




**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> Lamar East Pit	<b>MINE/PROSPECTING ID#:</b> M-1977-572	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Prowers
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Amy Eschberger	<b>INSP. DATE:</b> July 12, 2022	<b>INSP. TIME:</b> 10:45
<b>OPERATOR:</b> City of Lamar	<b>OPERATOR REPRESENTATIVE:</b> Rick Akers, Mike Machone	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> N/A	<b>BOND AMOUNT:</b> N/A
<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> August 11, 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:** Revegetation

**PROBLEM:** There are state-listed noxious weeds present on site, particularly Tamarisk (Salt Cedar). 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 Rule 3.1.10(6).

**CORRECTIVE ACTIONS:** The operator shall implement the approved weed control plan for the site to address the Tamarisk, and provide proof to the Division that this has been done by the corrective action date. If a weed control plan is not already in place, the operator shall develop a weed control and management plan for the site. 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. This weed control plan shall be submitted to the Division as a Technical Revision, with the appropriate fee of \$216.00, by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** October 10, 2022

## **OBSERVATIONS**

This inspection of the Lamar East Pit (Permit No. M-1977-572) was conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division) at the request of the operator to assess reclamation achieved at the site. The operator was represented by Rick Akers and Mike Machone during the inspection. The site is located at the northern edge of Lamar, Colorado in Prowers County, just south of and adjacent to the Arkansas River. The site can be accessed by turning east off Hwy 50 onto Crystal Street, then heading north on Valco Road, which dead-ends at the site. **Photos 1-30** taken during the inspection are included with this report.

At the time of the inspection, the weather was warm and sunny. A permit sign was posted at the southern entrance to the site off of Valco Road. The 72.2 acre permit boundary was delineated with metal posts. The site is currently open to the public for recreational use as the North Gateway Park, which is partially managed by Colorado Parks and Wildlife (CPW). The permit was mined by the previous operator, Valco, Inc., which completed the reclamation earthwork and initial seeding in 2012 prior to transferring the permit to the City of Lamar in 2013 (under SO-01) for final reclamation. The site was mined from west to east, initially leaving a series of four ponds. The second pond was backfilled in 2012. The site now has three ponds (the eastern two are connected by a small channel) and a relatively flat area where the one pond was backfilled (see enclosed Google Earth image of site). A gravel road encircles the site. Several structures associated with the park have been installed by the City in recent years, including parking lots, restroom facilities, fishing piers, boat ramps, and picnic/shade structures. The installation of these structures was approved in 2014 under Technical Revision No. 4 (TR-4), in support of the recreational post-mining land use.

Based on the most recent aerial imagery available in Google Earth (from June 12, 2017), the Division estimates the total surface area of the ponds to be 32.07 acres [9.31 acres for the west pond + 22.76 acres for the eastern ponds (23.3 acres – 0.54 acre islands)]. The Division was aware of the previous operator, Valco, Inc. having had sufficient water rights in place to cover the exposed groundwater at the site. However, the Division could find no documentation in the permit file demonstrating the water rights had been transferred to the City. The Division requested this documentation from the operator in its last inspection report, issued on July 19, 2019. After discussing this matter during the current inspection, the operator provided documentation on August 9, 2022 which demonstrates the City has a valid well permit (Permit No. 52184-F) and augmentation plan (Case No. 13CW3060) in place for the exposed groundwater at the site. According to the water court decree, signed on September 28, 2016, the City's augmentation plan covers evaporative depletions for a maximum of 25.87 acres of post-1980 exposed groundwater at the site. Seven acres of exposed groundwater at the site was exposed prior to 1981, which exempts it from augmentation requirements. Therefore, the existing amount of exposed groundwater at the site is covered by the City's augmentation plan.

The primary focus of this inspection was the areas located south of the eastern ponds where the operator has focused its revegetation efforts in recent years (estimated to cover approximately 9.6 acres). In 2014, the operation had imported 6,000 tons of clean topsoil to the site and spread it across these areas, then seeded these areas in early fall of that year. The City's water department ran city water to these areas, installing three fire hydrants for irrigation purposes. The areas around the hydrants which were irrigated in 2014 showed much more successful grass growth than areas located further from the hydrants, at the southeastern edge of the permit area. In 2016, the operator hydroseeded and mulched approximately 6.4 acres south of the eastern ponds. During its 2017 inspection, the Division noted that overall, the revegetation in these areas was off to a great start, especially west of the small parking lot. However, some areas showed little to no grass cover, particularly along the southeastern edge of the eastern pond. During its March 27, 2019 inspection, the Division observed the section of land located west of the small parking lot to have a good establishment of grasses with very minimal weed growth. The section of land located east of the parking lot had good grass growth on the half closest to the pond. However, grass growth in the half closest to the road was sparse. Additionally, the section

of land located southeast of the easternmost pond had very little to no grass growth and more weedy vegetation present.

During the current inspection, the Division observed a good establishment of grasses throughout the areas located south of the eastern ponds. The operator's revegetation efforts in these areas have been successful. However, the Division observed numerous Tamarisk (Salt Cedar) trees growing along the pond shorelines, which will need to be addressed. Tamarisk is a state-listed noxious weed species which must be controlled pursuant to Rule 3.1.10(6). Therefore, a problem is cited in this report (see page 1), requiring the operator to implement the approved weed control plan at the site to address the Tamarisk trees, or if needed, submit a Technical Revision with an updated weed control plan, by the corrective action date specified. The Division realizes that Tamarisk is prevalent along the Arkansas River (which is adjacent to the site), and therefore, the permitted site is most likely not a source for this weed species. However, Rule 3.1.10(6) requires methods of weed control to be employed for all prohibited noxious weed species within the permit area.

In its last inspection report, the Division reminded the operator that Rule 3.1.3 requires all reclamation be carried to completion with all reasonable diligence, and each phase of reclamation be completed within 5 years from the date the operator informs the Division that such phase has commenced, or from the date the Division has evidence that mining has ceased. According to annual reports submitted by the operator, mining activities ceased at the site and final reclamation was initiated in 2012. Therefore, the site has been in reclamation for 10 years now, which exceeds the 5-year period established by Rule 3.1.3. At this time, the Division believes the site has been reclaimed in accordance with the approved post-mining land uses of recreation and wildlife habitat, and is therefore eligible for release once the operator has sufficiently addressed the Tamarisk at the site. Once this problem is considered abated, the Division strongly encourages the operator to submit a full release request for the site (see enclosed form) via Certified Mail, separate from all other correspondence. The Division will conduct a follow up inspection at that time to confirm the permit can be released.

This concludes the report.

*Any questions or comments regarding this inspection report should be forwarded to Amy Eschberger at the Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at 303-866-3567, ext. 8129, or via email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).*



**PHOTOGRAPHS**



**Photo 1.** View looking north across backfilled pond area which has been reclaimed for many years.



**Photo 2.** View looking north across area located southwest of middle pond, showing grasses establishing in this area.





**Photo 3.** View looking northeast across area located southwest of middle pond, showing grasses establishing in this area.



**Photo 4.** View looking northeast across area located south of middle pond, showing grasses establishing in this area.





**Photo 5.** View looking northeast across area located south of middle pond, showing grasses establishing in this area.

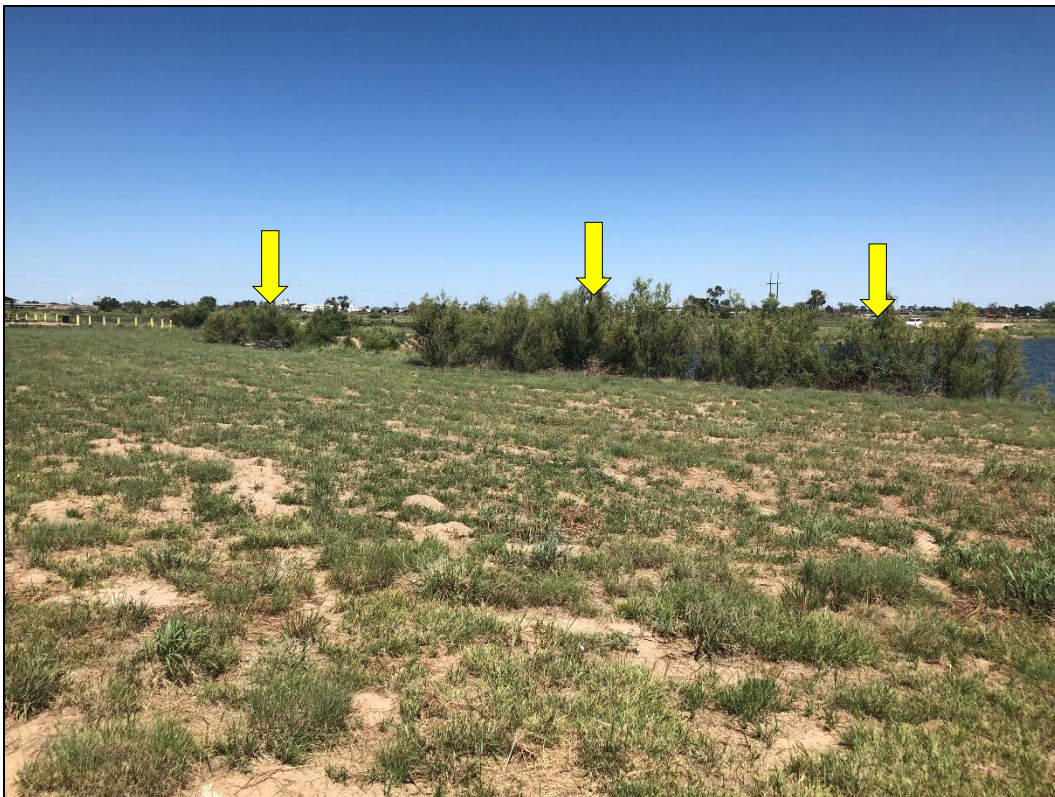


**Photo 6.** View looking northeast across area located southeast of middle pond, showing grasses establishing in this area. Note picnic/shade structure installed in this area for park use.



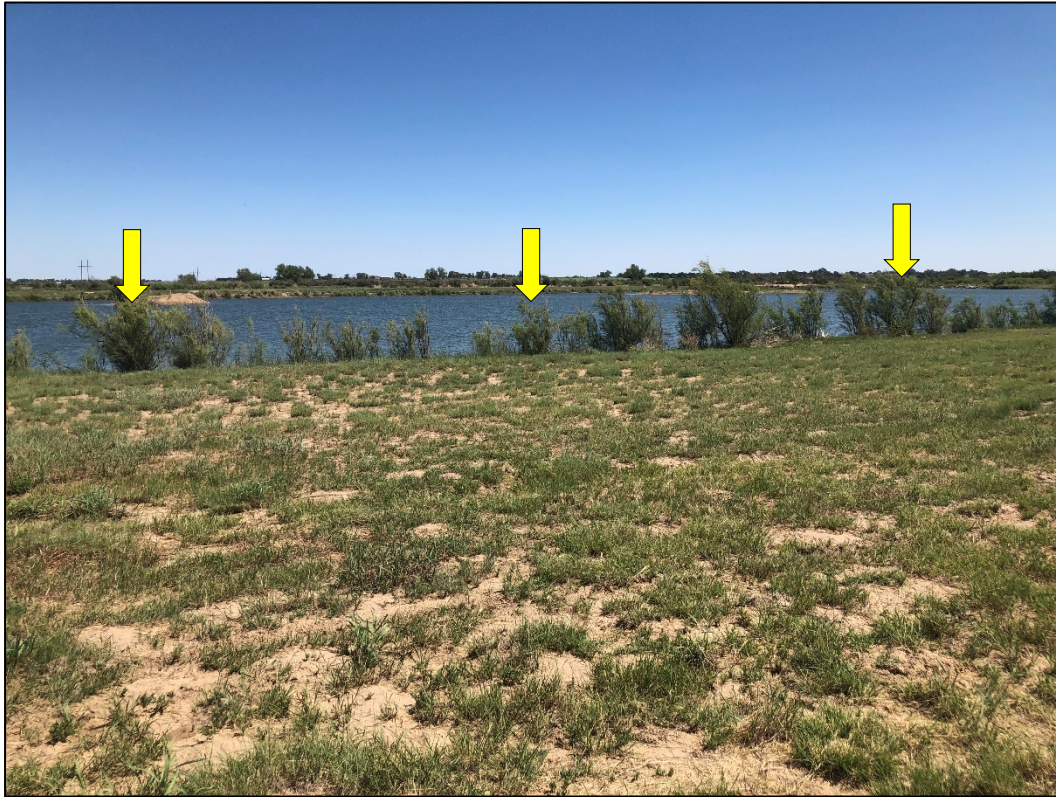


**Photo 7.** View looking northeast across small parking area located south of (and in between) eastern ponds, showing restroom facility installed in this area for park use.



**Photo 8.** View looking northwest across area located southwest of easternmost pond, showing grasses establishing in this area. Note Tamarisk trees (indicated) growing along shoreline.





**Photo 9.** View looking north across area located southwest of easternmost pond, showing grasses establishing in this area. Note Tamarisk trees (indicated) growing along shoreline.



**Photo 10.** View looking east across area located south of easternmost pond, showing grasses establishing in this area.





**Photo 11.** View looking northeast across area located south of easternmost pond, showing grasses establishing in this area.

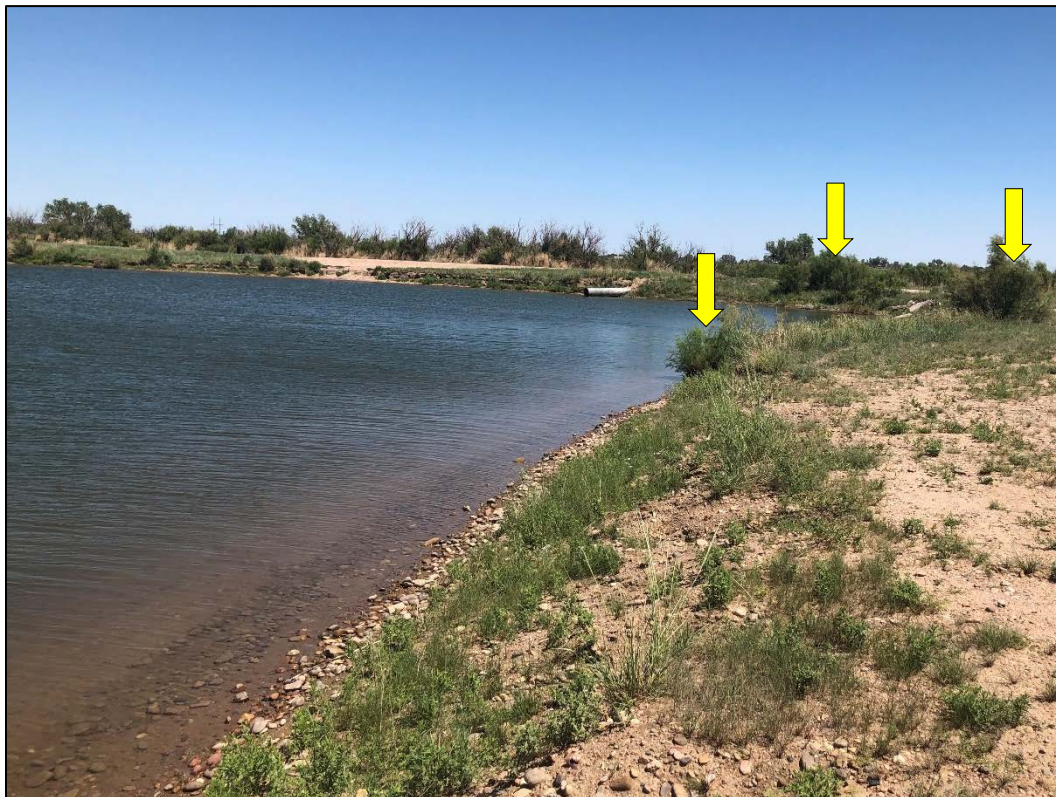


**Photo 12.** View looking east across area located southeast of easternmost pond, showing volleyball area, picnic/shade structure, restroom facility, and storage building installed in this area for park use.





**Photo 13.** View looking southwest across area located east of easternmost pond, showing grasses establishing in this area. Note small Tamarisk trees (indicated) growing along shoreline.



**Photo 14.** View looking north across eastern shoreline of easternmost pond, showing slopes graded flatter than 3H:1V. Note Tamarisk trees (indicated) growing along shoreline.





**Photo 15.** View looking south across area located north of easternmost pond, showing good vegetative cover in this area. Note one of two islands present in easternmost pond (indicated).



**Photo 16.** View looking southwest across area located north of easternmost pond, showing good vegetative cover in this area. Note Tamarisk trees (indicated) growing along shoreline.





**Photo 17.** View looking southwest across area located north of easternmost pond, showing good vegetative cover in this area.



**Photo 18.** View looking south across area located northwest of easternmost pond, showing good vegetative cover in this area. Note Tamarisk trees (indicated) growing along shoreline.





**Photo 19.** View looking south across small parking area located north of (and in between) eastern ponds.



**Photo 20.** View looking south across area located northeast of middle pond, showing good vegetative cover in this area. Note Tamarisk tree (indicated) growing adjacent to parking area.





**Photo 21.** View looking southwest across area located north of middle pond, showing good vegetative cover in this area.



**Photo 22.** View looking south across inlet along northern shoreline of middle pond, showing access road to utility poles. Note small Tamarisk trees (indicated) growing along pond shorelines.





**Photo 23.** View looking southwest across northwestern edge of middle pond, showing Tamarisk trees (indicated) growing along shoreline.



**Photo 24.** View looking south across eastern portion of backfilled pond area which was reclaimed many years ago. Tamarisk trees were observed in this area.





**Photo 25.** View looking south across central portion of backfilled pond area which was reclaimed many years ago. Tamarisk trees were observed in this area.



**Photo 26.** View looking south across western portion of backfilled pond area which was reclaimed many years ago. Tamarisk trees were observed in this area.





**Photo 27.** View looking west at northwestern edge of backfilled pond area, showing Tamarisk trees (indicated) growing along road.



**Photo 28.** View looking southwest across western pond from its northeastern shoreline, with slopes graded flatter than 3H:1V.





**Photo 29.** View looking west across steeper northern shoreline of western pond which appeared to be stable. The erosion gullies observed during previous inspections were repaired.



**Photo 30.** View looking south across western pond from its northern shoreline. A picnic/shade structure, restroom facility, fishing pier, and parking areas are installed along the eastern edge of this pond for park use (barely visible in background).



### 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>NA</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>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>Y</u>	(RV) REVEGETATION---- <u>PB</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>Y</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</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

Rick Akers  
City of Lamar  
102 E. Parmenter St.  
Lamar, CO 81052

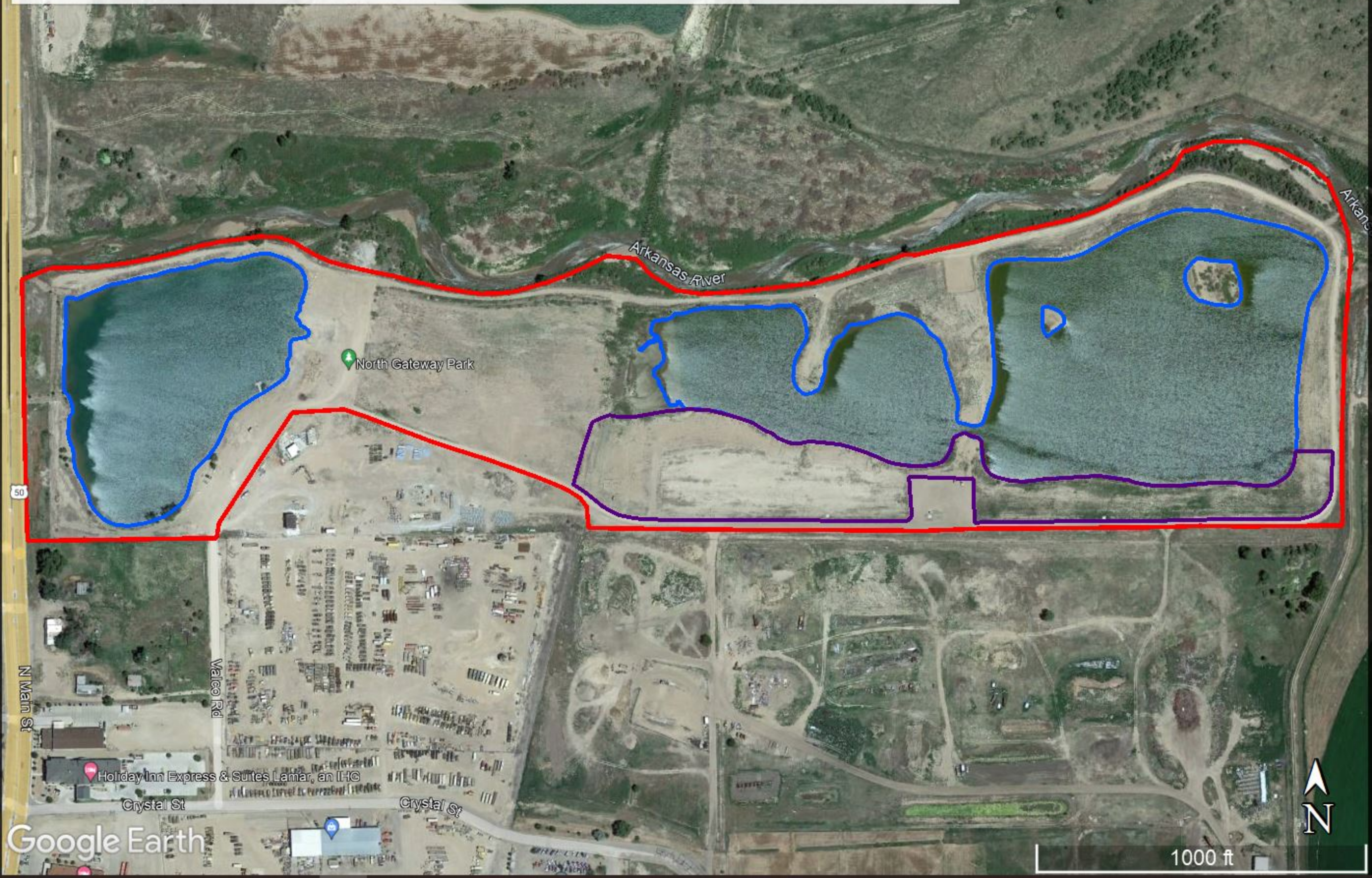
Encls: Google Earth image of site  
Release Request form

CC: Mike Machone, City of Lamar  
Kristin McCrea, City of Lamar  
Michael Cunningham, DRMS



# M-1977-572 / Lamar East Pit / City of Lamar (112c)

Red Outline = 72.2 acres = Approved Permit Area (location approximated based on approved permit maps)  
Blue Outline = 32.07 acres = Total Pond Surface (9.31 acres west pond + 22.76 acres east ponds)  
Purple Outline = 9.7 acres = Area Undergoing Revegetation  
(Image data from 6/12/2017)







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.*