




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: Goss Sand & Gravel	MINE/PROSPECTING ID#: M-1985-140	MINERAL: Sand and gravel	COUNTY: El Paso
INSPECTION TYPE: Monitoring	WEATHER: Cloudy	INSP. DATE: January 24, 2023	INSP. TIME: 12:00
OPERATOR: David Goss	OPERATOR REPRESENTATIVE: Dean Goss	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Partial Bond	BOND AMOUNT: \$5,000.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
INSPECTOR(S): Timothy Cazier, P.E.	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: March 30, 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>Y</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>NA</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>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION-- <u>N</u>	(ST) STIPULATIONS----- <u>Y</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

OBSERVATIONS

This inspection was conducted as part of the regular monitoring program. Mr. Dean Goss represented the Permittee, David Goss during the inspection. This is a permitted 110c gravel mine. It was not operating at the time of the inspection. The Goss Sand & Gravel Pit entrance is located approximately 12 miles east of Falcon on the north side of Falcon Hwy (about 0.5 miles east of N. Ellicott Hwy).

The inspection was very brief. Mr. Goss began by stating he wanted the permit released. When I started to explain the process, he became angry, stated the site was not a mine, demanded the return of the \$5,000 bond and that he would not pay the annual fee or submit any further annual reports. When it became clear there was no opportunity for a constructive conversation, I announced I would leave, which was about 10 minutes after the hour.

Availability of Records: This inspection was not planned to, but occurred on the anniversary date. The 2022 annual report was received in January of 2022. At the time of the inspection the 2023 annual report had not been received. A review of annual reports dating back to 2018 state the mining activity as not having occurred. The previous inspection was on March 29, 2018. As stated in the previous inspection report:

The January 13, 1993 Division inspection report states less than one half acre of disturbance was observed. The last inspection (March 18, 2015) documented approximately 0.7 acres of disturbance. Both the 1993 and 2015 inspection reports document ongoing mining activity.

The approved post-mine land use is developed water resource. Both the surface and minerals are privately owned.

Financial Warranty: The \$5,000 bond held by the DRMS and is adequate for the observed mine disturbance.

Roads: The access road (see **Photo 1**) did not appear to be a source of sediment that could be tracked offsite.

Signs and Markers: The permit sign was posted (see **Photo 2**) but only partially legible.

Permit Stipulations: There are no permit stipulations.

File Review and Path Forward: The amount of material that has been excavated since the permit was approved in 1985 is a very small fraction of that stated in the mining plan submitted to the Division in 1985. That approved mine plan consisted of 50-foot deep excavations that would be reclaimed as a 9.35-acre lake. In addition, Mr. Goss stated all the material removed from the site has only been used on his property. Commitments to only use excavated material on a landowner's property has typically been sufficient to obtain an exemption from requiring a mine reclamation permit. Essentially, the situation is the site was never developed as it was permitted and will not be developed any further in the future, as conveyed to the DRMS.

The DRMS has agreed the permit can be terminated and the bond released under the following conditions:

- 1) As David Goss submitted the reclamation permit application that the Division approved in 1985, and after 38 years as a permitted site, this is the first we are hearing the case that it should not be a permitted mine; the DRMS will require the annual report and fee be submitted that was due January 24th. As the fee is for the preceding year, we cannot waive the submittal. The DRMS received the annual fee on February 21, 2023.
- 2) The person or entity that has authority over the land and the approved permit will need to submit a written request to terminate the permit and release the financial warranty. This request will need to include the following statements:

- a. The site was never developed as permitted and will not be developed for any commercial purposes
 - b. Material from the site has only been used on the property of the landowner.
- Such a letter was received by the DRMS on February 21, 2023
- 3) It is our understanding that the permittee, David Goss is deceased. In order for the Division to protect itself from potential litigation for terminating the permit and releasing the bond by an unauthorized party, we will need some reasonable documentation demonstrating whomever requests the permit termination in Step 2 is authorized to act on behalf of David Goss's estate. This would likely include a death certificate (it does not need to be certified) and a copy of the last will and testament, or the equivalent. Any documents provided will remain confidential and not accessible to the public. Documentation demonstrating Dean Goss is authorized to request a release for this permit was received on February 21 and 28, 2023.

As all the requested documentation has been received, the DRMS processed the requested release on March 27, 2023 and mailed the required agency notices on that day.

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. Access road (looking north from entrance).

PHOTOGRAPHS (cont.)



Photo 2. Partially legible Permit sign.

Inspection Contact Address

Dean Goss
David Goss
24040 Falcon Hwy
Calhan, CO 80808

ec: DRMS file