



STATE OF
COLORADO

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DRMS Area Definitions

1 message

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Tue, Mar 22, 2022 at 5:04 PM

To: Joseph Joshua <jjoshua@gcc.com>

Bcc: Michael Cunningham <michaela.cunningham@state.co.us>

JJ,

You requested definitions for permit, affected, released, disturbed and reclaimed areas last week during our inspection. Attached is my best effort to define those terms for you.

Please call or email me if you have any questions.

Tim Cazier, P.E.

Environmental Protection Specialist III - Engineering

[I am working remotely - please call me at 303-328-5229]



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Area Definitions.pdf

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Division of Reclamation, Mining and Safety Area Definitions

Affected Land (Area): means the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of such operation. Affected lands include but shall not be limited to private ways, roads, except those roads excluded pursuant to *[this definition]* (see *blue text below and the first and third bullets [•] below for specific Rule references*), and railroad lines appurtenant to any such area; land excavations; exploration sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; work, parking, storage or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated. All lands shall be excluded that would be otherwise included as land affected but which have been reclaimed in accordance with an approved plan or otherwise, as may be approved by the Board. *Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation or off-site groundwater monitoring wells.*

- Hard Rock references: C.R.S 34-32-103(1.5) & Rule 1.1(4);
- Note: *ONLY the Hard Rock Act [C.R.S 34-32-103(1.5)] includes the last phrase: “or off-site groundwater monitoring wells”*
- Construction Material references: C.R.S. 34-32.5-103(1) & Rule 1.1(3);
- This is the area for which the DRMS holds a reclamation bond. If the permit is approved for a “phased bond”, all land intended to be eventually disturbed by mining related activities must be included in the affected area boundary, but a bond will only be held for the areas which have and are being disturbed, and not yet released (see *“Released Area” definition below*).
- The Affected Area is the area which must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries {reference Rule 3.1.12(2) for both Construction Materials and Hard Rock}.

Disturbed Area: means land that has been altered by mining or mining related activities as described in the Affected Land definition above. This includes reclaimed areas (see Reclaimed Area” definition below), unless the DRMS has received and approved an Acreage Reduction request. It does not include area that is to be disturbed in the future, but not yet impacted by mining, or mining related activity.

Permit Area: For Limited Impact Operations (i.e., 110c, 111, 110 and 110(d) permits), the permit boundary is considered the affected area

- Reference Rule 3.1.12(2)(a) for both Construction Materials and Hard Rock).
- There is no definition for “Permit Area” relative to 112c, 112 and 112d permits; despite references made to “permit area” under “Acid Mine Drainage” and “Designated Chemicals” definitions, as well as under “In situ leach”, “structural fill”, “Spill Reporting”, “Mining Plan” exhibits, and other Rules.

Reclaimed Area: refers to areas for which reclamation (definition follows) has been completed. The DRMS will continue to hold a bond for re-seeding (and possibly other reclamation efforts that may degrade or fail over time) reclaimed areas until such time as the Permittee submits an Acreage Reduction request (see *“Released Area” definition below*) and it is approved by the DRMS.

- “Reclamation” means the employment during and after a mining operation of procedures reasonably designed to minimize as much as practicable the disruption from the mining operation and to provide for the establishment of plant cover, stabilization of soil, the protection of water resources, or other measures appropriate to the subsequent beneficial use of such affected lands. Reclamation shall be conducted in accordance with the performance standards of the Act.
 - Hard Rock references: C.R.S 34-32-103(13) & Rule 1.1(59);
 - Construction Material references: C.R.S. 34-32.5-103(19) & Rule 1.1(45);

Released Area: refers to areas released through the DRMS revision process by submitting a formal “Request for Full or Partial Release of Permit Area/Surety Reduction” and the DRMS approves the request, subsequent to an inspection and public comment period. Areas released from the permit are no longer under DRMS jurisdiction and cannot be re-disturbed by any mining related activity without amending the permit to add the area back in to the affected area.