



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 25, 2016

Christian Buehler
4221 Owens Street
Wheat Ridge, CO 80033

RE: DRMS File No. M-2016-016, Need for State Reclamation Permit: "Is It Mining?"

Dear Mr. Buehler:

Thank you for inquiring about the need for a mining reclamation permit. Under the Mined Land Reclamation Act, the Mined Land Reclamation Board and the Division of Reclamation, Mining and Safety's (Division) Minerals Program issues and enforces mining and reclamation permits for all non-coal mines in Colorado on state, federal, and private lands. The Minerals Program operates under two Acts, the Colorado Mined Land Reclamation Act and the Colorado Land Reclamation Act for the Extraction of Construction Materials. Currently the Division does not regulate gold panning and other hobby prospecting activities that disturb less than 1,600 square feet within the state of Colorado. To determine if you need a permit for your proposed activity, first check Rule 1.2 which describes activities the Board has determined do not require state reclamation permits. If you find a match, you can proceed based on your interpretation of the rule, but at your own risk. If you are uncertain how the Rule may apply to your activity, you should answer the list of questions on the enclosed form with as much detail as possible. Please feel free to use additional paper, maps, and attachments to explain your project. Please send the completed questionnaire to the Division for review.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at Tyler.ODonnell@state.co.us.

Sincerely,

Tyler O'Donnell
Environmental Protection Specialist

Enclosure: Is It Mining questionnaire
Information regarding the use of Suction Dredges in Colorado
Minerals Informational Brochure

cc: Tony Waldron, DRMS
Wally Erickson, DRMS





COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Date: _____

RE: DRMS File No. M-2016-016, Need for State Reclamation Permit: "Is It Mining?"

Name: _____

Mailing Address: _____ City: _____ State: _____ Zip Code: _____

Telephone: (____)____-____ Cell: (____)____-____

Email: _____

Enclosed are pertinent sections of the Colorado Mined Land Reclamation Board (Board) Rules governing activities that do not require a reclamation permit. To determine if you need a permit for your proposed activity, first check Rule 1.2 which describes activities the Board has determined do not require state reclamation permits. If you find a match, you can proceed based on your interpretation of the rule, but at your own risk. If you are uncertain how the Rule may apply to your activity, you should answer the list of questions below with as much detail as possible. Please feel free to use additional paper, maps, and attachments to explain your project.

Please include in your determination request answers to the following questions:

1. Please provide the legal location of the proposed project and submit a site map that clearly delineates the location of the proposed extraction site and the location of the nearest city, town, and county location name.
Section____;Township____;Range____;PM____County____
Or NAD27 GPS X UTM____Y UTM____
Direction and miles to nearest town/city_____
2. Is the site of material extraction on public or privately owned property?
3. What type(s) of material or metal is/are proposed to be extracted and describe the physical nature of the site i.e., river terrace, rocky knob, in-stream gravel deposit, etc.?
4. What processing or extraction method(s) will be used on site? Include any equipment or chemical(s) that will be used in the processing and extraction of the materials.
5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?
6. How will the extracted material be used on site?
7. If the material is hauled offsite, where will it be hauled to and what is the intended use?



8. What is the approximate areal extent of the proposed extraction in acres?
9. To what approximate depth will the extraction extend?
10. In cubic yards, approximately how much material will be removed?
11. Will material extraction involve the use of explosives?
12. Will site of extraction result in the exposure of tributary ground water?
13. Will either the landowner or the mine site operator receive any type of compensation, i.e., monetary, in-kind, haulage fees, etc., from the proposed material extraction?
14. Please supply a copy of any documents that will ensure that the area of extraction will be reclaimed to some beneficial land use once extraction activities have been completed.
15. Do you have permits for this activity from any other governmental agencies such as building, construction, or grading permits, and if so, what are they?
16. Are there state/federal/local agency participants in terms of funding (yes)-(no), design (yes)-(no). What are the percentages?
17. What *post mining* uses will be made of the site of extraction and why?
(This question helps us determine the intent of the activity)
18. What types and sizes of equipment will be used in the extraction?

Please send the completed questionnaire to the Division at the address above for review. The Board has directed the Division to make a decision based on the information you have supplied. We trust that the activities will be performed as represented. If we receive a complaint, we are required by law to conduct an inspection of the site. Which could result in a violation, a cease and desist order, and other corrective actions including submittal of a permit application.

If you have any question, please contact Wally Erickson for Eastern Colorado sites at (303)866-3567, ext. 8176, or Russ Means for Western Colorado sites at (303)866-3567, ext. 8185. If you are unsure which area your project lies please feel free to contact either for further guidance and assistance. Please feel free to visit our web site at: www.mining.state.co.us for further access to the full Act and Rules governing extraction of metals, non-metals, and construction materials in the State of Colorado.

Sincerely,

Division of Reclamation, Mining and Safety Staff

Enclosure: Rule 1.2.1 for both Hard Rock Metal Mines and Construction Materials

1.2 SCOPE OF RULES AND ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT

1.2.1 Specified by Rule

The Board has determined that certain types of activities do not need reclamation permits either because the excavated substance is not a mineral as defined in Section 34-32-103(7), Colorado Revised Statutes 1984, as amended or because the activity is not a mining operation as defined by Section 34-32-103(8), C.R.S. 1984, as amended. Such activities include the following:

- (a) the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe;
- (b) the development or extraction of coal (refer to the Colorado Surface Coal Mining Reclamation Act Section 34-33-101, et seq., C.R.S. 1984, as amended);
- (c) smelting, refining, cleaning, preparation, transportation, and other off site operations not conducted on affected land;
- (d)
- (e) a custom mill.

1.2 ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT

103(3) and (13)

1.2.1 Specified by Rule

The Board has determined that certain types of activities do not need reclamation permits either because the excavated substance is not a construction material as defined in Section 34-32.5-103(3), Colorado Revised Statutes 1984, as amended or because the activity is not a mining operation as defined by Section 34-32.5-103(13), C.R.S. 1984, as amended. Such activities include the following:

- (a) the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe;
- (b) the development or extraction of coal (refer to the Colorado Surface Coal Mining Reclamation Act Section 34-33-101, et seq., C.R.S. 1984, as amended);
- (c) cleaning, preparation, transportation, and other off-site operations not conducted on permitted land; and
- (d) the extraction of geothermal or groundwater resources.

1.2.2 Reserved

1.2.3 Reserved

1.2.4 Extraction or Exploration on Federal Lands

Any person who intends to extract or explore for construction materials on federal lands shall apply for a Mined Land Reclamation Board permit or submit a Notice of Intent to conduct exploration operations unless specifically exempted by the Board according to the provisions of this Subsection 1.2.

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



INFORMATION REGARDING THE USE OF SUCTION DREDGES IN COLORADO

April 8, 2010

This documents presents some general information regarding prospecting prepared by the Division of Reclamation, Mining and Safety (DRMS) and by the Bureau of Land Management. This document addresses the use of suction dredges specifically.

The DRMS regulates mining and prospecting operations in the State of Colorado under the authority of the Colorado Mined Land Reclamation Act and the Mineral Rules and Regulations of the Mined Land Reclamation Board. Copies of the Act and Regulations are available from the DRMS for \$5.00 (if picked up at the Division) and \$8.00 (if mailed). If you plan to do any prospecting in Colorado it is advisable to obtain these documents as well as a "Notice of Intent to Conduct Prospecting" form. Mail your request, asking specifically for these documents, and a check for the appropriate amount to the letterhead address.

Of particular interest to recreational prospectors is the exclusion in the definition of the term prospecting contained in C.R.S. 34-32-103 that allows disturbance of 1600 square feet or less of the land's surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over twenty-four consecutive months. If your dredging operation fits within this criterion, you do not have to file a Notice of Intent to Conduct Prospecting with the Division of Minerals and Geology. **IF YOUR OPERATION WILL DISTURB ANY SINGLE BLOCK OF LAND THAT IS MORE THAN 1600 SQUARE FEET, OR IF YOU WILL CREATE MULTIPLE DISTURBANCES THAT EXCEED 3200 SQUARE FEET WITHIN ONE ACRE, OR IF YOU WILL DISTURB MORE THAN FIVE ACRES OF LAND WITHIN 24 MONTHS, YOU MUST FILE A NOTICE OF INTENT.** Please note that land surface includes land that is under water, such as stream beds.

As the foregoing discussion indicates, the DRMS does not, at this time, regulate dredging operations on the basis of the size of the dredge, but rather on the areal extent of the disturbance. There are other agencies that may have regulatory authority over dredging operations within Colorado that may use dredge size as a criterion.

Even if you are not required to file a Notice of Intent for your dredging operation, there are a number of other agencies that may regulate such an operation. These would include:

1. Colorado Division of Water Resources (State Engineer) with regard to the administration of water rights if the operation makes a consumptive use of water.
2. Colorado Department of Health, Water Quality Control Division with regard to the discharge of pollutants into the waters of the state.

3. EPA Region VIII Water Quality Enforcement Branch regarding a General Permit for Portable Suction Dredges.
4. U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands.
5. U.S. Army Corps of Engineers regarding a Dredge and Fill (404) Permit.
6. The County Planning Department for the county or counties in which your proposed operation is located.
7. The Colorado Division of Wildlife and the U.S. Fish and Wildlife Service to assess impacts to fisheries and other wildlife.

The DRMS would like to remind anyone that is anticipating doing any prospecting to respect property rights, and be aware of private in-holdings within public lands. Also, prospectors should take particular note of the following citations from the Mineral Rules and Regulations of the Mined Land Reclamation Board:

Rule 5.3.1: "The prospecting operations described in this notice will be conducted in such a manner as to minimize surface disturbances".

Rule 5.3.1(1): "Precautions to be taken include confinement of operations to areas near existing roads and trails were practicable".

Rule 5.3.2: "The prospecting operation shall be conducted as to minimize adverse affects upon wildlife".

Mined Land Reclamation Board



MLRB is a multi-interest citizen board which establishes and enforces the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety. The Board was created in 1976 by the Colorado General Assembly. Members are appointed by the Governor and confirmed by the legislature, serving terms of 4 years. The composition of the Board is established by the Colorado Mined Land Reclamation Act.

MLRB Duties and Activities

In the Minerals Program, the Board implements the Colorado Mined Land Reclamation Act and is actively involved in the decision-making process for controversial permit issuance and enforcement actions. The Board:

- Approves or denies permits and permit modifications when there have been public objections.
- Issues violations
- Sets civil penalties
- Sets program policy and promulgates rules
- Revokes permits and forfeits bonds

Rules and Regulations

The Colorado Mined Land Reclamation Act and the Colorado Land Reclamation Act for the Extraction of Construction Materials can be viewed on the Divisions website at www.mining.state.co.us.

C.R.S. § 34-32.5-101 Colorado Land Reclamation Act for the Extraction of Construction Materials

C.R.S. § 34-32-101 Hard Rock, Metal, And Designated Mining Operations

DRMS -- Mission:

To protect the public, miners and the environment during current mining operations, restore abandoned mines, and to ensure that all mined land is reclaimed to beneficial use.

DRMS -- Vision:

The Division is committed to balance the need for mineral resource production with protection of the public, environment, and Colorado's natural resources.



DRMS Office Locations

DENVER OFFICE

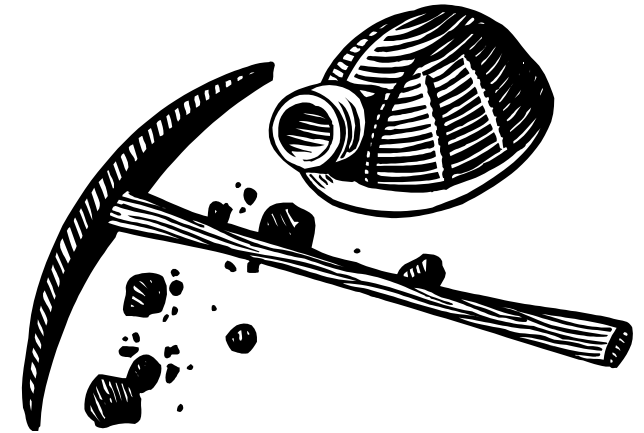
1313 Sherman Street, Room 215
Denver, CO 80203
Main #: 303-866-3567
Fax #: 303-832-8106

GRAND JUNCTION FIELD OFFICE

101 South 3rd, Suite 301
Grand Junction, CO 81501
Phone: 970-241-1117
Fax: 970-241-1516

www.mining.state.co.us

Mine Permitting Requirements for the State of Colorado



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

DRMS

Phone #: 303-866-3567

www.mining.state.co.us



Mined Land Reclamation Act

Under the Mined Land Reclamation Act, the Mined Land Reclamation Board and the DRMS Minerals Program issue and enforce mining and reclamation permits for all non-coal mines in Colorado on state, federal, and private lands. The Minerals program operates under two Acts, the Colorado Mined Land Reclamation Act and the Colorado Land Reclamation Act for the Extraction of Construction Materials.

Mining is defined as the development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to, open mining, in situ mining, in situ leach mining, surface operations and the disposal of refuse from underground mining, in situ mining, and in situ leach mining. The term also includes the following operations on affected lands: transportation; concentrating; milling; evaporation; and other processing.

Rule 1.2.4 in both the Construction Materials and Hardrock Rules require a State Reclamation permit on Federal Lands.

Is it Mining?

The Division has a questionnaire available on its website to help interested parties determine if an activity requires a Reclamation Permit. Please contact the Division for more information at 303-866-3567 or our website www.mining.state.co.us

Please contact the Division of Reclamation Mining and Safety prior to engaging in any mining operation within the state of Colorado

Permit Types

Minerals Program/Limited Impact Operations

A 110 Limited Impact Permit denotes an operation limited in size of acreage (less than 5 acres for a 110(1) and less than 10 acres for a 110(2)) that can be disturbed, and for hard rock operations, the tons of material that can be mined on a yearly basis. It also requires that the material being mined and disturbed is not toxic or acid producing. Several types of limited impact permits are issued.

Mineral Program/112 Regular Mining Operations

A 112 Regular Permit is a permit issued for operations disturbing more than 10 acres, and for hard rock operations mining more than 70,000 tons per year. Award of a 112 permit requires that the material being mined is not toxic or acid producing. It gets its title from section 34-32-112 of the Mined Land Reclamation Act.

Minerals Program/Designated Mining Operations

The category of Designated Mining Operations deals with permits issued to operations considered to be of higher environmental risk than 110 Limited Impact Permits or 112 Regular Permits. They generally mine and disturb materials that are toxic or acid-



producing, and/or include toxic chemicals in on-site processing. Permitting and bonding requirements are more rigorous. There are several types of Designated Mining Operations – 110d, 112d-1, 112d-2, and 112d-3 – based on size of disturbance and amount of material mined in any one year.

Prospecting and Exploration (NOI)

Prospecting and exploration are terms used interchangeably in DRMS regulation, referring to the activity of searching for, discovering, and characterizing mineral deposits. Notice of Intent to Conduct Prospecting permits (NOI) are treated on a case-by-case basis. Reclamation plans and bonding are required for prospecting permits. A prospecting permit does not grant legal right of entry. The permit allows the operator to conduct prospecting within the rules and regulations of DRMS. **Other permits and right of entry may be required before prospecting can commence.**

Memorandums of Understanding

The Division also has memorandums of understanding with the following state and federal agencies:

- U.S. Forest Service
- U.S. Bureau of Land Management
- Colorado Department of Public Health and Environment
- Colorado Division of Water Resources
- Colorado State Soil Conservation Board