




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: Ferrero Pit	MINE/PROSPECTING ID#: M-2000-028	MINERAL: Sand and gravel	COUNTY: Huerfano
INSPECTION TYPE: Monitoring	INSPECTOR(S): Patrick Lennberg	INSP. DATE: July 28, 2021	INSP. TIME: 12:00
OPERATOR: Mike A Ferrero	OPERATOR REPRESENTATIVE: Michael Ferrero	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$13,887.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 30, 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: Revegetation

PROBLEM: There are state-listed noxious weeds present on site. This is a problem for failure to employ weed control methods for state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

CORRECTIVE ACTIONS: Provide documentation that the List A noxious weed, Yellow starthistle, has been treated chemically or mechanically removed. Action must be taken within the next two (2) weeks or a mitigation plan developed with the Huerfano County Weed Manager.

CORRECTIVE ACTION DUE DATE: 8/13/21

OBSERVATIONS

The Ferrero Pit was inspected by Patrick Lennberg and Jared Ebert 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 October 31, 2017 as part of a citizens complaint the Division received from the land owner Larry Menegatti. Michael Ferrero, accompanied us during the inspection. The weather was clear.

The Ferrero Pit is located in Huerfano County approximately 12 miles south-southeast of Walsenburg off of County Road 317. The mine is a 110 construction materials permit for 7.3 acres on property owned by Larry Menen. The primary commodity that was mined at the site was gravel. The approved post-mining land use is rangeland and the land surrounding the pit is rangeland. A mine sign was posted at the mine entrance pursuant to Rule 3.1.12.

The mine was not active at the time of inspection and is currently in final reclamation. The disturbed area is approximately 2.2 acres in size. The side slopes have been graded to 3H:1V shallower around most of the perimeter of the disturbed area. Vegetation has become established in some areas, however, there are some bare ground exposed in other areas. Also noted in the reclaimed areas where several clumps of Yellow Starthistle which is a List A noxious weed in Colorado and targeted for eradication, see attachment 1. The presence of the List A noxious weed in the reclaimed area is being cited as a problem in this report. During the inspection Mr. Ferrero stated he would return in a week to spray for weeds. If spraying is not successful the Division recommends contacting Charles Bryant the Huerfano County Weed Manager at 719-989-1353 to develop a mitigation plan for the area. The pit area as well as the surrounding area is actively being grazed. It is recommended the operator fence off the disturbed area and reseed. Keeping the cattle away from the area will reduce noxious weeds and allow for new growth to become established. At the time of inspection the Division recommended the operator return to the site in the fall to reseed the area and fence it off. The operator agreed to return in the fall to reseed and possibly fence the area off. Reseeding will be done with a drill-seeding or broadcast seeding, it was stated that if broadcast seeding is used the seeding rate needs to be doubled.

The Division was able to GPS all four permit corners and associated tee-posts all disturbed areas are within the permit boundary.

The Division evaluated the financial warranty and estimated the bond amount for the remaining reclamation activities to be \$4,227.00. The current bond held by the Division is \$13,887.00, an excess of \$9,660.00. The operator may request a surety reduction, attachment 2, to recoup the excess surety held by the Division. However, the Division will not approve a surety reduction request until the problem cited in this report has been abated.

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

Michael Ferrero
591 County Rd. 315
Walsenburg, CO 81089

Attachment: 1: Fact Sheet – Yellow Starthistle
2: Request for Partial Surety Reduction

cc: Jared Ebert, DRMS

ec: Michael Ferrero, michaelanthonyferrero@gmail.com

PHOTOGRAPHS



Photo 1: Mine Sign



Photo 2: Typical permit boundary marker, southeast corner of permit



Photo 3: Looking east across the pit bottom



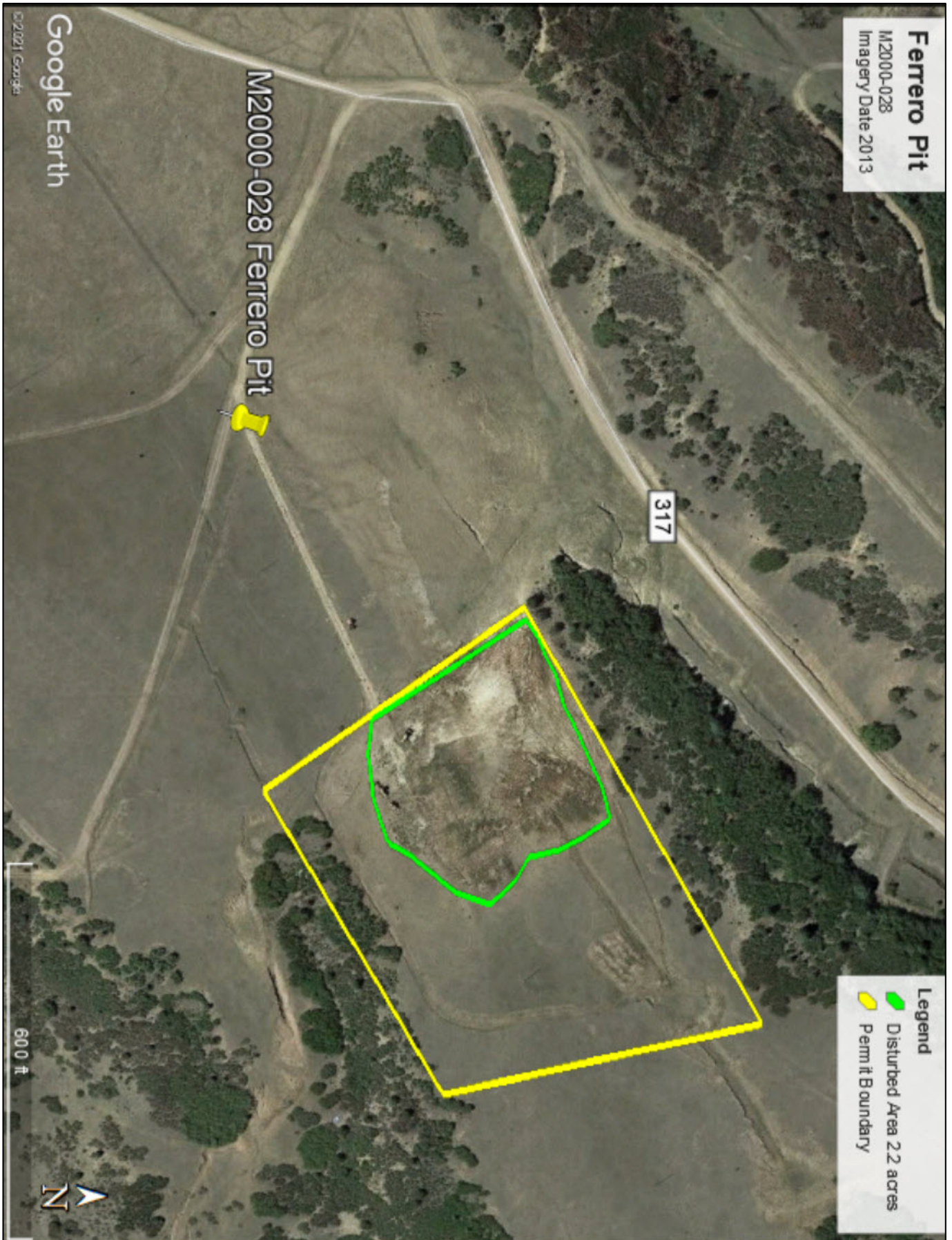
Photo 4: Looking east-southeast across the pit from the northwest corner of permit



Photo 5: Looking north across the pit area, yellow outline marks locations of some yellow starthistle



Photo 6: Yellow Starthistle



GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>N</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>N</u>	(RV) REVEGETATION---- <u>PB</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>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</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

Attachment 1

Yellow starthistle

Colorado Department of
Agriculture

305 Interlocken Pkwy
Broomfield, CO 80021

(303) 869-9030
weeds@state.co.us



Key ID Points

1. Bright yellow ray and disk flowers.
2. Winged stems.
3. Stiff spines at flower base
4. Plant has a unique blue-green color.

Yellow starthistle Identification and Management



Identification and Impacts

Yellow starthistle (*Centaurea solstitialis*) originated from Northern Spain. It is a winter annual that is blue-green in color, has a vigorous taproot, and produces bright yellow flowers with sharp, stiff spines surrounding the base of the flower that extend up to $\frac{3}{4}$ of an inch long. Yellow starthistle grows from 1 inch tall to 4 feet tall. Basal leaves are 1-3 inches long and deeply lobed while upper leaves are smaller and narrower. Stems appear winged and both stem and leaves have a slight whitish nap covering them. Yellow starthistle spreads by seed with a single large plant producing up to 100,000 seeds. Plumed and plumeless seeds disperse at different times.

Yellow starthistle typically germinates in the fall with increased moisture, overwinters as a seedling, and forms its rosette beginning in March through May. It can however, germinate extremely fast with optimal conditions throughout the entire summer (16 hours or less with ~ 70 degrees F and ample moisture). Flowering generally occurs from June to September and often later.

Habitats for yellow starthistle include rangelands, pastures, roadsides, wastelands, and lower elevations. Over utilized grasslands are particularly susceptible to invasion.

Yellow starthistle is fatally poisonous to horses (causing chewing disease) and is considered poor forage for all livestock and wildlife. It also destroys native plant communities. The seed bank of yellow starthistle is not completely understood. The site must be monitored for at least 15 years after the last flowering adult plants have been eliminated and treatments repeated when necessary.

The key to effective control of yellow starthistle is to prevent seed set from occurring in existing populations, monitoring your land for new infestations frequently, treating newly detected invasions rapidly, and preventing new introductions from occurring. Details on the back of this sheet can help to create a management plan compatible with your site ecology.

Yellow starthistle is designated as a "List A" species in the Colorado Noxious Weed Act. It is designated for statewide eradication. For more information visit www.colorado.gov/ag/weeds and click on the Noxious Weed Management Program. Or call the State Weed Coordinator at the Colorado Department of Agriculture, Conservation Services Division, 303-239-4100.

Map of yellow starthistle infestation.



Photos clockwise from lower left © (3 on left side) Kelly Uhing, Colorado Department of Agriculture, Steve Dewey, Utah State University, Bugwood.org; and map by Crystal Andrews, Colorado Department of Agriculture.

Centaurea solstitialis

**CULTURAL**

Following initial control, establishment of selected grasses can be an effective cultural control of yellow starthistle. Contact your local Natural Resource Conservation Service for seed mix recommendations. Maintain healthy pastures and prevent bare spots caused by overgrazing. Bare ground is prime habitat for weed invasions.

**BIOLOGICAL**

Insect biocontrol agents exist but are not included in the state prescribed management plan. Eradication is the management objective for all List A species. For more information on biocontrol in Colorado, contact the Palisade Insectary of the Colorado Department of Agriculture at 970-464-7916.

**MECHANICAL**

Hand pull when soil is moist and make certain to pull all the roots. Bag specimens carefully so as to not scatter seeds if flowering. Plants vary greatly in size so be sure to look for plants that are only a few inches tall, as well as plants that are several feet tall. Include dried skeletons as they may still contain seed. Mowing is not advisable and may extend life of the plant and stimulate additional flowering.

Integrated Weed Management:

The sheer number of seeds, high seed viability, and fast growth of yellow starthistle requires a persistent control program. Using herbicides and mechanical techniques to control the invasion followed by establishing a desirable plant community can be effective.

Management must be persistent to deplete the seed bank in the soil.

It is imperative to prevent seed production. Do not allow yellow starthistle plants to go to seed.

Yellow starthistle

HERBICIDES

NOTE: The following are recommendations for herbicides that can be applied to range and pasturelands. Rates are approximate and based on equipment with an output of 30 gal/acre. Please read label for exact rates. **Always read, understand, and follow the label directions.** The herbicide label is the **LAW!**

Herbicide	Rate	Application Timing
Aminopyralid (Milestone)	7 oz. product/acre	Apply during rosette growth and bolting growth stages. (Early spring to early summer)
Aminocyclopyrachlor + chlorsulfuron (Perspective)	3-5 oz. product/acre + 0.25% v/v non-ionic surfactant	Apply during rosette growth and bolting growth stage; most effective at the seedling to the rosette stages. IMPORTANT: Applications greater than 5.5 oz. product/acre exceeds the threshold for selectivity. DO NOT treat in the root zone of desirable trees and shrubs. Not permitted for use in the San Luis Valley.
Clopyralid (Transline)	1.33 pints product/acre	Apply during rosette growth and bolting growth stages. (Early spring to early summer)
Additional herbicide recommendations for this and other species can be found at: www.colorado.gov/agconservation/CSUHerbicideRecommendations.pdf		

Photos, top to bottom © Stephen Ausmus, USDA Agricultural Research Service, Bugwood.org; University of Idaho Archive, University of Idaho, Bugwood.org; and Jerry Asher, USDI Bureau of Land Management, Bugwood.org.

Attachment 2



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.