




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: Kester Pit	MINE/PROSPECTING ID#: M-2021-037	MINERAL: Sand and gravel	COUNTY: Costilla
INSPECTION TYPE: Preoperation Inspection	INSPECTOR(S): Lucas West	INSP. DATE: August 24, 2021	INSP. TIME: 13:30
OPERATOR: RMS Utilities, Inc.	OPERATOR REPRESENTATIVE: Kaitlyn Gallardo	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Pre-operation Inspection	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: September 20, 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>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</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>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</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

OBSERVATIONS

This inspection was conducted as a Pre-Operational Inspection for a pending application with the Colorado Division of Reclamation Mining and Safety's Active Mines Program. The Kester Pit application is for a 110c Operation consisting of 8.13 acres in support of the surface extraction of sand and gravel resources. The pre-mining land use is general agriculture as the proposed permit area lies in the northwest corner of a center pivot irrigated field, and the proposed post mining land use is General Agriculture. The site is located approximately 1.4 miles south of the unincorporated community of Ft. Garland, Colorado in Costilla County at an elevation of 7,936 feet in elevation. The application is in the technical adequacy review period and a response to the Division's written adequacy review is pending. A reclamation cost estimate will be performed upon final review of the application prior to the Decision Date. Five Photos accompany this report to illustrate the current site conditions.

The proper notice sign was observed at the entrance to the site. The site was inactive and no mining equipment was present on site as the application has yet to be approved. The proposed permit area is currently being used as a storage area. Several stockpiles of excavated dirt are located within the permit area. This material was not generated on site, rather hauled in for temporary storage by the applicant. Discussions with the applicant indicate the material has been generated from various construction projects in the area and will be removed shortly. All stockpiles were stable at the time of the inspection and an example of the stockpiles can be seen in Photo One. The majority of the proposed permit area has been graded and stripped of topsoil to allow for material storage, the stripped material will be incorporated into the permit and saved for reclamation of the site. Photos Two and Three show the stripped area. The areas that have not been stripped to the east and the south, are typical of the fringe area of a center pivot irrigated field. The areas are well vegetated with annual weeds, native grasses and sage brush. An example of these areas can be seen in Photo Four.

The only notable permanent man-made structures located within 200 feet of the proposed permit area include County Road GG, the fence-lines that border the north and west side of the site, and an irrigation lateral that runs along the west side of the site. The irrigation lateral ditch, shown in Photo Five, was observed and contained no running water at the time of the inspection. The ditch is overgrown with vegetation and shows no signs of recent maintenance. It is unclear at this time if the ditch is owned and operated by an irrigation company, and is addressed in the Division's adequacy Review. The application details a set back from the property line, which puts the mining extents approximately 20 feet to the east of the ditch. On site discussions detailed that a structure agreement would need to be executed for the ditch, however if the agreement cannot be executed an engineering evaluation may be performed to demonstrate mining and reclamation activities will not affect the ditch pursuant to Construction Materials Rule 6.3.12(b).

The overall footprint of the site is in good condition and free from trash and debris. Though some annual weeds were identified on site, no State Listed Noxious Weeds were observed in the proposed permit area. No problems were noted and the Division will continue to work with the Operator through the Technical Adequacy Review Period before a decision can be rendered. All responses to this report should be directed to Lucas West at the Colorado Division of Reclamation, Mining and Safety at 1313 Sherman Street, Room 215 Denver, CO 80203, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

PHOTOGRAPHS







Inspection Contact Address

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Enclosure

CC: Travis Marshall, Senior Environmental Protection Specialist