




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: Surety-Related Inspection (2/23/2023) Noxious Weed Follow-up (3/21/2023)	WEATHER: Snowing (2/23/2023) Clear (3/21/2023)	INSP. DATES: February 23, 2023 March 21, 2023	INSP. TIME: 12:40 9:30
OPERATOR: Kiewit Infrastructure Co.	OPERATOR REPRESENTATIVE: Misty Gothard	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Surety Related	BOND CALCULATION TYPE: None	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: March 24, 2023	

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>N</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>NA</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>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>Y</u>	

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

OBSERVATIONS

The February inspection was initiated by an Acreage Reduction (partial release / AR-1) request. The Permittee (Kiewit Western/Kiewit Infrastructure) was represented by Ms. Misty Gothard during the February inspection. The March follow-up inspection was prompted by a statement from Kiewit's weed spraying contractor indicating they had treated "mustard weed" on site after the DRMS February inspection. Ms. Gothard was present for the March inspection, as were Mr. Nick Daniel (El Paso County Noxious Weed Specialist) and Officer Tish Cornella (City of Fountain, code enforcement). As the entire site was inspected in October 2022, the scope of these inspections were limited to the area requested for release.

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 snowing with about an inch of snow on the ground at the time of the February inspection. The weather was clear during the March follow-up inspection which focused on the area where "mustard weed" had been treated.

Backfilling and Grading: All backfill and grading appeared adequate in the 289.2 acres requested for release.

Fish and Wildlife: No impact to wildlife was observed.

Off-site Damage: No changes were observed from the October 2022 inspection.

Roads: No changes were observed from the October 2022 inspection.

Reclamation Success: With one exception, the previously observed concrete/mafia blocks not covered by vegetation had been removed. A few blocks remained in a drainage immediately east of the west side access road (see **Photo 1**). All other reclamation appeared adequate. On March 6th Kiewit emailed photo documentation of having removed the aforementioned blocks.

Revegetation: Prior to the February inspection, Kiewit provided documentation for having treated the tamarisk (salt cedar) observed in the third downstream sediment pond, and the Russian thistle observed in Phase V, both in during the October inspection. The salt cedar treatment was deemed to be adequate (see **Photo 2**). Ms. Gothard mentioned their weed contractor had also treated "mustard weed" in an area near the south end of the paved road section. Photos were not taken at the time due to the snow on the ground. The DRMS requested Kiewit find out from their contractor what kind of mustard weed was treated as there are two types on the Colorado Noxious Weed List. Subsequent to the February inspection, Kiewit informed the DRMS their weed contractor was nearly certain the mustard weed treated was elongated mustard (*Brassica elongata*), which is a List A species requiring eradication. As such, the DRMS contacted El Paso County Parks and Community Services and the City of Fountain to coordinate an inspection for the purpose of confirming the List A species and determining a path forward.

The March inspection focused solely on the area treated for mustard weed. Mr. Daniel examined the treated plants (see **Photo 3**) and determined it was not elongated mustard, as it was too short and, lacked the base rosette and other identifying features. He also concluded it was not any other species on the Noxious Weed List. As such, no further action was deemed necessary.

Support Facilities On-site: No processing equipment was observed on site.

Signs and Markers: The permit sign was properly posted (see **Photo 4**) and survey stakes (see **Photo 5**) were observed to delineate the proposed release area from the remaining Phase V area.

Summary and Recommendations: As no List A noxious weeds were found, the concrete/mafia blocks had been removed, and the salt cedar has been adequately treated; the DRMS will recommend approval of the requested 289.2-acre acreage release. Any request to reduce the financial warranty as a result should be submitted via a surety reduction request.

Close-out Meeting: After the March inspection, Ms. Gothard indicated Kiewit was planning on meeting with a consultant to develop a plan to complete reclamation in Phase V.

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. Concrete/mafia blocks needing to be removed (east side of drainage on west access road).

PHOTOGRAPHS (cont.)



Photo 2. Treated salt cedar (tamarisk) near third sediment pond (looking east).



Photo 3. Treated plant – **NOT** elongated mustard (*Brassica elongata*) – March Inspection photo.

PHOTOGRAPHS (cont.)



Photo 4. Permit sign at entrance off Charter Oak Ranch Rd.



Photo 5. Typical survey stake delineating the boundary between the release area and Phase V.

Inspection Contact Address

Misty Gothard
Kiewit Infrastructure Co.
160 Inverness Dr West, Ste 110
Englewood, CO 80112

ec: Michael Cunningham, DRMS
DRMS file
Misty Gothard, Kiewit
Nick Daniel, El Paso County
Officer Tish Cornella, City of Fountain