




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: Rocky Flat Gravel	MINE/PROSPECTING ID#: M-1982-129	MINERAL: Sand and gravel	COUNTY: Huerfano
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: December 12, 2023	INSP. TIME: 14:45
OPERATOR: L. Otto Goemmer	OPERATOR REPRESENTATIVE: Pete Goemmer and Lucas Dearmin	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$11,050.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Amber Gibson	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: January 2, 2024

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: Revegetation

PROBLEM: There are state-listed noxious weeds present on site. This is a problem for failure to employ weed control methods for 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: Implement approved weed control plan and provide proof to the Division that this has been done. The Operator shall provide proof to the Division that the weeds have been treated/removed by the corrective action date.

CORRECTIVE ACTION DUE DATE: 3/26/24

INSPECTION TOPIC: Reclamation Success

PROBLEM: Reclamation has not been carried to completion within five years of last mining activity at the site as required by Rule 3.1.3.

CORRECTIVE ACTIONS: The Operator shall, once all final grading is completed, seed with the approved seed mixture on the regraded portions of the site and suitably restrict grazing during the initial establishment. The noxious weeds on-site must also be significantly reduced prior to the site being eligible for a surety release. The Operator shall submit documentation that seeding has been completed by the corrective action date.

CORRECTIVE ACTION DUE DATE: 8/26/24

INSPECTION TOPIC: Signs & Markers

PROBLEM: The affected area boundary markers are missing or incorrectly placed. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.

CORRECTIVE ACTIONS: The Operator shall use the approved permit boundary map to replace the boundary markers in the correct location(s). The Operator shall provide proof to the Division that this has been done by the corrective action date.

CORRECTIVE ACTION DUE DATE: 3/26/24

OBSERVATIONS

The Rocky Flat Gravel Pit was inspected by Amber Gibson with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed as part of the Division's routine monitoring inspection program. The site was last inspected on March 28, 2019 as a normal monitoring inspection. Pete Goemmer and Lucas Dearmin, as representatives of the Operator, accompanied me during the inspection. The weather was clear and cool.

The Rocky Flat Gravel Pit is a 110c operation, permitted for 9.9 acres, located approximately 2 miles southwest of La Veta, Colorado. The commodities mined at this site were sand and gravel. The approved post-mining land use is rangeland.

Availability of Records:

The annual fee, report, and map are paid through August 5, 2024. There were no outstanding infractions.

Financial Warranty:

The Division recalculated the bond based on the current disturbance onsite, and determined that the current bond amount is adequate at this time.

Hydrologic Balance:

The northwest corner of the mined area had been cited for the presence of impounded water. The Operators were instructed to establish permanent positive drainage in the area and to backfill at least two feet above the water level. During the 2023 inspection, no standing water was observed onsite (Photo 1: Map 1). The Operators have installed a pipe to syphon standing water outside of the permit boundary, allowing it to infiltrate into the ground in an adjacent field. However, the Operators have not yet backfilled the corner. To help reduce the water retention in this area, and to aid in the growth of vegetation, the Division advises the Operator to still backfill at least two feet in this corner to bring the elevation up, and to increase the permeability. The Division reminds the Operator, that per DWR requirements, any stormwater runoff intercepted by this operation that is not diverted or captured in priority must be released to the stream system within 72 hours; otherwise the Operator will need to make replacements for evaporation.

Gen. Compliance with Mine Plan:

The original permit area was for approximately 7.5 acres; during an amendment (AM01) the Operator added 2.28 acres of land east of the original area and .22 acres to the south (total permit area is represented on Map 1 as the red polygons). The 2.28 acre area is east of where the primary pit basin is located, and has been graded to create a flat plain. Grass has established in this portion of the site, but cattle are allowed to graze the area surrounding and within the permit boundary. The 0.22 acre parcel is also a flat.

The original 7.5 acre permit area consists of a small basin where previous mining activity occurred. The basin daylighted to the south. The northern boundary of the Rocky Flat Gravel Pit is separated by a berm (Photo 2 & 3: Map 1) from a released Lafarge operation that was known as the La Veta Pit (M-2001 -086).

Mining has not occurred on-site for several years. According to the 2023 annual report, the last date of activity at the site was on June 12, 2008. Thus, the site has been in final reclamation for greater than five years. Because the site still requires some revegetation and weed management, this has been cited as a problem

above for failure to complete reclamation within five years following the last date of mining activity. **The Operator shall finish** re-seeding and weed control measures, and provide proof to the Division, by the corrective action date.

The Operator was asked during the inspection if they anticipate being able to file for a final release of the permit soon, to which they stated that they would like to maintain the permit so that they may later mine the 2.28 acre area in the future. Upon further review of the current permit, significant revisions would need to be approved prior to the site being eligible to re-initiate mining. One of the revisions being a Succession of Operators revision, due to the current permittee's (L. Otto Goemmer) passing. An additional revision is required to provide the Division with updated mining and reclamation plans and maps to specify the proposed mining and reclamation operations in the 2.28 acre parcel. The current bond is based on the remaining reclamation tasks at the site, since the site had entered into final reclamation. Resuming mining would require a new bond evaluation, and would likely significantly increase the financial warranty.

During the inspection, the Operator stated that they believe the Lafarge operation had left behind areas of desired material that the Operator may like to mine. The Operator also expressed interest in mining the adjacent lands, to which they also own, in the future as well. Due to the Operator's disinterest in filing for a final release, and interest in mining the remaining permitted area and possibly surrounding areas, the Division advises the Operator to submit a conversion application to convert the current permit to a 112c operation. This would allow the Operator to adjust the permit boundaries, increase the minable area, and submit the required revisions in one step, rather than as multiple revisions, and/or permits. The Division would gladly have a further conversation about these options with the Operator in the near future if they have definitively decided that they will want to re-initiate mining.

Reclamation Success:

As mentioned in the 'Gen. Compliance with Mine Plan' section above, the 2.28 acre area and the 0.22 acre area have been graded flat, and both contain established vegetation. The north, west, and eastern aspect slopes of the original 7.5 acre area have been graded to a 4:1 horizontal to vertical ratio or less (Photo 1: Map 1). The slopes appeared stable, and grass has established throughout the affected land, except for a small area in the northeast corner of the pit (see Photo 1: Map 1). The Operator stated that they will grade this area to a shallower slope, and re-seed it.

There is a presence of Knapweed and some Mullein throughout the permitted area. **This has been cited as a problem** above for the establishment of noxious weeds. During the inspection, the Operator stated that they will contact the Huerfano County Noxious weed office for advice on how to best treat the area without destroying established vegetation. **The Operator shall provide evidence** to the Division that they have treated the noxious weeds by the corrective action date.

Signs and Markers:

A sign was posted at the entrance to the site in compliance with Rule 3.1.12(1) (Photo 5: Map 1).

Two permit boundary markers were located during the inspection (Photos 6 & 7: Map 1), but the remainder were absent. **This has been cited above as a problem** for missing affected land boundary markers in compliance with Rule 3.1.12(2). **The Operator shall replace** permit boundary markers, using the survey map submitted during the amendment application (see Map 2), by the corrective action date.

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. 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

Pete Goemmer
L. Otto Goemmer
P.O. Box 185
La Veta, CO 81055

CC: Jared Ebert, DRMS

GENERAL INSPECTION TOPICS

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

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

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

PHOTOGRAPHS



Photo 1: Looking east across the pit. The red arrow points to the low area that often collects water. The yellow arrow points to the portion of the eastern slope that may need to be regraded to a shallower slope, and vegetated.



Photo 2: Looking west, from the northern boundary of the mined area.



Photo 3: Looking east at a gate, marking the north-east boundary of the 7.5 acre area, leading to the 2.28 acre area.



Photo 4: Looking northwest along the adjacent lands south of the main permit area.



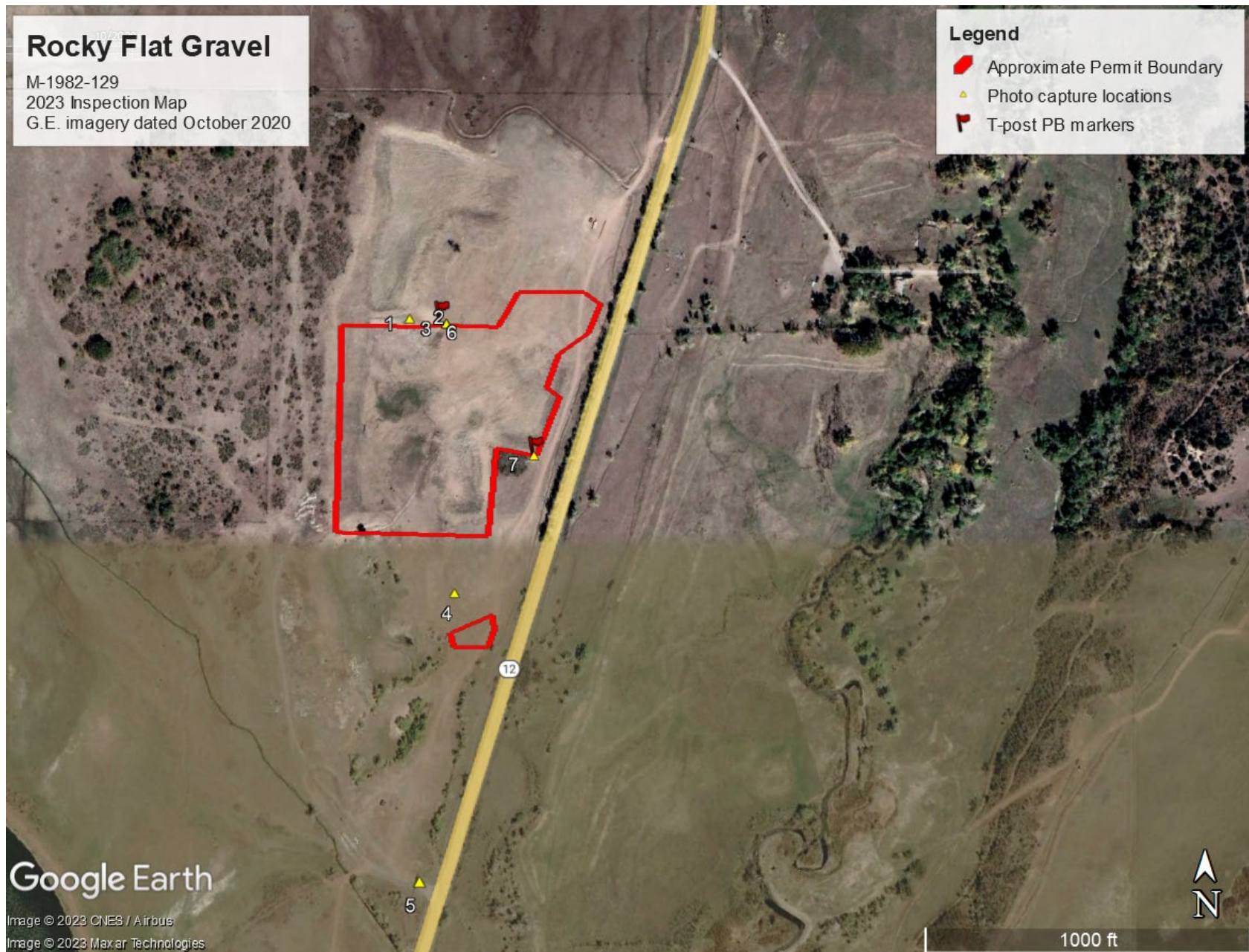
Photo 5: Mine sign posted at the entrance.



Photo 6: Permit boundary marker on the northern berm along the 7.5 acre area.

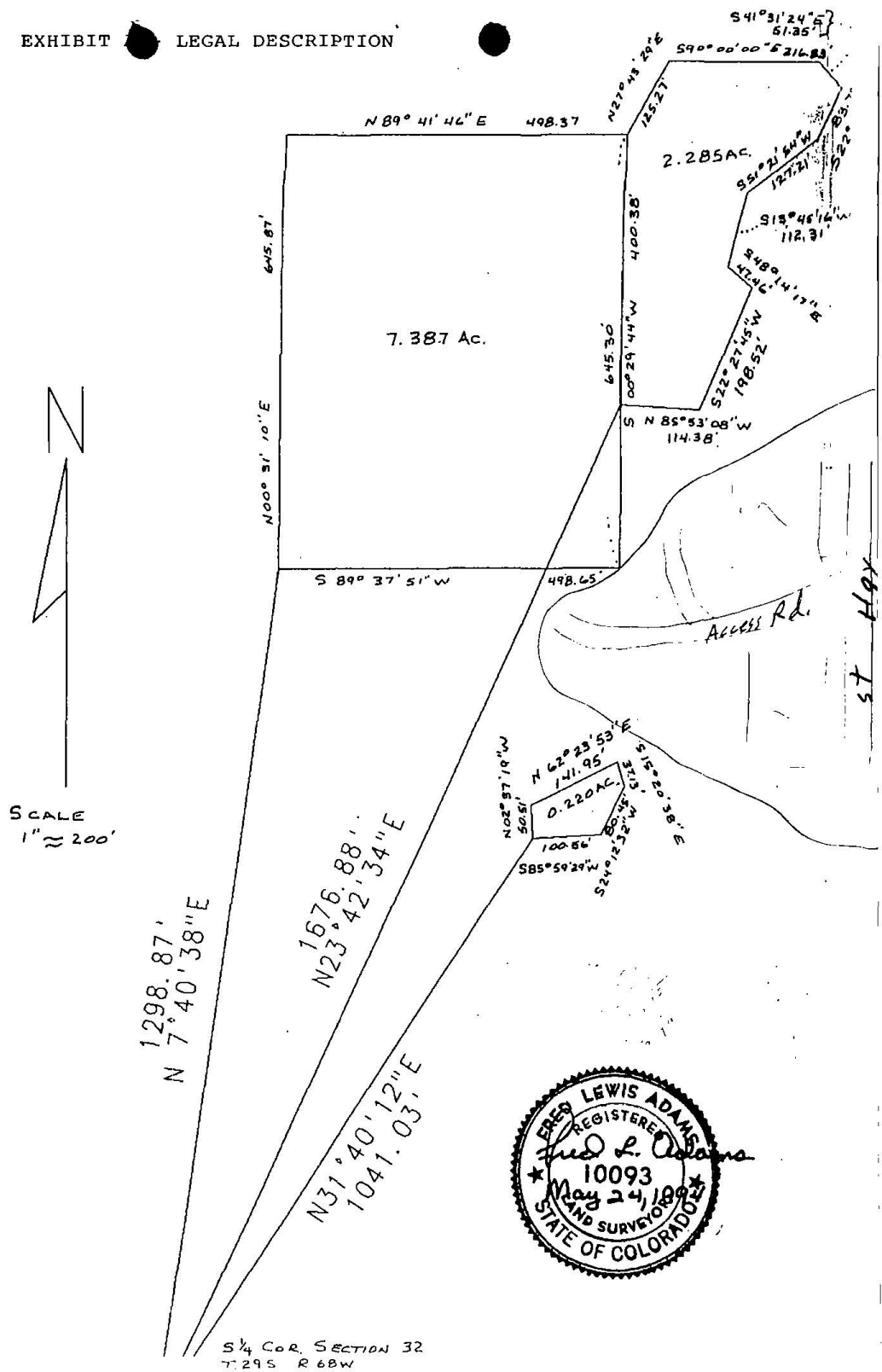


Photo 7: Permit boundary marker near the southeast corner of the amended 2.28 acre area.



Map 1: Map generated using Google Earth pro to depict the approximate location of the permit boundary and the location where the inspection photos were taken.

EXHIBIT LEGAL DESCRIPTION



Map 2: Permit boundary map submitted as part of the amendment.