




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: Miller Gravel Pit	MINE/PROSPECTING ID#: M-1982-112	MINERAL: Sand and gravel	COUNTY: Elbert
INSPECTION TYPE: Monitoring	WEATHER: Cloudy	INSP. DATE: April 23, 2024	INSP. TIME: 10:00
OPERATOR: Schmidt Construction Company	OPERATOR REPRESENTATIVE: Dan Chavez, Mark Heifner, Mahkayla Selby	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE:	BOND AMOUNT: \$146,646.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Joel Renfro	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: May 30, 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: Reclamation Success

PROBLEM/POSSIBLE VIOLATION: Problem: The site is utilizing off-site fill without prior approval by the Division per 3.1.5(9) of the Rule.

CORRECTIVE ACTIONS: The operator shall provide a Technical Revision with a notarized affidavit, stating that the fill is, in fact, inert and addressing all requirements pursuant to Rule 3.1.5(9), which describes the intended use of inert/off-site fill by the corrective action date.

CORRECTIVE ACTION DUE DATE: 6/29/24

OBSERVATIONS

The Miller Gravel Pit was inspected by Joel Renfro with the Division of Reclamation, Mining and Safety (Division/DRMS) as a part of the Division's routine monitoring program on April 23, 2024. This site was previously inspected on February 3, 2021. Dan Chavez, Mark Heifner and Mahkayla Selby represented Schmidt Construction Company during the inspection. Donna Barrentine with Lakeport CF was present during the inspection as well. The site can be accessed from the west via Hunt Circle, which intersects Co Rd 21 to the west. The site can also be accessed from the south via Co Rd 174. **Photos 1-11** taken during the inspection are included with this report.

This is a 112c operation permitted for 69.2 acres to mine sand and gravel. The approved post-mine land use for this site is rangeland. The site has been in reclamation since 2020, initially with an estimated release date for 2025. The site has been graded and seeded. Revegetation appeared to be growing well with a dense and diverse ground cover of native grasses. Some volunteer cottonwood and willows were found throughout the site as well. Very few weeds were spotted during the inspection including common mullein and scotch thistle. It appears that the operator has been implementing their weed management plan well and these weeds are not cited as a problem.

It came to the Division's attention that dirt was being stockpiled on site back in March 2024, which prompted an inspection since any new development would conflict with the approved reclamation plan. During the inspection, the Division found a dirt stockpile along the western side of the site near the entrance. The stockpile is estimated to be anywhere from 1-2 acres and about 10 feet tall. This stockpile was placed by the landowner, Lakeport CF, in preparation for road development they have planned.

Donna Barrentine, explained that Lakeport CF, the current landowner, began stockpiling dirt earlier in the year as a part of their plan to develop the Miller Gravel Pit along with 1100 additional acres around the site into a mix use residential development. Lakeport CF has a 5-phase development plan, with the first phase to construct roads using the stockpiled dirt to elevate low-lying areas. Lakeport CF is aiming to be under construction within the next year.

The imported dirt stockpile conflicts with the reclamation success for this site, seeing that this is off-site fill that has not been approved by the Division per Rule 3.1.5(9), therefore, Reclamation Success is cited as a problem in this inspection report. Schmidt Construction Company will need to submit a Technical Revision with a notarized affidavit stating that the fill is, in fact, inert and addressing all requirements pursuant to Rule 3.1.5(9), which describes the intended use of inert/off-site fill by the corrective action date of **June 29, 2024**. Please be advised that Schmidt Construction Company will be required to follow their reclamation plan and reclaim the site in accordance with their approved post-mine land use of rangeland. Any further development that is not in line with the reclamation plan will prevent the permit from being released. Please see the enclosed "REQUEST FOR TECHNICAL REVISION (TR) Importation of Inert Fill" form for guidance on how to submit this technical revision.

If Schmidt Construction Company wishes to revise the post-mine land use and reclamation plan to align with Lakeport CF's development plan, they will need to submit an Amendment detailing these changes.

With either option, the Division encourages Schmidt Construction Company to collaborate with Lakeport CF to work out a plan where both parties are aware of what is required from the Division in order to release the permit and come up with a plan to get the site on track for release.

This concludes the report.

Any questions or comments regarding this inspection report should be forwarded to Joel Renfro at the Colorado Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at (720) 812-2002, or email at joel.renfro@state.co.us.

PHOTOGRAPHS



Photo 1. Mine entrance sign, looking east.



Photo 2. Northwest corner of the dirt stockpile, looking south.



Photo 3. Northeast corner of the dirt stockpile, looking south.



Photo 4. Eastern edge of the dirt stockpile, looking south.



Photo 5. Southern edge of the dirt stockpile, looking west.



Photo 6. Southern edge of the dirt stockpile, looking north.



Photo 7. Southern edge of the dirt stockpile, looking north.



Photo 8. Dirt stockpile, looking west.



Photo 9. Revegetation in southern portion of the site, looking east.



Photo 10. Revegetation in the northern portion of the site, looking west.



Photo 11. Willows found in the northern reclaimed portion of the site, looking north.

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</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>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</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>Y</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

Inspection Contact Address

Dan Chavez
Schmidt Construction Company
2635 Delta Drive
Colorado Springs, CO 80910

Enclosure:
REQUEST FOR TECHNICAL REVISION (TR) Importation of Inert Fill Form

CC:
Amy Eschberger, DRMS
Mark Heifner
Mahkayla Selby, Schmidt Construction Company
Donna Barrentine, Lakeport CF



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

REQUEST FOR TECHNICAL REVISION (TR) Importation of Inert Fill

File No.: M-_____ Site Name: _____

County: _____ TR# _____ (DRMS Use only)

Permittee: _____

Operator (If Other than Permittee): _____

Permittee Representative: _____

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR. Page 2 is designed to address the requirements of Rule 3.1.5(9). It is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted (mark only one)</u>
110c, 111, 112 construction materials, and 112 quarries	\$216	
112 hard rock (not DMO)	\$175	
110d, 112d(1, 2 or 3)	\$1006	
2018-2019 Wildfire Material Debris Removal	Waived	



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

Rule 1.1(24)/1.1(20) "Inert Material" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty days, masonry, asphalt paving fragments, and other inert solids.

**Rebar or other protruding reinforcements must be removed prior to placement. All material must be buried to a minimum of 3 feet below final surface grade.

-
1. General Description of material to be imported: _____

 2. Approximate volume of inert material to be backfilled: _____
 3. Estimated dates of commencement: _____ and completion: _____
 4. Use/purpose of imported material: _____

 5. A general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids. _____

Enclosed is a map showing the proposed location of the inert material.

3.1.5(9)(c) - Affidavit

I _____ of _____ hereby
certify that only clean and inert material will be imported at _____.
All material will adhere to the Division's definition of Inert Material as defined in Rule
1.1(24)/1.1(20).

Signature: _____

Date: _____