Langston Property	**MINE/PROSPECTING ID#:** M-2020-023	**MINERAL:** Borrow Material	**COUNTY:** Fremont
INSPECTION TYPE: Illegal(Unpermitted Operation)	**INSPECTOR(S):** Timothy Cazier	**INSP. DATE:** May 12, 2020	**INSP. TIME:** 10:15
OPERATOR: Mike Langston	**OPERATOR REPRESENTATIVE:** Mike & Zac Langston	**TYPE OF OPERATION:** ILL - Illegal	

REASON FOR INSPECTION: Citizen Complaint	**BOND CALCULATION TYPE:** None	**BOND AMOUNT:** No Bond Held
DATE OF COMPLAINT: April 22, 2020	**POST INSP. CONTACTS:** Other Agency – City of Florence	**JOINT INSP. AGENCY:** None
WEATHER: Foggy	**INSPECTOR'S SIGNATURE:**	**SIGNATURE DATE:** May 22, 2020

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

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 a result of an illegal mining complaint received by the DRMS on April 22 and 23, 2020. Upon notifying Langston Concrete of the complaint, the DRMS was told material excavated from the complaint area was being placed in the Florence Sand and Gravel Pit permitted area, thereby necessitating a partial inspection of the permitted site as well. The Permittee (Langston Concrete) was represented during the inspection by Messrs. Mike and Zac Langston. The site for which the complaint was filed is accessed from Fremont Co Rd 79 approximately 0.6 miles NW of Frazier Ave. in Florence. The Langstons indicated work ceased on the site when I called to let them know we had a received a complaint requiring an inspection.

Investigation:
Mike Langston owns the property from which material has been removed and transported to his permitted operation (M-1992-051/Florence Sand and Gravel Pit) about one mile to the southeast. Mr. Langston stated he has a long term plan to potentially develop the site. There is a sanitary sewer line (and easement) running from the southeast towards the northwest through the property. Mr. Langston explained when the sewer line was installed by the Fremont Sanitation District (FSD), a deep trench had been left. A Google Earth historical image review indicated the trench was there in the earliest available image (10/8/1999). Several manholes were observed and T-posts (**Photo 1**) partially mark the alignment of the sewer line. Mr. Langston pointed out the aging trench was raveling and burying manhole covers, thereby limiting maintenance access. Based on his plan for potential development and the benefit to the FSD for maintenance, Mr. Langston entered into a "hand shake" agreement with the FSD to develop a road alongside the sewer line and layback the slopes to a stable configuration. The laid back slopes appeared to have been topsoiled, but had not been seeded (**Photo 2**). The current effort is focused on the east side of the sewer line and is nearly complete from an earthworks perspective. Only a small area remains to complete the grading work for the road towards the south end of the active area (**Photo 3**). The crest of the excavation showed limited disturbance beyond that required to lay back the slope (**Photo 4**). The Langstons confirmed all material removed from the site had been hauled to their permitted area for backfill at that location and not sold. The material removed exhibited some clays/weathered shale (**Photo 5**), not suitable for selling without washing and the permitted site is a dry operation. The Langstons estimated between 500 and 1,000 CY of material had been removed.

The south end of the site has a larger excavation footprint (see attached **Post Inspection Map**). The floor of the excavation is mostly self-reclaimed with established vegetation. The edges of the southern disturbed area are still angle of repose highwalls varying in height from less than 6 feet on the south end to near 10 feet on the north (**Photo 6**). The Langstons could not recall when this area was excavated. A review of Google Earth historical images indicate the disturbance occurred after 2013 and probably in 2016.

The disturbed area and access road extents were obtained on site using a handheld Trimble Juno 3B GPS unit. No explosives were being used. Exposed groundwater was not observed, nor was any standing water observed. No processing had taken place on site and adequate backfill is available for stabilizing the remaining slopes by pushing the existing material down. A portion of the hill on the north had been grubbed for potential access (**Photo 7**), but determined to be too steep after the tree removal. Some of the area had erosion control blankets installed.

DRMS Evaluation:
Because material from the excavation has been hauled offsite, this situation meets the statutory definition of mining pursuant to C.R.S. 34-32.5-103(13). As such, the DRMS requires the site be permitted. There are potentially four different options for permit types:

1) 110c Permit – the affected area must be less than 10 acres;
2) 111(1)(b) Permit – the affected area must be 30 acres or less, involve 20,000 tons of material or less; and the project must be completed within 1 year;
3) 111 Permit – As this has involvement with a government entity (FSD), if a contract can be obtained and provided to the DRMS, this type of permit might be an option;
4) 112c Permit – No limitations on size or duration, and not government contract required.

→ An application for one of the above permit types is required to be submitted to the DRMS within 45 days of this report (**Due: July 6, 2020**). Please be sure to reference the permit number assigned to this operation (**M-2020-023**) on the permit application and all future correspondence.

Please be aware that failure to comply may result in a violation and civil penalties of not less than $1,000 per day nor more than $5,000 per day for each day the land has been affected, not to exceed three hundred sixty-five days [C.R.S. 34-32.5-123].

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. T-post in bottom of trench marking sanitary sewer (looking NW – note raveling slope).

PHOTOGRAPHS (cont.)

Photo 2. Graded and topsoiled east side (looking SE – trench on right).

Photo 3. Small area needing grading to match existing grades (south end of active area, looking NW).

PHOTOGRAPHS (cont.)

Photo 4. Crest on east side (looking NW, trench in upper left).

Photo 5. Typical clays/weathered shale in resident material (north end of trench, looking SE).

PHOTOGRAPHS (cont.)

Photo 6. Larger footprint floor of south end "highwalls" (looking NW).

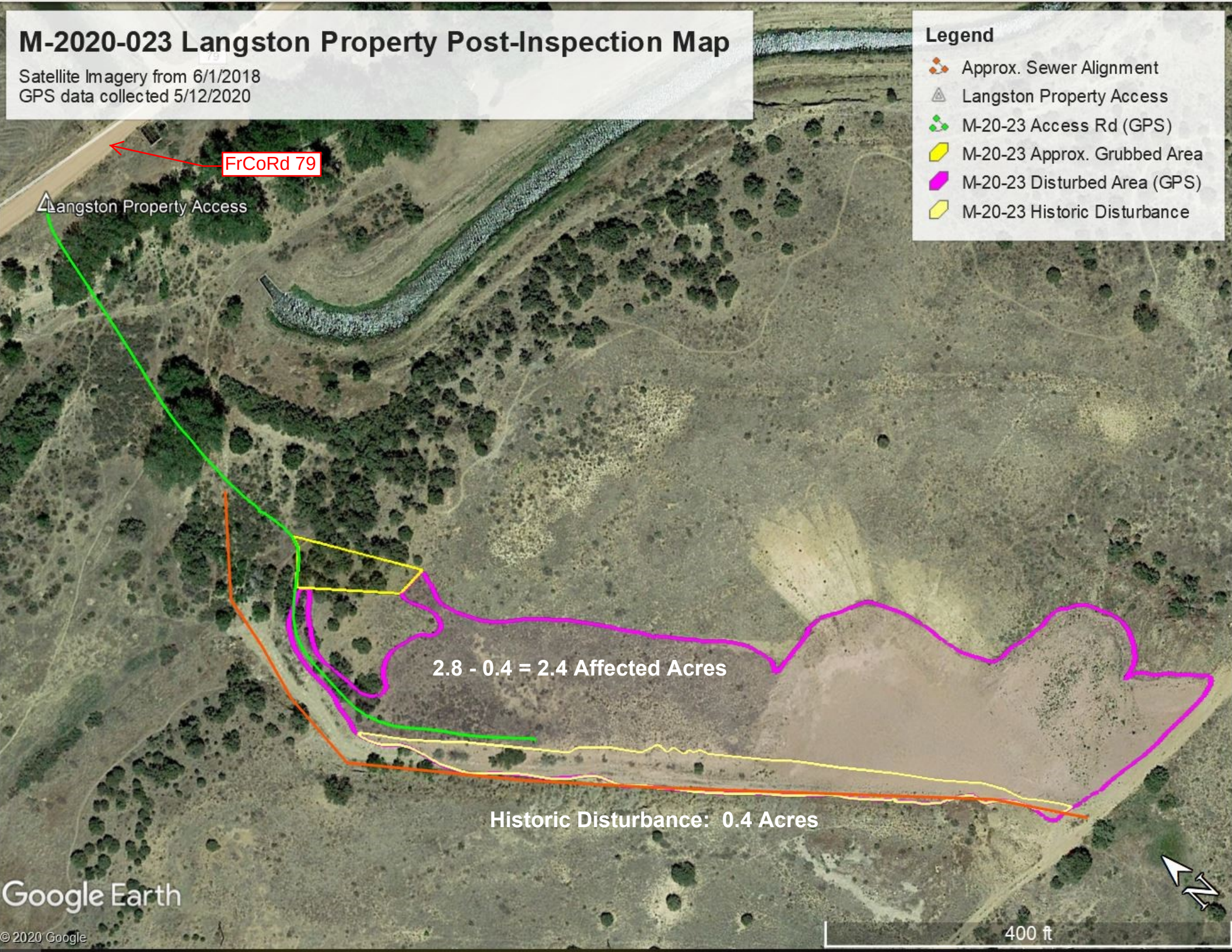
Photo 7. Grubbed area (north end, looking north from crest, Note erosion control blanket).

Inspection Contact Address

Mike Langston
Langston Concrete, Inc.
902 South Union Street
Florence, CO 81226

Enclosure (Post Inspection Map)

ec: Michael Cunningham, DRMS
DRMS file
Zac Langston, Langston Concrete
Wade Broadhead, City of Florence


M-2020-023 Langston Property Post-Inspection Map
Satellite Imagery from 6/1/2018
GPS data collected 5/12/2020
Legend
Approx. Sewer Alignment
Langston Property Access
M-20-23 Access Rd (GPS)
M-20-23 Approx. Grubbed Area
M-20-23 Disturbed Area (GPS)
M-20-23 Historic Disturbance
FrCoRd 79
Langston Property Access
2.8 - 0.4 = 2.4 Affected Acres
Historic Disturbance: 0.4 Acres
Google Earth
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400 ft