




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: Freund Pit	MINE/PROSPECTING ID#: M-1985-003	MINERAL: Sand and gravel	COUNTY: Elbert
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Eschberger	INSP. DATE: February 3, 2021	INSP. TIME: 13:00
OPERATOR: Running Creek Ranch	OPERATOR REPRESENTATIVE: Joseph Freund, Jr.	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$11,902.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: February 12, 2021	

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>Y</u>	(RS) RECL PLAN/COMP-- <u>Y</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 / 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 Freund Pit (Permit No. M-1985-003) conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division). The operator was represented by Joseph Freund, Jr. during the inspection. The site is located approximately 13 miles east of Parker, CO in Elbert County. The site can be accessed from the north via Running Creek Ranch Road, a private road that intersects Co Rd 29 to the east of the property. The affected land is owned by Running Creek Ranch. **Photos 1-30** taken during the inspection are included with this report.

This is a 112c operation permitted for 30 acres (see enclosed Google Earth image of site) to mine sand and gravel to a maximum depth of 15 feet. The operation is approved for intermittent status, which allows it to operate for less than 180 days per year. According to annual reports submitted by the operator, mining activities (e.g., extraction, processing, hauling off from material stockpiles) occur at the site every year. The permit area is situated along the western edge of Running Creek/Box Elder Creek. A pond approximately 7 acres in size was excavated on site prior to 1981. The Division of Water Resources (DWR) does not require the operator to augment the net evaporative depletions from groundwater exposed to the atmosphere prior to January 1, 1981. During mining operations, the pond was expanded an additional 3 acres. This post-1980 exposed groundwater is covered under the operator's plan for augmentation approved by the Division 1 Water Court in Case No. 11CW107. Under this plan, the operator has the right to expand the pond up to a total size of 27 acres (20 acres of which would be considered post-1980 exposure). To the extent that the pond is expanded in the future, the operator will increase its augmentation releases by the net evaporative depletions for the additional exposed acreage. A copy of the Water Court approved augmentation plan was provided to the Division on January 9, 2013. The current pond surface area covers approximately 10 acres (after subtracting acreage for the 3 small islands). The mining plan calls for expanding the pond primarily northward and westward. Salvaged topsoil and mined material will be temporarily stored in a staging area located west of the pond. Mined material will not be processed on site. No permanent structures will be constructed on site to support the operation.

The approved post-mining land use for the site is rangeland with an unlined pond. The reclamation plan calls for grading all disturbed land to 2H:1V or flatter, except for the pond banks, which will be graded to 3H:1V or flatter at least 5 feet above and 10 feet below the static water line. The final pond will have somewhat irregular shorelines, and a few small islands may be created in the pond for wildlife habitat. Approximately 6-8 inches of topsoil will be replaced on pond shorelines (down to the high water line) and on any disturbed land around the pond. If a sufficient amount of topsoil is not available for reclamation, the operator will use an alternate plant growth medium which may include sand mixed with composted manure. All disturbed land will be revegetated with the following seed mix: Smooth brome grass, Pubescent wheatgrass, and Cicer milkvetch. It should be noted, the current approved seed mix also includes the species Crested wheatgrass, which is no longer considered to be compatible with native grass species. Therefore, the Division advises the operator to not include this species to revegetate the site. The approved seed mix can be revised through submittal of a Technical Revision (see enclosed form). The existing access road which enters the permit area from the north and circles the perimeter of the pond, will remain for reclamation.

At the time of the inspection, the weather was clear and windy and the ground was dry. No mining activities were occurring during the inspection. Not much has changed at the site since the Division's last inspection on February 18, 2016, except the excavation area located west of the pond has been graded to 3H:1V or flatter and retopsoiled. While some grasses and annual weeds were growing in this area, vegetative cover was fairly sparse along the crest of the slope. The graded slope appeared to be stable with no erosion issues observed. The operator continues to store milled asphalt in the staging area west of the pond. A problem was cited for this activity in the Division's April 4, 2007 inspection report, requiring the operator to give more details about the material and its intended use. The Division was concerned the asphalt material would be used for backfill

material in the pond. The operator submitted a response on October 31, 2007 which explained the material is used strictly for road maintenance on the ranch and would not be used as reclamation backfill material. At the time, the operator estimated the asphalt stockpile to be approximately 3,000 CY in volume. The Division estimates the current stockpile to be no more than 1,200 CY.

As mentioned above, the current pond is approximately 10 acres in size, which is in compliance with the operator's approved augmentation plan. The water level in the pond was low during the inspection, with depths of only 3-4 feet according to the operator. The majority of the pond shorelines are graded to 3H:1V or flatter in accordance with the approved reclamation plan, and stable with a good establishment of grasses and trees (mainly willows and cottonwoods). Much of the western shoreline is graded flatter than 3H:1V. However, there are some portions of the eastern and southern pond shorelines which have slopes steeper than 3H:1V. These steeper shorelines appeared to be stable with good vegetative growth and no erosion features observed. Because much of the eastern pond shoreline was created prior to the site being permitted, as long as the operation did not redisturb this shoreline in any way, and it remains stable, no additional work will be required along this shoreline for reclamation. However, the steeper portions of the southern shoreline may require some additional grading to meet the 3H:1V requirements. The operator mentioned plans to use cut and fill methods to flatten out the steeper portions of the southern shoreline in the near future. Because the southern end of the pond has higher banks than the rest of the pond, approximately 8-10 feet high versus near flat to 3 feet high in other areas, there is plenty of material to work with in this area. However, given the closeness of the southern pond shoreline to the permit boundary, the Division recommends the operator be very careful not to create offsite disturbance while completing this project. Once the regrading project is completed, the newly disturbed areas will need to be seeded for reclamation.

According to the operator, mining activities are most likely completed at the site. The operator currently has no plans to expand the pond, and no material stockpiles remain on site. If the operator has no plans to continue mining activities, then per Rule 3.1.3, final reclamation of the site must be completed within 5 years of the date that mining activities ceased. Because the operator just recently hauled off the remaining material stockpiled in the staging area, the reclamation deadline will be set at 5 years from the date of this inspection, by February of 2026. To complete reclamation of the site, the operator will need to ensure all pond shorelines (created or redisturbed by the operation after permitting in 1985) are graded to 3H:1V or flatter, and all disturbed land including pond shorelines down to the anticipated high water line and areas around the pond (estimated to be approximately 6.5 acres total) are revegetated with the approved seed mixture.

During the inspection, there was discussion about leaving some areas adjacent to the pond as sandy areas for recreational use. The sandy area west of the pond appears to already be used for this purpose. If the operator wishes to revise the approved reclamation plan to leave areas around the pond unvegetated for recreational use, this change must be proposed through a Technical Revision (see enclosed form). This revision must include a revised reclamation plan map for the site showing how all affected lands will be reclaimed. The operator should be advised, any areas proposed for swimming will require pond shorelines to be graded to 5H:1V or flatter in accordance with Rule 3.1.5(7).

The Division re-evaluated the required financial warranty for the site and found the currently held financial warranty in the amount of \$11,902.00 to be sufficient for completing reclamation of the site in accordance with the approved plan.

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 looking southeast from access road across northern portion of permit area never disturbed by mining operation.



Photo 2. View looking southwest across northern portion of pond from its northern edge. Note island in background.



Photo 3. View looking northwest across northern shoreline of pond, graded 3H:1V or flatter and stable with some vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 4. View looking southeast across northern shoreline of pond, graded 3H:1V or flatter and stable with some vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 5. View looking west across northern portion of pond from its eastern edge. Note pond banks stabilized with grasses and trees (willows and cottonwoods). Pond island visible in background, left.



Photo 6. View looking west across pond from its eastern edge. Note pond banks stabilized with grasses and trees (willows and cottonwoods).



Photo 7. View looking west across pond from its eastern edge. Note pond banks stabilized with grasses and trees (willows and cottonwoods).



Photo 8. View looking west across area east of pond with good vegetative cover consisting of grasses and cottonwood trees.



Photo 9. View looking northeast across eastern pond shoreline, graded steeper than 3H:1V but stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 10. View looking west across pond from its eastern edge. Note shorelines graded 3H:1V or flatter and stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 11. View looking northwest across pond from its eastern edge. Note shorelines stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 12. View looking west across pond from its eastern edge. Note shorelines stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 13. View looking southwest across southern portion of pond from its eastern edge. This portion of eastern pond bank (in foreground) is higher and steeper than rest of pond. Note pond banks stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 14. View looking west across southern portion of pond from its eastern edge. This portion of eastern pond bank (in foreground) is higher and steeper than rest of pond. Note pond banks stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 15. View looking northeast at dirt road that circles perimeter of pond, which will remain after reclamation.



Photo 16. View looking north across southern portion of pond from its eastern edge. This portion of eastern pond bank (in foreground) is higher and steeper than rest of pond. Note pond banks stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 17. View looking southwest across southeastern pond shoreline. This portion of pond bank (in foreground) is higher and steeper than rest of pond. Note pond banks stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 18. View looking northeast across pond from its southern edge. Note pond banks stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 19. View looking southeast across southern portion of pond. Note pond banks (in background) are higher and steeper in this area than rest of pond, but stable with good vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 20. View looking north across western pond shoreline, graded 3H:1V or flatter and stable with good vegetative cover consisting of grasses and some trees.



Photo 21. View looking north across excavation area west of pond with slopes graded 3H:1V or flatter and topsoil replaced. Portions of this area (particularly along crest of slope) may require reseeding for reclamation.



Photo 22. View looking east across excavation area west of pond with slopes graded 3H:1V or flatter and topsoil replaced. Portions of this area (particularly along crest of slope) may require reseeding for reclamation.



Photo 23. View looking south across excavation area west of pond with slopes graded 3H:1V or flatter and topsoil replaced. Portions of this area (particularly along crest of slope) may require reseeding for reclamation.



Photo 24. View looking northwest at stockpile of milled asphalt stored in area west of pond. This material is used strictly for road maintenance on the operator's ranch and will not be used as reclamation backfill material on the mine site.



Photo 25. View looking southwest across western pond shoreline graded 3H:1V or flatter and stable with vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 26. View looking northeast across western pond shoreline graded 3H:1V or flatter and stable with vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 27. View looking northwest across western pond shoreline graded 3H:1V or flatter and stable with vegetative cover consisting of grasses and trees (willows and cottonwoods). Note area west (left) of pond with sparse vegetative cover which will require reseeding for reclamation (unless operator submits Technical Revision to change revegetation plan for this area).



Photo 28. View looking southwest across western pond shoreline graded 3H:1V or flatter and stable with vegetative cover consisting of grasses and trees (willows and cottonwoods). Note area west (right) of pond with sparse vegetative cover which will require reseeding for reclamation (unless operator submits Technical Revision to change revegetation plan for this area).



Photo 29. View looking southwest across northern portion of pond. Note shorelines graded 3H:1V or flatter and stable with vegetative cover consisting of grasses and trees (willows and cottonwoods).



Photo 30. View looking northeast across northern pond shoreline graded 3H:1V or flatter. This area will require reseeding for reclamation (unless operator submits Technical Revision to change revegetation plan for this area).

Inspection Contact Address

Joseph Freund
Running Creek Ranch
15460 E Batavia Dr
Aurora, CO 80011

Encl(s): Google Earth image of site
Technical Revision form

CC: Michael Cunningham, DRMS

M-1985-003 / Freund Pit / Running Creek Ranch / (Image data from 4/3/2020)

Red Outline = 30 acres = Approved Permit Area (location approximated based on permit maps)

Blue Outline = 9.9 acres = Pond Surface Area (10.2 acres total - 0.3 acre islands)

Running Creek Ranch Rd

Google Earth

Image ©2021 Maxar Technologies



1000 ft



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"/>