



## 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> 120th Estates Partners	<b>MINE/PROSPECTING ID#:</b> M-2001-085	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Adams
<b>INSPECTION TYPE:</b> Surety Release Inspection	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> June 25, 2025	<b>INSP. TIME:</b> 08:30
<b>OPERATOR:</b> 120 85 LLC	<b>OPERATOR REPRESENTATIVE:</b> Adam Schultejaan	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Surety Release Requested	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$368,590.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> County
<b>INSPECTOR(S):</b> Nikie Gagnon	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> July 22, 2025

**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 #1:** 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:** The Operator shall develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of \$216.00 by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 8/22/25

**INSPECTION TOPIC:** Site Maintenance

**PROBLEM #2:** The operator is storing abandoned equipment, trailers, and trash within the permit area. This is a problem for failure to dispose of refuse in a manner that controls unsightliness or deleterious effects of such refuse pursuant to C.R.S. 34-32.5-116(4)(e)

**CORRECTIVE ACTIONS:** The operator shall submit a written notice to the Division with photo documentation that the abandoned equipment, vehicles and trash have been removed from the mine site by the corrective action date. Additionally, if the landowner intends to keep the building on site for future agriculture use, the operator will need to submit a Technical Revision to revise the Reclamation Plan along with the revision fee of \$216.00 and obtain approval for structures that will remain on site.

**CORRECTIVE ACTION DUE DATE:** 8/22/25

### **OBSERVATIONS**

The 120<sup>th</sup> Estates mine was inspected by Nikie Gagnon with the Division of Reclamation, Mining and Safety (Division). This inspection was completed as part of a partial acreage release request (AR2) submitted on June 3, 2025, in accordance with Rule 4.17.1. Adam Schultejann, representing 12th Estates Partners (Operator), accompanied the Division during the inspection. Jaclyn Gomez, representing Adams County, also attended the inspection. The 120th Estates mine is permitted for 51.10 acres. The Operator requests a release of 9.6 acres, in six separate segments on adjacent properties. The release areas are owned by PDC Energy and the Henderson Water Ski Club. The post mining land use for the mine site is agriculture. Notices informing the landowners of the release request were sent by the Division on June 17 and 18th, 2025.

In 2003, the Division approved Amendment 3 which added 5 acres to dredge a portion of an adjacent ski lake, north of the mining area. Additionally, a 0.4 acre crossing of the Fulton Ditch and 2.2 acres of an access road left over from Permit No. M-2002-113, was incorporated into the permit area. Reclamation work was completed years ago in these areas. The ski lake was never mined or dredged, and the operator stated the shores were revegetated and is currently for water storage.

In 2011, the Division approved Amendment 5, which added 2 acres to incorporate two stockpiles that were placed on the adjacent property outside the eastern permit boundary. The temporary stockpiles have been removed, and the area has been reclaimed per the approved reclamation plan. The post mining land use of the adjacent parcel is industrial.

During this inspection, the Division observed native grasses reestablished in the stockpile area, along the former access road, and at the ditch crossing. Annual weeds are interspersed with grass species in the reclaimed area. The vegetation in the release areas is consistent with the surrounding land on the parcel.

**Based on observations made during this inspection, the request for a release of 9.6 acres will be approved leaving 41.50 acres in the permit. Notice of the Division's decision regarding the release request will be sent under a separate cover letter.**

While on site, the Division inspected the main mining area. The land remaining in the permit is owned by the Operator 120<sup>th</sup> 85 LLC. The mined pit was backfilled with inert fill to two or more feet above the historical water table. Backfilling was complete in 2024 and the site is in final reclamation. According to the reclamation plan, the backfilled pit will be capped with clean dirt, seeded with the approved seed mix, and restored to the pre mining condition.

During this inspection, the Division observed the backfilled pit. Topsoil berms surround the mining area, and Mr. Schultejan confirmed the topsoil has not been placed across the site. Annual weeds, primarily kochia, dominate large sections and portions of the site are bare ground. Noxious weeds were observed across the site including, thistle, bindweed, and downy brome (cheatgrass). **As stated in Problem #1 above, the Operator shall develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of \$216.00 by the corrective action date.**

Topsoil was observed in berms around the perimeter of the former mining area. The operator will need to utilize the topsoil and seed the site. An access road was observed, which will remain for future use by the landowner.

A small pond, approximately 0.6 acre, was observed in the northwest corner of the permit area. The Operator has a current Substitute Water Supply Plan to cover the exposed groundwater surface. The approved reclamation plan depicts a shallow channel with gently sloping sides that directs water along the western perimeter to a swale in the northwest corner that will be seeded with a facultative seed mix.

On the south side of the permit area, the Division observed an office/trailer and truck scale on site. Per the approved reclamation plan, the office and scale need to be removed.

On the east side of the mining area, the landowner is storing used equipment, tires, cars and trailers. Additionally, a large canvas building surrounded by Conex boxes was observed. The post mining land use is agriculture. Ms. Gomez with Adams County, and the Division discussed with Mr. Schultejan the requirements to remove all trash, vehicles, and trailers from the mine site. **As stated in Problem #2 above, the operator shall submit a written notice to the Division with photo documentation that the abandoned equipment, tires, trailers, vehicles and trash has been removed from the mine site by the corrective action date.** If the landowner intends to keep the building on site for future agriculture use, the operator will need to submit Technical Revision to the Division to obtain approval for a work area or any structures to remain on site.

While mining/extraction was completed at the site many years ago, the operator continued backfilling the pit with inert fill (as mentioned above) through the end of 2023. Therefore, it is understood that mining activities ceased and the site entered final reclamation in January 2024. **The Division reminds the operator that as required by C.R.S. 34-32.5-116(4)(q)(I) and Rule 3.1.3. reclamation must be completed within five (5) years from the date that mining activities ceased. The expectation is that all required earthwork and initial seeding will be completed with all due diligence (typically 1 year after mining activities cease) and maintenance and weed control will be ongoing while the desired vegetation establishes across the site.**

#### Financial Warranty:

The Division currently holds a financial warranty for the site in the amount of \$368,590.00. The required financial warranty was last assessed by the Division in March 2025 for Technical Revision 8. The Division determined the bond is adequate to complete reclamation of the site.

A subset of the photographs taken during inspection are attached. Please contact Nikie Gagnon (303)866-3567 ext. 8126 or email at [nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us) if you have any questions regarding this report.

## **PHOTOGRAPHS**



Photo 1: Looking north across the revegetated stockpile area on the adjacent parcel.



Photo 2: Grasses observed growing in the area of the former access road on the adjacent parcel.



Photo 3: Looking south across the adjacent parcel in the area of the former access road.



Photo 4: Looking north from the northwest corner of the permit area. The shoreline of the adjacent ski lake, north of the mining area has been reclaimed and the lake is currently used for water storage.



Photo 5: Looking northwest across the backfilled pit. Annual weeds (kochia) observed covering this area.



Photo 6: Small pond in the northwest corner of the permit area.



Photo 7: Noxious weeds observed on the north side of the pond. Red arrows point to thistle and bindweed plants.



Photo 8: Gravel road that will remain in the permit area. Topsoil berms observed around the perimeter of the mined area (red arrows).



Photo 9: Office trailer and scale on the south side of the permit area (red arrows).  
Cheatgrass noted here.



Photo 10: Looking north across a storage area on the east end of the permit area.  
Tires, cars and trash were observed here.



Photo 11: East end of the permit area. Trailers and vehicles stored on site.



Photo 12: Canvas structure observed in a storage area on the east side of the permit area.

### **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>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>PB</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>PB</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN--- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</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

#### **Inspection Contact Address**

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