



## TELLER COUNTY COMMUNITY DEVELOPMENT SERVICES

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April 25, 2017

The Teller County Community Development Services Department (Department) received a Notice of Filing Application for a Colorado Mined Land Reclamation Permit for Hard Rock/Metal Mines Limited Impact (110) Operations 'Notice to the Board of County Commissioners' on March 13, 2017 filed by Mr. Russell L. Painter, Applicant/Operator.

Teller County was informed by the USFS that Mr. Painter and his family have been mining on these claims since at least 1993. Teller County Conditional Use permits for private mining were not in existence at this time nor was the current (2008-present) required Special Use Permit for Mining in existence in 1993. As such, Teller County considers this activity, if approved by the Department of Reclamation and Mining Safety and the United States Forest Service, to be a pre-existing and non-conforming use pursuant to current Teller County Land Use Regulations.

Teller County recognizes that State and Federal agencies have programs in place to permit, inspect, and enforce requirements at mining operations to assure protection of the environmental resources associated with such mining operations. It is the intent of Teller County to assure that the local land use planning and zoning requirements are addressed without unnecessary duplication of, or in contradiction with, the pertinent State and Federal requirements. Teller County reserves the right to assume the functions of these external agencies involved with mineral extraction, including bonding for reclamation, if such agencies are eliminated or their operations curtailed, and proper enabling legislation exists or has occurred.

Therefore, Teller County **acknowledges** Mr. Painter's activities as pre-existing and non-conforming, having been approved by State and Federal agencies charged with mining oversight, prior to current Teller county permitting processes and procedures being in place for private mining subject to the following conditions:

This **ACKNOWLEDGEMENT** conforms to the approved and current USDA Plan of Operations for Mining Activities on National Forest System Lands dated January 11, 2017, to include through the expected date of all required reclamation of November 1, 2023, of the current and listed seven unpatented mining claims **only**, MC#'s 250752, 250763, 250764, 250754, 250765, 250755, and 250766 in lease areas within the Pike National Forest in Teller County, Sections 11 & 12, Township 12S, Range 71 West. in the Agricultural (A-1) zone district. Satisfactory provisions and arrangements have been made concerning the criteria for acknowledgement subject to the following **CONDITIONS OF APPROVAL:**

- A. **Change in Mining Circumstances** This **acknowledgement** by Teller County is solely based on the pre-existing and non-conforming use of the current and listed claims by Mr. Russell Painter and the current **approval** by the State of Colorado (DRMS) and through the USDA USFS Plan of Operations for Mining Activities on National Forest System Lands application. Any subsequent or proposed substantive change **will require and initiate the requirement for a Teller County Special Use Permit (SUP-Mining)**. Substantive change include, but are not limited to, any proposed expansion, additional claims,

or revision or exchange of lands to be mined or reclaimed or other substantive changes to existing approved Federal and State plans, to include the reclamation plan, extension of mining into areas not previously approved for mining, extension of leaching areas, substantive increase in heights above previous approvals, or expansion of overburden storage areas, **shall be** subject to separate review by Teller County and will require a Special Use Permit for Mining which requires approval by the Teller County Board of County Commissioners. This includes any significant material change in the type and number of equipment and vehicles used in the current operation and as listed in USFS Plan of Operations.

- B. Licenses/Permits/Authorizations.** At all times during occupancy of site and operation of the mining use, the Applicant shall obtain, have, maintain, be subject to and comply with all local, state and federal terms, requirements, conditions, codes, ordinances, regulations, permits, licenses and/or other authorizations pertaining to the use and supporting facilities and infrastructure, as they may be amended or replaced from time to time, including but not limited to:
- 1) A copy of this **acknowledgement letter** from Teller County.
  - 4) Submission to the Planning Department annually a copy of the annual report and map required by the State of Colorado Division of Reclamation, Mining, and Safety (DRMS) and any updated USFS Plan of Operation submitted.

**D. Representations.** Unless otherwise modified by these conditions, all material representations made by Mr. Russell Painter to the Teller County Planning Department, to include providing copies of permits from the DRMS and the USDA Forest Service which are on file with the Teller County Planning Department, shall be considered binding.

  
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Ms. Lynda Morgan  
Community Development Services Director.

4-25-2017  
Date