




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.

MINE NAME: Lincoln Hills	MINE/PROSPECTING ID#: File No. M-2019-061	MINERAL: Not Specified	COUNTY: Gilpin
INSPECTION TYPE: Illegal (Unpermitted Operation)	INSPECTOR(S): Amy Eschberger, DJ Cunningham	INSP. DATE: December 18, 2019	INSP. TIME: 14:00
OPERATOR: Lincoln Hills LLC	OPERATOR REPRESENTATIVE: Eric Goodlett	TYPE OF OPERATION: ILL – Illegal (Complaint)	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: N/A	BOND AMOUNT: N/A	
DATE OF COMPLAINT: December 6, 2019	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: December 26, 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 and DJ Cunningham of the Division of Reclamation, Mining and Safety (Division) in response to an anonymous illegal mining complaint received by our office on December 6, 2019 (see enclosed complaint). The property manager, Eric Goodlett accompanied the Division during the inspection.

The site is located along South Boulder Creek near Pactolus in Gilpin County, approximately two miles east of Rollinsville, Colorado. The site can be accessed by heading south off Coal Creek Canyon Road onto South Beaver Creek Road. The site is located within a privately owned residential community with controlled access (security gate). The site is also home to a private fly-fishing club. According to the Gilpin County property records, a portion of the site is owned by Lincoln Hills Ridge One LLC and the other by Lincoln Hills Holding Company LLC. Two subdivisions are located immediately south of the creek, called Lincoln Hills and Pactolus Acres. Land immediately north of the creek includes a series of small ponds, and several small buildings and parking areas associated with the community. **Photos 1-8** taken during the inspection are included with this report.

The complaint alleges that illegal mining has been taking place in the area for over 100 years in Township 1S of Range 72W of the Colorado 6th P.M, Sections 28, 31, 32, and 33 (see enclosed site location map). Section 28 crosses the Boulder/Gilpin County line, while Sections 31-33 are located in Gilpin County. The complaint also alleges that Lincoln Hills LLC contracted out an independent excavating company to conduct what appears to be bulldozer mining along South Beaver Creek Road as recently as last summer. The complainant submitted two photos taken of the site (presumably this summer; see enclosed photos), which appear to show a small screen, a few material stockpiles, a small dozer, and a small excavator. The complainant later (on December 17, 2019; see enclosed) specified the area where the most recent mining activities were thought to have occurred. This area is located in the southern half of Section 32, at the southwestern edge of the property (see enclosed Google Earth image showing closer view of southern half of Section 32).

At the time of the inspection, there was approximately 8 inches of snow covering the ground, and Pactolus Lake Road (which accesses the southwestern edge of the property) was not plowed. Therefore, this area was accessed by foot. The Division observed several small rock stockpiles and a few fines stockpiles south of the creek in this area. The only mining equipment present on site was a small mobile screen, which appeared to be the same one shown in the photos submitted with the complaint. No mining activities were occurring during the inspection. While the snow cover made it difficult to fully assess ground conditions, the area was levelled off with no evidence of pit walls or trenches present.

According to Mr. Goodlett, the site was placer mined historically, creating the small ponds observed on site today and leaving behind large cobble (waste rock) stockpiles adjacent to the creek. The landowner contracted out McCollum's Excavating LLC to level off the old waste rock stockpiles on site. This project was completed this year and a growth medium was placed on these areas. The site was to be seeded this fall, but due to the early snowfall, this will now be completed in 2020. Some of the old waste rock material was run through a screen to separate the rock and fines for use on the property. No crushing or other material processing methods occurred on site. The screened material is used for fill, road base, landscaping, and home construction/decorative material on the property. According to Mr. Goodlett, none of the material is sold or hauled off site. The stockpiles of material that remain will continue to be used on site as needed. Some additional screening of the material may be required.

The project of reclaiming the old waste rock stockpiles left from historic mining was part of a larger reclamation project that has been underway at the site for some years now, including restoration/stabilization of

the section of South Boulder Creek located on the property. According to Mr. Goodlett, other permits/approvals were required for this work, including a stormwater permit from the Colorado Department of Public Health and Environment, which was recently closed out after the project was completed.

According to the Colorado Geological Survey's (CGS) website, this site is located in the "Pactolus Placers" historic mining district (see enclosed map of historic mining districts in Gilpin County), which was mined from the 1870s through the 1940s (see enclosed information on Pactolus Placer District). According to the CGS, a floating dredge operated in this district during 1937 to 1941, recovering 7,796 ounces of gold from the Pactolus Placer on South Boulder Creek. The Pactolus Placer District lay along South Boulder Creek from around the town of Pactolus to the Boulder County line (see enclosed Google Earth image showing closer view of Pactolus Placers historic mining district as of May 31, 2018). This describes the area of the illegal mining complaint, confirming the site was mined over 100 years ago as described in the complaint. However, these mining activities would be considered "pre-law", as it was not until 1976 that the Colorado Mined Land Reclamation Division was created to regulate non-coal mining operations, and the Colorado Mined Land Reclamation Act was passed (for regulation of Hard Rock/Metal Mines).

As for recent activities that have occurred at the site, including the landowner's cleanup of waste rock stockpiles that were left on the property from historic mining activities, the incidental use of some of this material on the property, and none of this material being sold or otherwise introduced into the market, the Division has determined that a reclamation permit is not required from our office for these activities.

If the nature of the project described in this report were to change, the Division recommends the landowner complete and submit to our office an Is it Mining questionnaire (form enclosed) to receive a formal determination from the Division on whether the proposed activities will require a reclamation permit.

This concludes the report.

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.

PHOTOGRAPHS



Photo 1. View looking southwest at area located south of creek (at southwestern edge of property), showing various material stockpiles that remain in this area.



Photo 2. View looking south at area located south of creek (at southwestern edge of property), showing rock stockpile that remains in this area.



Photo 3. View looking northeast at area located south of creek (at southwestern edge of property), showing material stockpiles that remain in this area.



Photo 4. View looking north at area located south of creek (at southwestern edge of property), showing material stockpiles that remain in this area.



Photo 5. View looking west at area located south of creek (at southwestern edge of property), showing small screen and material stockpiles that remain in this area.



Photo 6. View looking northeast at area located south of creek (at southwestern edge of property), showing small screen and material stockpiles that remain in this area.



Photo 7. View of rock stockpile that remains in area located south of creek (at southwestern edge of property).



Photo 8. View of small stockpile of larger size rock that remains in area located south of creek (at southwestern edge of property).

Inspection Contact Address

Eric Goodlett via email at: eric@theflyfisher.com

Encls: Anonymous complaint, received on December 6, 2019
Site location map showing Sections 28, 31, 32, and 33
Photos sent by complainant on December 6, 2019
Additional location information sent by complainant on December 17, 2019
Google Earth image showing closer view of southern half of Section 32, where most recent mining activities were thought to have occurred, image data from May 31, 2018
Map of historic mining districts in Gilpin County available from Colorado Geological Survey's website, showing location of Pactolus Placer District
Information on Pactolus Placer District available from Colorado Geological Survey's website
Google Earth image showing closer view of Pactolus Placers historic mining district (along South Boulder Creek), image data from May 31, 2018
Is it Mining questionnaire

CC: Complainant (contact information confidential)
DJ Cunningham, DRMS
Michael Cunningham, DRMS

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 *

M2019061

Date of Complaint

12/06/2019

COMPLAINANT INFORMATION

*** Indicates a Required Field**

Do you wish to remain anonymous? *

☒ Yes ☐ No

Connection to Incident *

Select all that apply

☒ Land Owner

☒ Nearby Resident

☐ Other

☒ Mineral Owner

☒ Observed Incident

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.

What appears to be bulldozer mining happening on Federal Lands as well as false deeds on patented Boulder County lands. Township 1S of Range 72W of the P.M. Sections 28, 31,32, 33. Refer to Original Survey from 1870 for TRUE Federal Land description, Lincoln Hills LLC has been contracting an independent excavating company who then hires and pays third party individuals cash to run the excavating equipment. I can attest to this happening for years on Boulder, County lands.

Incident County *

Boulder County

Is this an ongoing issue(s)?

☒ Yes ☐ No

Nature of Complaint *

Select all that apply

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

Bulldozing beautiful Colorado Blue Spruce trees on Federal Land

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

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

Illegal mining has been taking place for over 100years on Boulder, County land under deeds falsifying the Gilpin county line. Active Illegal mining was happening this last summer along South Beaver Creek Rd. as well as all the way back in Section of Section 32 which is Federal Land. Recently the Federal and State laws as well as Federal Survey maps have been verified that none of the lands of which the illegal mining has been occurring has any right of ownership. Boulder County Sheriff's Office, The Department of the Interior, Boulder County Clerk and Recorder, U.S.F.S., U.S.G.S., The White House, and now The Colorado Department of Natural Resource. For further details please contact

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

☐ Yes ☒ No

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

Lincoln Hills, LLC

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

Boulder County Clerk and Recorder, Boulder County Sheriff, U.S.F.S., The Department of the Interior, The White House, and now The Colorado Department of Natural Resource have received reports.

ADDITIONAL INFORMATION



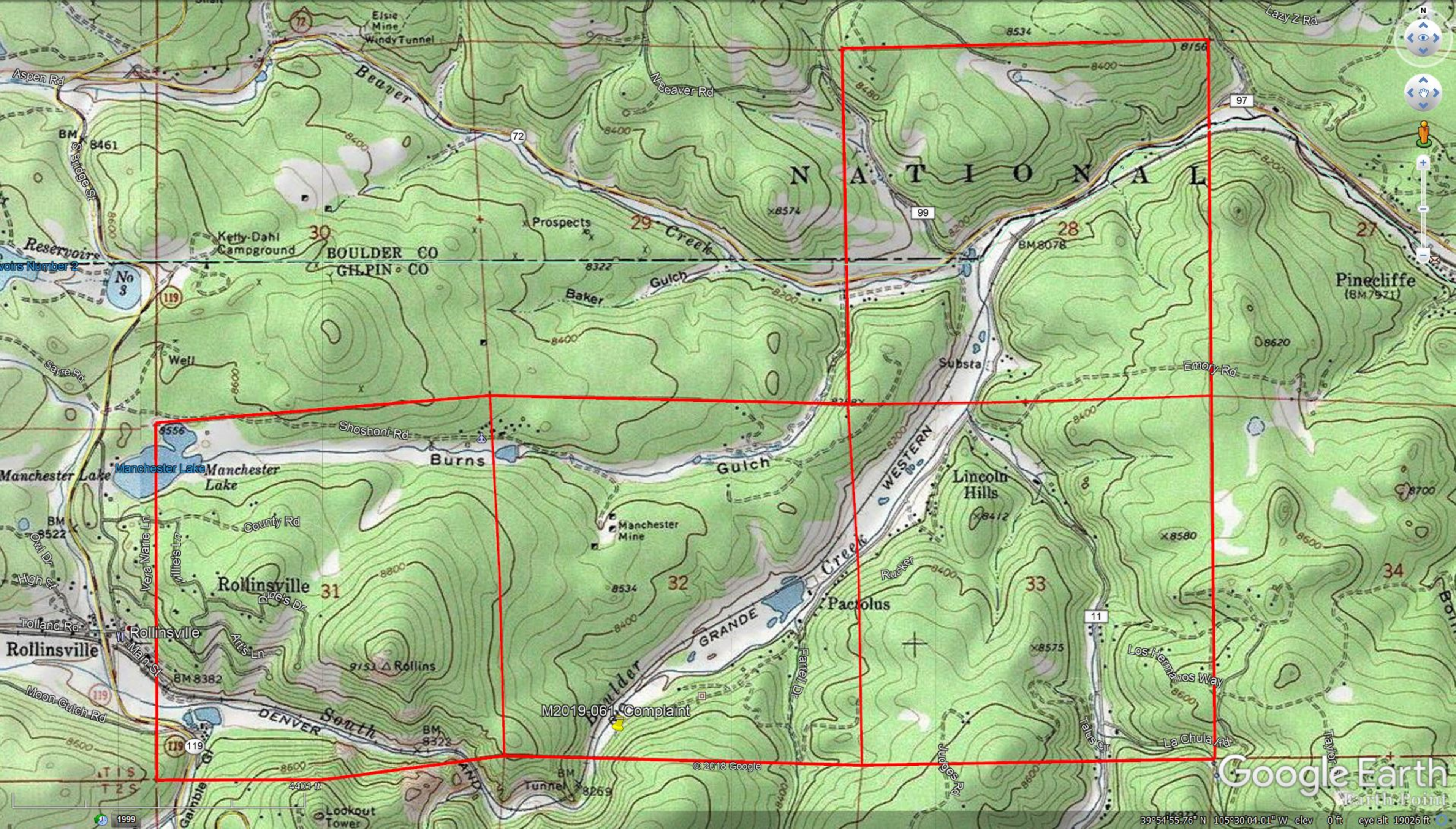
Are there supporting photos, maps, or documents you wish to upload? *

☐ Yes ☒ No

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

Select all that apply

☐ Phone ☒ E-mail ☐ US Mail



© 2018 Google

Google Earth
Earth Point

39°54'55.76" N 105°30'04.01" W elev 0 ft eye alt 19026 ft

1999



Photos

Fri, Dec 6, 2019 at 5:24 PM

To: "amy.eschberger@state.co.us" <amy.eschberger@state.co.us>

Hi Amy,

Thanks for taking the time to meet with me today. Attached are some pictures that hopefully will be better quality. This is of the SW1/4 of the SW1/4 of Section 32.





Executive Order on those lands

POWER SITE RESERVE NO. 78
South Boulder Creek, Colorado

Sixth Principal Meridian

T. 1 S., R. 72 W.,

Sec. 25, S $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$;
Sec. 26, S $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 27, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 31, SE $\frac{1}{4}$;
Sec. 32, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$;
Sec. 33, SE $\frac{1}{4}$ of NW $\frac{1}{4}$.

T. 2 S., R. 72 W.,

Sec. 5, Lot 4;
Sec. 6, Lots 1 and 2.

T. 1 S., R. 71 W.,

Sec. 19, SE $\frac{1}{4}$;
Sec. 20, SW $\frac{1}{4}$;
Sec. 21, SE $\frac{1}{4}$ of SW $\frac{1}{4}$;
Sec. 26, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$;
Sec. 28, S $\frac{1}{2}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$;
Sec. 29, NE $\frac{1}{4}$ of NE $\frac{1}{4}$;
Sec. 30, NE $\frac{1}{4}$.

POWER SITE RESERVE NO. 79
Warner Creek, Oregon

Willamette Meridian,

T. 39 S., R. 24 E.,

Sec. 19, S $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of S $\frac{1}{2}$;
Sec. 20, S $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$.

T. 39 S., R. 25 E.,

Sec. 23, All;
Sec. 24, All.

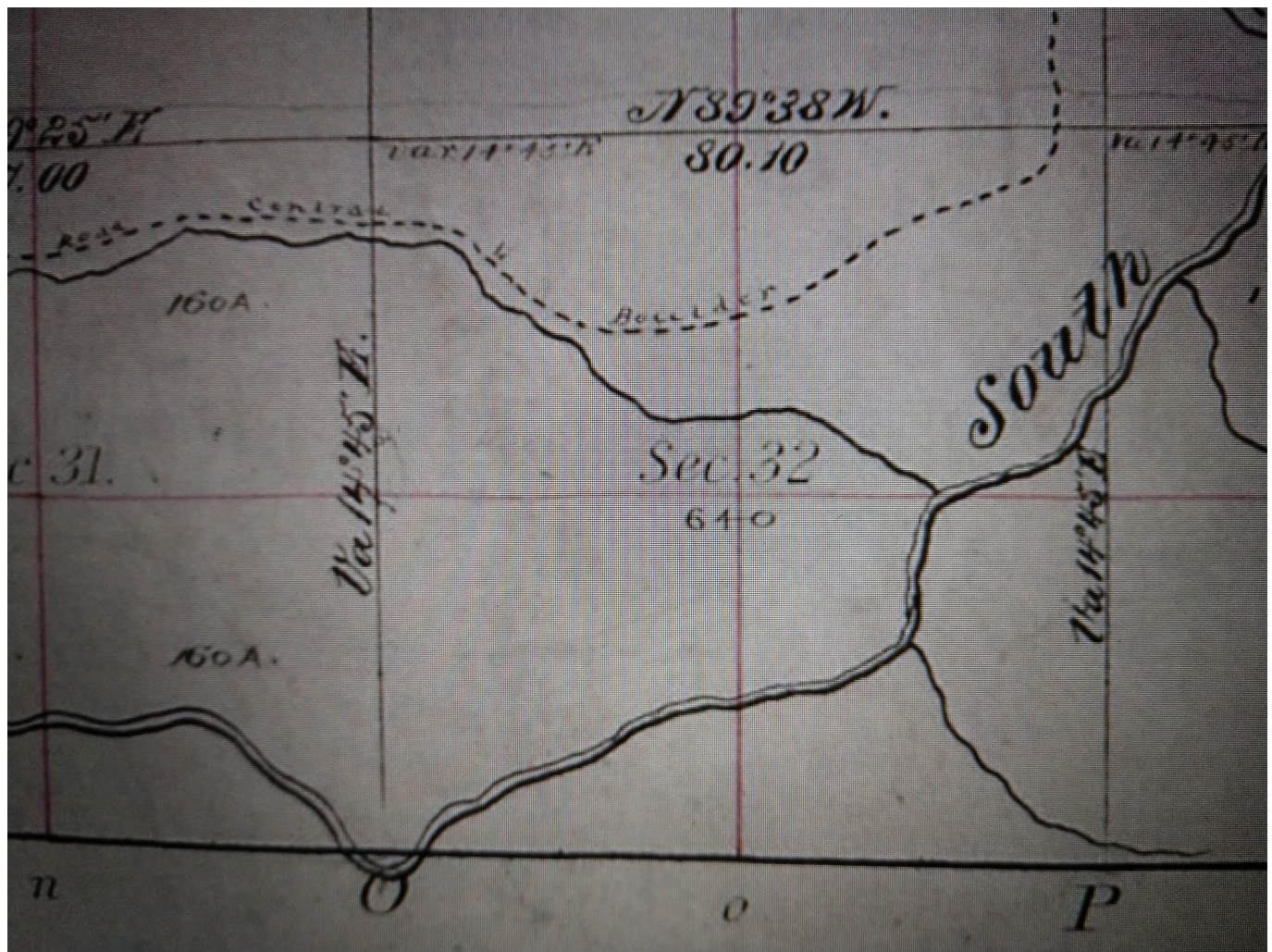
Inasmuch as portions of the lands included in this withdrawal are unsurveyed, it is requested that appropriate notation be made on the records to show the withdrawal thereof, while unsurveyed as well as after survey has been made.

POWER SITE RESERVE NO. 80
Tunk Creek, Washington

Willamette Meridian

T. 35 N., R. 27 E.,

Sec. 2, SW $\frac{1}{4}$ of SW $\frac{1}{4}$;
Sec. 3, S $\frac{1}{2}$ of S $\frac{1}{2}$;
Sec. 10, NE $\frac{1}{4}$ of NE $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$ of NW $\frac{1}{4}$.



STATE OF
COLORADO

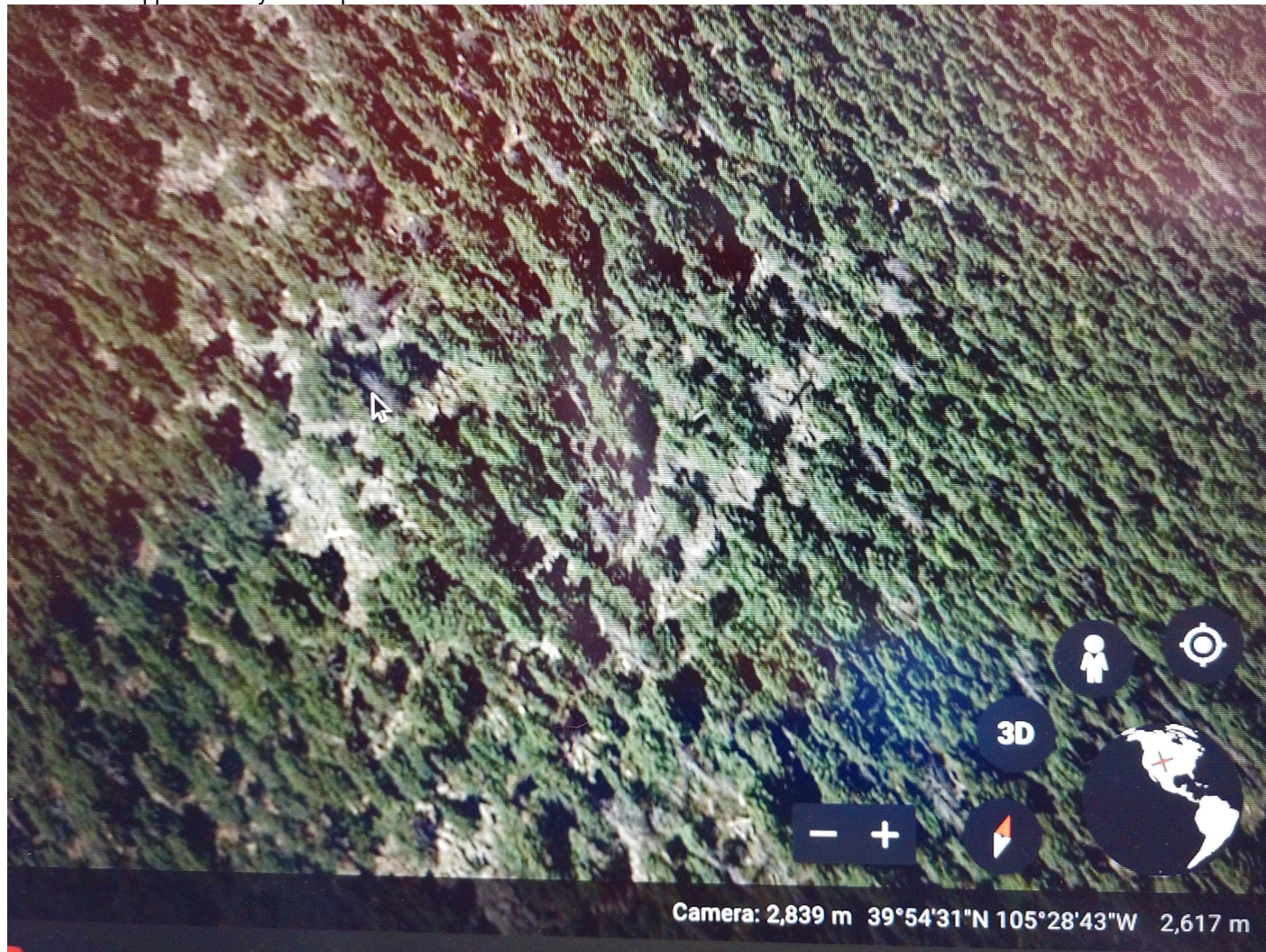
Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Picking up at the 🌲

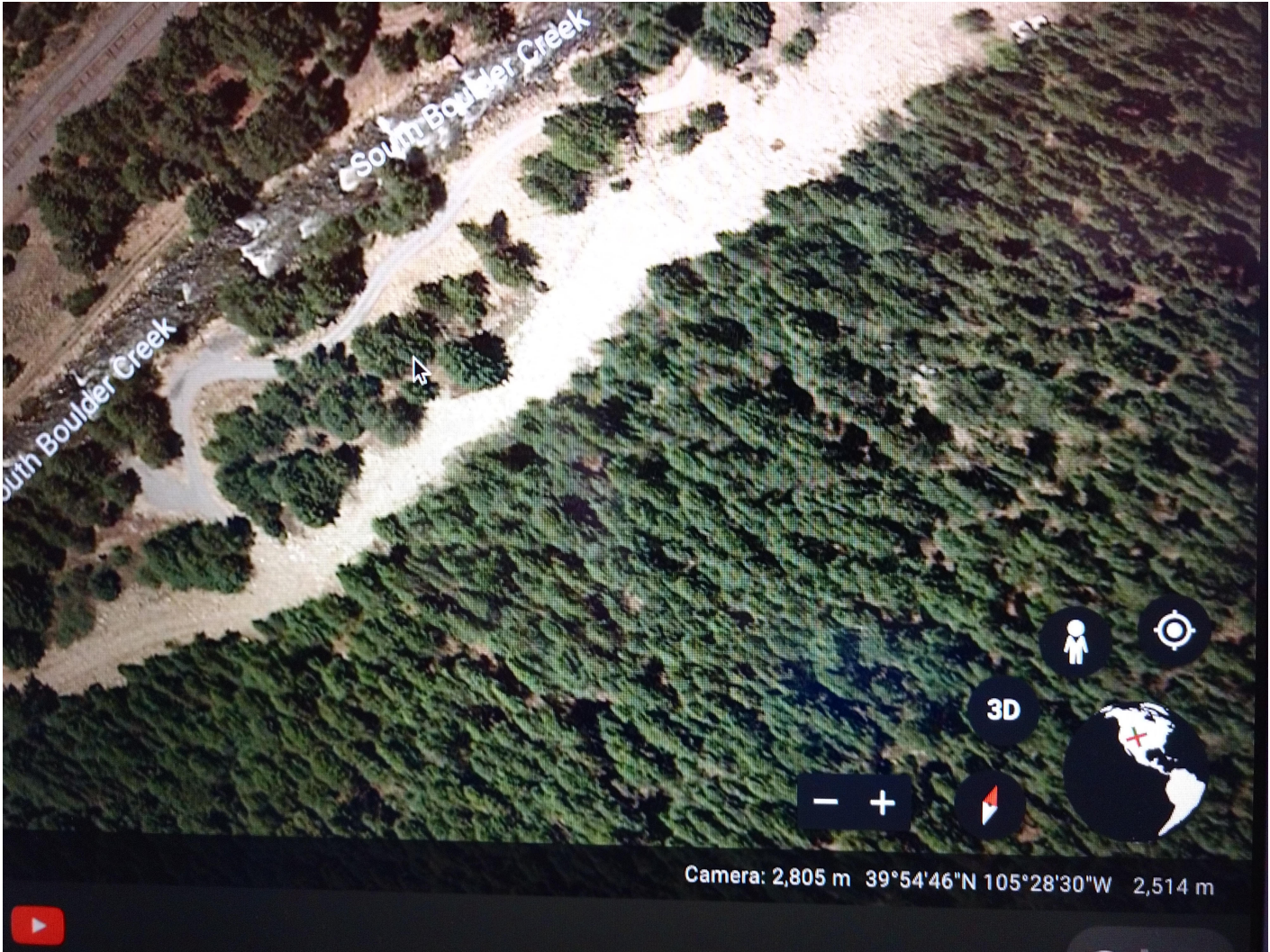
Tue, Dec 17, 2019 at 9:58 AM

Reply-To: ">
To: Amy Eschberger - DNR <amy.eschberger@state.co.us>

The trees is approximately at this point



I then climbed the tree and took the bulldozer photo of approximately this point



Sent from Yahoo Mail on Android

STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Digging has been going on along here too

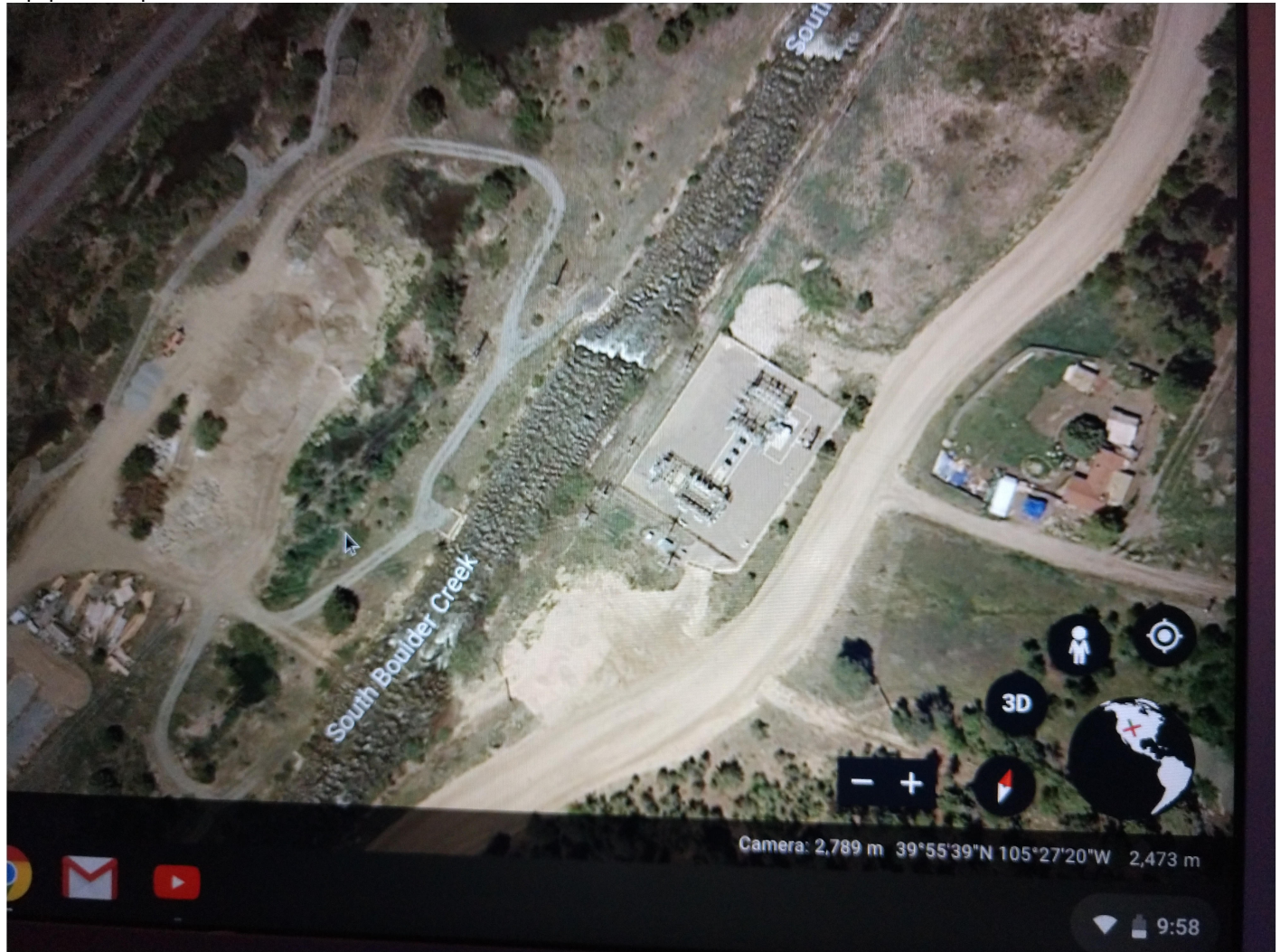
1 message

Tue, Dec 17, 2019 at 10:03 AM

Reply-To: ">

To: Amy Eschberger - DNR <amy.eschberger@state.co.us>

If you drive up South Beaver Creek Rd. Look for large piles of recently moved dirt. They may still even have the mining equipment in place



Google Earth image showing closer view of southern half of Section 32, where more recent mining activities were thought to have occurred.

Image data from: May 31, 2018



M2019-061 Complaint

Pactolus Lake Rd

Farrell Dr

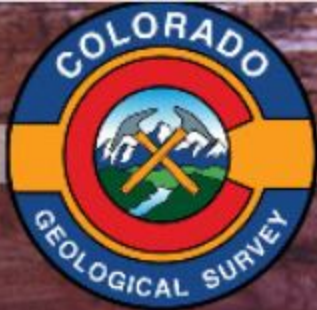
© 2018 Google

Google Earth



1999

Imagery Date: 5/31/2018 39°54'44.95" N 105°28'33.61" W elev 0 ft eye alt 3430 ft



Colorado Geological Survey

Providing service and science to the people of Colorado

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Gilpin County

[Apex](#)

[Bay State](#)

[Central City & Idaho Springs District](#)

[Enterprise](#)

[Eureka](#)

[Fairfield](#)

[Gamble Gulch](#)

[Gold Dirt](#)

[Gregory](#)

[Hawkeye](#)

[Illinois](#)

[Kansas](#)

[Kingston](#)

[Lake](#)

[Mountain House](#)

[Nevada](#)

[North Clear Creek Placers](#)

[Pactolus Placers](#)

[Perigo](#)

[Phoenix](#)

[Pine](#)

[Pleasant Valley](#)

[Rollinsville Placers](#)

[Russell Gulch](#)

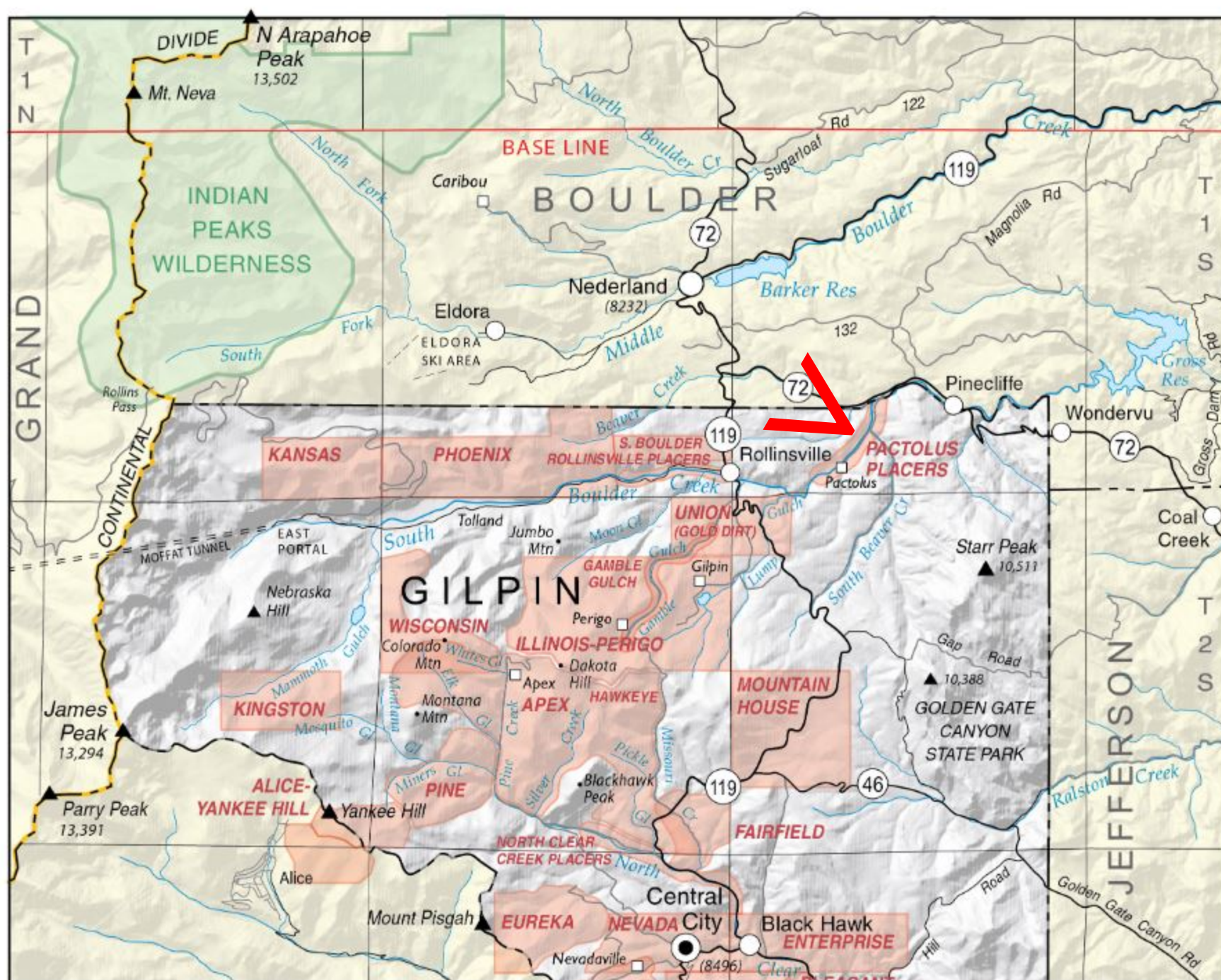
[South Boulder Creek Placers](#)

[Wisconsin](#)

[Yankee Hill](#)

Gilpin County

Select districts from the menu on the left.



Gilpin County

Pactolus Placers

The Pactolus Placer District is located within the **North Gilpin District**, which is described in Bastin and Hill (1917) and Lovering and Goddard (1950) as a large area (approximately 35 square miles) stretching from North Clear Creek to the Boulder County line, east from Mammoth Gulch and Kingston Peak to the Eastern border of the Central City Quadrangle. The North Gilpin District is composed of a number of smaller mining districts that grew out of the 19th century gold boom. It is made up of the significant gold-producing districts of **Pine-Kingston-Apex** and **Perigo**, along with areas that have been called the **Illinois**, **Gamble Gulch**, **Union** (or **Gold Dirt**), **South Boulder** and the **Rollinsville Placers**. The **Wisconsin**, **Phoenix** and **Kansas Districts** are contiguous with the other North Gilpin districts and display the same geologic characteristics.

The first discoveries in the area occurred in Gamble Gulch in 1859 (Koschmann and Bergendahl, 1968). Stamp mills processed the oxidized ore and the level mining activity followed the same pattern as in Clear Creek County. Much placer activity occurred in the various gulches, especially near Rollinsville. The geology is much the same as in Clear Creek County, with Precambrian bedrock of the Idaho Springs Formation cut by Boulder Creek Granite with Tertiary intrusions of quartz monzonite and bostonite porphyries. Fissure fillings include pyritic gold that, where unweathered, is rather low grade, but has been enhanced by oxidation.

In the South Boulder Creek drainage, placer mining was carried out in Lump, Moon and Gamble Gulches. The latter was significant enough to warrant recognition as the Gamble Gulch District. Also at the north end of Gilpin County, the Pactolus and Rollinsville Placers are underlain by outwash gravels and, according to Parker (1974), the most productive gravels were rather fine and lying on Precambrian bedrock. The principal placer area in Gamble Gulch was about 1.5 miles long and 500 feet wide at the widest point. The Rollinsville Placer was slightly larger (Parker, Ibid). Placer activity occurred in nearly all the gulches within the existing districts of Gilpin County.

The Pactolus Placer District lay along South Boulder Creek from around the town of Pactolus to the Boulder County line. According to Parker (1974), one of the earliest placer discoveries in the state was made at the "Deadwood Diggings," near the mouth of Beaver Creek, which would be within the Pactolus Placer District. The deposits lie in outwash gravels, with an average depth of 16 feet. The gold was coarse, with nuggets up to a quarter ounce. Placer activity began in about the 1870s and lasted into the 1940s, but was intermittent in the 1930s (Dunn, 2003). Lovering and Goddard (1950) state that "a floating dredge recovered 7,796 ounces of gold from the Pactolus Placer on South Boulder Creek during 1937 to 1941" so the district was a prolific producer, averaging .0073 ounces per yard.

References:

Bastin, E.S. and Hill, J.M. 1917. Economic Geology of Gilpin County and Adjacent Parts of Clear Creek and Boulder Counties, Colorado. U.S. Geological Survey Professional Paper 94.

Dunn, Lisa. 2003. Colorado Mining Districts: A Reference. Colorado School of Mines, Golden, Colorado.

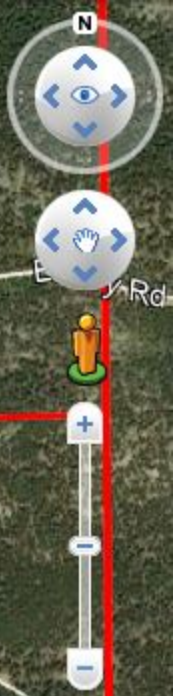
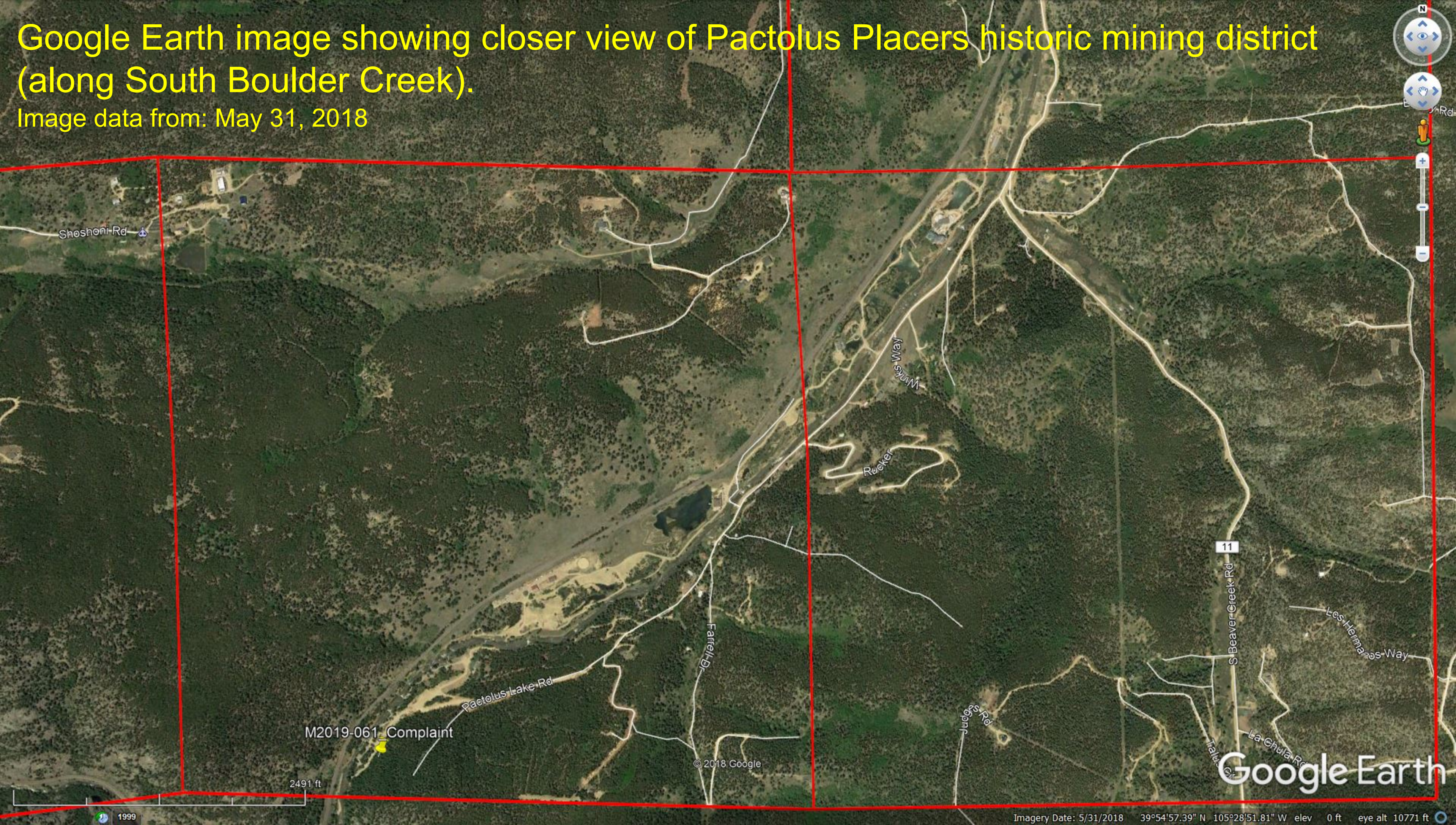
Koschmann, A.H. and Bergendahl, M.H. 1968. Principal Gold-Producing Districts of the United States. U.S. Geological Survey Professional Paper 610.

Lovering, T.S. and Goddard, E.N. 1950. Geology and ore deposits of the Front Range, Colorado. U.S. Geological Survey Professional Paper 223.

Parker, Ben H. Jr, 1974, Gold Placers of Colorado; Colorado School of Mines Quarterly 69 (3).

Google Earth image showing closer view of Pactolus Placers historic mining district
(along South Boulder Creek).

Image data from: May 31, 2018





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: _____

Mailing Address: _____ City: _____ State: _____ Zip Code: _____

Telephone: (____)____-____ Cell: (____)____-____

Email: _____

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____County____
Or NAD27 GPS X UTM____Y UTM____
Direction and miles to nearest town/city_____
2. Is the site of material extraction on public or privately owned property?
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.?
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.
5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?
6. How will the extracted material be used on site?
7. If the material is hauled offsite, where will it be hauled to and what it the intended use?



8. What is the approximate areal extent of the proposed extraction in acres?
9. To what approximate depth will the extraction extend?
10. In cubic yards, approximately how much material will be removed?
11. Will material extraction involve the use of explosives?
12. Will site of extraction result in the exposure of tributary ground water?
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?
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?
16. Are there state/federal/local agency participants in terms of funding (yes)-(no), design (yes)-(no). What are the percentages?
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)
18. What types and sizes of equipment will be used in the extraction?

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 ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT

103(3) and (13)

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.