



1313 Sherman Street, Room 215 Denver, CO
80203

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

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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: 13; Township: 4N; Range: 77W; PM_____County: Grand
Quarter Section #1: N ½, NW ¼, SW ¼
Quarter Section #2: S ½, NE ¼, SW 1/4
Direction and miles to nearest town/city: Approx. 9 ¼ mi. WNW of Grand Lake, CO
2. Is the site of material extraction on public or privately owned property?
Public
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.?
Placer gold to be removed from stream bed, alternating gravel/mud deposits.
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.
Primary means will be a 4" suction dredge and 2" suction dredge. Secondary will be shovels and sluice boxes. Mechanical dredge requires gasoline fuel. Refueling will be conducted on dry ground, at least 50' from stream bank on absorbent material.
5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?

The bulk of the material will be immediately deposited back onto stream bed. A small portion of concentrated fine material (estimated less than ½ cubic yard) will be removed from site for further processing.

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

No extracted material will be used on site. Tailings will be deposited back onto stream bed, and concentrates removed from site.

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

Concentrates resulting from dredging/sluicing operations will be moved offsite for the time consuming process of mineral extraction.

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

Total surface area disturbance is estimated less than 1 acre in aggregate. While claim area is approximately 40 acres, work will be limited to the stream beds located on the claims.

9. To what approximate depth will the extraction extend?

Estimated depth will be 4' at maximum.

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

We estimate 72 cubic yards in total. This is based on manufacturer's estimate of 0.91 cu. yds./hour for 4" dredge and 0.12 yd. hr./ for 2" dredge. This is the amount that will be "disturbed". As stated above, the vast majority will be immediately redeposited to the stream bed.

11. Will material extraction involve the use of explosives?

No.

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

I am unsure how to answer this. The waters of Willow Creek will already be exposed. While we will be digging in the creek bed area, I do not believe we will be exposing any waters which are not already practically exposed.

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?

No, the land is public, and I myself am the owner of the mineral rights.

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.

I am unsure what documentation could be provided in this regard. The land will appear more or less undisturbed when extraction activities are completed. The only appreciable difference may be trodden earth, which would leave it the same as it currently exists for whatever beneficial use the public may have in mind.

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?

We are in the process of obtaining authorization from the U.S. Forest Service to proceed with our proposed activities. This will ultimately result in either an accepted Notice of Intent, approved Plan of Operations, or failing those, the abandonment of this project.

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

Not applicable.

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)

No post mining uses will be made of this site.

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

A mechanical suction dredge with 4" intake will be used for material extraction, combined with limited use of shovels and sluice boxes as necessary. All equipment is small enough for hand-portability.

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.

1.2.1 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.

