



## COLORADO

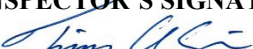
Division of Reclamation,  
Mining and Safety

Department of Natural Resources

### 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> Fountain Pit	<b>MINE/PROSPECTING ID#:</b> M-1981-307	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> El Paso
<b>INSPECTION TYPE:</b> Surety Release Inspection	<b>INSPECTOR(S):</b> Timothy Cazier, P.E.	<b>INSP. DATE:</b> June 29, 2022	<b>INSP. TIME:</b> 13:30
<b>OPERATOR:</b> Martin Marietta Materials, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Julie Mikulas	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Surety Release Requested	<b>BOND CALCULATION TYPE:</b> Partial Bond	<b>BOND AMOUNT:</b> \$1,369,462.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> July 26, 2022

**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:** Availability Of Records

**PROBLEM/POSSIBLE VIOLATION No. 1:** Problem: Rule 6.4.14 requires the Permittee provide the source of the Operator's/Applicant's legal right to enter and initiate a mining operation on the affected land. The land is no longer owned by the Permittee and is now owned by the City of Fountain. The DRMS has no record indicating the Permittee has provided the DRMS with a source of legal right of entry since the transfer of ownership of the property.

**CORRECTIVE ACTIONS:** Provide the DRMS with the source of the Permittee's legal right to perform reclamation on the affected land by the corrective action due date.

**NEW CORRECTIVE ACTION DUE DATE:** 8/12/2022

**INSPECTION TOPIC:** Revegetation

**PROBLEM/POSSIBLE VIOLATION No. 2:** Problem: Tamarisk (salt cedar) trees are present within or have volunteered into the permit area and are becoming established. This is a problem for failure to employ weed control methods for a 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:** The operator shall either implement the existing weed control plan, or develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific

control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. The operator shall provide documentation of having treated the tamarisk by the corrective action due date.

**CORRECTIVE ACTION DUE DATE: 8/26/22**

### **OBSERVATIONS**

This inspection was conducted by Tim Cazier (DRMS) as part of a surety release request (SR-1). The Operator (Martin Marietta Materials) was represented by Ms. Julie Mikulas during the inspection. Mr. Taylor Murphy representing the City of Fountain was also present.

The Fountain Pit access road entrance is located off Charter Oak Ranch Road from Exit 128 on I-25, near the City of Fountain. This is a 112c sand and gravel mine. The site has been in final reclamation since June of 2018, when active mining ceased.

Availability of Records: Annual reports are current, having been filed through June 2022, stating the last mining activity was in June 2018. The previous inspection was on December 6, 2018. The approved post-mine land use is rangeland. There is an open infraction from the 2018 inspection related to the demonstration of the legal right to enter for mining and reclamation as the City of Fountain owns the property.

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

Backfilling and Grading: Ms. Mikulas stated the site grading had been completed. Previous highwalls appeared to be sloped to 3H:1V or flatter (see **Photo 1**). However, the approved mine plan commits to providing positive drainage to the south. A ridge supporting a transmission power line runs from the northwest to the southeast area of the site, separating the mined areas for which positive drainage is required by the approved permit. There is a sloped highwall at the south end of the west side (see **Photo 2**) that was never breached during the mining process, thereby preventing drainage to the south. The east side of the powerline ridge has more variable post mine topography (see **Photo 3**) making a visual assessment of positive drainage difficult. Mr. Murphy stated the City plans to use the two sides of the reclaimed mine area for water storage. As such, positive drainage would be contraindicated. [The DRMS will require a revision to the permit via the technical revision \(TR\) process to avoid having to provide positive southerly drainage prior to reclamation liability release.](#)

Financial Warranty: The \$1,369,462 bond held by the DRMS was last updated in 2013 and is more than adequate for reclamation if the reclamation plan is revised to eliminate the need for positive drainage

Fish and Wildlife: No impact to wildlife was observed. Small groups of both pronghorn and elk were observed in the northern area of the site.

Hydrologic Balance: No standing water was observed in the west parcel. A small pond was observed in the east parcels (see **Photo 4**).

Processing Waste: No processing waste was observed.

Roads: Non paved access roads appeared to be reclaimed. Only the paved access road along the west side of the site remains (see **Photos 5 and 6**).

**Right of Entry:** The demonstration of the legal right to enter cited in the 2018 inspection report has not been closed. As additional reclamation activities are necessary prior to the DRMS approving a full reclamation request, this is still required. **Problem No. 1 is cited on page 1 of this report for the outstanding demonstration for the legal right to enter.**

**Reclamation Success:** Highwall contouring, growth media placement and seeding appeared to be completed in accordance with the approved reclamation plan. However, a concrete pad (see **Photo 2**) was observed in the south end of the west parcel, and a stockpile of concrete rubble (see **Photo 7**) was observed in the southwest corner. Mr. Murphy indicated the City was ok with leaving this concrete on site. [If the concrete pad and the rubble stockpile are to remain, they will need to be included in the TR discussed under "Backfilling and Grading" above. A letter from the landowner expressing interest in these facilities to remain must be included in the TR.](#)

**Revegetation:** The observed revegetation of the site is acceptable for release (see **Photos 5 and 8**). However, there is a considerable amount of tamarisk/salt cedar in the central portion of the east parcel (see **Photo 9**). The DRMS cannot release a site with significant List B noxious weeds. **Problem No. 2 is cited on page 1 of this report for the observed tamarisk.** These must be treated prior to a release request approval.

**Sediment Control:** No erosion problems were observed and no BMPs were needed at the time of the inspection.

**Support Facilities On-site:** The only facilities observed were the truck scale and scale house (see **Photo 6**). [If these are to remain, they will need to be included in the TR discussed under "Backfilling and Grading" above. A letter from the landowner expressing interest in these facilities to remain must be included in the TR.](#)

**Signs and Markers:** The permit sign was posted.

**Permit Stipulations:** There are no permit stipulations.

**Storm Water MGT Plan:** No oil or fuel spills observed.

**Post Inspection Meeting:** The overall reclamation appeared to be completed in accordance with the approved reclamation plan, noting the exceptions related to the tamarisk problem, lack of positive drainage, and the remaining facilities, concrete pad and rubble stockpile. The two problems discussed at the conclusion of the inspection were: A) outdated legal right of entry, due to the sale of the property; and B) the relatively large area of tamarisk. We also discussed the need for a TR to address the lack of positive drainage, and the concrete pad and rubble stockpile.

The remaining facilities (truck scale and scale house) were observed after the closeout meeting as the DRMS left the site, and were not discussed during the closeout meeting. Due to the two cited problems and the need for a technical revision, the DRMS will deny the surety release request.

Please contact Tim Cazier (303)328-5229 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. Recontoured highwalls (west parcel, looking north).



Photo 2. Sloped highwall on south end of west parcel (looking south, concrete pad in foreground).



**PHOTOGRAPHS (cont.)**



Photo 3. East parcel variable topography (looking SE).



Photo 4. Small pond in east parcel (looking south).



**PHOTOGRAPHS (cont.)**



Photo 5. Paved access road to south end of west parcel & pit floor reveg (looking NW).



Photo 6. Paved access road on west side of permit area (north of City Building, looking north).



**PHOTOGRAPHS (cont.)**



Photo 7. Concrete rubble stockpile in SW corner of permit area (Looking SW).



Photo 8. Typical revegetation (east parcel, looking SW towards transmission line).

**PHOTOGRAPHS (cont.)**



Photo 9. Tamarisk in north central east parcel (Looking west).

**Inspection Contact Address**

Julie Mikulas  
Martin Marietta Materials, Inc.  
1800 N. Taft Hill Road  
Fort Collins, CO 80521



### GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <b>PB</b>	(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>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>NA</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <b>PB</b>
(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>NA</u>	(SC) EROSION/SEDIMENTATION-- <u>Y</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / **PB = Problem cited** / PV = Possible violation cited

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ec: DRMS file  
Julie Mikulas, Martin Marietta Materials