




**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> North LaPoudre Pit	<b>MINE/PROSPECTING ID#:</b> M-2000-144	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> November 15, 2023	<b>INSP. TIME:</b> 12:00
<b>OPERATOR:</b> Bestway Concrete Company (BURNCO)	<b>OPERATOR REPRESENTATIVE:</b> Devon Glosser	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$1,158,930.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>INSPECTOR(S):</b> Eric Scott	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> November 16, 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:** Reclamation Success

**PROBLEM/POSSIBLE VIOLATION:** Problem: Rule 34-32.5-112(6) States: "Reclamation shall be completed within five years after the date... of construction material extraction has been completed..." This requirement is reiterated in section 34-32.5-116 (4) (q).

In a 2020 DRMS inspection report, excavation in the permit area was noted to be completed, and does not appear to have resumed since that date. In addition, the 2023 SWSP submitted for this site indicates that no additional material extraction is anticipated for the site.

The current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 (1). The operator must provide sufficient information to describe or identify how the operator intends to conduct reclamation.

**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, which will provide sufficient detail as to how the site will be reclaimed, including addressing existing exposed groundwater areas within the permit area, and an enforceable timeline to complete the remaining required reclamation, by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 1/31/24

**INSPECTION TOPIC:** Financial Warranty

**PROBLEM/POSSIBLE VIOLATION:** Problem: The financial warranty is no longer adequate to reclaim the site in accordance with the approved reclamation plan. This is a failure to maintain the proper financial warranty amount to complete reclamation of the affected lands pursuant to C.R.S. 34-32.5-117(4)(b) of the Act.

**CORRECTIVE ACTIONS:** Utilizing the details provided in the above required TR to clarify the final reclamation plan for the site, including addressing existing exposed groundwater, the Division will recalculate the required financial warranty. The Division will then send a separate surety increase notice to the operator regarding the increase of the financial warranty. The operator shall submit adequate financial warranty, as determined by the Division. The operator will have 60 days from the date on the surety increase notice to post the additional financial warranty.

**CORRECTIVE ACTION DUE DATE:** 1/31/24

**INSPECTION TOPIC:** Revegetation

**PROBLEM/POSSIBLE VIOLATION:** Problem: Russian olive and Tamarisk trees are present within or have volunteered into the permit area and are becoming established. This is a problem for failure to employ the existing weed control plan and weed control methods for a state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

**CORRECTIVE ACTIONS:** The operator shall implement the existing weed control plan, eliminate the Russian Olive and Tamarisk present on site, and provide proof to the Division that this has been done, by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 5/31/24

## **OBSERVATIONS**

This was a routine monitoring site monitoring inspection conducted by DRMS at the North LaPoudre Sand & Gravel site. The inspection was conducted by Eric Scott of DRMS. DRMS travelled to the site with Devon Glosser of BURNCO Colorado, LLC and commenced at approximately 12:00. The site entrance is located at the southwest corner of Weld County roads 392 and Weld County Road 13. This site is also immediately north of the LaPoudre Sand and Gravel pit (M1983-090). The required site identification sign was located at the site entrance.

DRMS toured the site with the Mr. Glosser. The approximately 20 acres that was amended to the west end of the permit has been mined out, and has been backfilled to original grade as approved. No mining activity was observed within the permit area. In addition, the 2023 SWSP submitted and approved for the site indicates that no additional material excavation will take place in this permit. Based on this information, DRMS has concluded that mining activity has ended at the North LaPoudre permit. The current post-mining land use for this site is pastureland.

As summarized on the first page of this report, Rule 34-32.5-112(6) states: "Reclamation shall be completed within five years after the date...of construction material extraction has been completed..." This requirement is reiterated in section 34-32.5-116 (4) (q). Therefore, the current reclamation plan needs to be implemented and updated pursuant to C.R.S. 34-32.5-116 (1). The operator must provide sufficient information to describe or identify how the operator intends to conduct reclamation - this includes the reclamation of the existing exposed

groundwater areas. The operator shall submit a Technical Revision, with the required \$216 revision fee, which will provide sufficient detail as to how the site will be reclaimed, including addressing existing exposed groundwater areas within the permit area, and an enforceable timeline to complete the remaining required reclamation, by the corrective action date.

Based on an April 2023 Google Maps aerial photo, there are approximately 8.5-9 acres of unlined exposed groundwater remaining in the permit area. The eastern portion of the site has never been mined, and is now largely occupied by gas and oil structures. Any areas of exposed groundwater that are not currently part of a submitted or approved permanent augmentation plan will need to be backfilled to at least 2 feet above static water level, or sealed from the alluvial aquifer with a clay liner or slurry wall that will pass SEO approval criteria, before DRMS will be able to release the permit.

Also as noted previously in his report, as well as in the 2020 inspection report, Tamarisk and several other noxious weeds were noted during this inspection. These noxious species will need to be eliminated from the permit area, and proof of this will need to be provided to the Division by the listed corrective action date of 5/31/24. Additional weed control measures, mowing at a minimum, and likely spraying as needed, will need to be implemented to control noxious weeds within the permit area until the permit can be released.

No other issues were noted during this inspection.

### **PHOTOGRAPHS**



**Photo 1 - Photo taken from parking area looking NW at backfilled area in NW permit area. Reclamation vegetation will need to be established across the site.**



**Photo 2 – Tamarisk trees growing on bank of exposed groundwater area in center of permit area. Tamarisk and Russian Olive trees will need to be eliminated from permit area.**

**GENERAL INSPECTION TOPICS**

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <b><u>PB</u></b>	(RD) ROADS----- <u>NA</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>Y</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---- <b><u>PB</u></b>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(RS) RECL PLAN/COMP-- <b><u>PB</u></b>
(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

**Inspection Contact Address**

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