




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: Luke the Duke Gravel Pit	MINE/PROSPECTING ID#: M-2013-036	MINERAL: Gravel	COUNTY: La Plata
INSPECTION TYPE: Monitoring	INSPECTOR(S): Lucas West	INSP. DATE: August 25, 2021	INSP. TIME: 11:10
OPERATOR: Luke The Duke, LLC	OPERATOR REPRESENTATIVE: Penny Miller (Landowner)	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$5,869.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: September 24, 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>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>N</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>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 in response to the Operator's request for an inspection after conducting reclamation activities. The Luke the Duke Gravel Pit is listed as an active 110(c) that is approved for reclamation only activities in La Plata County. The site is located approximately 3.8 miles south of Hesperus, CO at approximately 7940 feet in elevation. Public access is controlled by a locked gate that also serves as Mr. Avery's driveway. Penny Miller, the landowner was present during the inspection as well as represented the Operator. The Division currently holds \$5,869.00 in Financial Warranty for the site. Five photos accompany this report to illustrate the current site conditions.

The proper mine identification signage was posted at the entrance to the site and the permit boundaries were clearly marked. The site was not active and no mining or reclamation equipment was observed on site. Since the previous inspection conducted by the Division, the Operator has completed the remaining reclamation of the site which included revegetation and ongoing weed treatment of the site. All sloping and grading throughout the site was stable at the time of the inspection. The slopes of the North Pond seen in Photos One and Two were in good condition and appear to be shallower than 3H: 1V. The sloping around the South Pond, shown in Photos Three and Four was also in good condition and stable at the time of the inspection. The slopes have been set at a 3H: 1V configuration. Both ponds, and the upland areas in the entire permitted area have had the topsoil replaced at a depth of 12-18 inches. The sloping, grading and replaced topsoil are all in excellent condition and no signs of settling slumping or erosion was noted during the inspection.

Also visible in the four photos is the well-established vegetative cover. Prior to the Division's previous inspection the Operator had seeded the affected lands and has since been conducting weed maintenance and mowing operations to assist the establishment of the reclamation species. The vegetative cover on all affected lands is dense, diverse and shows multiple year's biomass indicating that the vegetation is self-sufficient. Vegetative cover has been achieved in accordance with the approved Reclamation Plan. Another example of the vegetation can be seen in Photo Five.

Located at the south end of the permit area are several stockpiles of material. The material has been approved to remain post reclamation, for landowner use on the property. The stockpiles are in excellent condition and appeared to be stable at the time of the inspection.

The overall footprint of the site is in excellent condition. No evidence of settling, slumping or erosion was noted on site, and no State-Listed Noxious Weeds were observed. Based on the observations made during this inspection, the Division has determined that final reclamation of the site has been achieved in accordance with the Act, Rules and Regulations as well as the approved Reclamation Plan. If the Operator so chooses, the site is eligible for full and final release. If a complete release request is received by the Division within 60 days of the date of this report, this inspection will serve as the release inspection. A blank copy of the Full and Final Release Request form is enclosed with this report.

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. Direct contact be made by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

PHOTOGRAPHS







Inspection Contact Address

John Avery
Luke The Duke, LLC
989 County Road 120
Hesperus, CO 81326

Enclosure: Full and Final Release Request Form

CC: Travis Marshall, Senior Environmental Protection Specialist



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

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: _____

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.

Continue on following page..

In accordance with Rule 4.17.1(4), if requesting a full or 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.