



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

Date: \_\_\_\_\_

RE: Need for State Reclamation Permit: "Is It Mining?"

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Mobile: ( ) \_\_\_\_\_

Email Address: \_\_\_\_\_

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 you 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 \_\_\_\_\_

Or NAD 27 GPS X UTM \_\_\_\_\_ Y UTM \_\_\_\_\_

Direction and Miles to  
nearest town/city: \_\_\_\_\_ County: \_\_\_\_\_

2. Is the site of material extraction on public or privately owned property?

Public ☐ Private ☐



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.?

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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.

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5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?

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6. How will the extracted material be used on site?

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7. If the material is hauled offsite, where will it be hauled to and what is the intended use?

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8. What is the approximate areal extent of the proposed extraction in acres?

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9. To what approximate depth will the extraction extend?

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10. In cubic yards, approximately how much material will be removed:

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11. Will material extraction involve the use of explosives?

Yes ☐ No ☐

12. Will site of extraction result in the exposure of tributary ground water?

Yes ☐ No ☐

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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?

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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?

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16. Are there state/federal/local agency participants in terms of funding (yes)-(no), design (yes)-(no).

Funding? Yes ☐ No ☐

Design? Yes ☐ No ☐

What are the percentages?

State \_\_\_\_\_

Federal \_\_\_\_\_

Local Agency \_\_\_\_\_

17. What post mining land uses will be made of the extraction and why? (This question helps us determine the intent of the activity.)

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18. What types and sizes of equipment will be used in the extraction?

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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 questions, please contact the Division at (303)866-3567. Please feel free to visit our web site at: [www.mining.state.co.us](http://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 for both Hard Rock Metal Mines and Construction Materials

# **Hard Rock/Metal Mining Rule 1**

## **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) the extraction of geothermal or groundwater resources; and
- (e) a custom mill.

### **1.2.2 Reserved**

### **1.2.3 Effect of Regulations**

Nothing in these rules shall supplant, alter, impair or negate the regulatory authority of the Colorado Department of Public Health and Environment in relation to mining operations, nor shall these rules supplant, alter, impair, or negate the authority of other state and federal agencies in relations to mining operations.

### **1.2.4 Extraction or Prospecting on Federal Lands**

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

# **Construction Materials Rule 1**

## **1.2 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 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.



# CHIMNEY HOLLOW RESERVOIR PROJECT (DAM ID 040248)

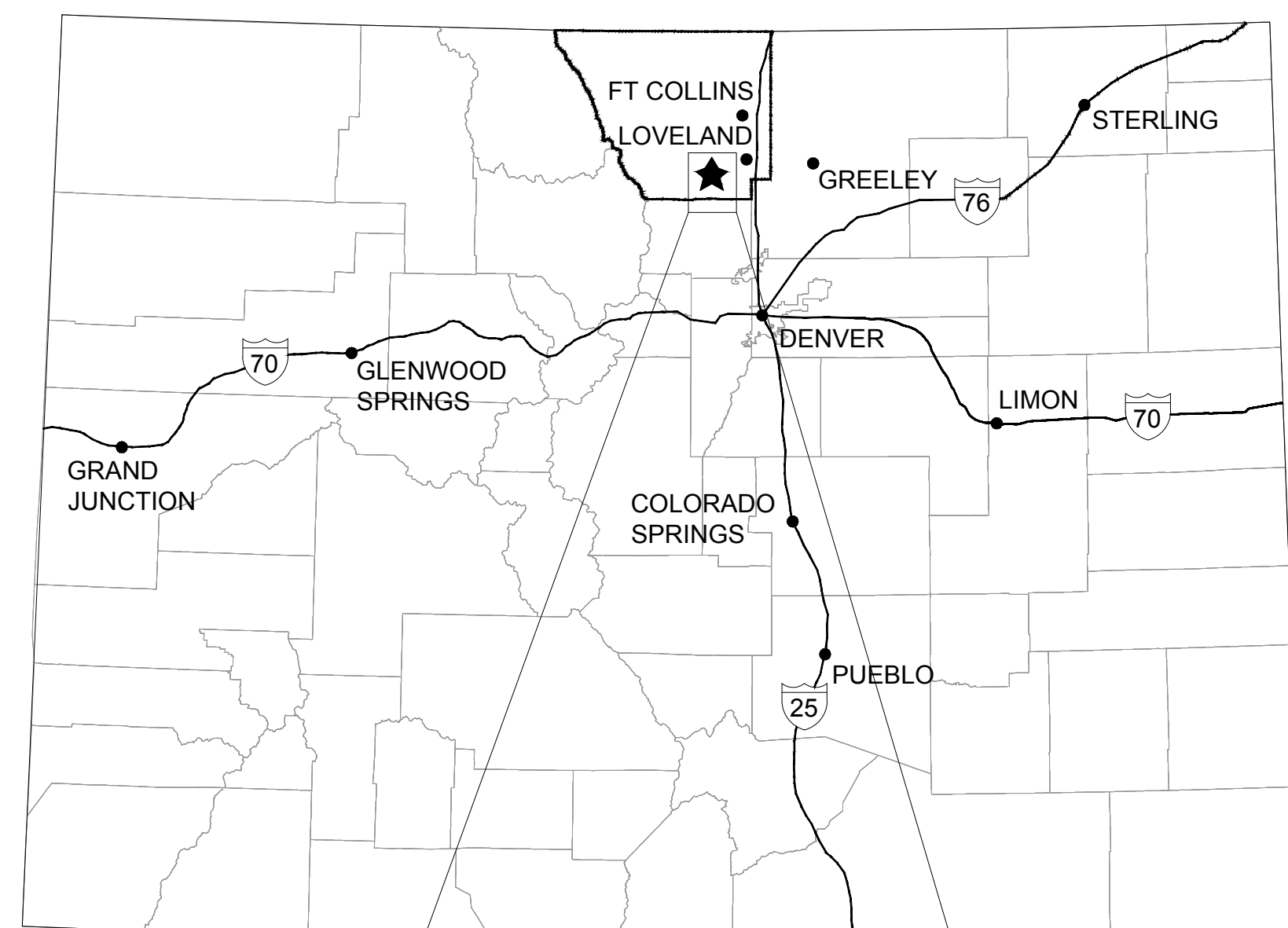
## WATER DIVISION 1, WATER DISTRICT 4

## LARIMER COUNTY, COLORADO

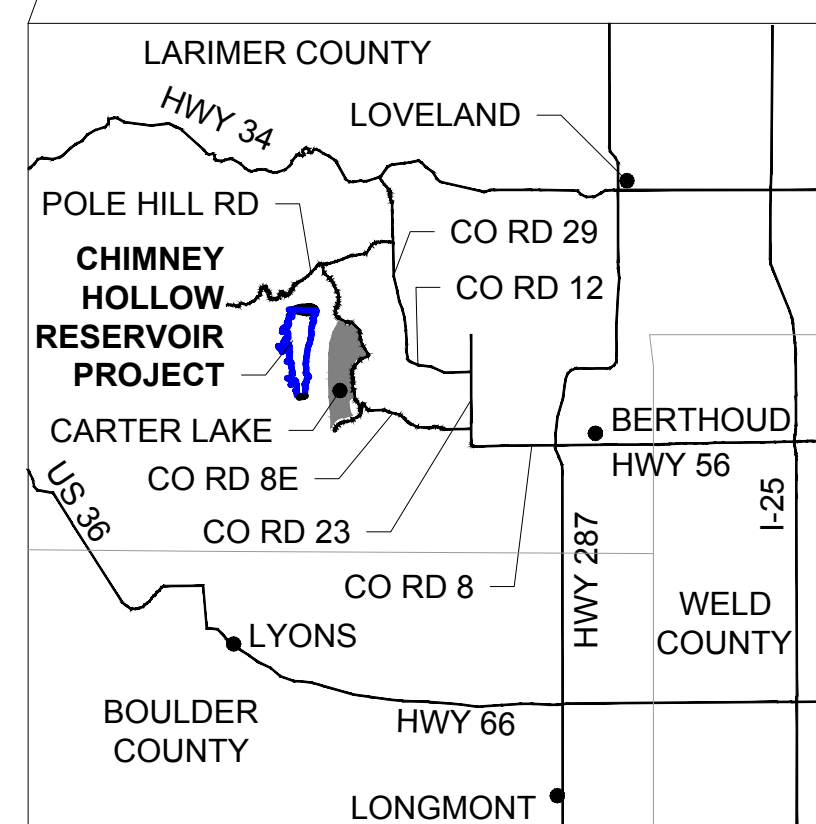
prepared for

## MUNICIPAL SUBDISTRICT,

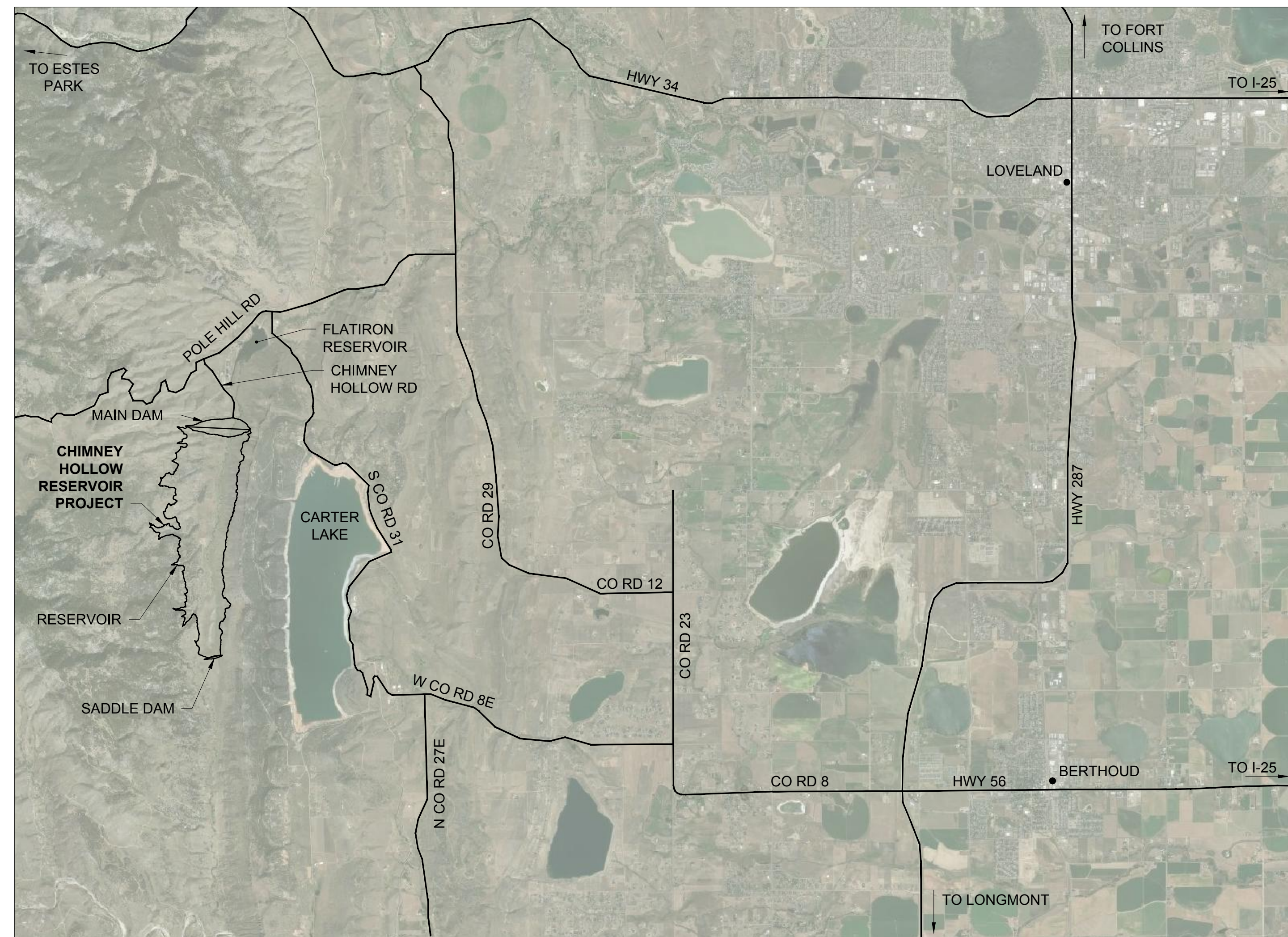
## NORTHERN COLORADO WATER CONSERVANCY DISTRICT



STATE OF COLORADO  
NOT TO SCALE



LOCATION MAP  
NOT TO SCALE



PROJECT VICINITY MAP  
NOT TO SCALE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

DONALD J. MONTGOMERY, COLO P.E. NO. 38924, DATE \_\_\_\_\_

APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

STATE ENGINEER

BY: \_\_\_\_\_  
DEPUTY STATE ENGINEER

And,

These plans represent the AS-CONSTRUCTED conditions of Chimney Hollow Reservoir Project to the best of our knowledge and judgement, based in part on information furnished by others, as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

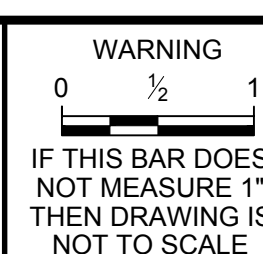
NOTE: SEE DRAWING NUMBERS G1.02 - G1.05 FOR DRAWING LIST (SHEETS 2-5 OF XX).

**DRAFT**

SEO FILE NO. C-2070

E	3/15/2018	JT	PRB FINAL
D	1/22/2018	JT	PRE-FINAL ITR
C	12/22/2017	JT	PRE-FINAL
B	8/23/2017	JT	PRB REVIEW
A	7/26/2017	CM	INTERNAL TECHNICAL REVIEW
REV	DATE	BY	DESCRIPTION

SCALE  
NO SCALE



DESIGNED \_\_\_\_\_ KG  
DRAWN \_\_\_\_\_ RK  
CHECKED \_\_\_\_\_ KG  
APPROVED \_\_\_\_\_ DM  
PROJECT MANAGER \_\_\_\_\_ CH

PRB FINAL DESIGN PHASE - 3/15/18

NOT FOR CONSTRUCTION

This document is an interim document and not suitable for construction. As an interim document, it may contain data that is potentially inaccurate or incomplete and is not to be relied upon without the express written consent of the preparer.



CHIMNEY HOLLOW RESERVOIR PROJECT (DAM ID 040248)

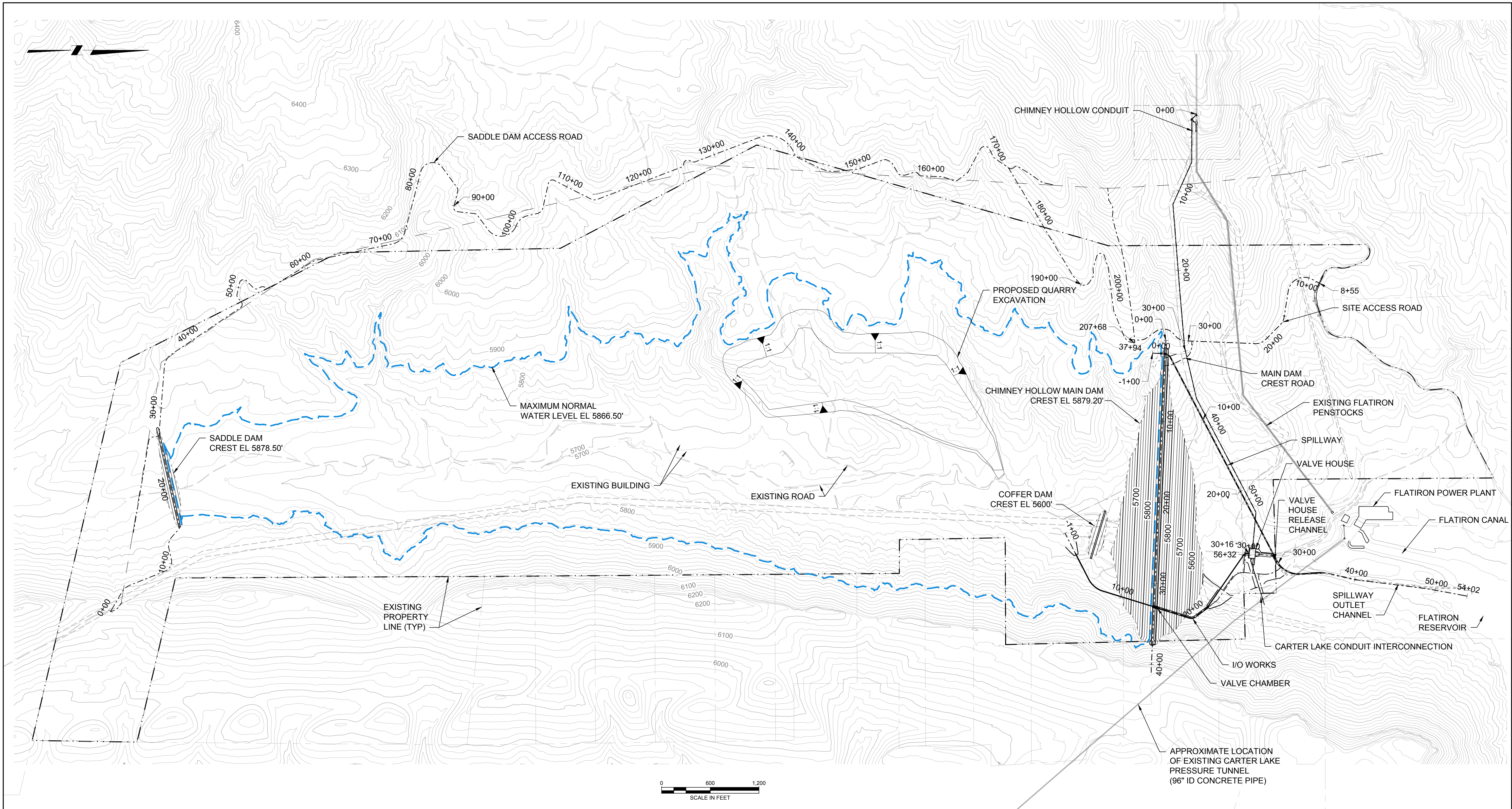
GENERAL



TITLE SHEET AND LOCATION MAP

DRAWING NO. G1.01  
REVISION E  
SHEET 1



Friday, January 19, 2018 9:23:20 AM C:\PW\WORK\PRJ\AK\AKS26208\FIGURE 1 - INTERIM DESIGN SITE PLAN.DWG KELLEY, RYAN



TITLE:  PRE-FINAL DESIGN SITE PLAN	
PROJECT:  CHIMNEY HOLLOW RESERVOIR PROJECT	
	
 FIGURE:	1-3 10509247

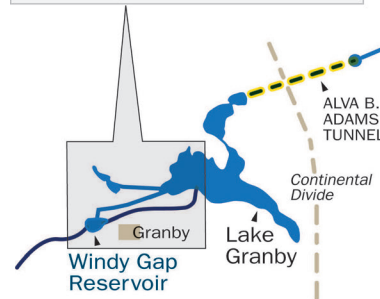
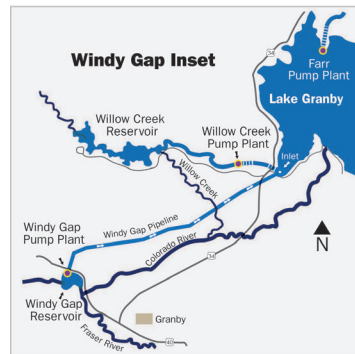


# WINDY GAP FIRMING PROJECT

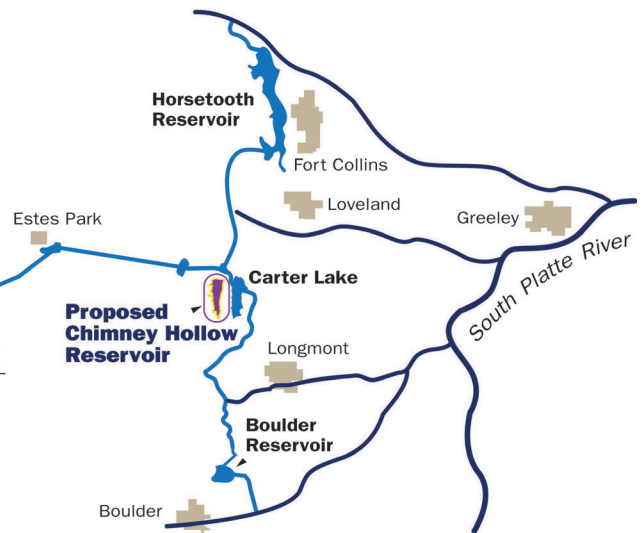
## WHAT IS THE WINDY GAP FIRMING PROJECT?

The Windy Gap Firming Project is a collaboration between 12 Northeastern Colorado water providers to improve the reliability of, or make firm, water supplies from the Windy Gap Project, which started delivering water in 1985 and is operated by Northern Water's Municipal Subdistrict.

The firming project proposes to build a new East Slope reservoir called Chimney Hollow to provide dedicated storage to supply a reliable 30,000 acre-feet of water each year for future generations. The new reservoir would be immediately west of the existing Carter Lake in southern Larimer County.



## Windy Gap Firming Project



## WHY DO THE PARTICIPANTS NEED THE PROJECT?

There are 12 participants: Nine municipalities, two water districts and one power provider. Northern Water's Municipal Subdistrict has co-ordinated the permitting process and will oversee design, construction and operation of Chimney Hollow Reservoir.

By 2050, the water providers' combined population will have far more than doubled what it was in 2005, to about 825,000. Projections show a shortage in supply of 64,000 acre-feet in 2030 and 110,000 acre-feet by 2050.

To address this shortage, participants are relying on multiple approaches: conservation, alternative transfer methods with farms, reuse, and additional supplies – including the firming project.

- Broomfield
- Greeley
- Longmont
- Loveland
- Erie
- Fort Lupton
- Lafayette
- Louisville
- Superior
- Platte River Power Authority
- Central Weld County Water District
- Little Thompson Water District

## HOW DOES CHIMNEY HOLLOW RESERVOIR FIT INTO THE COLORADO WATER PLAN?

In 2015, the Colorado Water Conservation Board released its Colorado Water Plan, which identified the need for more water for Colorado's growing population. The plan calls for increased water conservation, additional reservoir storage, temporary water transfer alternatives with farms and making full use of the water available to Colorado through its compacts with neighboring states.

Endorsed by Colorado Gov. John Hickenlooper, Chimney Hollow is a regional, cooperative storage solution, saving money and reducing environmental impacts by building one reservoir for the 12 providers to share.

The reservoir connects to existing infrastructure by storing water diverted into Windy Gap's system, which pumps water into Lake Granby and uses C-BT Project facilities for delivery to participants. The firming project would efficiently fill Chimney Hollow Reservoir using the original Windy Gap water rights decrees.

The reservoir is part of Larimer County's open space plan and will offer fishing and non-motorized boating. Larimer County owns the land next to the reservoir site – an ideal location for trails and initiatives to protect native habitat and vegetation.

## WHAT MITIGATION WILL BE PROVIDED?

***"Northern Water and its many project partners have worked diligently, transparently and exhaustively in a collaborative public process that could stand as a model for a project of this nature."***

- Colorado Gov. John Hickenlooper

***"The Subdistrict and project participants are to be commended for their efforts to address our concerns and do the right thing for the river."***

- Mely Whiting, counsel for Trout Unlimited

***"Grand County has secured protections for water quantity and quality in the Colorado River that never would have happened without the project and this permit."***

- Nancy Stuart, former Grand Co. commissioner

The Subdistrict, on behalf of project participants, is committed to mitigating environmental impacts and improving the Upper Colorado River habitat. Through collaboration with West Slope stakeholders and environmental groups, these efforts include a nearly \$100 million investment in the Colorado River.

The Subdistrict worked with biologists to develop the state fish and wildlife mitigation plan, which offers ways to address higher stream temperatures, increase flushing flows to clean sediment in the stream, and address the factors that impede water quality in Grand Lake and the Colorado River. Federal reviews incorporated the plan in the Final Environmental Impact Statement.

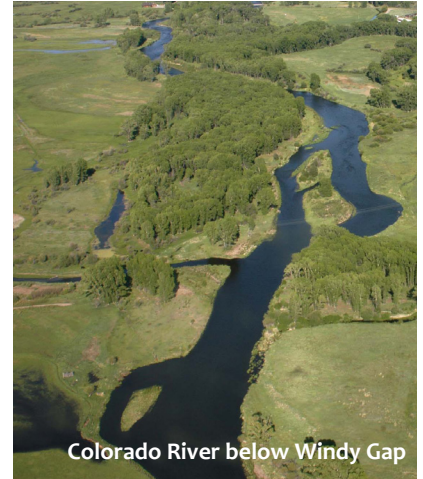
The participants authorized a

voluntary enhancement plan to fund future stream restoration and habitat-related projects. The Subdistrict will provide other benefits outlined in a 1041 permit and agreements with Grand County, West Slope stakeholders, Trout Unlimited and others. They include water supply for the Middle Park Water Conservancy District and more water for stream habitat on the river below Windy Gap.

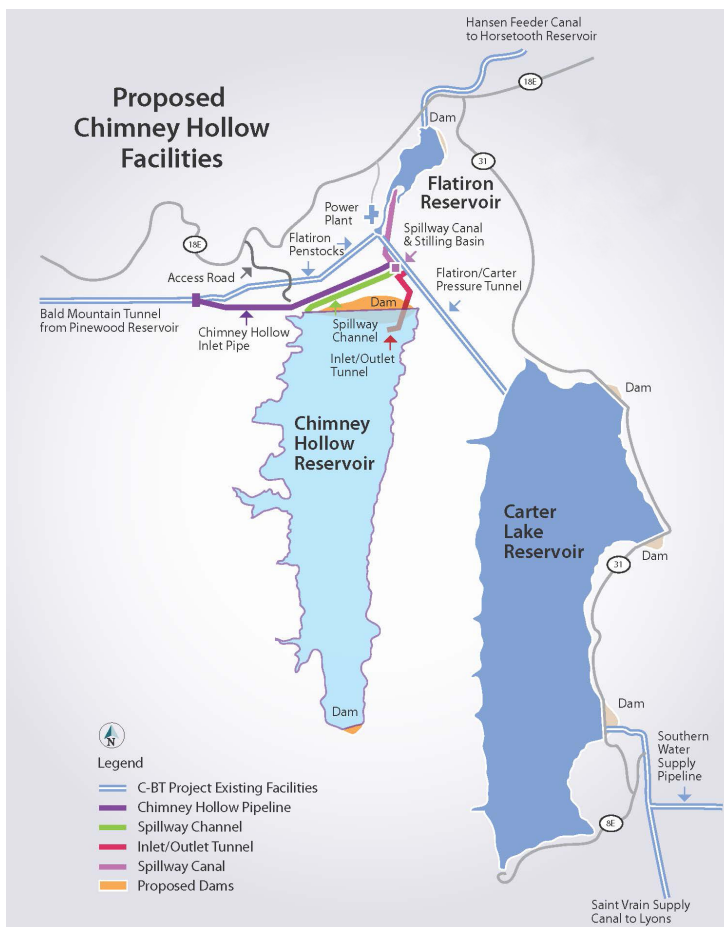
The Subdistrict also reiterated its support for Northern Water's long-term commitment to work with Reclamation and Grand County to address existing clarity concerns in Grand Lake.

The Subdistrict will provide \$2 million for construction of a bypass for Colorado River water around Windy Gap Reservoir, and restore the one-mile reach of the Colorado River to a predeveloped condition.

The participants' commitments leave a legacy that goes far beyond the requirement to mitigate for the firming project alone. Their collaborative efforts take a much bigger step and will improve Colorado River conditions from what they are today.



Colorado River below Windy Gap



## CHIMNEY HOLLOW RESERVOIR TIMELINE

**1985:** Windy Gap Project construction completed

**2003:** Thirteen water providers enter the formal federal permitting process for Windy Gap Firming Project; The Subdistrict publishes an alternatives report detailing 170 methods to potentially accomplish project goals and how they were narrowed down to seven

**2005:** Reclamation publishes two reports, one describing the purpose of and need for the project, and one identifying a range of alternatives that could meet the needs

**2008:** Reclamation publishes the Draft Environmental Impact Statement

**2009:** The Subdistrict offers West Slope benefits to facilitate project implementation

**2011:** State officials approve the fish and wildlife mitigation plan and a voluntary enhancement plan; Reclamation publishes a Final EIS

**2012:** Grand County and the Subdistrict board approve agreements to create improvements to the Colorado River

**2014:** Reclamation issues its Record of Decision and signs a carriage contract to transport water to Chimney Hollow Reservoir

**2016:** Colorado issues a 401 Water Quality Certification

**2017:** U.S. Army Corps of Engineers issues its final Record of Decision

**2019 (projected):** Construction of an asphalt-core dam will commence at the Chimney Hollow site in Larimer County