

STATE OF
COLORADO

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

Please send where I find a milling permit and what that process is?

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Wed, Aug 24, 2022 at 10:42 AM

To: David Emslie <dave@prospectorsgoldandgems.com>

Good day Mr. Emslie,

As was discussed in detail during last week's Board hearing, DRMS' jurisdiction is defined by statute, Title 34, Article 32, for Hard Rock mining operations. The Division has jurisdiction over Mining Operations which is expressly defined to include milling. As was also discussed during the Board hearing, Affected Lands includes areas where a Mining Operation is being conducted. The Board found that the activity at your Highway 72 location constitutes a Mining Operation that requires a permit. The Board's written Order should be sent in the next 30-days. You will need to demonstrate how you will operate multiple uses at the site while complying with the requirements for the Mining Operation. If structures, facilities, equipment, machines, tools, or materials are used for the Mining Operation then DRMS would have jurisdiction over it.

I am not sure what specific document you are referring to as the EPA ROD, but DRMS is very familiar with the concept of removing historic mine waste, tailings, waste rock, etc. and processing it to produce mineral products. We have issued permits for both the mining of this material and the milling. The concept is not new and DRMS supports such activities when the proper permits and requirements are acquired and met. Whether conducted as a hired contractor or a Good Samaritan, proper approvals are still required to remove and process these materials.

DRMS is bound by the Act and Rules that govern Mining Operations, and these include the administrative process involved in securing a permit. Because the process is set forth in Act and Rules, the Division is not able to "fast track" the review process. As you will see upon review of the Act and Rules, there are application requirements, notice requirements, review and comment timeframes, reclamation and performance standards, and a requirement to post a financial warranty.

As found by the Board, DRMS and the Board regulates Mining Operation in Colorado. Per C.R.S. 34-32-116(4) – DRMS will ask how materials milled and how byproduct and/or waste material produced will be handled in a way that is protective of the environment and public health and safety. We will ask for a materials handling and disposal plan and will work with appropriate agencies, such as CDPHE, to ensure wastes are handled and disposed of appropriately.

I suggest you review the following permit files, Gladstone Toll Mill (M2021007) and Hukill Gulch Millsite (M2009076). These permit applications were subsequently approved and could be used as a template to follow. These files can be viewed on our website (<https://drms.colorado.gov/data-search>) using DRMS Weblink (Laserfiche), there are instructions on the website on how to use Laserfiche. These examples are not entirely factually similar to your operation, but they also involve the permitting of a mill and/or the reprocessing of historic tailings and mine waste. DRMS staff is available to answer questions when completing the required forms and exhibits.

It is not within my authority to designate who will process your application, however, your concern is noted and I will communicate this concern to Russ Means, the Minerals Program Director. The DRMS staff will provide assistance, if needed, through the application process. However, DRMS will no longer engage in discussions related to jurisdiction over milling and Mining Operations as that issue has been resolved by a formal Order of the Board. DRMS staff will assist with the 110d application process, but will not re-litigate the issues resolved by the Board.

Jared Ebert

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