



STATE OF  
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

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## DRMS inspection report

1 message

**Zuber - DNR, Rob** <rob.zuber@state.co.us>

Thu, Apr 10, 2025 at 4:23 PM

To: "HAVENS, Rodney (SIMON - Corporate)" <rhavens@simonteam.com>, "MAYZEL, Jaeden (SIMON - Corporate)" <jmayzel@simonteam.com>

Hello -

Please see the attached report.

Rob

Rob Zuber, P.E.  
Environmental Protection Specialist  
Active Mines Program



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

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**INSP-REPORTM\_M1989056\_RDZ\_04102025\_with map.pdf**

1639K



**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> Timnath Pit	<b>MINE/PROSPECTING ID#:</b> M-1989-056	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Larimer
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Cloudy	<b>INSP. DATE:</b> March 28, 2025	<b>INSP. TIME:</b> 13:50
<b>OPERATOR:</b> McAtee Construction Company	<b>OPERATOR REPRESENTATIVE:</b> Jaeden Mayzel	<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> \$528,944.30	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Robert Zuber, P.E.	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> April 10, 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>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>NA</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>N</u>
(SM) SIGNS AND MARKERS----- <u>N</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>N</u>	(ST) STIPULATIONS----- <u>NA</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

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

## **OBSERVATIONS**

The Timnath Pit (M-1989-056) is a 112C permit for 280 acres, located approximately two miles south of Timnath, Colorado, on South County Road 5. The post-mining land use (PMLU) is recreation. The permittee, McAtee Construction Company (McAtee), never mined the southwest portion of the permit area, which is a 13.9-acre parcel owned by Ascent Colorado Building Corporation (Ascent). Because it was not mined, the PMLU is not applicable, and a school has been built on this property. Please see the map below, included with this report. On the map, the yellow polygons illustrate the area within the permit boundary for M-1989-056, and the red polygon is the boundary of the Ascent property. Note that there is a narrow strip of land south of the Ascent property; this strip of land is within the permit boundary and is an easement to access an irrigation ditch.

McAtee is asking for an acreage reduction of the permit to remove the parcel owned by Ascent. McAtee wishes to keep the strip of land at the south end within the permit. McAtee submitted AR-01 in January 2025. However, there was an error with the acreage amount, so AR-01 was withdrawn, and McAtee submitted AR-02, with the correct acreage for the Ascent parcel. The AR-02 application was received April 7, 2025, and found complete on April 8, 2025.

To satisfy the requirements of the AR process (Rule 4.17.2), Rob Zuber with the Division of Reclamation, Mining and Safety (Division) inspected the site on March 28, 2025. The inspection was performed as part of the AR-01 process, but, given the circumstances, this inspection will be used for the AR-02 process.

The weather was warm and cloudy, and the ground was dry. Jaeden Mayzel, with the Simon Company, was also present, and he represented the permittee.

The Ascent parcel was the focus of this inspection. It was clearly marked in some locations with orange posts and in others places with fences. In areas that were not marked, the use of technology (aerial photography on a cell phone) sufficed to delineate the Ascent parcel from surrounding areas. There was no indication that the Ascent parcel has been mined. Most of the parcel is being used for the school and associated grounds. There is also some undeveloped land on the perimeter of the parcel, on the north and east sides.

There is no indication that the site is causing offsite impacts, and no sign of a weed infestation was seen.

Photographs taken during the inspection are attached.

The Division has not yet made a proposed decision for the AR-02 application (we are awaiting the end of the comment period). If the proposed decision is to approve the application, the Division must wait 30 days for the appeal period to end before the approval will be finalized.

Please contact Rob Zuber with comments or questions at 720-601-2276 or [rob.zuber@state.co.us](mailto:rob.zuber@state.co.us).

**PHOTOGRAPHS**



**North end of Ascent property, looking west**



**East end of Ascent property, looking south**





**Southeast corner of Ascent property (taller fence), ditch access easement, and south end of permit (shorter fence)**



**Irrigation structures (Parshall flume and headgate) near southwest corner of permit area**





**School on Ascent property (Ascent Classical Academy of Northern Colorado), looking northeast**

**Inspection Contact Address**

Rod Havens  
McAtee Construction Company  
6215 Clear Creek Parkway  
Cheyenne, WY 82007

Enclosure

CC: Amy Eschberger, DRMS



