



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 4, 2016

Andrew Harley
1151 Evergreen Parkway
Evergreen, Colorado 80439

Re: Ascension Soil Site, Reference No. M-2016-007, Division Response to "Is It Mining?" Questionnaire, Permit Required

Dear Mr. Harley:

On January 26, 2016 the Division of Reclamation, Mining, and Safety (Division) received information for an "Is It Mining" questionnaire regarding a project in San Miguel County, Colorado. Per our brief phone conversation and the responses to the questionnaire the Division's opinion is that a 112 hard rock permit will be required. The primary basis for this opinion is the extraction of gold and silver using reagents and a reactor from shale as described on 10 acres. Please use the reference number M-2016-007 regarding any correspondence or submittals for this site.

Based on the project description please be advised that a 110(2) permit would be required if the acreage was 9.9 acres or less. A 110(1) also might be appropriate if a pilot project is anticipated that would disturb 5 acres or less. The 110(1) permit could be converted to a 110(2) or a 112 after 2 years if the project were to move forward. Further evaluation of the reagents used in the hydrometallurgy reactor may be warranted to determine if a Designated Mining Operation (DMO) status is warranted which will occur upon submittal of an application. You can find the appropriate Act, Rules, and permit applications at the following links: <http://mining.state.co.us/Forms/Pages/Minerals.aspx>, and <http://mining.state.co.us/Rules/Pages/home.aspx>

Preliminary discussions with the Bureau of Land Management indicate that this project may require a 3809 Plan of Operations. Also there appears to be questions regarding the metal extraction which is a locatable mineral versus the humic which would be a saleable mineral. Please contact James Blair in the Dos Rios BLM Field Office to discuss Federal regulations and requirements.



This opinion is being offered based on the information provided in your response. Should the proposed project change please feel free to contact the Division for additional review. The Mined Land Reclamation Board (Board) has requested that the Division make determinations as to the need for a Mined Land Reclamation Permit. If you have any concerns or disagree with this decision, you may petition to appear before the Board during a formal public hearing for a Declaratory Order concerning this matter. Pursuant Rule 2.5.2 (1): the request must be submitted to the Board in writing and be received no later than 10 days prior to the hearing. The written request must contain the information required pursuant Rule 2.5.2 (2). (Rule 2.5 Enclosed) The next available Board hearing will be held on February 24, 2016. Therefore any request for a hearing must be received by February 12, 2016. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203. Please be advised the Division will oppose a Declaratory Order request for this operation based on the above stated reasons and other facts it will bring forth in testimony before the Board if necessary.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, by telephone at 970.241.1117, or by e-mail at russ.means@state.co.us.

Sincerely,



G. Russell Means
Senior Environmental Protection Specialist
West Slope Field Office Supervisor

Cc: Tony Waldron, Minerals Program Supervisor
Lucas West, EPS Division Field Office
James Blair, BLM Delores Field Office

