




**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><br>Arnusch Gravel Pit 3                | <b>MINE/PROSPECTING ID#:</b><br>M-1981-287   | <b>MINERAL:</b><br>Sand and gravel                              | <b>COUNTY:</b><br>Weld      |
| <b>INSPECTION TYPE:</b><br>Preoperation Inspection       | <b>WEATHER:</b> Clear  | <b>INSP. DATE:</b><br>May 24, 2023                              | <b>INSP. TIME:</b><br>09:45 |
| <b>OPERATOR:</b><br>Nikolaus Arnusch                     | <b>OPERATOR REPRESENTATIVE:</b><br>Kurt Arnusch  | <b>TYPE OF OPERATION:</b><br>110c - Construction Limited Impact |                             |
| <b>REASON FOR INSPECTION:</b><br>Normal I&E Program      | <b>BOND CALCULATION TYPE:</b>  | <b>BOND AMOUNT:</b><br>\$5,000.00                               |                             |
| <b>DATE OF COMPLAINT:</b><br>NA                          | <b>POST INSP. CONTACTS:</b><br>None  | <b>JOINT INSP. AGENCY:</b><br>None                              |                             |
| <b>INSPECTOR(S):</b><br>Eric Scott<br>Michael Cunningham | <b>INSPECTOR'S SIGNATURE:</b><br> | <b>SIGNATURE DATE:</b><br>May 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>NA</u>    | (RD) ROADS----- <u>Y</u>         |
| (HB) HYDROLOGIC BALANCE----- <u>Y</u>       | (BG) BACKFILL & GRADING----- <u>NA</u>    | (EX) EXPLOSIVES----- <u>NA</u>   |
| (PW) PROCESSING WASTE/TAILING---- <u>NA</u> | (SF) PROCESSING FACILITIES----- <u>NA</u> | (TS) TOPSOIL----- <u>NA</u>      |
| (MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>    | (FW) FISH & WILDLIFE----- <u>NA</u>       | (RV) REVEGETATION---- <u>NA</u>  |
| (SM) SIGNS AND MARKERS----- <u>Y</u>        | (SP) STORM WATER MGT PLAN---- <u>NA</u>   | (RS) RECL PLAN/COMP-- <u>NA</u>  |
| (ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>   | (SC) EROSION/SEDIMENTATION--- <u>NA</u>   | (ST) STIPULATIONS----- <u>NA</u> |
| (AT) ACID OR TOXIC MATERIALS----- <u>NA</u> | (OD) OFF-SITE DAMAGE----- <u>NA</u>       |                                  |

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

## **OBSERVATIONS**

This was a pre-operation inspection for the Arnusch #3 Permit 110c to 112c conversion application (CN1). The site is currently permitted for 9.8 acres. As part of a consent agenda agreement with the Mined Land Reclamation Board executed on December 19, 2022, the operator was required to submit a 110c to 112c conversion application within 90 days, and obtain approval of the permit conversion within statutory deadlines. The conversion application was received by DRMS and called complete for review on March 15, 2023 and proposes expanding the permit by 33.45 acres - from 9.8 acres to a total permit area of 43.25 acres. This expansion would encompass all currently affected areas and allow additional expansion of the existing mined area. No objections were received during the public comment period, and the permittee is currently addressing adequacy issues identified in the Division's May 4, 2023 Adequacy Review letter. The permittee has also requested a 45 day extension of the decision deadline from June 13, 2023 to July 28, 2023, which was approved by DRMS on May 30, 2023.

DRMS representatives Eric Scott and Michael Cunningham met the operator representative Kurt Arnusch (son of permittee) at the site at approximately 0945 and toured the proposed permit area. DRMS noted that the notice of permit conversion applied for was present on the site identification sign as required (photo 1).

The existing and proposed permit is currently held by the land owner Nikolaus Arnusch and is fully located within his property. The permit is an in-stream excavation of the West Sand Creek - an intermittent stream, which while dry the majority of the time, may carry significant flows during periods of high precipitation. Mr. Arnusch stated that during the heavy rains in early May the stream had flooded. Standing water in parts of the channel excavation and evidence of bank erosion were observed during this inspection (photo 2). DRMS collected GPS coordinates of the permit boundary as marked in the field, and a map of the permit boundary as collected and displayed on a Google Earth aerial photo is included with this report.

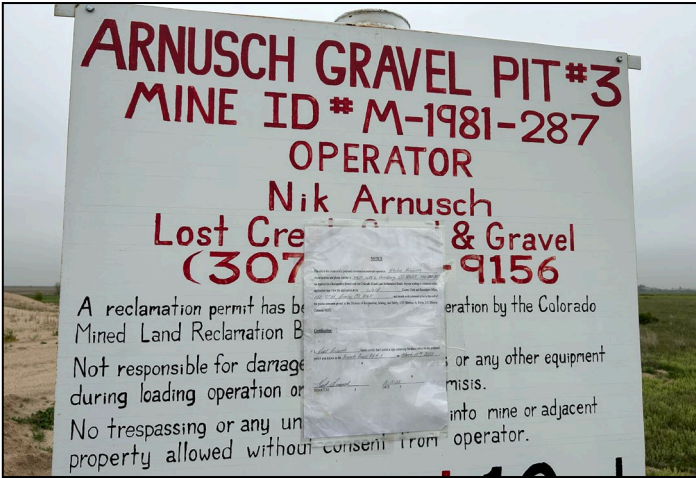
The proposed permit area, along with the included and adjacent features, appear to be accurately shown on the materials provided with the application. Representative photos of the existing conditions have been included in this report. It was noted that the existing vegetation in significant areas of the proposed permit area was primarily cheat-grass and other weedy species (photo 3). Weed control efforts will need to be maintained at the site to achieve a successful reclamation.

No other potential issues were identified during this inspection. Comment letters received by other agencies are available to review using the imaged document link for this permit application on the DRMS webpage.

### **Inspection Contact Address**

Kurt Arnusch/Lost Creek Cattle Company  
PO Box 551  
Keenesburg, CO 80643

## PHOTOGRAPHS



**Photo 1 – Site Identification sign with required notice of CN1 applied for.**



**Photo 2 – Bank erosion on east side of West Sand Creek due to flooding earlier in the month.**




**Photo 3 – Much of existing vegetation within proposed permit area is cheat-grass and weedy species. Aggressive weed control will be required for reclamation.**

# Arnusch #3 M1981-287

CN1 Permit Boundary GPS Data  
Area 43.3 acres

## Legend

 CN1 Permit Boundary

Google Earth



1000 ft