



**File Code:** 2810  
**Date:** December 23, 2019

James Thomas  
3505 Mesa Grande Drive  
Colorado Springs, Colorado 80903

**Sent Via Electronic Mail**

Dear Mr. Thomas:

I received your Notice of Intent (NOI) dated September 6, 2019, to conduct prospecting activities on the Crystal Falls No. 1 and Crystal Falls No. 2 unpatented mining claims on National Forest System lands administered by the Pikes Peak Ranger District in portions of Section 20, T. 14 S., R. 67 W., 6<sup>th</sup> Principal Meridian, El Paso County, Colorado. Please note, my responsive was postponed until my staff conducted an on-site evaluation in coordination with a representative from the Colorado Division of Reclamation, Mining and Safety.

In reviewing your NOI, it has been determined that a Mining Plan of Operations (MPO) is not needed at this time. My staff is aware of your Application package for the Crystal Falls mine claim (File No. M-2019-045) filed with Colorado DRMS for which a bond estimate has been prepared. I will be monitoring your mine operation status including meeting reclamation requirements in coordination with DRMS. An MPO and a reclamation performance bond will be required for my review and approval if you *create significant resource disturbance to surface resources* as a result of proposing or doing any of the following:

- Failing to backfill any holes, pits or trenches;
- Cutting any trees;
- Using mechanized equipment;
- Using roads that are not National Forest System (NFS) roads with mechanized vehicles (including OHV);
- Creating new access routes or roads;
- Constructing any structures or facilities;
- Placing signage other than mine claim corner post identification;
- Do anything that might cause a significant disturbance.

No deviation from this NOI is authorized without my prior written approval. Your notice of intent is valid for one season or until December 31, 2020. You will need to submit a new NOI for any proposed activities after December 31, 2020.

Please note that where not otherwise restricted, it is prohibited to camp more than 28 days within



a continuous 60 day period, and/or occupy any campsite for more than 14 days during this 60 day continuous period within three miles of the previous campsite. In addition, Forest Service Motor Vehicle Use Map (MVUM) rules and regulations require vehicles to park in areas immediately adjacent to NFS roads.


I have enclosed information on the reclamation standards for this district for you to review. You are required to follow these standards to be in compliance with your NOI. Additionally the claims are located on National Forest are also located within the Municipal Watershed of Colorado Springs as designated in Cooperative Agreement dated January 9, 1924. For the purposes of conserving and protecting the water supply of the City of Colorado Springs. As required by the 1924 Agreement, use and activities within the agreement (watershed) area will not be permitted without approval of the proper city authorities. In consultation with City/Colorado Springs Utilities representative, they understand your rights and responsibilities under mining laws and agency policies and regulations. The City highlights the following practices to help protect source water areas:

1. Safe handling, storage, and use of contaminants that could potentially reach source waters. Operators could provide detail on the contaminants found on site including those possibly generated or imported in case of a spill.
2. Eliminating storm water runoff from mine tailing, pits, trenches and other land disturbances through the use of straw wattles, silt fencing and site restoration after operations cease.
3. All waste products being removed from the site for disposal at appropriate facilities.

Finally, as a reminder, you are required to follow all State and Federal mining and water quality rules and regulations. Any mining on federal lands is also subject to local, and state rules and regulations dealing with mining. The State of Colorado, Division of Reclamation and Mine Safety (DRMS), administers mining activities in El Paso County. You should be familiar with the State's requirements before submitting a Notice of Intent or Mining Plan of Operations with the Forest Service. Information that explains DRMS requirements for mining claims is found on their website at: <http://mining.state.co.us>. In the

If you have further questions, please contact Jeffrey Hovermale of my staff at (719) 477-4201 or email at: [jeff.hovermale@usda.gov](mailto:jeff.hovermale@usda.gov).

Sincerely,

 *Jeff B. Hovermale, Acting For:*

OSCAR MARTINEZ  
District Ranger

Enclosures: As noted  
cc: Tim Cazier

# **Mining Reclamation Standards**

## **Pikes Peak Ranger District, Pike National Forest**

### **Introduction**

Reclamation of mined sites on National Forest land is a requirement of Federal law and USDA Forest Service regulations. The Forest Service is legally responsible for ensuring that operators perform reclamation to a standard that allows the land to be productive again. The Forest Service will inspect and approve reclamation work performed by the operator. This will be in addition to any inspection which the State of Colorado might conduct on any mining claim. Operators should be aware that until reclamation is approved by the Forest Service it is not considered complete.

Reclamation will be more effective with pre-planning of dig locations, proper selection and use of equipment, and placement of topsoil and overburden material. Operators should plan the investment of time and money for reclamation work prior to beginning a project. Operators will normally not be allowed to delay or postpone reclamation work because of changed economic conditions.

The primary goal of mined site reclamation is to restore the surface to near-natural conditions at the end of mining operations, and thereby restore the land to full productivity.

### **Regulations**

The Code of Federal Regulations, 36 CFR 228.8(g), establishes the following general standards for reclamation of mined sites.

Upon exhaustion of the mineral deposit or at the earliest practicable time during operations, or within one year of the conclusion of operations, unless a longer time is allowed by the authorized officer, operator shall, where practicable, reclaim the surface disturbed in operations by taking such measures as will prevent or control onsite and off-site damage to the environment and forest surface resources including:

- (1) Control of erosion and landslides
- (2) Control of water runoff
- (3) Isolation, removal or control of toxic materials
- (4) Reshaping and revegetation of disturbed areas, where reasonably practicable
- (5) Rehabilitation of fisheries and wildlife habitat

## **Local Forest Service Standards**

Reclamation is a continuous process. Some reclamation must be done on a recurring basis, while other practices are typically done at the end of each mining season, and at the end of the mining operation.

On-going or continuous reclamation is typically needed when operators are limited to a certain number of open pits. One or more open pits must be filled in, recontoured and seeded before beginning work on a new pit.

Annual (end of season) reclamation should include:

- (1) Removing all vehicles and equipment from the site.
- (2) Seeding stockpiles with native species listed in the Forest Service approved seed mix, and/or monitoring stockpiles for erosion problems.
- (3) Annual reclamation will be completed by October 31 of each year or as directed by the Forest Service.

Final Reclamation should include the following general practices:

- (1) Removing all equipment, vehicles, supplies, construction materials and debris from the claim and properly disposing of items off of National Forest lands.
- (2) Refilling all pits and trenches.
- (3) Recontouring the slope to a natural setting.
- (4) Replacing available topsoil.
- (5) Closing all non-system access roads, constructing water diversions as directed by the Forest Service, and seeding.
- (6) Seeding all disturbed areas (including campsites) with Forest Service approved seed mix.