



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 14, 2019

Mr. Anthony Ramsey
Uncompahgre Watershed Alliance
P.O. Box 392
Ridgway, CO 81432

Re: Governor Basin Restoration, Reference No. M-2018-065, Division Response to “Is It Mining?” Questionnaire, No Permit Required.

Dear Mr. Ramsey,

Thank you for taking the time to discuss your organization’s project with the Division of Reclamation, Mining and Safety (Division). The Division received your completed “Need for a Reclamation Permit” questionnaire on December 17, 2018. The project proposes to borrow material from an existing waste rock pile consisting of San Juan tuff from a legacy hard rock mining operation. The waste rock material will be used to cap a nearby acid generating waste rock pile and act as a buffering and armoring material which will reduce runoff of acid generating materials. It is noted that no San Juan tuff material will be hauled off site and only used for this specific one time project. Per the submitted project proposal the Uncompahgre Watershed Partnership is working in conjunction with the Division of Reclamation, Mining and Safety, Ouray Silver Mines, Inc., Trout Unlimited and the United States Forest Service to improve the water quality in Governor Basin.

Based on the information contained in the correspondence it is the Division’s opinion that no reclamation permit will be required from this agency at this time. However, other local, state, or federal permits may be required and it is recommended that you contact those agencies for further clarifications if you have questions. Please be advised that this opinion is being offered based on the information provided in your response. **Any significant deviation from the described activity, including removal for sale or trade of any excavated materials from its natural state could result in a review and possible reversal of this opinion.**

Please consider the following: if the Division receives different information or a written complaint regarding the proposed activities it is required by law to further investigate. If the investigation shows a possible violation of the Construction Materials Act and Rules an enforcement action would be initiated which could include civil penalties, a cease and desist order and obtaining a permit for the activities.

The Mined Land Reclamation Board (MLRB) has requested that the Division make determinations as to the need for a Mined Land Reclamation Permit. If you have any concerns or disagree with this decision, you may petition the Board during a formal public hearing for a formal declaratory Order concerning this matter. The request must be made in writing and received no later than



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10 days prior to the next regular scheduled MLRB hearing. The next available MLRB hearing in March 27, 2019.

If you need additional information, please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, telephone no. 970.241.2042, or by email at travis.marshall@state.co.us.

Sincerely,



Travis Marshall
Environmental Protection Specialist III
Grand Junction Field Office

ec: Russ Means, DRMS
Wally Erickson, DRMS
Jeff Litteral, DRMS