

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Pit 29 Inspection Report

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>
To: Alex Schatz <aschatz@brannan1.com>

Thu, Jul 24, 2025 at 11:07 AM

Hi Alex,

Please see the attached report from the July 10, 2025 inspection at Pit 29. The report cites one issue (weed management) that needs to be resolved within 30 days. I attached the approved weed management plan to the report. It's a bit out of date for the listed species, but the updated weed list can be found on the County site.

Once you complete weed control around the site, I recommend overseeding the shorelines around the reservoirs this fall. If you let me know when this work is done, I would be happy to revisit the site to consider releasing the reservoirs. While the revegetation in the Phase III area will take a bit longer, the reservoirs just need a little maintenance and they'll be ready for release.

After the inspection, I reviewed the reclamation cost estimate based on the current status of the site. Please disregard my June 16, 2025 email regarding an increase to the warranty required. The site is adequately bonded for reclamation.

Let me know if you have any questions about the report or the corrective action required.

Kind regards,

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Nikie Gagnon
Environmental Protection Specialist



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

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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.

MINE NAME: Pit 29	MINE/PROSPECTING ID#: M-1980-183	MINERAL: Sand and gravel	COUNTY: Adams
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: July 10, 2025	INSP. TIME: 10:00
OPERATOR: Brannan Sand and Gravel Company, L.L.C.	OPERATOR REPRESENTATIVE: Alex Schatz and Steve Kelton	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$592,700.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Nikie Gagnon	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 24, 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 implement the approved weed control plan and submit evidence to the Division that this has been completed. Evidence may be in the form of receipts and/or photographs showing the weed management work has been done across the site.

CORRECTIVE ACTION DUE DATE: 8/25/25

OBSERVATIONS

On Monday, June 27, 2025, the Division of Reclamation, Mining and Safety (Division/DRMS) received a complaint from Adams County stating that the operator of the Pit 29 mine site has not had activity in their northern parcel for nearly a year and half, possibly longer and their stockpiles have not been properly seeded or maintained. Adams County provided photographs to the Division depicting the area of concern. Nikie Gagnon, representing DRMS, contacted Alex Schatz, a representative for the Brannan Sand and Gravel Company (Operator) and shared the complaint from Adams County with him.

On July 10, 2025, Nikie Gagnon met the operator's representatives, Alex Schatz and Steve Kelton, at the site to conduct an inspection. Pit 29 is a 177.67-acre mining site. The approved post mining land use is developed water resources. Mining Areas I and II are currently utilized for water storage. Mining Area III, also known as Parcel D, is an 18-acre area that was added to the permit area under Amendment 1, approved by the Division in October 2005. Parcel D was approved to be a slurry walled water storage reservoir; however, the operator used Area III for dewatering, silt storage, and material stockpiles and never constructed a reservoir. During the inspection, the Division observed a large stockpile, of material on the north end of Area III and a few smaller stockpiles of sand and gravel stored on the south end near the entrance. The large stockpile is irregularly shaped, approximately 8-10 feet tall and 800 feet long along the west side, adjacent to Brighton Rd.

During the inspection, Mr. Schatz informed the Division that the parcel has been sold and the land deal closed the week of this inspection. Mr. Schatz also confirmed that up until the day of this investigation, no activity had occurred in Mining Area III since the end of 2023. The Division reviewed the most recent annual report submitted on January 8, 2025. According to the report, the date of the last activity at the mine (excavation, processing, or hauling) was December 5, 2023.

During the inspection, the Division observed activity in Mining Area III. An excavator was operating on the south end of the large stockpile and loading material into haul trucks. Several haul trucks were observed taking material from the site during the inspection. Mr. Schatz stated that they have a contract with Ames Construction to send material to a nearby E-470 project. Since the parcel was recently sold, Mr. Schatz stated that Brannan plans to remove the stockpiles and complete the reclamation tasks as quickly as possible. Since the site was never mined out for a reservoir, the parcel will be graded to approximate native grade. According to the approved reclamation plan, once the stockpiles have been removed and regrading is complete, 6 inches of topsoil will be placed across the disturbed areas. The site will be drill seeded in accordance with the approved seed mix in Amendment 1, and hay or straw will be crimped in for moisture retention and erosion control.

The Division reminds the Operator that per Rule 3.1.10, in areas where revegetation is part of the Reclamation Plan, land shall be revegetated in such a way as to establish a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer, and is at least equal in extent of cover to the natural vegetation of the surrounding area.

Weed Control

The Division observed state-listed noxious weeds (field bindweed, downy brome (cheatgrass), common mullein and thistle) in Mining Area III, and on the shorelines of the reservoirs. As noted above, 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. The operator shall implement the approved weed control plan for the permit area (enclosed) and provide proof to the Division that this has been done. Proof can be in the form of receipts and photographic evidence of the weed management work being conducted.

Stockpile Maintenance

The complaint from Adams County stated that the stockpiles in Mining Area III have not been properly seeded or maintained. During this inspection, the Division observed the Operator actively removing the northern stockpile, however, the stockpiles on the south end of the parcel haven't changed size since the last DRMS inspection in 2023 and weeds growing in and around them. The Division reminds the Operator that in accordance with Rule 3.1.6(3), if activity ceases at the site, all surface areas of the affected land, including spoil piles, shall be stabilized and protected so as to effectively control wind and water erosion.

Financial Warranty:

The Division currently holds a financial warranty in the amount of \$592,700.00. The financial warranty was reviewed as a part of this inspection and the Division has determined the bond is adequate to complete reclamation tasks in Mining Area III, weed control around the entire permit area, and overseeding around the reservoirs in Mining Areas I and II to establish a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration.

This concludes the Division's Inspection Report; a subset of photographs taken during the time of the inspection are included below. If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303866-3567 x8126, or by email at nikie.gagnon@state.co.us.

PHOTOGRAPHS



Photo 1: Looking south across Mining Area III. Haul trucks entering site.



Photo 2: Excavator working at the south end of the large stockpile in Mining Area III.



Photo 5: Looking south from the north end of the stockpile. Trees growing in a low spot between the stockpile and the topsoil berm that runs along the eastern perimeter of the permit area.



Photo 6: Looking north at a low spot on the eastern side of the large stockpile in Mining Area III. Topsoil berm was observed in a berm on the right (red arrow).



Photo 7: Looking north at the northeast corner of Mining Area III. Thistle and bindweed plants observed here.



Photo 8: Looking south along the top of the stockpile in Mining Area III. Bindweed plants observed along the sides and top of the pile.



Photo 9: Looking south down the west side of the stockpile. Brighton Rd is on the right (red arrow).



Photo 10: Looking at the western side of the large stockpile in Mining Area III from Brighton Road. The stockpile is approximately 8-10 feet above the road grade.



Photo 11: Common mullein observed around the small stockpiles on the south end of the mining area.



Photo 12: Stockpiles of mined material on the south end of the Mining Area III. Weeds observed around the stockpiles here.



Photo 13: Stockpile of sand in the southeast corner of Mining Area III. Downy brome (cheatgrass) and mullein observed around the pile.



Photo 14: Standing at the entrance to the site. Multiple haul trucks entering the site during the inspection.



Photo 15: Cheatgrass observed along the shoreline of the north reservoir. Photo taken from outside the fence.

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>Y</u>	(RD) ROADS----- <u>N</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>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</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>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

Inspection Contact Address

Alex Schatz
Brannan Sand and Gravel Company, L.L.C.
2500 East Brannan Way
Denver, CO 80229

Enclosure: Noxious Weed Management Plan from Amendment 1

CC: Jared Ebert, Senior EPS, DRMS

NOXIOUS WEED MANAGEMENT PLAN

Brannan Sand and Gravel Pit #29

Introduction

The Adams County Weed Management Program was established by the Commissioners in 1997 under the auspicious of the Colorado Noxious Weed Act (C.R.S 35-5.5). The following plants were designated noxious weeds on subject lands under the Act by the Board of County Commissioners (BOCC). They must be managed where found on any subject lands. The BOCC retain the authority to designate additional noxious weeds under the Act.

1. Leafy spurge (*Euphorbia esula*)
2. Diffuse knapweed (*Centaurea diffusa*)
3. Russian knapweed (*Acroptilon repens*)
4. Spotted knapweed (*Centaurea maculosa*)
5. Purple loosestrife (*Lythrum salicaria*)
6. Saltcedar (*Tamarix ramosissima*)
7. Dalmatian toadflax (*Linaria dalmatica*)
8. Yellow toadflax (*Linaria vulgaris*)
9. Musk thistle (*Carduus nutans*)
10. Scotch thistle (*Onopordum acanthium*)
11. Canada thistle (*Cirsium arvense*)
12. Field bindweed (*Convolvulus arvensis*)

Integrated weed management includes the coordinated use of education, prevention, good stewardship, and control methods, the purpose of which is to achieve desirable plant communities.

Definitions

Control methods include cultural, mechanical, biological and chemical.

Cultural controls seek to control weed problems by establishing desired plant species. Cultural techniques manipulate the plant community through cultivating (cutting through and turning over the soil), re-seeding, fertilizing and irrigating. There are many native grasses and forbs that are low maintenance and provide solid competition for noxious weeds once they become established.

Mechanical techniques like mowing, chopping, tilling, hand pulling, digging, or burning can physically disrupt plant growth.

Biological weed management utilizes insects to aid in the control of select noxious weed infestations. When used in an Integrated Weed Management

Program, these insects are very effective. Effects may not be seen as quickly as compared to other methods, but their long-term influence has proven to be highly beneficial in the fight against noxious weeds.

Chemical control with herbicides kills or control targeted plants. They can be safe and effective when used properly.

Implementation

As recommended by the NRCS, Brannan will seed stockpiled topsoil to help prevent noxious weed growth. Topsoil used within 5 years will be seeded with temporary cover such as Luna Pubescent Wheatgrass or Intermediate Wheatgrass. Topsoil stockpiled for more than 5 years will be seeded with one or more of the species shown in Table A. Standard management practices will be utilized to maintain the vegetation.

Table A

<i>Common Name</i>	<i>100% PLS/Acre</i>	<i>% in Mix</i>	<i>Total LBS of PLS needed per acre</i>
Sand Bluestem	16.0	15	2.4
Sideoats grama	9.0	14	1.3
Prairie sandreed	7.0	15	1.1
Blue grama	3.0	8	0.2
Switchgrass	5.0	14	0.7
Western wheatgrass	16.0	15	2.4
Purple prairie clover	6.0	5	0.3
Fourwing satbrush	1.0	5	0.1
Winterfat	1.0	5	0.1
Prairie coneflower	6.0	2	0.1
Scarlet globemallow	6.0	2	0.1
	Total	100%	8.8
Note: If seed is broadcast, recommended rate should be doubled.			

Management of the native vegetation and the vegetation on the stockpiled topsoil will include one or more of the standard techniques: cultural, mechanical, biological and chemical. Care will be taken to not introduce chemicals into the water of the pit.

During reclamation and post-reclamation no herbicides will be utilized since the reservoir will be used as a public water source. Weeds in the re-vegetated areas will be controlled by mowing until grasses are established, approximately the first four years after planting. Post reclamation management will be in compliance with the Adams County Weed Management Program.