




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: 120th Estates Partners	MINE/PROSPECTING ID#: M-2001-085	MINERAL: Sand and gravel	COUNTY: Adams
INSPECTION TYPE: Monitoring	INSPECTOR(S): Patrick Lennberg	INSP. DATE: May 5, 2021	INSP. TIME: 09:00
OPERATOR: 120 85 LLC	OPERATOR REPRESENTATIVE: Juan Padilla, Adam Schultejan	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$368,590.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: May 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>N</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>Y</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</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

The 120th Estate Partners (120th) pit was inspected by Patrick Lennberg with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed as part of the Division's routine monitoring inspection program. The site was previously inspected by the Division on March 15, 2017. Juan Padilla and Adam Schultejann representing the operator, 120th 85 LLC, met me prior to conducting the inspection to review various aspects of the permit and possible paths forward to reclaim the site. Mr. Padilla took me on a tour of the site for the inspection. The weather was partly cloudy. The area has received a significant amount of rain during the previous week.

The entrance to the 120th is approximately 0.5 miles east of the intersection of 120th avenue and US Highway 85 southeast of Henderson, CO in Adams County. The pit is a 112c permitted site for 49.1 acres. A mine sign was as required by Rule 3.1.12.

The site is currently in final reclamation which involves backfilling the pit with inert material. Inert material was being brought into site and run through a number of processes depending on the type of material. Concrete brought on site was run through a crushing operation where the rebar was salvaged and recycled and the rubble used as backfill. Other material was run through a similar operation or was screened. Earlier this year Adams County did not renew the condition use permit to allow for crushing of material at the site. The operator is still importing inert material to use as backfill but is not currently processing the material. The pit no longer has any exposed groundwater at the site. All water seen during the inspection has been the result of recent rain showers, heavy at times, along the Front Range. The operator is evaluating what options are available to them moving forward including approaching the County to determine if they can screen material.

As mentioned in the previous inspection report the Division stated the permit acreage was actually 51.6 acres. The current active area of the permit is approximately 41.3 acres. Through AM-03 2.6 acres were added to permit that are located east of currently active area and 5 acres of the ski lake north of active area. The 2.6 acres to the east encompassed the former 110c permit number M2002-113 and an additional 0.4 acres that allowed for a bridge over the Fulton Ditch. The 5 acres in the ski lake were never mined. Through AM-05, 2.7 acres were added to the east of the active area in the same area as AM-03 areas. It is the Division's estimate that there is approximately 0.2 acres of overlap between the AM-03 and AM-05 areas.

Since mining never occurred in the 5 acres located in the ski lake and observations of the area during this inspection showed no signs of mining activity the operator is encouraged to seek release of the area. If the operator submits an acreage reduction request in accordance with Rule 4.17, form attached, within 30 days of issuing this inspection report the Division will not have to perform another inspection for the release.

The areas to the east of the current active area had a post mining land use of residential/industrial. Commitments made during AM-03 and 05 stated that the land would be reclaimed by replacing topsoil and seeding. However, if the roads were to remain after mining the operator would have to submit a Technical Revision (TR) to update the permit. Since the roads are currently being used to support the concrete pipeline installation project occurring north of this area and it does not appear the operator will be able to reclaim the roads. The operator should submit a TR to leave the roads in their current condition along with an affidavit from the current land owner to allowing the roads to remain. Once the TR has been approved, the operator

can submit a partial release request of these areas.

It was noted that the pipeline project is going to be located along the northern boundary of the active permit area and this land may have been condemned for the project. A permit revision will be needed to reflect the pipeline location as well as any adjustment needed to reflect the potential loss of land.

During discussions with the operator he indicated that the currently approved final reclamation of the site may not be consistent with how they would like the site to look at the end of reclamation. The Division encouraged the operator to work with the County to come to agreement on the end use of the area once backfilling is complete. When that occurs the operator is urged to contact the Division to determine what permit revision would be needed to reflect the desired land use. Depending on what revisions would be requested a TR or an amendment would be required.

The Division evaluated the financial warranty and determined the current bond amount held by the Division is adequate at this time.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at patrick.lennberg@state.co.us if you have any questions regarding this report.

Inspection Contact Address

Juan Padilla and Adam Schultejann
120 85 LLC
10925 E. 120th Ave
Henderson, CO 80640

Enclosure: Minerals Partial Release Request Form

cc: Jared Ebert, DRMS

ec: Adam Schultejann, 120 85 LLC, adamds.as@gmail.com
Juan Padilla, Henderson Pit, juan.hendersonpit@gmail.com
Miles Buescher, Adams County, MBuescher@adcogov.org

PHOTOGRAPHS



Photo 1: Mine sign located at the entrance



Photo 2: Looking north at the ski lake where the 5 acres are located, no mining disturbance



Photo 3: Looking northeast along the ski lake southern shore, no mining disturbance



Photo 4: Looking east along the approximate alignment of concrete pipeline corridor



Photo 5: Area located in the west central area where groundwater was last covered in material



Photo 6: Looking southeast from the eastern boundary of the active area to where AM-03 and 05 areas are located



Photo 7: Looking east from the eastern boundary of the active area to where AM-03 and 05 areas are located, arrow is pointing to a haul road being used for the pipeline access



Photo 8: Looking northeast from the eastern boundary of the active area to where AM-03 and 05 areas are located, arrow is pointing to a haul road being used for the pipeline access



Photo 9: Looking east from the northeastern boundary of the active area to where AM-03 and 05 areas are located, arrow is pointing to a haul road being used for the pipeline access and staged pipes



Photo 10: Close-up of pipeline construction activities



Photo 11: Looking southeast from the northeastern corner of the active area across the AM-03 and 05 areas, arrows are showing the haul road and staged pipes to be brought to the construction area



Photo 12: Typical topsoil stockpile



Photo 13: Idle processing material



Photo 14: Typical activities ongoing at the site.



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

REQUEST FOR FULL OR PARTIAL RELEASE OF PERMIT AREA/SURETY REDUCTION

Please indicate if you are requesting:

FULL/FINAL RELEASE OF ENTIRE PERMITTED AREA (per Rule 4.17)

ACREAGE REDUCTION (PARTIAL RELEASE per Rule 4.17)

I wish to release _____ acres at this time.

You will need to submit with this request: a map showing the acreage to be released from the current permit and updated mining and reclamation plan maps that will accurately depict the new permit boundary if the release is approved.

SURETY (Bond) REDUCTION (per Rule 4.14)

If you are requesting a surety (bond) reduction you will need to include with this request a new estimate of the actual cost to reclaim the site based on what it would cost an independent contractor to complete reclamation, including unit costs for reclamation activities as appropriate to the operation to comply with the provisions of Rule 3.1 and the Permit's approved Reclamation Plan.

File No.: M _____

Site Name: _____

County: _____

Permittee: _____

Permittee Address: _____
(Street Address)

(City) (State) (Zip)



Operator (If Other than Permittee): _____

Permittee Representative: _____

Certified Mail # _____

In accordance with Rule 4.17.1(2) the Operator shall include the names, addresses and phone numbers of all owners of record to the affected land. Please attach additional sheets for this information if required.

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

In accordance with Rule 4.17.1(4), if requesting a partial acreage release the Operator or their agent MUST sign that they have complied with the following statement: “All applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act.”

Signature of Permittee, Operator or their authorized agent Date

Important: In accordance with Rules 4.14.2(a) and 4.17.1(3) This release request must be submitted to the Division via certified mail and separate from any other correspondence to the Division.