




**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.

<b>MINE NAME:</b> Penrose Pit	<b>MINE/PROSPECTING ID#:</b> M-1987-131	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Fremont
<b>INSPECTION TYPE:</b> Preoperation Inspection	<b>INSPECTOR(S):</b> Timothy Cazier, P.E.	<b>INSP. DATE:</b> March 30, 2021	<b>INSP. TIME:</b> 10:45
<b>OPERATOR:</b> Fremont Paving & Redi-Mix, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Jodi Schreiber	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Preoperation Inspection	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$320,000.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Snowing	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 14, 2021

**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:** Sediment Control

**PROBLEM/POSSIBLE VIOLATION:** Problem: The visual berms facing the Arkansas River do not have established vegetation on them and are therefore susceptible to erosion. This is a problem at this time for failure to protect the affected land and potentially adjacent land from erosion pursuant to C.R.S. 34-32.5-116 (4) (j).

**CORRECTIVE ACTIONS:** The operator shall provide photo documentation to the Division verifying best management practices (BMPs) have been installed at or near the toe of the outward facing berms by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 6/14/21

## **OBSERVATIONS**

This was a pre-operation inspection conducted by Tim Cazier (DRMS) for the amendment application (AM-03) received on January 14, 2021. As this site was inspected twice in 2020, the primary focus of this inspection was to observe structures within 200 feet of the proposed affected area on the southeast portion of amendment application; and to view the operation from the south side of the Arkansas River from whence the DRMS received an objection. The Permittee (Fremont Paving & Redi-Mix) was represented by Ms. Jodi Schreiber during the onsite portion of the inspection beginning at 1:00 pm.

The Penrose Pit is accessed from Hwy 115 approximately 1.25 miles south of US 50). This is a 112c sand and gravel mine. It was operating at the time of the inspection.

Availability of Records: Annual fees are paid through June 2020. The previous inspection was on May 12, 2020 for a 30-acre release request which was approved on May 14, 2020. There is some discrepancy between the AM-03 application and the approved 30-acre release as it appears from the new application that some of that area is to be added back into the permit. This is to be resolved through the amendment review process. The approved post-mine land use is rangeland. There were no open infractions at the time of the inspection. Both the surface and minerals are privately owned.

Acid And Toxic Materials: No acid or toxic materials are involved in this operation.

Backfilling and Grading: A comment was received during the public comment period for this amendment related to unvegetated berms (see **Photos 1** and **2**) possibly contributing sediment to the Arkansas River on the south side of the operation. Ms. Schreiber explained the County permit requires Fremont Paving to construct visual berms for the operation and this is what is visible from the south side of the Arkansas River. Active mining was taking place in this area during the inspection causing access to the area to be unsafe. However, Fremont Paving provided an aerial photo (see **Photo 3**) taken from a drone shortly after the inspection.

Financial Warranty: The \$320,000 bond held by the DRMS was last updated in 1997 and allowed 150 acres of disturbance. This amount is adequate for the observed mine disturbance. However, the bond is being re-evaluated as part the AM-03 review process.

Fish and Wildlife: No impact to wildlife was observed.

Hydrologic Balance: No standing water was observed in the pit and no exposed groundwater was observed.

Gen. Compliance with Mine Plan: The operation appeared to be in compliance with the approved mine plan. The maximum allowed disturbed area is 150 acres. Google Earth was used to measure the disturbed area, which was estimated to be approximately 72 acres, based on 2018 imagery.

Right of Entry: A current lease was requested as part of the initial review of AM-03.

Reclamation Success: Acreage Release (AR-01) was approved May 14, 2020 to remove Phase 1 of AM-02 from the affected area boundary. Please read the discussion below under "Signs and Markers" regarding affected area.

Revegetation: No noxious weeds were observed.

Sediment Control: No erosion problems were observed. However, based on observations from south of the Arkansas River and the aforementioned concern received during the AM-03 public comment period, we discussed installing BMPs (or best management practices) along the toe of the outside slope of the berm for the purpose of controlling erosion. Ms. Schreiber agreed this would be feasible. For the purpose of tracking this commitment, the **DRMS is citing the lack of erosion control on the outside slopes of the visual berms as a Problem on page 1 of this report.** If the visual berms are not to be removed prior to final reclamation, the operator shall seed them with the seed mix that was submitted as part of the approved Reclamation Plan. If the berms are removed, final site grading shall ensure stormwater runoff is directed away from the bluff above the river.

Signs and Markers: The permit sign was properly posted (see **Photo 4**) and some of the boundary markers were observed to delineate the permit boundary (see **Photo 5**) in areas that are not expected to be mined for quite some time. The topic of **Permit Area vs Affected Area** was discussed during the inspection. As a reminder, there is no real importance to the Permit Boundary. The DRMS is concerned with the affected area boundary as this is what dictates the reclamation financial warranty. Rule 3.1.12(2) requires the boundaries of the **affected area** be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries. The permit boundary does not need to be marked under DRMS requirements. The AM-03 application revised the affected area approved in AM-02. In some areas this was expanded, in others it was reduced. **DRMS requirements dictate a revision to the permit is necessary to release any approved affected area from the permit, even if that affected area has not yet been disturbed.** The DRMS is aware Fremont Paving is reviewing and comparing the affected area boundaries approved as AM-02 with those currently proposed for AM-03. Please be aware any areas that were previously approved as affected area will require an acreage reduction request be filed to remove those areas from the affected area boundary (e.g., AM-02 Phase 11). This removal process can be accomplished in parallel with the amendment (AM-03) process, but as a separate revision.

Permit Stipulations: There are no permit stipulations.

Storm Water MGT Plan: No oil or fuel spills observed. No stormwater retention was observed.

Structures: Several structures have been identified as being within 200 feet of the proposed affected area boundary based on the AM-03 application, Google Earth images review and site observations. These structures include active and inactive ditches, irrigation diversion structures, powerlines, State Hwy 115, fences and outbuildings on the east side of Hwy 115. All relevant structures with the exception of the inactive ditches are shown on **Figure 1** and will require damage compensation agreements be filed with the DRMS. The inactive ditches were remote with no existing roads present to access them. Structures observed prior to and during the inspection are: the BLM/Grisenti diversion structure and powerline (see **Photo 6**); Fremont Sanitation District fence, concrete pad and building (see **Photo 7**). There are also remains of a scale house near the site entrance off Hwy 115 (see **Photo 8**). It appears to have been left by a previous Operator, but will need to be removed as part of final reclamation, if not sooner.

Please contact Tim Cazier (303)866-3567 ext. 8169 or email at [tim.cazier@state.co.us](mailto:tim.cazier@state.co.us) if you have any questions regarding this report.

## **PHOTOGRAPHS**



Photo 1. Visual berms and product stockpile above Arkansas River (looking WNW from Florence River Park).



Photo 2. Visual berms and product stockpile above Arkansas River (looking north from E 8<sup>th</sup> St/Hwy 119).



**PHOTOGRAPHS (cont.)**



Photo 3. Visual berms and product stockpile above Arkansas River (looking west).  
*{post inspection Operator provided photo}*



Photo 4. Permit sign (near Hwy 115 entrance).



**PHOTOGRAPHS (cont.)**



Photo 5. Typical marker (SE corner, near BLM/Grisenti diversion structure).



Photo 6. BLM/Grisenti Diversion structure and powerline (looking NE from Florence River Park).



**PHOTOGRAPHS (cont.)**



Photo 7. Fremont Sanitation District building, concrete pad and fence (north side, looking WSW).



Photo 8. Scale house remnants near Hwy 115 entrance (looking SE).

### 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>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</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>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>PB</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

#### Inspection Contact Address

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Cañon City, CO 81212

Enclosure

ec: DRMS file  
Jodi Schreiber, Fremont Paving



# Figure 1. M-87-131 Penrose Pit Structures Map

Satellite imagery from 10/6/2019

## Legend

- Building
- Ditch / Diversion
- Fence
- Hay shed
- M-87-131 200-ft Offset
- M-87-131 AM-2 Aff. Area Boundary
- M-87-131 AM-3 Aff. Area Boundary
- M-87-131 AM-3 Exclusion Area
- M-87-131 AM-3 Permit Boundary
- PowerPole
- Road

