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CERTIFIED MAIL – RETURN

RECEIPT REQUESTED

NUMBER: 7016 0910 0002 0319 7932

Levi Kessler
Owner
3625 Catalpa Drive
Colorado Springs, CO 80907

Dear Mr. Kessler,

Mining claims on the South Platte Ranger District of the Pike National Forest are sometimes located in areas of considerable travel management issues, recreational use, and patch work ownership of federal and non-federal lands; all of which may affect proposed mining activities. The purpose of this letter is to discuss the process for administering mining claims on National Forest lands.

Before an individual can engage in any mining activities that may cause significant surface disturbance including, but not limited to, mechanized exploration, mining, residency or site occupation, or travel across non-Forest Service system roads and trails, the individual must file a Mining Plan of Operations (MPO) or Notice of Intent (NOI) with the local land management agency. Exploration and mining activities on Forest Service lands in Douglas County are administered by the South Platte Ranger District, Pike National Forest of the U.S. Department of Agriculture. A letter explaining your proposed mining activities, along with a map showing proposed access to the claims and location of planned mining activities, is required as a notice of intent to initiate the review process (example enclosed).

The Forest Service then reviews your intended activities to determine if there is a potential to cause surface disturbances and if the activities are in compliance with Forest Service laws, regulations, and the forest management plan of the area, as well as an assessment of potential impacts to adjacent lands in which the claims are located. If there is a chance that there may be significant ground disturbance, use of non-system forest roads, occupancy of structures, or potential trespass concerns, then you will be required to submit a more detailed MPO. Significant surface disturbing activities may require a bond to ensure that reclamation will occur on the site once the mineral development is completed. The amount of the bond is calculated at the time the MPO is reviewed, and activities at the mine site cannot begin until the bond is collected and the MPO is approved in writing by the Forest Service.

You may not construct permanent structures, mobile structures, store equipment or vehicles, or use unauthorized roads or trails without my prior approval. Intermittent or casual mineral exploration and development do not normally justify the use of such structures or travel off designated routes or any rights to camping or occupancy of National Forest lands beyond the time period allowed for the general public.



The 1872 Mining Law, *as amended*, entitles claimants to possession of the claim for mining purposes. The 1955 Multiple – Use Mining Act, provides that mining claims located subsequent to the act shall not be used, prior to patent, for purposes other than prospecting, mining, or processing and uses reasonably incident thereto. According to the BLM LR2000 records, your Kessler Inc. unpatented claim was located on June 27, 2017. This means that your claim falls under the post – 1955 regulations. Specifically, you have a right to occupancy and use of the surface as deemed necessary for prospecting, mining, and processing, but not the exclusive right to the surface resources. However, this right may require authorization for the activities.

The Federal Government maintains the right to manage the surface and surface resources on mining claims located under the General Mining Law on National Forest System lands. This includes the management of an extensive network of abandoned mines, historic features, authorized and unauthorized roads and trails, heavy year-round recreation use and a complicated landownership pattern, with many boundary lines unmarked.

Having a mining claim does not give you a right to access on non-federal lands that may need to be crossed to access a claim on the National Forest. Right of access must be legally obtained by the individual wanting access from the private property owners. In addition, the right of access to a mining claim or site across Federal lands does not mean that you have a right to cause significant disturbance or unnecessary or undue degradation of the surface resources. You are liable for damages if found responsible for unnecessary loss of or injury to property of the United States. All motorized travel is restricted to roads on the Motor Vehicle Use Map, unless an approved MPO is on file with the Forest Service.

Any mining activities on federal lands are also subject to local and state laws, rules, and regulations dealing with mining. The State of Colorado, Division of Reclamation and Mine Safety (DRMS), administers mining activities in Douglas County. You should be familiar with the State's requirements before submitting a NOI or MPO with the Forest Service. Information that explains the State's requirements for mining claims is found on their website at <http://mining.state.co.us/>.

I hope the information above will help in developing your plans for mining in Douglas County. Additional information regarding claim filings can be downloaded here: http://fsweb.wo.fs.fed.us/mgm/2015_UnpatentedMiningClaims1.pdf. For additional information regarding mining on the Pike National Forest, please visit our website: <https://www.fs.usda.gov/detail/psicc/home/?cid=FSEPRD488846>.

If you have any comments or concerns on the matters discussed above, please contact Geologist Amy Titterington at 719-836-2031 or email her at amyjtitterington@fs.fed.us.

Sincerely,



BRIAN BANKS
District Ranger

Cc: peter.hays@state.co.us