



## COLORADO

Division of Reclamation,  
Mining and Safety


Department of Natural Resources

### 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> Colorado Moss Rock	<b>MINE/PROSPECTING ID#:</b> M-2011-039	<b>MINERAL:</b> Sandstone (silica, st quartzite)	<b>COUNTY:</b> Pueblo
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> October 1, 2024	<b>INSP. TIME:</b> 10:20
<b>OPERATOR:</b> Premier Moss Rock, LLC	<b>OPERATOR REPRESENTATIVE:</b> Nick Simpson	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$13,058.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>INSPECTOR(S):</b> Jocelyn Carter Amy Eschberger	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> October 17, 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:** Off-site Damage

**PROBLEM:** Land has been affected outside of the approved permit boundary. This is a problem/possible violation at this time pursuant to 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:** Provide a signed statement from the landowners clearly identifying the disturbances caused by or attributed to mining operations that they would like to remain as is for their purposes as residential land use. Regarding the material stockpile located in the southeast region of the rock picking area, push the east end of the material that has spilled over the permit boundary back onto the permitted area to prevent further off-site damage. Provide photos of this correction to the Division by the given corrective action due date.

**CORRECTIVE ACTION DUE DATE:** 11/22/24

## **OBSERVATIONS**

The inspection of the Colorado Moss Rock, permit M-2011-039 was conducted by me, Jocelyn Carter, and Amy Eschberger on behalf of the Division of Reclamation, Mining, and Safety (Division/DRMS) on October 1, 2024. Nick Simpson was present on behalf of the Operator, Premier Moss Rock, LLC, the landowners were also present, Ryan and Emily Matter. The purpose of this inspection was to re-verify the permit boundary for the staging area and the east side of the rock picking area to determine if the operation disturbed land outside of the permit boundary. During the inspection, the weather conditions were clear, and the temperature was warm.

An earlier inspection was completed by the Division on June 12, 2024. There were a few areas that appeared to have been disturbed by the mining activity that may have been outside of the permit boundary that were noted during that inspection. It could not be determined if off-site damage had occurred at that time due to an issue with missing or otherwise unlocated permit boundary markers for the rock picking area. A problem was cited, and the Operator was asked to supply GPS points and photos of permit boundary markers to the Division. The GPS points and photos for the rock picking area were provided on August 25, 2024, and four of the eight GPS points for the staging area were provided on September 4, 2024. The approved map for the operation, provided below, shows the approximate location of the eight permit boundary points for the staging area. During the inspection, seven of the eight points for the staging area were located.

In July of 2024, the Operator sold the property to the new landowners, Ryan and Emily Matter, and was considering applying for a Succession of Operators with the Division. It is unclear to the Division at this time if the landowner will be taking over this permit. The Operator and Mr. Matter have stated that they do not wish to continue the rock picking operation and would like for the site to begin reclamation operations. The approved post-mining land use for this permit is residential and the landowners stated that several of the areas disturbed outside the permit area are of use for them. The Operator is asked to provide a signed statement from the landowners describing the disturbances they would like to remain for their purposes; additional details are provided above in the citation. The full description of the disturbances observed during the inspection is provided in the "Off-site Damage" section of this report.

Photos taken during this inspection along with a map created based on the observations made are provided in this report. Questions regarding this inspection should be directed to me, Jocelyn Carter, by email at [Jocelyn.carter@state.so.us](mailto:Jocelyn.carter@state.so.us) or by phone at (720) 666-1065.

### **Signs and Markers**

The mine sign is posted as required by Rule 3.1.12.(1) (see Photo #1), permit boundary markers were also verified for the staging area and the east boundary of the rock picking area (see Photos #2 - #10).

### **Off-site Damage**

There are four areas of off-site damage that were observed by the Division: the southeast portion of the staging area, the west of the staging area, and two located on the east side of the rock picking area.

The area southeast of the staging area had some construction timber, stacked pallets, deconstructed pallets, and scrape wire mesh piled, just behind the rock entrance fence (see Photos #11 and #12). The landowner stated that they have been using the materials for his personal use on the property.

There is a fuel storage tank with a secondary containment on the west side of the staging area that was used for equipment during mining operations (see Photo #13). This is considered affected lands according to the definition given in Rule 1.1(3) and is also considered off-site damage. The landowners stated that they plan to

use the fuel tank and the secondary storage catchment for development projects on the property.

There is a pile of tree stumps that is located to the east of the southeast permit boundary of the rock picking area (see Photo #14). It appears that this pile of tree stumps was cleared from the permit area where rock picking occurred. Again, per Rule 1.1.(3), this is considered affected area and therefore off-site damage. When asked about this area, the landowners were not sure about the future plans for this area.

The east end of the material stockpile located in the rock picking area, outlined in red on the map below, spills over the permit boundary (see Photo #15). The portion of the stockpile that lies outside the permit boundary needs to be moved back into the permitted area.

The Operator is asked to provide the Division with a signed statement from the landowner clearly explaining all areas, within and outside of the permit boundary, that have been disturbed by mining operations that they would like to leave as is for reclamation. The Division will require that all affected lands not requested to remain as is by the landowners for their residential use to be reclaimed in accordance with the approved reclamation plan for the site before releasing the land or the financial warranty.

## PHOTOGRAPHS



Photo #1: Mine sign posted at the entrance gate of the site, seen on the right side of the stonewall in the photo.



Photo #2: Permit boundary marker located in the northeast corner of the staging area, point St 2 on map below.





Photo #3: Permit boundary marker located at the southeast corner of the staging area, point St 3 on map below.



Photo #4: Permit boundary marker located at the south, point St 4 on map below.





Photo #5: Permit boundary marker located along south perimeter of the staging area, point St 5 on map below.



Photo #6: Permit boundary marker on the south perimeter of the staging area, point St 6 on map below.





Photo #7: Permit boundary marker located in the southwest corner of the staging area, point St 7 on map below.



Photo #8: Permit boundary marker located at the northwest corner of the staging area, point St 1 on the map below





Photo #9: Permit boundary marker located in the southeast corner of the rock picking area, point SE on the map below.



Photo #10: Permit boundary marker located in the northeast corner of the rock picking area, point NE on the map below





Photo #11: Off-site disturbance to the southeast of the staging area.



Photo #12: Off-site disturbance to the southeast of the staging area, labeled "Shipping Materials" on map below.





Photo #13: Off-site disturbance to the west of the staging area, labeled “Fuel Tank” on map below.



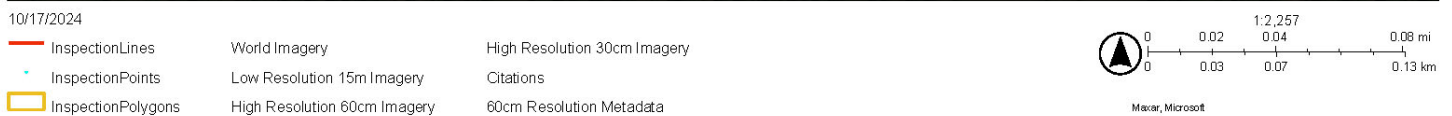
Photo #14: Off-site disturbance to the east of the rock picking area, labeled “Tree Stumps” on map below.





Photo #15: Off-site disturbance to the east of the rock picking area, labeled “Material Stockpile” on the map below. The toe of the east end of the stockpile spills beyond the permit boundary, shown by the red box in the photo.

### Colorado Moss Rock M2011039 \_2

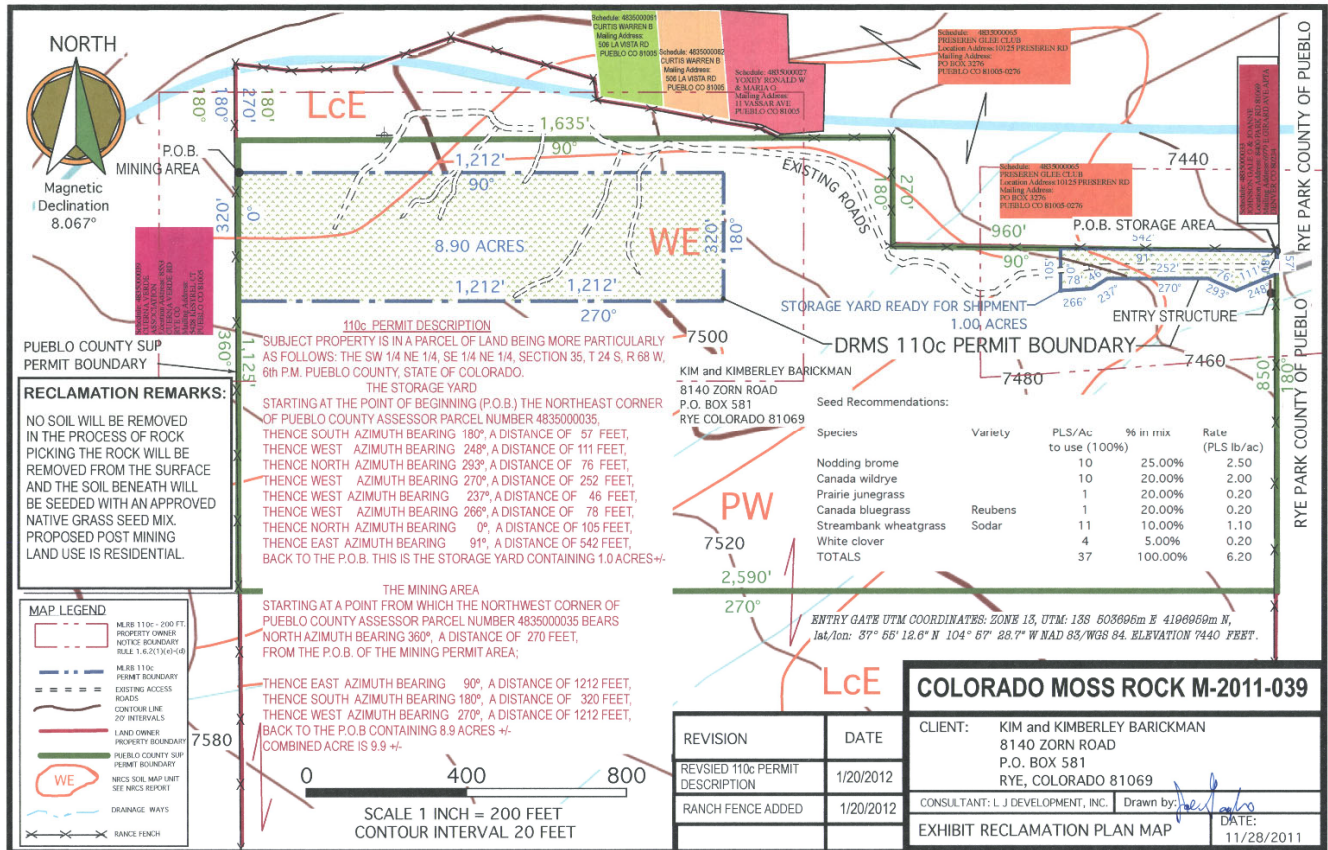


Jocelyn Carter

Map of inspection observation from October 1, 2024, inspection. The orange lines/polygons mark the permit



boundary according to the boundary markers viewed on site and the GPS points provided by the Operator. The red polygon marks a material stockpile located on the rock picking area. Off-site disturbances are marked by the blue and turquoise place markers.



Current approved reclamation map for the permitted area, for reference.



### 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>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>N</u>	(FW) FISH & WILDLIFE-----	<u>N</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>N</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>PB</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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CC: Amy Eschberger, DRMS  
Ryan and Emily Matter, landowners, [Matter99@me.com](mailto:Matter99@me.com) and [Matteroy99@icloud.com](mailto:Matteroy99@icloud.com)