




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: Bivens Pit	MINE/PROSPECTING ID#: M-1985-184	MINERAL: Sand and gravel	COUNTY: Larimer
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: December 3, 2024	INSP. TIME: 11:00
OPERATOR: Bivens Trucking & Excavating, Inc.	OPERATOR REPRESENTATIVE: Aaron Bivens	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE:	BOND AMOUNT: \$40,000.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
INSPECTOR(S): Joel Renfro	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: January 2, 2025	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

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

OBSERVATIONS

The Bivens Pit was inspected by Joel Renfro with the Division of Reclamation, Mining and Safety (DRMS/Division) on December 3, 2024 as a part of the Divisions regular monitoring program. Aaron Bivens with Bivens Trucking & Excavating, Inc. was present during the inspection. The Bivens Pit is located about 1.5 miles northwest of Fort Collins, CO in Larimer County. Access to this site is from the south of Willox Lane. The weather was clear at the time of inspection. **Photos 1-10** are included with this report.

This is a 112c Operation permitted for mining Sand and Gravel. The maximum approved disturbance for this site is 11 acres, which is the same size as the permit area. The post-mine land will be used as a wildlife habitat. This site was active at the time of inspection.

This site does not excavate much material and mostly stockpiles recycled materials. The operation is adhering to the plan outlined in TR-1, which permits the use of the land surrounding the pond for the temporary storage and processing of concrete and asphalt rubble, fill dirt, and topsoil brought to the site by various contractors from different excavation locations in or around Fort Collins. The processed materials, including crushed and recycled products, are sold and transported off-site. According to TR-1, the operator estimates that no more than 28,000 cubic yards (cy) of imported material will be stored on-site at any given time. Most of this material is stored in the eastern portion of the site, including the topsoil stockpiles.

The permit file includes an affidavit submitted in 2009, allowing for the importation of up to approximately 3,000 cubic yards of inert fill material, which includes concrete, asphalt, sand, fill dirt, topsoil, and rock for site reclamation purposes. Please note that "Inert Material" is defined in Rule 1.1 (22) as "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 (60) days, masonry, asphalt paving fragments, and other inert solids". This definition excludes materials such as wood or rebar.

The operator wishes to expand their pit and mine out about 1.3 acres south of the pond. However, in order to effectively mine this out they will need to dewater the area. There are no active dewatering permits for this operation, but the operator expressed interest in obtaining one. They are aware that a permit needs to be obtained with the Colorado Department of Public Health and Environment (CDPHE) and that they cannot dewater until one is obtained.

The Mining and Reclamation plans for this site were revised in 2021 in which two reclamation plans were proposed. The first plan would include a parking area in the southern portion of the site and an island in the pond, and the other plan would have no island and a parking area in the east. The operator confirmed that with the direction this operation is heading, the latter plan is what they will work towards as the operation gears down into reclamation. The reclamation plan includes revegetating 3 acres around the pond which will remain. A road around the pond will remain as well.

The operator was informed on-site that they would need to replace the current mine entrance sign which is in compliance with Rule 3.1.12 Signs and Markers, which they did the following week. Attached is an image of the new sign that the operator put up before this inspection report went out.

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, which has been replaced since the inspection, looking north.



Photo 2. Area south of the pond that may still be mined, looking north.



Photo 3. Pond on site, looking east.



Photo 4. Site access road in the northwest corner, looking east.



Photo 5. Access road in the east of the site, material stockpiles to the right, looking south.



Photo 6. Topsoil stockpile, looking northwest.



Photo 7. The northern area of the pond that will be backfilled and graded, looking southwest.



Photo 8. Material stockpiles in the eastern portion of the site, looking north.



Photo 9. Eastern edge of the site, looking south.



Photo 10. Southeastern corner of the pond, looking north.

Inspection Contact Address

Aaron Bivens
Bivens Trucking & Excavating, Inc.
862 W. Willox Ln
Ft. Collins, CO 80524

Enclosure: Image of the new Permit Sign

CC: Amy Eschberger, DRMS

M-1985-184

**Bivens Pit
Operator**
Bivens Trucking & Excavating, Inc.
Reclamation permit has
been issued by
C.M.L.R.B
M-1985-184

NO
TRESPASSING
PRIVATE PROPERTY
VIOLATORS WILL
BE PROSECUTED

SPEED
LIMIT
10

BIVENS
OFFICE
PLEASE USE EAST DOOR
• ALL INCOMING LOADS STOP AT OFFICE
• ENTER SCALE FROM OPPOSITE DIRECTION
• OFFICE IS ON CR CHANNEL 2