

December 28, 2022

Brad Rowe
Rowe Gravel
9134 CR 100
Hesperus, CO 81326



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Rowe Gravel, Permit # M-1999-038, Notice of Hearing for Consideration of 2nd Period of Temporary Cessation

Mr. Rowe:

The Division of Reclamation, Mining and Safety (Division) received your request for a second period of Temporary Cessation. The matter has been scheduled for consideration by the Mined Land Reclamation Board (Board). The hearing will take place during the January 25-26, 2023 Board meeting. The Board hearing will be held by a virtual Zoom hearing beginning at 9:00 a.m. on January 25, 2023 or as soon thereafter as the matter can be considered.

Please provide your email address to MLRB administrator Camille Mojar at camille.mojar@state.co.us by January 20, 2023 so that she can add you to the Zoom hearing invite list.

Information provided to the Board by the Division regarding this matter has been included with this letter.

If you require additional information, or have questions or concerns, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dustin Czapl', with a long horizontal flourish extending to the right.

Dustin Czapl
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
Phone: (303) 866-3567, ext. 8188

Enc: MLRB Packet M-1999-038



Memorandum

Date: December 12, 2022

To: Mined Land Reclamation Board

From: Dustin Czapla, DRMS

RE: Rowe Gravel; DRMS File No. M-1999-038; Board Action – Consideration of request for second five year period of Temporary Cessation

Staff recommends that the Board accept the above referenced Notice of Temporary Cessation. Staff has verified that the Notice included the following information required by Rule 1.13.5 (3):

1. A revision fee
2. Demonstration that the existing financial warranty is adequate to cover reclamation liability
3. Explanation why Operator has not recommenced operations or begun reclamation
4. Demonstration of continued commitment to conduct mining operations at the site by the end of the second five year period (November 18, 2026).

Pursuant to Rule 1.13.5 (4), staff has:

1. Inspected the site (no compliance issues noted)
2. Reviewed the file for complaints against the operation (no complaints have been filed)

No reclamation or performance standards issues were noted during field or file inspection. No concerns have been expressed by interested parties.

The following documents are included in this Board Packet:

1. Temporary Cessation Request (October 12, 2022)
2. Inspection Report (August 16, 2022)
3. Reclamation Cost Estimate Summary (December 12, 2022)



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

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

TC-2
DMC/THM

TEMPORARY CESSATION NOTICE

(mining activities temporarily cease for more than a one-year period)

RECEIVED

Today's date: OCT 5-2022

Permit number: M- 1999-038 Site name: Rowe Gravel OCT 12 2022

County: Laplace TC number: DIVISION OF RECLAMATION, MINING & SAFETY (DRMS use only)

Permittee making request: Brad W Rowe

Operator (if other than permittee): _____

Date the initial five-year period of Temporary Cessation begins: Nov 8-2016

Reason mining activities (materials extraction, processing, hauling) have ceased:

There maybe a project where the contractor will use Rowe Gravel Pitr

Description of plan to resume operations:

IF no project in 5 years Rowe Gravel will make some const. material as Reclamation starts.

Description of plan to meet performance standards of Rule 3.1 during temporary cessation (reclamation, weed control, monitoring, signs, markers, etc.):

Rowe gravel will spot spray and keep markers in place.

Number of affected acres: 1.25

Amount of financial warranty (bond) on deposit with the state: \$ 6,686.00

Required fees for Temporary Cessation by permit type (please mark the correct fee and submit it with this request for Temporary Cessation):

Permit type	Required TR fee	Submitted (mark only one)
Construction Materials	\$144	<input checked="" type="checkbox"/>
Hard Rock/ Metal Mining	\$115	<input type="checkbox"/>

The above-referenced permit has entered Temporary Cessation. This site has reserves remaining to be mined.

Operator's signature: Brad W Rowe

Please note:

1. While in Temporary Cessation, the operator must continue to comply with the Rules and Act, including maintaining the site, and must continue to file an annual report and annual fee.

Division of Reclamation, Mining, and Safety

Fee Receipt for M1999038

Rowe Gravel
Brad Rowe
9134 CR 100

Hesperus

CO 813260000

Receipt #: 39822

Date: 10/12/2022

Permit: M1999038


Payment Method	Revenue Code	Fee Description/Notes	Amount
Check #1429	4300-MTC0	Minerals Temporary Cessation User: AHD Payer: Brad W Rowe DBA Rowe Gravel TC-2	\$144.00
Receipt Total:			\$144.00



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: Rowe Gravel	MINE/PROSPECTING ID#: M-1999-038	MINERAL: Sand and gravel	COUNTY: La Plata
INSPECTION TYPE: Monitoring	INSPECTOR(S): Dustin Czapla	INSP. DATE: August 16, 2022	INSP. TIME: 16:20
OPERATOR: Rowe Gravel	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$6,686.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: August 24, 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: Problem: The site has been in Temporary Cessation since November 8, 2016. The first five-year period of Temporary Cessation ended November 18, 2021. Pursuant to Rule 1.13.5, if an Operator does not resume operations at the end of the first five year period of Temporary Cessation, or notify the Division that final reclamation has commenced, then the Operator must file a notice for a second period of Temporary Cessation.

CORRECTIVE ACTIONS: The Operator must file a notice for a second period of Temporary Cessation. The notice shall include the following: (1) demonstration that the existing Financial Warranty is adequate to cover the reclamation liability; (2) explanation as to why the Operator has not recommenced operations or begun reclamation; and (3) demonstration of continued commitment to conduct mining operations at the site by the end of the second five year period. The Notice shall be separate from any other correspondence or reports submitted to the Division.

CORRECTIVE ACTION DUE DATE: 10/28/22

OBSERVATIONS

This inspection was conducted as part of the Division of Reclamation, Mining and Safety's (Division) normal monitoring program. A representative for the operator was not present. Photographs are included with this report in order to illustrate conditions observed.

The Rowe Gravel site is located approximately 1.25 miles west of Marvel and accessed from CR 100. The site is a 110c operation that includes a total of 9.0 permitted acres. The Division currently holds a financial warranty amount of \$6,686.00 for this site. The Division has reviewed the reclamation costs, in order to ensure the financial warranty reflects the actual current cost of fulfilling the requirements of the Reclamation Plan, and determined that the current financial warranty amount is sufficient.

The site has been in Temporary Cessation since November 8, 2016. The first five-year period of Temporary Cessation ended November 18, 2021. Pursuant to Rule 1.13.5, if an Operator does not resume operations at the end of the first five year period of Temporary Cessation, or notify the Division that final reclamation has commenced, then the Operator must file a notice for a second period of Temporary Cessation. The notice shall include the following: (1) demonstration that the existing Financial Warranty is adequate to cover the reclamation liability; (2) explanation as to why the Operator has not recommenced operations or begun reclamation; and (3) demonstration of continued commitment to conduct mining operations at the site by the end of the second five year period. The Notice shall be separate from any other correspondence or reports submitted to the Division.

The disturbed mining area includes approximately 1.25 acres. A pit has been excavated to a depth of approximately 25 feet. The pit daylights on the south side. The highwall is near vertical around most of the pit, with sloughed material at the base of the highwall in spots. Vegetation is well established on the pit floor. Several pieces of old mining equipment are stored within the pit. No stockpiles of materials were observed within the pit.

No other problems or violations were noted during this inspection.

Responses to this inspection report should be directed to Dustin Czapla at the Division of Reclamation, Mining and Safety, 1313 Sherman Street Room 215, Denver, Colorado, 80203, phone number (303) 866-3567, ext. 8188.



GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>PB</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>N</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>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>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

Inspection Contact Address

Brad Rowe
Rowe Gravel
9134 CR 100
Hesperus, CO 81326

COST SUMMARY WORK

Task description: 2022-08-24 Inspection

Site: Rowe Gravel

Permit Action: 2022-08-24 Inspection

Permit/Job#: M1999038

PROJECT IDENTIFICATION

Task #: 000

State: Colorado

Abbreviation: None

Date: 12/12/2022

County: La Plata

Filename: M038-000

User: DMC

Agency or organization name: DRMS

TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
01a	Reduce highwalls to 3:1	DOZER	1	3.82	\$1,085
02a	Spread Topsoil	DOZER	1	0.17	\$47
03a	Revegetation	REVEGE	1	3.00	\$588
04a	Mobilization	MOBILIZE	1	4.00	\$1,088
<u>SUBTOTALS:</u>				10.99	\$2,808

INDIRECT COSTS

OVERHEAD AND PROFIT:

Liability insurance: 2.02
Performance bond: 1.05
Job superintendent: 0.00
Profit: 10.00

Total = \$57
Total = \$29
Total = \$0
Total = \$281

TOTAL O & P = \$367

CONTRACT AMOUNT (direct + O & P) = \$3,175

LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs): \$0
Engineering work and/or contract/bid preparation: 0.00
Reclamation management and/or administration: 5.00

Total = \$0
Total = \$0
Total = \$159

CONTINGENCY: 0.00

Total = \$0

TOTAL INDIRECT COST = \$526

TOTAL BOND AMOUNT (direct + indirect) = \$3,334