




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: Shot Rock Pit	MINE/PROSPECTING ID#: M-2012-023	MINERAL: Crushed stone material	COUNTY: Las Animas
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: October 24, 2023	INSP. TIME: 01:00
OPERATOR: Tamrock Gravel LLC	OPERATOR REPRESENTATIVE: Brent Tamburelli	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$22,800.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
INSPECTOR(S): Amber Gibson Brock Bowles Jocelyn Carter	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: November 6, 2023	

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: Tamrock Gravel LLC is listed as "Dissolved" on with the Colorado Secretary of State. In accordance with Colorado Corporations and Associations Act (C.R.S. § 7-90-101, *et al.*) all businesses must register with the Colorado Sec. of State.

CORRECTIVE ACTIONS: The Operator shall either reinstate the company to which the permit is issued to, and provide the Division with evidence that this has been completed OR pursuant to Rule 1.12.1 and Rule 1.16(3) the Operator shall submit a Succession of Operators revision to transfer the permit to themselves or another entity by the corrective action date.

CORRECTIVE ACTION DUE DATE: 12/8/23

INSPECTION TOPIC: Off-site Damage

POSSIBLE VIOLATION: Approximately 0.62 acres of land has been affected outside of the approved permit boundary. This is a possible violation at this time pursuant to: 1.) C.R.S. 34-32.5-109(1) for failure to first obtain from the board or office a reclamation permit prior to engaging in a new operation. AND/OR 2.) C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

CORRECTIVE ACTIONS: This possible violation will require a hearing before the Mined Land Reclamation Board.

The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the Operator.

CORRECTIVE ACTION DUE DATE: 12/13/23

INSPECTION TOPIC: Right of Entry

PROBLEM: Failure to maintain legal right of entry per Rule 6.3.7.

CORRECTIVE ACTIONS: The Permittee/Operator must provide proof of legal right to enter and conduct mining and reclamation operations.

CORRECTIVE ACTION DUE DATE: 12/8/23

OBSERVATIONS

The Shot Rock Pit was intended to be inspected by Amber Gibson, Brock Bowles, and Jocelyn Carter with the Division of Reclamation, Mining and Safety (Division/DRMS) as part of the Division's monitoring inspection program. Brent Tamburelli with Tamrock Gravel LLC was present during the inspection. The site was previously inspected by the Division on August 28, 2020.

Access to the approved permit area was not possible, as the gate was locked to the site and the Operator did not have a key (see the dashed red line on Map 1). Observations were made of the land leading up to the site, and the Operator addressed a few of the Division's questions during the visit. This site is a 21 acre, 112c permit, where approximately 14 acres have been reported to be disturbed to date. The site is located about 5 miles north of Cokedale, east of CR 26.5. The mining commodity at the site is crushed stone material.

Availability of Records:

The annual report, map, and fee are current through April 22, 2024. The annual report notes that the last date of activity at the site was on December 31, 2022. The Operator was asked during the inspection if any activity has occurred on-site since the date indicated on the report, to which he stated it has not. The Colorado Secretary of State website indicates that the Permittee, Tamrock Gravel LLC, was voluntarily dissolved in May 2023. Because Tamrock Gravel LLC is no longer an active entity, this has been cited as a **problem**. The Permittee representative must either reinstate Tamrock Gravel LLC's status on the Secretary of State website, or apply for a succession of operators revision to transfer the permit into the Operator (or another entity's) name.

Off-site Damage:

Upon reaching the gate located at the entrance to the parcel containing the permit site, the Division noted the presence of a variety of processed stockpiled material along the eastern side of the entrance road (see Photo 1). The Division informed the Operator that the presence of stockpiles off-site is a **possible violation** (as cited above). Additionally, the construction of a road (see Roads below) and the presence, construction, and use of a scale (see Support Facilities Not on Site below) lead the Division to believe that approximately 0.62 acres have been affected by mining outside of the permit boundary. The Division believes the disturbance located outside of the permit boundary meets the statutory definition for affected land (Rule 1.1(3)) and being part of a mining operation (Rule 1.1(30)). The Division will bring this matter before the Mined Land Reclamation and set the Operator up for a hearing pursuant to Rules 3.3.1 and/or Rule 3.3.2.

Right of Entry:

Upon reaching the gate located at the entrance to the parcel containing the permit site, the Operator stated that the cattle gate had been locked by the landowner a few days prior to the inspection (see red dashed line on Map 1). The Division had stated that the Colorado Secretary of State website indicates that the Permittee, Tamrock Gravel LLC, was voluntarily dissolved in May 2023. The Division believes that the dissolution of the company indicates that the Operator no longer has right of entry. This has been cited above as a **problem**. The Operator stated that their lease ended in May, at the same time as the dissolution of the company. The Division was not notified by the Operator at the time that the lease was dissolved, as required by Rule 1.16(2). At the time the permit was approved, the surface and subsurface landowners were listed as Brian Tamberelli and Jane Hude. When asked if this was current, the Operator stated that they had bought Jane Hude's land. The Operator shall submit to the Division, proof of a valid right to enter agreement to conduct reclamation by the corrective action date. The right to enter agreement may be in the form of a signed and notarized statement by the landowner granting access to conduct mining and/or reclamation, a copy of a lease, deed, abstract of title, or a current tax receipt pursuant to Rule 6.4.14.

Roads:

A road was constructed that leads from CR 26.5, across the Operator's land, into an existing road that leads up to the permit boundary. The construction and use of the road in relation to the mining operation falls under the definition for affected land pursuant to Rule 1.1(3) and being part of a mining operation pursuant to Rule 1.1(30). This road seems to have been used in conjunction with mining operations (see Maps 1 and 2), and is therefore included in the off-site damage possible violation above.

Reclamation Success:

The Operator was asked about reclamation conducted to-date at the site, and stated that some back-filling of cuts, and re-sloping on the southern facing side of the site had been completed. The Division asked if the Operator was following Option A or Option B provided in the approved reclamation plan, to which they stated Option B most closely reflects how the site will be reclaimed. The Operator stated that it was apparent early on in the mining operations that the overburden in the thicker-more-central portion of the permit was too deep to economically remove. The Operator also stated that they did not mine as far north-east as anticipated in the approved mining plan.

As stated above, the Operator no longer has legal right of entry to the property where the approved affected land is located. Additionally, as of the week prior to the inspection, the Operator has been physically unable to access the site due to a locked cattle gate on the landowner's road. The Operator stated that he has some equipment on the site, but is unable to continue reclamation at this point and is unsure if or when he will be able to enter the site again to do so. The Division reminds the Operator that pursuant to Rule 3.1.3, reclamation shall be carried to completion with all reasonable diligence and must be completed within five years from the date the Office has evidence that mining has ceased.

Support Facilities Not On-site:

A scale indicated to have been used for mining purposes has been removed from the Operator's land. The Operator stated that the scale was sold in May 2023. However, the foundation for the scale remains (see Photo 2). The construction and use of a scale in relation to the mining operation falls under the definition for affected land pursuant to Rule 1.1(3) and being part of a mining operation pursuant to Rule 1.1(30). This scale seems to have been used in conjunction with mining operations (see Maps 1 and 2), and is therefore included

in the off-site damage possible violation above.

Signs and Markers:

A mine sign was posted to the west of the entrance road gate in compliance with Rule 3.1.12 (see Photo 3).

Conclusion:

This concludes the Division's Inspection Report; a few maps displaying topics discussed during the inspection and a subset of corresponding photographs that were taken during the time of the inspection are included below. The Division is attempting to gain access from the landowner to conduct an inspection of the permit area within a few weeks of this report. If you need additional information or have any questions, please contact me by email at amber.gibson@state.co.us or by telephone at (720) 836-0967.

Inspection Contact Address

Brent Tamburelli
Tamrock Gravel LLC
137 East Plum St.
Trinidad, CO 81082

CC: Jared Ebert, DRMS
Brock Bowles, DRMS
Jocelyn Carter, DRMS

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- PB	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</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>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RE) RIGHT OF ENTRY--- PB
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- PV	(ST) STIPULATIONS----- <u>N</u>

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

PHOTOGRAPHS



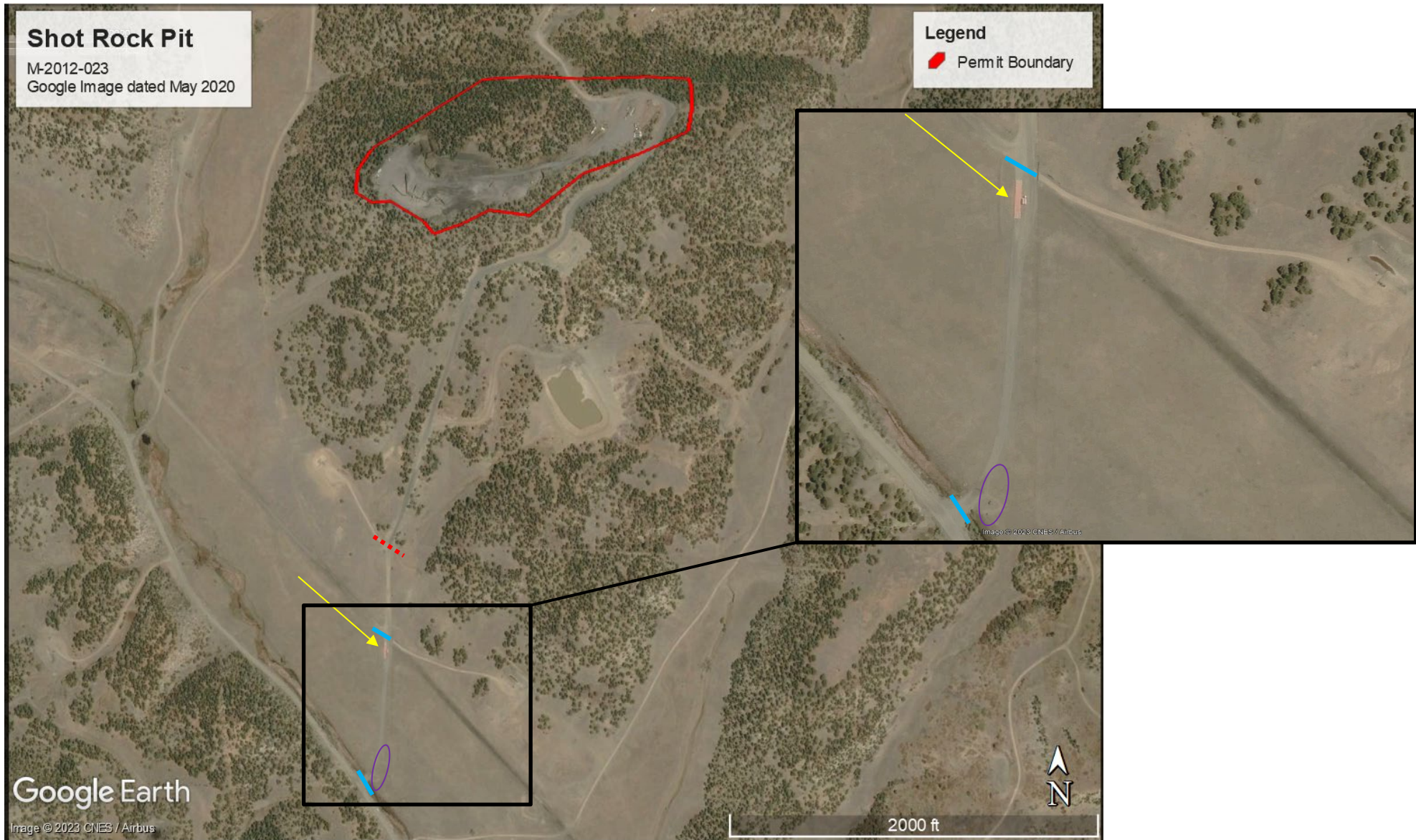
Photo 1: Looking northeast at the stockpiled material located on the Operator's land, east of the entrance road.



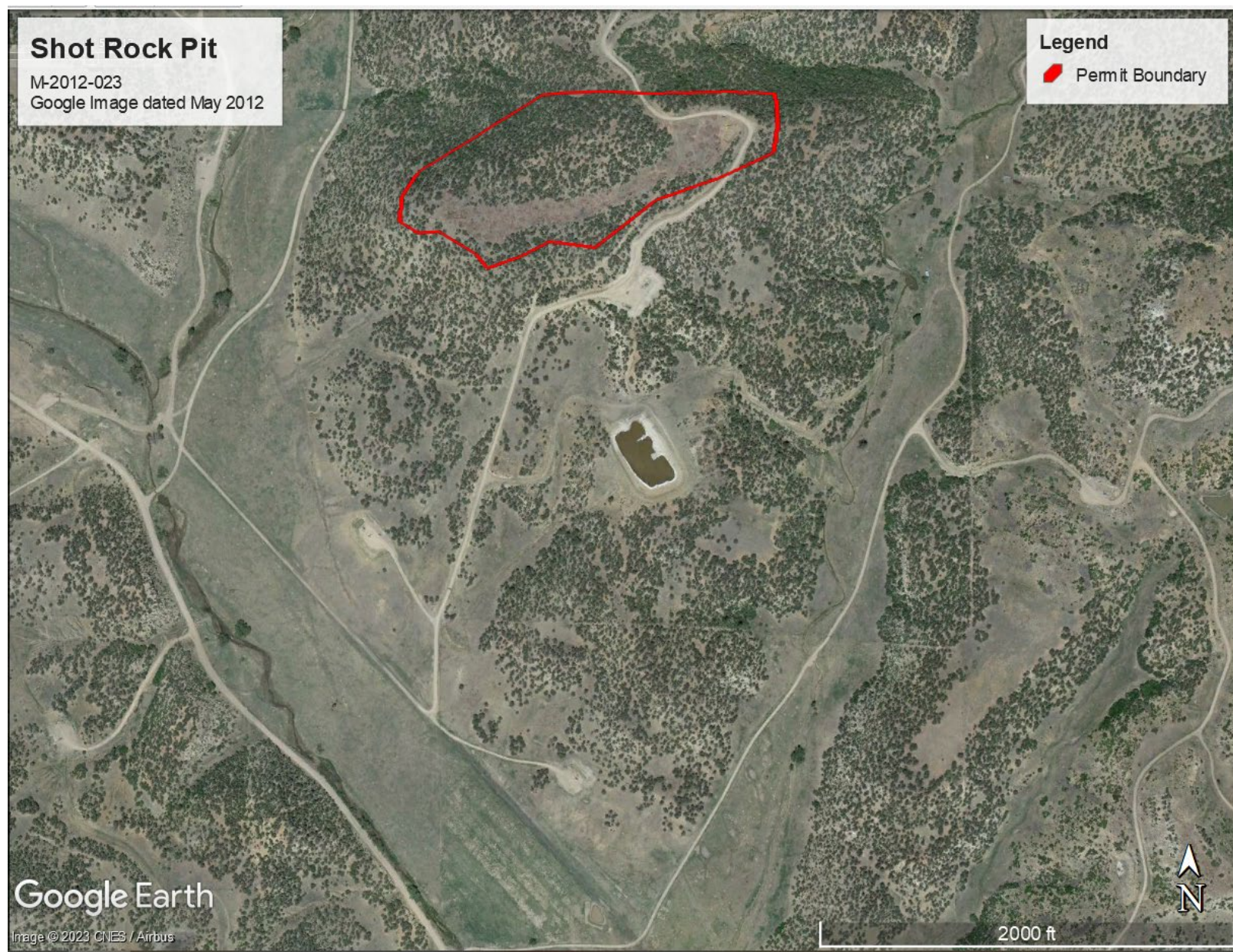
Photo 2: Looking southwest at the foundation for a scale that was used in connection with the mining operations.



Photo 3: Looking northwest at the mine sign posted at the front of the entrance road to the pit.



Map 1: Map generated using Google Earth Pro to show the permit boundary, constructed connecting road (between blue lines), scale house (indicated by yellow arrow), and stockpile (purple oval) locations. The constructed road, scale house, and stockpile area equates to approximately 0.62 acres of off-site mining disturbance. The red dashed line indicates where the landowner's gate was locked, denying entrance to the site. The most recent areal imagery available on Google Earth is dated May 2020.



Map 2: Map generated using Google Earth Pro to show how the area where the constructed connecting road, scale house, and stockpile looked prior to mining operations. The areal imagery sourced for this map from Google Earth is dated May 2012.