




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: Fountain Colony Pit	MINE/PROSPECTING ID#: M-1987-171	MINERAL: Sand and gravel	COUNTY: El Paso
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: October 12, 2022	INSP. TIME: 09:15
OPERATOR: Kiewit Western Company	OPERATOR REPRESENTATIVE: Paul White & Misty Gothard	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Partial Bond	BOND AMOUNT: \$200,000.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
INSPECTOR(S): Timothy Cazier, P.E.	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: October 31, 2022	

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>Y</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>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>Y</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>Y</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

OBSERVATIONS

This inspection was initiated by a Succession of Operator (SO-2) request. The Permittee (Kiewit Western/Kiewit Infrastructure) was represented by Ms. Misty Gothard and Mr. Paul White during the inspection. Ms. Samantha Crane (Copart) was also present. The Fountain Colony Pit access road entrance is located off Charter Oak Ranch Road from Exit 128 on I-25, Near Fountain CO. This is a 112c sand and gravel mine. It was not operating at the time of the inspection. Site representatives stated they are in final reclamation.

Availability of Records: Annual reports are current, having been filed through May 2022, stating the last mining activity was October 30, 2017. The DRMS approved the site for the first period of temporary cessation in 2019. The previous inspection was on June 11, 2019. The approved post-mine land use is industrial/commercial with a backup as rangeland. There are no open infractions. Both the surface and minerals are privately owned.

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

Backfilling and Grading: Backfill was observed to have been completed.

Excess Spoil and Dev. Waste: No overburden piles were observed.

Financial Warranty: The \$200,000 bond held by the DRMS was last updated in 2019 and included 136.8 acres of reseeded. This amount is adequate for the observed mine reclamation status.

Fish and Wildlife: No impact to wildlife was observed.

Hydrologic Balance: No standing water was observed in the pit and no exposed groundwater was observed.

Off-site Damage: The reclamation operation appeared to be confined to the permit boundary, based on Google Earth review and site observations.

Processing Waste: No processing waste was observed.

Roads: The main haul/access road is paved (see **Photo 1**) for about 1.2 miles and will remain post-reclamation. Other roads are two-track (see **Photo 2**) and consistent with either commercial/industrial or rangeland use

Right of Entry: The site is owned by Kiewit Construction. Documentation demonstrating Kiewit Infrastructure has right of entry was provided to the DRMS subsequent to this inspection.

Reclamation Success: Grading, topsoiling and seeding appeared adequate. However, some stormwater controls, potentially temporary were observed including several grade control structures (see **Photos 3, 4 and 5**) and a 6-inch HDPE pipe (see **Photo 6**) daylighting near the northern-most sediment pond were observed. The mafic blocks will need to be removed prior to final release as they are not included in the approved reclamation plan. Mr. White and Ms. Gothard agreed to determine the use and disposition of the HDPE pipe.

Revegetation: The vast majority of the site appeared to have well established diverse vegetation (see **Photos 7, 8 and 9**). However, a significant amount of tamarisk were observed third downstream sediment pond (see **Photo 10**). The DRMS approved a weed control plan for tamarisk as TR-3 in 2018, which Kiewit continues to implement. As the tamarisk were still being treated, the presence of the Colorado Noxious Weed List B species was not cited as a problem, but they will need to be treated prior to final reclamation release. In addition,

Russian thistle appeared to be the dominant species on the phase V reclaimed side slopes and access road (see **Photo 11**). Russian thistle is not a noxious weed species in Colorado, but it does not meet the criteria for diverse, long lasting cover (Rule 3.1.10(1)). As such, phase V is not releasable at this time.

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

Support Facilities On-site: No processing equipment was observed on site. Kiewit was storing a considerable amount of non-mining construction equipment (see **Photo 12**). The storage of this type of equipment is allowed under the approved post mine commercial/industrial land use.

Signs and Markers: The permit sign was properly posted (see **Photo 13**) and the affected land boundary is constrained by topography within the permit area. A four strand barbed wire fence (see **Photo 14**) delineates the boundary on the west side

Permit Stipulations: There are no open permit stipulations.

Storm Water MGT Plan: No oil or fuel spills observed. The approved reclamation plan allows the sediment ponds to remain.

Topsoil: A stockpiled topsoil has been replaced for reclamation.

Structures: The four strand barbed wire fence on the west side of the site was the only observed structure observed within 200 feet of the affected area. Kiewit provided documentation of ownership to the DRMS subsequent to this inspection.

Post Inspection Meeting: Kiewit representatives were told with the exception of the mafia blocks, tamarisk in the third sediment pond, Russian thistle in phase V, and possibly the 6-inch HDPE pipe; the site appears to meet adequate reclamation criteria. Mr. White explained Kiewit is in the process of selling a portion of the site to a company wanting to use it for commercial/industrial use and that Kiewit desires to release this portion of the permit area. I explained that due to the unusual nature of an approved mixed post mine land use (commercial/industrial, with a rangeland backup), the DRMS will need a map delineating the commercial/industrial area from the rangeland area if the site is not released all at once. I further explained that this clarification to the permit would need to be submitted to the DRMS as a technical revision for review and approval. Ms. Gothard indicated Kiewit was considering changing the reclamation seed mix for the phase V reclamation. This should be included in the same technical revision.

Please contact Tim Cazier (303)328-5229 or email at tim.cazier@state.co.us if you have any questions regarding this report.

PHOTOGRAPHS



Photo 1. Paved access/haul road (looking NNW, note construction equipment on right).



Photo 2. Two-track road in Phase III (looking SE).

PHOTOGRAPHS (cont.)



Photo 3. Mafia blocks (looking SW, north side of northernmost sediment pond).



Photo 4. Mafia blocks (looking SW, ~230 feet north of blocks in Photo 3).

PHOTOGRAPHS (cont.)



Photo 5. Mafia block (38° 39.105'N, 104° 42.317'W; looking east).



Photo 6. 6-inch HDPE pipe (looking SW, east side of northernmost sediment pond).

PHOTOGRAPHS (cont.)



Photo 7. Typical established vegetation (looking NE, north side of northernmost sediment pond).



Photo 8. Typical established vegetation (looking NW, pit floor north of northernmost sediment pond).

PHOTOGRAPHS (cont.)



Photo 9. Typical established vegetation (looking NE, Phase III).



Photo 10. Tamarisk (looking east, third downstream pond: 38° 39.201'N, 104° 42.238'W).

PHOTOGRAPHS (cont.)

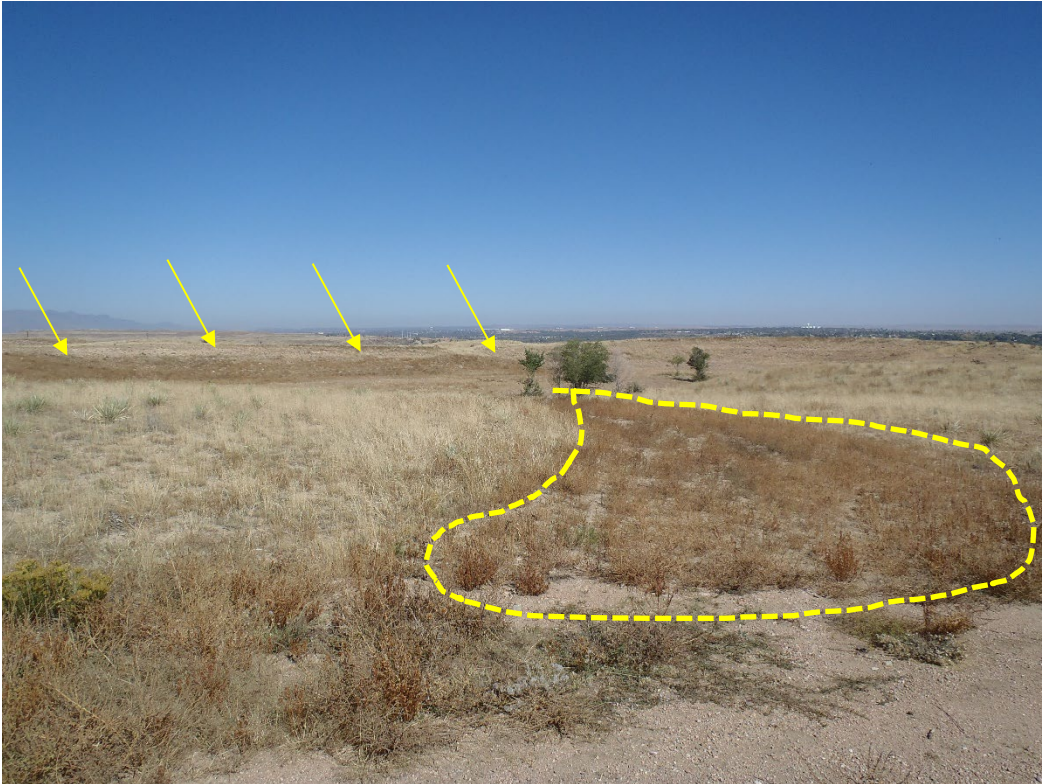


Photo 11. Russian thistle on Phase V pit slope (arrows) and access road (looking north).



Photo 12. Equipment storage (looking north, east side of paved road).

PHOTOGRAPHS (cont.)



Photo 13. Permit sign (at entrance off Charter Oak Ranch Road).



Photo 14. Four strand barbed wire fence (looking NW, from paved road).

Inspection Contact Address

Paul White & Misty Gothard
Kiewit Western Company
160 Inverness Dr., West, Ste 110
Englewood, CO 80112

ec: DRMS file