

STATE OF  
COLORADO

Cunningham - DNR, Michael &lt;michaela.cunningham@state.co.us&gt;

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## Fwd: Mining Claim - Request Unmarked Road Closure and Questions

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**Ebert - DNR, Jared** <jared.ebert@state.co.us>

Thu, Aug 6, 2020 at 12:13 PM

To: Michael Cunningham - DNR &lt;michaela.cunningham@state.co.us&gt;

Hey Michael,

I received the email last week and have been meaning to forward it. It appears to be a possible operation in Larimer County.

Jared

----- Forwarded message -----

From: **McFadden, Leslie -FS** <leslie.mcfadden@usda.gov>

Date: Fri, Jul 31, 2020 at 3:55 PM

Subject: RE: Mining Claim - Request Unmarked Road Closure and Questions

To: RCA Production &lt;rcaproductionmaster@gmail.com&gt;, Eli Josephs &lt;fortcollinsb17@gmail.com&gt;

Cc: Ebert - DNR, Jared &lt;jared.ebert@state.co.us&gt;

Good Morning -

As I mentioned in my previous message, I informed our dispersed camping and motorized recreation folks about your concerns related to public use of the road up to your claim site. They are aware of the issue and at one point had arranged for a volunteer groups to build fence in a few problem areas - but they haven't gotten to the one near your claim. I'll follow up with the recreation folks regarding your offer to install the gate so you have continued access to your claim. I'll let you know what we come up with.

Motorized use is only allowed on the roads identified on our Motor Vehicle Use Map (MVUM) and applies to everyone. A copy of the local MVUM can be found at: [https://www.fs.usda.gov/detail/arp/maps-pubs/?cid=fsm91\\_058275](https://www.fs.usda.gov/detail/arp/maps-pubs/?cid=fsm91_058275). Use of non-system roads needs to be authorized separately – for mining claims with a demonstrated need to use non-system roads we typically authorize via a Plan of Operation. Which takes me to the mining part of your e-mail....

I have attached some information related to mining claims that you may find useful. The first handout is general information about mining claims and what is and is not allowed. The second two relate to Notices of Intent and the final document is a Plan of Operation. Forest Service regulations covering mining activities under the United States mining laws of 1872, as amended (30 U.S.C. 22) are located in Part 228, Subpart A, of Title 36 of the Code of Federal Regulations (36 CFR 228, Subpart A). These regulations require any person proposing to conduct mining or related activities that may result in significant disturbance to submit a notice of intention to operate with the District Ranger having jurisdiction over the area where activities will occur. Such activities could include, but are not limited to: camping on the claim beyond the allowed length of stay limits; substantial earth or stream work; use of an existing closed road that is gated and locked, or ATV's where use is not allowed by the general public; potential disturbance or damage to historical resources; tree cutting; or the use of mechanized equipment. If the District Ranger determines that the activities you intend to conduct will cause significant disturbance of the surface resources, you will be required to submit a plan of operations to provide more detail about your planned activities. If you are required to

submit a plan, the District Ranger will evaluate that proposed plan and must approve it before you are able to begin activities.

Forest Service approval of a plan of operation does not negate the need for additional permitting under State or County regulations. Information regarding State of Colorado requirements and a permit application can be found at: [www.colorado.gov/drms](http://www.colorado.gov/drms).

You are also responsible for reclamation of the claim. This includes annual reclamation, which would occur at the end of the operating season, as well as final reclamation, when operations are concluded. Depending on the approved activities a bond may be collected – the amount is based on our costs to conduct reclamation of the site and may include disturbance from previous activities. The Forest Service and the State have a Memorandum of Understanding which allows the State to collect and hold the bond on behalf of both agencies.

Based on the description in your message, I'm fairly certain the District Ranger will require a plan of operation. If you are sampling and assaying the piles a tram may not be desirable at this point of your operation. As you develop the operation it may be the best way to address potential site erosion. Please give that some thought and include a response in your proposal. Plans of Operation are typically done on an annual basis and can be expanded or contracted depending on where the miner is in their claim development.

Finally, I know there are some adits in the area, please proceed with caution as you investigate the area. The structures themselves can be unstable and the air inside may be bad.

I hope that helps you get started with your planning. Please let me know if you have additional questions.



**Leslie A. McFadden**  
**Realty Specialist**

**Forest Service**

**Arapaho and Roosevelt National Forests and Pawnee National  
Grassland, Canyon Lakes Ranger District**

**p: 970-295-6735**  
**[leslie.mcfadden@usda.gov](mailto:leslie.mcfadden@usda.gov)**

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**Caring for the land and serving people**

**From:** RCA Production [mailto:[rcaproductionmaster@gmail.com](mailto:rcaproductionmaster@gmail.com)]  
**Sent:** Monday, July 27, 2020 3:04 PM  
**To:** McFadden, Leslie -FS <[leslie.mcfadden@usda.gov](mailto:leslie.mcfadden@usda.gov)>  
**Subject:** Mining Claim - Request Unmarked Road Closure and Questions

Hello,

I called the office today asking about an unmarked road on a mining claim I hold, and I was recommended to talk to you because you are the mineral and mining claim expert. Attached is a map I have of the claim, showing the corner posts and the directions from the survey monument of 9N 7W S19, S30 and 74W S24, S25 to help explain the layout. This pertains mainly to the unmarked road, which may or may not be a part of your expertise according to the kind person who called me back.

The monument is on the tailings pile of a historic tunnel. The unmarked road may have once served the mine, or it may have been cut out by 4 wheelers and motorbikes; It presently runs up the hill at a very steep angle, at times nearing 45 degrees. I've been on the tailings pile almost once a week since the snow melted, and have seen 4 vehicles tumble down the hill after attempting to climb the unmarked road (luckily all the drivers were ok). Motorbikes have forced their way all the way to the top, going up the section of the road comprised of the tailings, throwing material across the hillside and badly eroding the pile. They often drive off of the road and dig into other parts of the hillside, uprooting sage and other bushes.

The road surface is almost entirely loose gravel and loose rocks, so that every time a vehicle tries to force its way up, the road becomes more eroded and in worse condition. Every rain, more of it washes away. It is to the point where it is challenging to hike it without slipping. The vehicles that have rolled are spilling oil and gasoline across the hillside, and leave behind many plastic parts and garbage.

I am hoping that we can do something to stop the motor vehicle use of this unmarked road, without making it unusable for extracting minerals. I am trying to shore up the existing tunnel at the top, which requires me to hike up timber from where I park down below. I also have to hike down buckets of the ore. At the bottom of the hill is a nice flat spot where I can park, and have occasionally camped. The first flat section (about 50 feet) does not need to be closed off, as it's the same as any other pulloff for a campsite.

What makes the most sense to me, is to build a short fence at the bottom which crosses the road and has a gate. This way, the dangerous and detrimental motor vehicle use is prohibited, but hiking is still possible, either by going through the gate or around the fence on foot. If this is a possibility, I would be entirely willing and happy to pay for and install it myself to the specifications given to me by the Forest Service.

The only part that pertains to the mining claim is that I will still need to be able to access and use the road to access the existing workings on the claim, and that use of the road has led to destruction of the road and the tailings at the top. The current condition and use of the road is concerning to me, for everyone's safety and the health of the hillside.

I have posted temporary signs along with my mining claim signs, warning people of the danger of the hill and asking them politely not to drive it, but this seems to have no effect.

I have a second question that is geared specifically to the mining claim. I am wondering if it is possible, and if so what it would require, to build a small tram station at the tailings and at the bottom of the hill on the claim? The structures could be non-permanent so that they could be removed in the future without leaving any damaging chemicals or concrete foundations. I do not know if this is even a possibility, and I am having a hard time finding information other than to contact my local office. Adding the short tram would allow the heavy supplies and minerals to be transported without wearing down the road or hillside.

Thank you very much for your time,

-Eli Josephs

970-658-6719

Fort Collins, CO

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Jared Ebert

Senior Environmental Protection Specialist

**\*I am working remotely, please feel free to call my cell at (720) 413-6466**



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#### 4 attachments

**2015\_UnpatentedMiningClaimsHandout.pdf**  
99K

**noi poo chart.pdf**  
74K

**notice\_of\_intent.doc**  
46K

**plan\_of\_operations.doc**  
201K

