



## MINERALS PROGRAM INSPECTION REPORT

PHONE: (303) 866-3567

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> West Magnolia Placer Mining	<b>MINE/PROSPECTING ID#:</b> M-2019-042	<b>MINERAL:</b> Gold	<b>COUNTY:</b> Boulder/Gilpin
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Amy Eschberger	<b>INSP. DATE:</b> August 14, 2019	<b>INSP. TIME:</b> 09:30
<b>OPERATOR:</b> N/A	<b>OPERATOR REPRESENTATIVE:</b> Michael Otey	<b>TYPE OF OPERATION:</b> IM – Is it Mining	

<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held
<b>DATE OF COMPLAINT:</b> July 31, 2019	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> U.S. Forest Service
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> August 20, 2019

### GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

This inspection was conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division) in response to an anonymous illegal mining complaint received by our office on July 31, 2019 (see enclosed complaint). The site is located on Beaver Creek, near the Boulder/Gilpin County line, approximately 4.5 miles southwest of Nederland, CO (see enclosed Google Earth image of site). The site is situated within the Arapahoe and Roosevelt National Forests, in the West Magnolia recreational area. The site can be accessed by travelling south off Co Hwy 132-W onto a series of Forest Service Roads. The following individuals were present during the inspection: Mike Johnson with the U.S. Forest Service (USFS); Emmitt Hoyl, Richard Baldwin, and Dan Adler, downstream landowners; and Michael Otey, representing the operator. **Photos 1-8** taken during the inspection are included with this report.

The complaint describes a 30 person suction dredging class held by Kevin Singel which occurred on his mining claim along Beaver Creek the weekend of July 26<sup>th</sup> through July 28<sup>th</sup> of this year. The complaint alleges that 30 people simultaneously operated over six pieces of motorized mining equipment in the stream, resulting in highly sedimented brown water flowing downstream onto the Los Lagos Ranch property and into their lake where they operate a fishing club. The downstream landowners are concerned about the ongoing health of their fish due to poor water quality caused by the upstream dredge operations. The complaint also alleges that motorized vehicles were used on non-motorized trails to access the site, including trespassing across the Los Lagos Ranch ditch system. The complaint included a Facebook advertisement for the July 26-28<sup>th</sup> event with a phone number to call for purchasing a spot in the class.

The Division called the number from the advertisement prior to conducting the inspection, and spoke with Brad Jacobson. Mr. Jacobson informed the Division he had recently taken over the placer claim, called the Fool's Errand (see enclosed image showing location of the claim) from Mr. Singel, and that he had been present for the suction dredging class. Mr. Jacobson also informed the Division that a total of 12 people were present for the class, and that only two motorized suction dredges (not over 3 inches in diameter) were operated in Beaver Creek during the class. He also informed the Division that once he found out that motorized vehicles were not allowed on the trails, he sold the ATVs that were used to access the claim.

It should be noted, the allegations regarding the use of motorized vehicles on non-motorized trails and potential trespassing do not fall under the Division's purview. These issues should be addressed through the appropriate agency and/or local governing authority. The purpose of the Division's inspection was to document the activities occurring along Beaver Creek, and to determine whether these activities are considered unpermitted mining or prospecting activities. A review of Division records found that no reclamation permits or NOIs have been issued for the area of the complaint.

The 20-acre Fool's Errand Placer Claim includes a section of Beaver Creek. The Division accessed the site by foot via the School Bus trail (929.1), which runs parallel to the creek in the claim area. The Division observed a sign posted on a tree adjacent to the creek, at the downstream (eastern) edge of the placer claim, identifying the claim (FMC# 289736) and listing Kevin Singel as the claimholder. The Division walked up the creek from the sign location. The creek is narrow and very rocky, with thick vegetation present along the banks. The creek was flowing clear during the inspection, with no visible signs of impacted water. The Division observed no evidence of excavation activities occurring along the creek banks within the claim.

During the inspection, a suction dredge was being operated in the creek by Mr. Otey, about midway up the placer claim. The equipment in use was a Proline dredge/highbanker combo, which is designed for shallow water conditions. This equipment was only being used for suction dredging during the inspection. The unit was equipped with a 3 inch dredge hose which was being manually operated to suck up material from the creek bed.

The dredged material and water was injected into a sluice box built into the unit. The unit was powered by a Honda GX160 engine and an HP300 pump. Mr. Otey explained the dredge is operated in an upstream direction, with any shallow holes created on the creek bottom being filled in with the waste gravel. Mr. Otey stated that high-banking methods are not utilized on the claim. Mr. Otey also confirmed what Mr. Jacobson had told the Division previously, that no more than two 3 inch or less motorized suction dredges were operated in the creek over the weekend of the complaint. Mr. Otey indicated the event was a one-time occurrence, and that typical activities on the claim include 1-2 individuals operating a single suction dredge unit (as observed during the inspection).

The Division observed no evidence of a mining operation on the Fool's Errand placer claim. However, the Division did observe limited prospecting activities occurring on site, in the form of suction dredging in the creek. The Division does not at this time regulate dredging operations on the basis of the size of the dredge, but rather on the areal extent of the disturbance. C.R.S. 34-32-103(12) defines prospecting as the act of searching for or investigating a mineral deposit, but excludes those activities which cause no or very little surface disturbance, including any single activity which results in the disturbance of a single block of land totaling 1,600 square feet or less of the land's surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed 5 acres statewide in any prospecting operation extending over 24 consecutive months. The total disturbance observed on the Fool's Errand placer claim did not exceed 1,600 square feet in size. Therefore, the Division will not require the operator to file a Notice of Intent to Conduct Prospecting Operations (NOI) for the dredging activities that take place on the claim.

If prospecting activities on site are planned to exceed the amount of surface disturbance exempted under C.R.S. 34-32-103(12), an NOI (application enclosed) must first be submitted to our Office (along with the \$86.00 application fee) for Division review and approval. For prospecting activities that occur on federal land, the applicant must provide evidence to the Division that the NOI was sent to the appropriate federal agency (USFS in this case).

The operator should be aware that pursuant to C.R.S. 34-32-123(3), any prospector who operates without filing an NOI shall be subject to a civil penalty of not less than \$50 nor more than \$200 dollars per day for each day the land has been affected. Should the Division receive further evidence the disturbances created by the prospecting operation exceed the amount exempted under C.R.S. 34-32-103(12), a possible violation will be pursued for failure to file an NOI prior to engaging in prospecting activities. This matter would be scheduled for consideration by the Mined Land Reclamation Board at a formal public hearing.

While the Division has determined that an NOI or permit is not required for the dredging operation described in this report, there are other agencies that may regulate such an operation, including:

- 1) Colorado Department of Water Resources with regard to the administration of water rights if the operation makes a consumptive use of water.
- 2) Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (WQCD) with regard to the discharge of pollutants into the waters of the state.
- 3) EPA Region VIII Water Quality Enforcement Branch regarding a General Permit for Portable Suction Dredges.
- 4) U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands.

- 5) U.S. Army Corps of Engineers regarding a Dredge and Fill (404) Permit.
- 6) The County Planning Department for the county or counties in which your proposed operation is located.
- 7) Colorado Parks and Wildlife and the U.S. Fish and Wildlife Service to assess impacts to fisheries and other wildlife.

After conducting this inspection, the Division was informed by the CDPHE, WQCD that a discharge permit is most likely required for the dredging operation that occurs at this site. Therefore, the Division recommends the operator contact the WQCD prior to continuing operations to ensure compliance with their regulations.

*Any questions or comments regarding this inspection report should be forwarded to Amy Eschberger at the Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at 303-866-3567, ext. 8129, or via email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).*



## PHOTOGRAPHS



**Photo 1.** View of mining claim sign (for FMC# 289736) posted on tree adjacent to Beaver Creek, near eastern edge of Fool's Errand placer claim.



**Photo 2.** View looking west along School Bus trail (929.1) used to access the site. Beaver Creek is located south of this trail (at left in photo).





**Photo 3.** View looking upstream in Beaver Creek, showing suction dredge in operation during inspection.



**Photo 4.** View of Proline 3" dredge/highbanker combo unit utilized for suction dredging during inspection.





**Photo 5.** View looking downstream in Beaver Creek, showing outflow to creek from suction dredge operation.



**Photo 6.** View looking downstream in Beaver Creek, showing equipment utilized for suction dredging during inspection. Green hose = dredge hose; white hose = dredge pressure hose; larger yellow/off-white hose = water intake.





**Photo 7.** View looking upstream in Beaver Creek immediately above where suction dredging was taking place during inspection.



**Photo 8.** View looking upstream in Beaver Creek near eastern/downstream edge of Fool's Errand placer claim. Creek was running clear during inspection with no visual evidence of impairment.



**Inspection Contact:**

Brad Jacobson via email at: [bradjacobson4482@gmail.com](mailto:bradjacobson4482@gmail.com)

Encl(s):    Anonymous complaint, received on July 31, 2019  
              Google Earth image of site  
              Image showing location of Fool's Errand placer claim  
              Notice of Intent to Conduct Prospecting Operations application

EC:        Complainant (contact information confidential as complaint was submitted anonymously)  
              Mike Johnson, USFS at: [mike.d.johnson@usda.gov](mailto:mike.d.johnson@usda.gov)  
              Jennifer Charles, CDPHE WQCD at: [jennifer.charles@state.co.us](mailto:jennifer.charles@state.co.us)  
              Erick Mink, CDPHE WQCD at: [eric.mink@state.co.us](mailto:eric.mink@state.co.us)  
              Maura McGovern, CDPHE WQCD at: [maura.mcgovern@state.co.us](mailto:maura.mcgovern@state.co.us)  
              Kelly Jacques, CDPHE WQCD at: [kelly.jacques@state.co.us](mailto:kelly.jacques@state.co.us)  
              Michael Cunningham, DRMS at: [michaela.cunningham@state.co.us](mailto:michaela.cunningham@state.co.us)

## DRMS Complaint Intake Tool

By Submitting this form you are requesting an investigation of compliance with DRMS rules.



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

### DRMS Internal Information

**Select Permit Type \***

Minerals

**Permit No List \***

M2019042

**Date of Complaint**

07/31/2019

### COMPLAINANT INFORMATION

**\* Indicates a Required Field**

**Do you wish to remain anonymous? \***

☒ Yes ☐ No

**Connection to Incident \***

Select all that apply

☐ Land Owner

☐ Mineral Owner

☒ Nearby Resident

☒ Observed Incident

☐ Other

### DESCRIPTION OF COMPLAINT

(Please be as specific as possible)

Note: Please provide as much detail related to location and issue as possible. Without enough detail, DRMS will not be able to process or investigate the complaint and, therefore, DRMS will have no choice but to discard the complaint.

**Location of Concern \***

Please provide as much detail as possible. It is important to narrow down the location. If available, please include Township, Range and Section, physical address, or GPS location. You may also upload a pdf map below.

T1S R73W South East Corner of Section 26. GPS 39.555357, -105.311980 South of Nederland CO located on North Beaver Creek on West Magnolia USFS property. West of Los Lagos ranch. Best accessed on FS road 335, or onto the "school bus" trail.

**Incident County \***

Boulder County

**Is this an ongoing issue(s)?**

☒ Yes ☐ No

**Nature of Complaint \***



Select all that apply

- |                                                                                  |                                                             |
|----------------------------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Illegal Mining                                          | <input type="checkbox"/> Dust                               |
| <input type="checkbox"/> Ground Water / Water Well Impact                        | <input type="checkbox"/> Acid or Toxic Materials/Spills     |
| <input checked="" type="checkbox"/> Surface Water Impact / Stormwater Management | <input type="checkbox"/> Property Damage                    |
| <input type="checkbox"/> Mine Plan Compliance                                    | <input type="checkbox"/> Waste Management / Dumping         |
| <input type="checkbox"/> Signs and Markers                                       | <input type="checkbox"/> Overburden / Development Waste     |
| <input type="checkbox"/> Financial Warranty                                      | <input type="checkbox"/> Backfilling and Grading            |
| <input checked="" type="checkbox"/> Processing Waste / Tailings                  | <input type="checkbox"/> Processing Facilities              |
| <input checked="" type="checkbox"/> Fish / Wildlife                              | <input checked="" type="checkbox"/> Erosion / Sedimentation |
| <input type="checkbox"/> Off-Site Damage                                         | <input checked="" type="checkbox"/> Roads                   |
| <input type="checkbox"/> Explosives / Blasting                                   | <input checked="" type="checkbox"/> Topsoil                 |
| <input type="checkbox"/> Revegetation                                            | <input type="checkbox"/> Weeds                              |
| <input type="checkbox"/> Reclamation Plan Compliance                             | <input type="checkbox"/> Other <input type="text"/>         |

**Detailed description of the issue(s) \* (?)**

Please provide as much detail as possible. It is important to narrow down the issue(s).

I was made aware of the incident through a call from a friend and walked up to the area to investigate, where I witnessed the following on 7/27/19: An individual Kevin Singel hosted a paid "30 person suction dredging class" on a mining claim that he filed in that area. On 7/26- 7/28 2019, 30 people simultaneously operated over 6 pieces of motorized mining equipment on a very small stream system, resulting in highly sedimented brown water flowing downstream into our property and into our lake where we operate a fishing club. The poor water quality was bad enough that we are concerned about the ongoing health of our fish. No settlement pond or filtration was used by Kevin Singel and students. Additionally, motorized vehicles were used on non motorized trails to access the site, including trespassing across the Los Lagos Ranch ditch system.

**Have you contacted the operator or party conducting the operation? If yes, please provide details. \***

☒ Yes ☐ No

**Details**

During my visit to the site on 7/27/19 I made contact with an individual (unknown if it was Kevin Singel) in the party and asked if they had a mining claim, which they responded yes. I also asked if they were allowed to use mechanized equipment, which they replied yes. I later discovered an advertisement for the "class" on Facebook where I learned about why there was such a large group. Images of the Facebook add are attached.

**If known, please provide the name of the operator or party conducting the operation.**

Kevin Singel

**If known, please provide the Permit or NOI Number (ie M-1970-111 or P-1970-111).**

Must be entered in the following format: M1970111 or P1970111 (No dashes allowed)

**Have you contacted any other agencies or local governments related to this issue or issues? If so, please provide details. \***

☒ Yes ☐ No

**Details**

Mike Johnson with the USFS has been made aware of the incident and is investigating.

**ADDITIONAL INFORMATION**

**Are there supporting photos, maps, or documents you wish to upload? \***

☒ Yes ☐ No

[View Attachments in WebLink](#)

*Attachments are accepted for informational purposes only. Action by DRMS requires a direct observation by DRMS staff.*

**What is your preferred method for DRMS to communicate with you throughout the investigation? \***

Select all that apply

☐ Phone ☒ E-mail ☐ US Mail





There is parking for all vehicles. Doesn't have to off road. I will pick you up from the lower parking lot.

**Colorado Gold Claim Adventure  
w/ Lessons from Kevin Singel, Author of "Finding  
Gold in Colorado"**

**July 26, 27, 28, 2019**

**Join us for a two-night gold adventure!**

- Bring your own equipment (up to 3" dredge)**
  - Dig as long as you possibly can, then hit your tent, wake up and do it all again!!!**
  - All meals provided—Friday Lunch through Sunday Breakfast**
  - Meet and learn from Kevin Singel (Panning, Prospecting) during our Saturday Lessons**
  - Other special guests for Saturday lessons**
  - 30 person MAXIMUM—1 night/ ~~190.00~~<sub>100.00</sub>, 2 nights/ ~~225.00~~<sub>160.00</sub>**
- Payment through Facebook or Venmo (contact Brad Jacobson)**

Like

Comment

31



**Mike Edmonds**  
**Brad Jacobson PM sent...**



Write a comment...





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## **NOW TAKING CREDIT CARDS!!!!**

Get your spot soon!!!! 7202198550 or PM me with questions.

1 night is now 100.00. 2 nights is now 160.00

Steak saturday night. Everyone who pays for 2 nights leaves with a gram of gold on top of what you find.

Lots of questions on location - it is Beaver Creek, near Nederland.

There is parking for all vehicles. Doesn't have to off road. I will pick you up from the lower parking lot.

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**Colorado Gold Claim Adventure**



Write a comment...

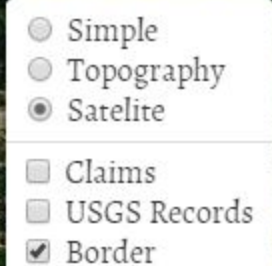






M2019-042 Complaint





2

\$165  
Maintenance Fee?

Active  
Case Disposition?

43 U.S.C. 1744  
Legal Reference?

Placer Claim  
Case Type?

## Events Overview

7/31/2019

+File Load Date?

7/30/2019

+Last Modified?

7/23/2019

+Last Action?

5/18/2017

+ Mine Location

5/18/2017

+Disposition Action<sup>2</sup>: Location Date

SEE FULL PAGE ►





## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

### **NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS** *FOR HARD ROCK/METAL MINES*

#### Form 1

All confidential and public information – For DRMS use and confidential filing

#### Form 2

Public information only - For public filing

#### **GENERAL:**

To conduct prospecting activities in the State of Colorado, a person or organization must file a Notice of Intent to conduct Prospecting Operations (NOI or Prospecting Notice) and provide a financial warranty for the prospecting operations to the Mined Land Reclamation Board (MLRB or Board). All prospecting operations must comply with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and the Colorado Mined Land Reclamation Board Hard Rock/Metal Mines Rules and Regulations 2 CCR 407-1 and amendments to those rules ("Rules"). This NOI form is for all minerals except coal and construction materials. The Division shall determine (where there is a question) if an operation is prospecting or mining.

#### **The New Law:**

Senate Bill (SB) 228 became law on June 2, 2008. SB 228 revised portions of C.R.S. 34-32-113 pertaining to confidentiality and filing requirements and requiring that certain aspects of Prospecting Notices will no longer be confidential.

As revised, C.R.S. 34-32-113 (3) now requires, in part, that "All information provided to the Board in a notice of intent to conduct prospecting or a modification of such a notice is a matter of public record subject to the Open Records Act, Part 2 of Article 72 of Title 24, C.R.S., including, in the case of a modification, the original notice of intent; except that information relating to the mineral deposit location, size, or nature and, as determined by the Board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator shall be protected as confidential information by the Board and shall not be a matter of public record in the absence of a written release from the operator or until a finding by the Board that reclamation is satisfactory. Such information designated as exempt shall remain confidential until a final determination by the Board". If the Board determines that information is not confidential, the Division shall treat it as public information thirty (30) days from the Board's written order.



C.R.S. 34-32-113 (9) now requires that the applicant provide the NOI in an electronic version in addition to the paper form and that DRMS post on the Division's website the NOI upon submittal. Specifically, this subsection states: "Upon the submittal of a notice of intent to conduct prospecting or a modification of such a notice, the person submitting such notice or modification shall give an electronic version of the notice or modification, except for that information exempted from public disclosure under subsection (3) of this section and that information designated by the person as exempt from disclosure under subsection (3) of this section, to the Board in a format determined by the Board. The Division shall post such version of the notice or modification on its web site". The new requirements apply to NOIs or modifications thereto submitted or approved on or after June 2, 2008.

The Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations were also revised as a result of the changes to the Act and became effective September 30, 2010.

A summary of new requirements of the rules are as follows and apply to NOI's or modifications thereto submitted or approved on or after September 30, 2010.

- Rule 1.3 addresses the designation of confidential materials submitted to the Division in an NOI and the public review and appeal processes associated with the confidential designation process.
- Rule 3.1.6(4) authorizes the Division to require the submission of baseline site characterization data for surface and ground water on a case by case basis.
- Rule 3.1.6(5) authorizes the Division to implement environmental protection measures associated with drill pits on a case-by-case basis.
- Rule 5.1.2 identifies application requirements for NOI's including new requirements to submit two (2) forms (one confidential and one non-confidential) and an electronic version of any application. In addition, Rule 5.1.2(m)(i) and (ii) identifies a new requirement for prospectors to notify the Local Boards of County Commissioners at the time of application submittal for an NOI and to provide certification that such notice was submitted.
- Rule 5.1.3 identifies office review procedures for processing NOI's including confidential dispute timelines.
- Rule 5.2 describes confidentiality as it pertains to NOI filings pre and post June 2, 2008.

#### **DEFINITION:**

"Prospecting" is defined in Rule 1.1(43) of the Hard Rock/Metal Mining Rules and Regulations as the act of searching for or investigating a mineral deposit. "'Prospecting' includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to the commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause very little or no disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or



otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by the ordinary, lawful use of the land by persons not prospecting. The term does not include any single activity which results in the disturbance of a single block of land totaling 1600 square feet or less of the land surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over 24 consecutive months" (*Rule 1.1.43*).

**APPLICATION FEE: \$86**

NOIs require an **\$86** fee, which must accompany this notice or it cannot be processed by the Division (*C.R.S. 34-32-127(2) (a) (I) (K)*).

**RECOMMENDATIONS PRIOR TO FILING:**

The Hard Rock/Metal Mining Rules and Regulations, the Colorado Mined Land Reclamation Act 34-32-101 and the Colorado Mined Land Reclamation Board regulate the filing, operational and reclamation requirements for prospecting operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available from the Division or accessed on line at <http://mining.state.co.us> In order to file your NOI properly it is recommended that you review the Act and;

- Rule 1.1 Definitions
- Rule 1.3 Public Inspection of Documents (Confidentiality and Dispute Resolution)
- Rule 3.1 Reclamation Performance Standards
- Rule 3.1.6 Water-General Requirements ((4) & (5))
- Rule 3.3.1 Operating without an NOI - Penalty
- Rule 4 Financial Warranties
- Rule 5 Prospecting Requirements

**FILING REQUIREMENTS:**

If you plan to conduct prospecting on any lands in Colorado, you must provide all information described in this form. To file an NOI, submit the following;

- One (1) signed and completed NOI packet including Form 1 (confidential) and Form 2 (non-confidential) with maps and attachments (original signatures must be done in blue ink) along with the electronic copy;
- One (1) unbound copy of the original NOI packet including Form 1 and Form 2 with maps and attachments;
- OR One (1) signed and completed NOI Non-Confidential Form (Form 2) plus one (1) copy and electronic copy, if entire NOI submittal is Non-Confidential;
- Application fee (\$86); and

- Financial Warranty and applicable warranty form.
- Notice of Filing with the Board(s) of County Commissioners where prospecting will occur. (See section VIII – Signature Requirements)

**New and Additional NOI Filing Requirements for Confidentiality Designations:**

1. Applicants of NOIs must specifically designate each portion of the submittal that the applicant believes should be confidential. This designation must comply with the provisions of SB228 as discussed above and should include not only information relating to the mineral deposit location, size, or nature but also other information the applicant believes is proprietary or trade secrets or that would cause substantial harm to the competitive position of the applicant. The applicant should distinguish in the submittal between those portions of the NOI that are confidential because they relate to the mineral deposit and those portions that the applicant believes are proprietary, trade secret or harmful to its competitive position. Those portions of the submittal that are not designated as confidential will be available as public record.
2. The applicant must submit two separate forms. One form will contain all information, including both public and confidential information (with the confidential information designated as such). This complete form will be used by the DRMS for review and will be held as confidential.

The second form will contain only the information the applicant believes is public with the applicant redacting all information to be held as confidential.

3. The submittals must be provided in both paper and electronic format.
4. All public portions of the submittal will be made available on the Division website and in the Division's public files.
5. All portions of the submittal that are confidential by law, or as designated by the prospector, will remain secured from public access, *i.e.*, not on the website and not in the Division's public files. If the Board rules that some portion of the file should be public, then that portion will be made available and no longer held from public view.

**PROCESSING REQUIREMENTS:**

The Division will review the NOI and associated Financial Warranty information within twenty (20) working days of receipt by the Division. If the prospector has not been notified of any deficiencies of the NOI Form within twenty (20) working days of receipt, prospecting operations may commence upon approval of the financial warranty. The Prospector has 60 days from the date of filing to correct any deficiencies. For activities on BLM or USFS Lands, the twenty (20) working-day period begins on the day when the appropriate Federal Land Management agency has been notified by the Prospector (see below). Incomplete NOI forms will be terminated and



returned to the person or organization, if deficiencies are not corrected within 60 days of filing (*Rule 5.1.3*).

### **The New Review Process Regarding Confidentiality Designations**

Hard Rock Rule 5.1.3 (Office Review), Rule 5.2 (Confidentiality) and Rule 1.3 (Public Inspection of Documents) will apply. These rules will guide office review of determinations regarding confidentiality designations. The Division will review the submittal for technical adequacy as stated above, including the review of the submittal in regard to information the applicant has designated as confidential. If the Division identifies any deficiencies in the submittal including any disagreement regarding the designation of confidential materials, then the prospector will be notified by the Division in accordance with the timeframes identified in these rules, but no later than 20 working days of NOI receipt.

Disputes relating to designation of confidentiality may be resolved by the Prospector removing the confidentiality designation by the Prospector or by Board determination. The DRMS will not issue an approval decision and the applicant is not authorized to commence prospecting operations until all deficiencies, including confidentiality issues, are resolved.

### **PROSPECTING ON FEDERAL LAND:**

The Division has entered into cooperative agreements with the U.S. Bureau of Land Management (BLM) or the U.S. Forest Service (USFS) to coordinate the review of NOIs and the posting of financial warranties. The primary goal is to ensure that the agencies minimize duplication of functions and thereby minimize regulatory duplication imposed upon prospecting operations. The Division assumes the primary responsibility for the administration, review, and permitting of NOIs. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Upon receipt of the NOI, the Division will notify the appropriate BLM or USFS office and forward a copy of the NOI. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS.

### **FINANCIAL WARRANTY:**

A financial warranty must be provided and approved prior to the entry upon lands for the purpose of prospecting. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Prospecting Financial Warranty." The One Site Prospecting Financial Warranty is usually filed by individuals or small companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for the land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the prospecting operation and the magnitude, type and estimated cost of the planned reclamation. A Statewide Financial Warranty is usually filed by larger companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You

may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.) **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.** The financial warranty will be retained by the Board until the prospector has completed reclamation of the prospecting site and has been released, in writing, of reclamation responsibility. Financial warranty forms can be downloaded from the Division's Internet web page located at <http://mining.state.co.us>.

### **PLAN MODIFICATIONS:**

Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs, use the same NOI form, include confidentiality designations, and a fee for \$86. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. Prospectors must designate each portion of the modified NOI they believe are to remain confidential. Please note that under SB 228, all information provided to the Board in an NOI or a modification of an NOI is a matter of public record including, in the case of a modification, the original notice of intent, unless that information relates to the mineral deposit location, size, or nature or is designated by the Prospector as proprietary or trade secrets or that would cause substantial harm to the competitive position of the Prospector. Accordingly, the Prospector should also designate the information in the original NOI that it believes is confidential if it has not already done so.

The Board shall determine (where there is a question) if an NOI can be modified or requires the filing of a new NOI in accordance with Rule 1.4.11. If the Division determines that the proposed modification (or new NOI) requires the posting of an additional reclamation bond amount to cover increased costs of reclamation caused by the modification (or new NOI), the NOI holder must submit and the Division must approve the supplemental or additional bond to cover such increased reclamation costs before the NOI holder may undertake any additional or different activities described in the modification (or new NOI). A separate prospecting notice shall be filed with the Office for each non-contiguous land survey quarter section in which a proposed prospecting activity is to occur. The requirement for separate notices may be waived by the Office for good cause (*Rule 5.1.1*).

### **ANNUAL REPORTS:**

Effective as of December 31, 2006, Annual Reports are required for all active prospecting operations. **By the anniversary date of each year that the NOI is in effect, the prospector must file an annual reclamation report detailing the exploration and reclamation activities that occurred during that year and whether prospecting has been completed (Rule 5.6).** Annual Reports filed on or after June 2, 2008 shall be a matter of public record unless designated by the prospector as confidential pursuant to the provision of Rule 1.3. Failure to submit an Annual Report for two (2) consecutive years shall constitute evidence of abandonment of the

prospecting activities. **The report must be accompanied by an annual fee in the amount of \$86.00.**

**RECLAMATION:**

Reclamation shall be completed in a timely manner and within five (5) years of completion of prospecting activities (Rule 5.1.2(g)). The time period to complete site reclamation commences on the date that prospecting has been completed, as stated in the Annual Report. New or significantly upgraded roads, structures, or other features on private lands that are planned to be retained following prospecting may be identified in the NOI submittal and may be excluded from the financial warranty amount at the discretion of the office. The prospector must submit a notarized letter from the landowner requesting that the roads, structures or other features remain on site and demonstrate that it meets the applicable County zoning and code requirements.

**RELEASE OF FINANCIAL WARRANTY AND TERMINATION OF THE NOI:**

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and Rule 4.16 for details on how to request a reclamation responsibility release from the MLRB. Following the completion of reclamation, the prospector may request a release of the reclamation responsibility sent by certified mail. The Division will conduct an inspection within 30 days of receiving the request (or as soon thereafter as weather conditions permit). If the operation is located on Public Land or State Land, the Division will coordinate the inspection with the appropriate land management agency.

**COMPLIANCE WITH OTHER LAWS:**

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not relieve you of responsibility to comply with all other applicable local, state and federal laws. We recommend that you contact the following agencies and any others to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of potential historical significance;
- Colorado Division of Water Resources regarding water rights;
- Colorado Department of Public Health and the Environment, Water Quality Control Division, regarding the potential to discharge pollutants into the State waters;
- Colorado Department of Public Health and the Environment, Air Pollution Control Division, with regard to the potential need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation is on federal lands;
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which the proposed operation is located.



**AUTHORIZED SIGNATURE:**

You, or a person authorized by you, must sign the NOI. By doing so you are stating that the information provided in the NOI is true and correct as of the date specified. For individuals, the NOI must be signed by the NOI holder or the person authorized to sign on the NOI holder's behalf. For companies or partnerships, the NOI must be signed by a person acting under the company's/partnership's express or implied authority, or by an authorized agent.

**SUBMIT COMPLETED NOIs TO ONE OF THE OFFICES BELOW:**

Denver Office (main):  
Division of Reclamation, Mining and Safety  
1313 Sherman St., Rm. 215  
Denver, CO 80203  
Telephone: 303.866.3567  
FAX: 303.832.8106

Grand Junction Field Office:  
Division of Reclamation, Mining and  
Safety  
101 South 3<sup>rd</sup>, Ste. 301  
Grand Junction, CO 81501  
Telephone: 970.243.6368  
FAX: 970.241.1516

**Office hours are Monday to Friday, 8:00 a.m. to 5:00 p.m., excluding State Holidays.**



**Form 1 (DRMS Use and Confidential File)**  
**NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS**  
**FOR HARD ROCK/METAL MINES**

**CHECK ONE:**

- ☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-**  -
- ☐ **New NOI**
- ☐ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-**  -

**GENERAL OPERATION INFORMATION**

**Type or print clearly, in the space provided, ALL information described below.**

**I. GENERAL INFORMATION**

**1. DATE NOI RECEIVED BY THE DIVISION:**

**(office use only)**

**2. PROJECT NAME:** \_\_\_\_\_

**3. PROSPECTOR:** \_\_\_\_\_ **PERSON MLRB SHOULD CONTACT:** \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Name



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Street

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P.O. Box

---

City, State, Zip  
(     )

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Telephone  
(     )

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Fax

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Street

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P.O. Box

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City, State, Zip  
(     )

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Telephone  
(     )

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Fax

**4. APPLICATION FEE: \$86.** (NOIs require an **\$86** fee which must accompany this notice or it cannot be processed by the Division).

**5.**

**LOCATION INFORMATION:**

County:

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Principal Meridian (check one):

☐ 6<sup>th</sup> (Colorado)     ☐ 10<sup>th</sup> (New Mexico)     ☐ Ute

Section (write number)  TOWNSHIP  N  S

RANGE  E  W

QUARTER SECTION (check one):

NE ☐ NW ☐ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ☐ NW ☐ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

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NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: \_\_\_\_\_ X: \_\_\_\_\_

Long: \_\_\_\_\_ Y: \_\_\_\_\_

**6. LAND OWNERSHIP:**

☐ Private ☐ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

**If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings**

**7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND**

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

**A. CLAIMANT:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone (     ) \_\_\_\_\_

Fax (     ) \_\_\_\_\_

B. SITE/CLAIM INFORMATION:

List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☐ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:  
Agency

Address

City, State, Zip

Telephone ( )

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☐ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI

## II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and
2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

## III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: \_\_\_\_\_
2. Estimated dates of commencement and completion: Commencement: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Completion \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_
3. Amount of material (specify units) to be extracted, moved or proposed to be moved: \_\_\_\_\_ Units \_\_\_\_\_

Identify the type or method of prospecting proposed and quantity (place an "X")

- |                                                |                                       |                                         |
|------------------------------------------------|---------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Cuts                  | <input type="checkbox"/> Pits         | <input type="checkbox"/> Trenches       |
| <input type="checkbox"/> Shafts                | <input type="checkbox"/> Tunnels      | <input type="checkbox"/> Adits          |
| <input type="checkbox"/> Declines              | <input type="checkbox"/> Air Drilling | <input type="checkbox"/> Fluid Drilling |
| <input type="checkbox"/> Drilling and Blasting |                                       |                                         |



5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

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6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity	Average Width (ft)	Average Length (ft)
_____	_____	_____

B. Drill Holes:

Quantity	Depth (ft)	Diameter (in)
_____	_____	_____

C. Mud Pits

Quantity	Average Width (ft)	Average Length (ft)	Average Depth (ft)
_____	_____	_____	_____

- D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

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E. Other Disturbances (please describe)

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F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

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G. New Roads:

	Length (ft):	_____	Width (ft):	_____
Significantly Upgraded Roads	Length (ft):	_____	Width (ft):	_____

Are culverts or other crossings proposed? If so, please describe:

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H. Total project area to be disturbed (acres) \_\_\_\_\_

I. Describe the equipment to be used for the prospecting operations:

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J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

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K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

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**IV. OPERATION AND RECLAMATION MEASURES:**

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus be able to act more quickly on the request for release.
2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

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3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

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4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

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5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

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6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

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7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.

A. Plant name and seeding rate:

Plant Name

Seeding Rate (PLS/Acre)

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- B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

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**V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:**

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.
2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:
  - A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;
  - B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;
  - C. Proper and timely abandonment of drill holes upon completion of drilling;
  - D. Reclamation of affected lands upon completion of operations or phases of an operation;;
  - E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

- F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;
  - G. Disposal of any trash, scrap metal, wood, machinery, and buildings;
  - H. Control of noxious weeds within the area affected by the prospector.
- 3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.
  - 4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.
  - 5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.
  - 6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

## **VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS**

- 1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
- 2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.
- 3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

## **VII. FINANCIAL WARRANTY**

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

## VIII. SIGNATURE REQUIREMENT

Please place your initials on the line provided:

\_\_\_\_\_ I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.

\_\_\_\_\_ I have enclosed the required permit fee.

\_\_\_\_\_ I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

\_\_\_\_\_ I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.

\_\_\_\_\_ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

\_\_\_\_\_ I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

\_\_\_\_\_ I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

***This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.***



I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

**SIGNATURES MUST BE IN BLUE INK**

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(date) (month) (year)

Signature of NOI holder or person authorized to sign: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

Title/Position: \_\_\_\_\_  
\_\_\_\_\_

M:\min\oss\slb\MineralsForms\ProspectForm1  
30 Aug 2017



**Form 2 (Public File)**  
**NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS**  
**FOR HARD ROCK/METAL MINES**

**CHECK ONE:**

- ☐ **There is an NOI Number Already Assigned to this Operation** (Please reference the file number assigned to this operation) **NOI # P-**  -
- ☐ **New NOI**
- ☐ **Modification** to an Existing NOI (Provide for Modifications to an existing NOI) **NOI# P-**  -

**GENERAL OPERATION INFORMATION**

**Type or print clearly, in the space provided, ALL information described below.**

**I. GENERAL INFORMATION**

**1. DATE NOI RECEIVED BY THE DIVISION:**

**(office use only)**

**2. PROJECT NAME:** \_\_\_\_\_

**3. PROSPECTOR:** \_\_\_\_\_ **PERSON MLRB SHOULD CONTACT:** \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Name



_____ Street	_____ Street
_____ P.O. Box	_____ P.O. Box
_____ City, State, Zip (     )	_____ City, State, Zip (     )
_____ Telephone (     )	_____ Telephone (     )
_____ Fax	_____ Fax

**4. APPLICATION FEE: \$86.** (NOIs require an **\$86** fee which must accompany this notice or it cannot be processed by the Division).

**5.**

**LOCATION INFORMATION:**

County:

\_\_\_\_\_

Principal Meridian (check one):

☐ 6<sup>th</sup> (Colorado)     ☐ 10<sup>th</sup> (New Mexico)     ☐ Ute

Section (write number)  TOWNSHIP  N  S

RANGE  E  W

QUARTER SECTION (check one):

NE ☐ NW ☐ SE ☐ SW ☐

QUARTER/QUARTER SECTION (check one):

NE ☐ NW ☐ SE ☐ SW ☐

GENERAL DESCRIPTION: (the number of miles and direction to the nearest town and the approximate elevation):

\_\_\_\_\_

NOTE: Supply longitude and latitude or UTM coordinates if lands have not been surveyed or as supplemental information to this NOI. GPS measurements will be acceptable for this purpose:

Lat: \_\_\_\_\_ X: \_\_\_\_\_

Long: \_\_\_\_\_ Y: \_\_\_\_\_

**6. LAND OWNERSHIP:**

☐ Private ☐ Public Domain (BLM) ☐ National Forest (USFS)

☐ State ☐ State Sovereign Lands ☐ Other (please describe)

**If prospecting is located on BLM or USFS land the remaining section must be completed, otherwise go to section II Maps & Drawings**

**7. PROSPECTING ON BUREAU OF LAND MANAGEMENT (BLM) LAND AND U.S. FOREST SERVICE (USFS) LAND**

The Division and the BLM/USFS have entered into cooperative agreements that eliminate the need for a prospector to post a financial warranty with each agency and allow them to coordinate the review of the NOI in order to minimize administrative processing time and effort.

**A. CLAIMANT:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone (     ) \_\_\_\_\_

Fax (     ) \_\_\_\_\_

B. SITE/CLAIM INFORMATION:

List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME	SERIAL NUMBER	LEGAL DESCRIPTION

C. LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).

D. Are prospect sites (e.g., drill holes, trench locations, etc.) staked on the ground? Yes ☐ No ☐

E. Specify the Land Management Agency, Address and Telephone Number:  
Agency

Address

City, State, Zip

Telephone ( )

F. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS. Check one:

☐ Evidence of notification is attached to this NOI for BLM Land

☐ Evidence of notification is attached to this NOI for USFS Land.

☐ Other proof of notice is attached to this NOI



## II. MAPS & DRAWINGS

An accurate topographic base map showing the location of the proposed project must be submitted with this notice. The prospector may submit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:

1. Identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and
2. Includes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including date, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI submittal.

## III. PROJECT DESCRIPTION

1. Mineral(s) and/or Resource(s) being Investigated: \_\_\_\_\_
2. Estimated dates of commencement and completion: Commencement: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Completion \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_
3. Amount of material (specify units) to be extracted, moved or proposed to be moved: \_\_\_\_\_ Units \_\_\_\_\_

Identify the type or method of prospecting proposed and quantity (place an "X")

- |                                                |                                       |                                         |
|------------------------------------------------|---------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Cuts                  | <input type="checkbox"/> Pits         | <input type="checkbox"/> Trenches       |
| <input type="checkbox"/> Shafts                | <input type="checkbox"/> Tunnels      | <input type="checkbox"/> Adits          |
| <input type="checkbox"/> Declines              | <input type="checkbox"/> Air Drilling | <input type="checkbox"/> Fluid Drilling |
| <input type="checkbox"/> Drilling and Blasting |                                       |                                         |

5. Describe proposed surface excavation or other land disturbance, including roads, pits, trenches, waste piles, drill pads and collar areas of underground workings, ponds, etc.

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6. Proposed Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of holes, diameter, depth, location, etc. Submit additional pages if necessary:

A. Drill Pads:

Quantity	Average Width (ft)	Average Length (ft)
_____	_____	_____

B. Drill Holes:

Quantity	Depth (ft)	Diameter (in)
_____	_____	_____

C. Mud Pits

Quantity	Average Width (ft)	Average Length (ft)	Average Depth (ft)
_____	_____	_____	_____

- D. Described proposed underground work, including reopening of old workings, advancement of adits or shafts, trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions:

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E. Other Disturbances (please describe)

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F. Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.

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G. New Roads:

	Length (ft):	_____	Width (ft):	_____
Significantly Upgraded Roads	Length (ft):	_____	Width (ft):	_____

Are culverts or other crossings proposed? If so, please describe:

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H. Total project area to be disturbed (acres) \_\_\_\_\_

I. Describe the equipment to be used for the prospecting operations:

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J. Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):

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K. Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):

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**IV. OPERATION AND RECLAMATION MEASURES:**

1. The Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the prospector. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board may consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for release.
2. Provide a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the area. Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including date, orientation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division may require additional detail.

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3. Describe the estimated topsoil depth and how topsoil will be salvaged, stockpiled and redistributed for the re-establishment of vegetation. Specify approximate topsoil redistribution depth:

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4. Describe how drill holes will be plugged (refer to Rule 5.4 of the Rules for required abandonment procedures):

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5. Describe how portals, adits, shafts, ponds, excavations, or other disturbances will be reclaimed (refer to Rule 3 and Rule 5 for specific reclamation performance standards). You may wish to contact the Division for closure specifications.

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6. Describe how roads will be reclaimed or returned to their pre-prospecting (or better) condition:

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7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.

A. Plant name and seeding rate:

Plant Name

Seeding Rate (PLS/Acre)

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- B. Describe the method for seed bed preparation, and application method for grass/forb seeding:

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**V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:**

1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.
2. The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:
  - A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the pre-prospecting condition;
  - B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;
  - C. Proper and timely abandonment of drill holes upon completion of drilling;
  - D. Reclamation of affected lands upon completion of operations or phases of an operation;;
  - E. Backfilling and revegetating any pits to blend in with the surrounding land surface;

- F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;
  - G. Disposal of any trash, scrap metal, wood, machinery, and buildings;
  - H. Control of noxious weeds within the area affected by the prospector
- 3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.
  - 4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.
  - 5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.
  - 6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

#### **VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS**

- 1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
- 2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.
- 3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

#### **VII. FINANCIAL WARRANTY**

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." **The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.**

A One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the statewide bond at any time in order to cover additional or expanded prospecting activities.)

## VIII. SIGNATURE REQUIREMENT

Please place your initials on the line provided:

\_\_\_\_\_ I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.

\_\_\_\_\_ I have enclosed the required permit fee.

\_\_\_\_\_ I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospecting operation, if the prospecting operation is located on federal public land.

\_\_\_\_\_ I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office, based on the projected costs of reclamation.

\_\_\_\_\_ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Reclamation, Mining and Safety.

\_\_\_\_\_ I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5, and C.R.S. 34-32-101.

\_\_\_\_\_ I hereby certify that concurrent with submittal of this NOI to the Division, I have sent notice to the Boards of County Commissioners in the counties where the proposed activities will occur. This notice also indicated that non-confidential information regarding the proposed activities will be available for review at the Division's website.

***This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34-32-123, C.R.S.***

I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the information given in this NOI form is true and correct.

**SIGNATURES MUST BE IN BLUE INK**

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(date) (month) (year)

Signature of NOI holder or person authorized to sign: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

Title/Position: \_\_\_\_\_  
\_\_\_\_\_

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30 Aug 2017