

STATE OF
COLORADO

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

Clean Out Old Ponds

H D B <deanohdb@me.com>
To: amy.eschberger@state.co.us

Thu, Jan 26, 2023 at 11:55 AM

Amy,

As we discussed this morning, we own a farm in Elbert County that has six old ponds that are shown on a 1970 TOPO Map. (See screen shot attached) The 1970 TOPO also shows a gravel pit as well. These ponds may have been originally dug out as part of the gravel pit operation.

I would like to dig out these old ponds so the bottom of the ponds are below the water table to provide better wildlife habitat. Some of these ponds have water during part of the year. The easiest way would be to simply move the dirt out of the ponds and place it along side each pond however we may use the gravel to improve some of the road base on arm roads on this farm.

Please let me know if I need a permit to dig the ponds out.

Do I need to move the extracted gravel away from the sides of the ponds?

I have attached the application form if required.

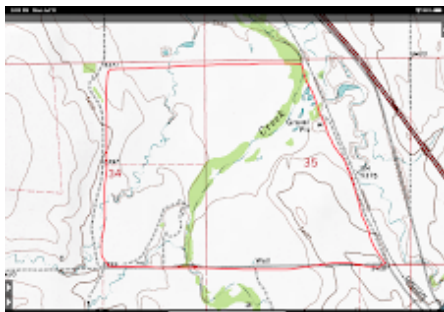
I also have attached a screen shot of the TOPO map.

The legal description for our farm is as follows:

THE EAST ONE-HALF OF SECTION 34, AND ALL THAT PART OF SECTION 35 LYING WESTERLY OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, TOWNSHIP 6 SOUTH, RANGE 59 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO.

Thanks,
Dean Bursch
970-901-7723

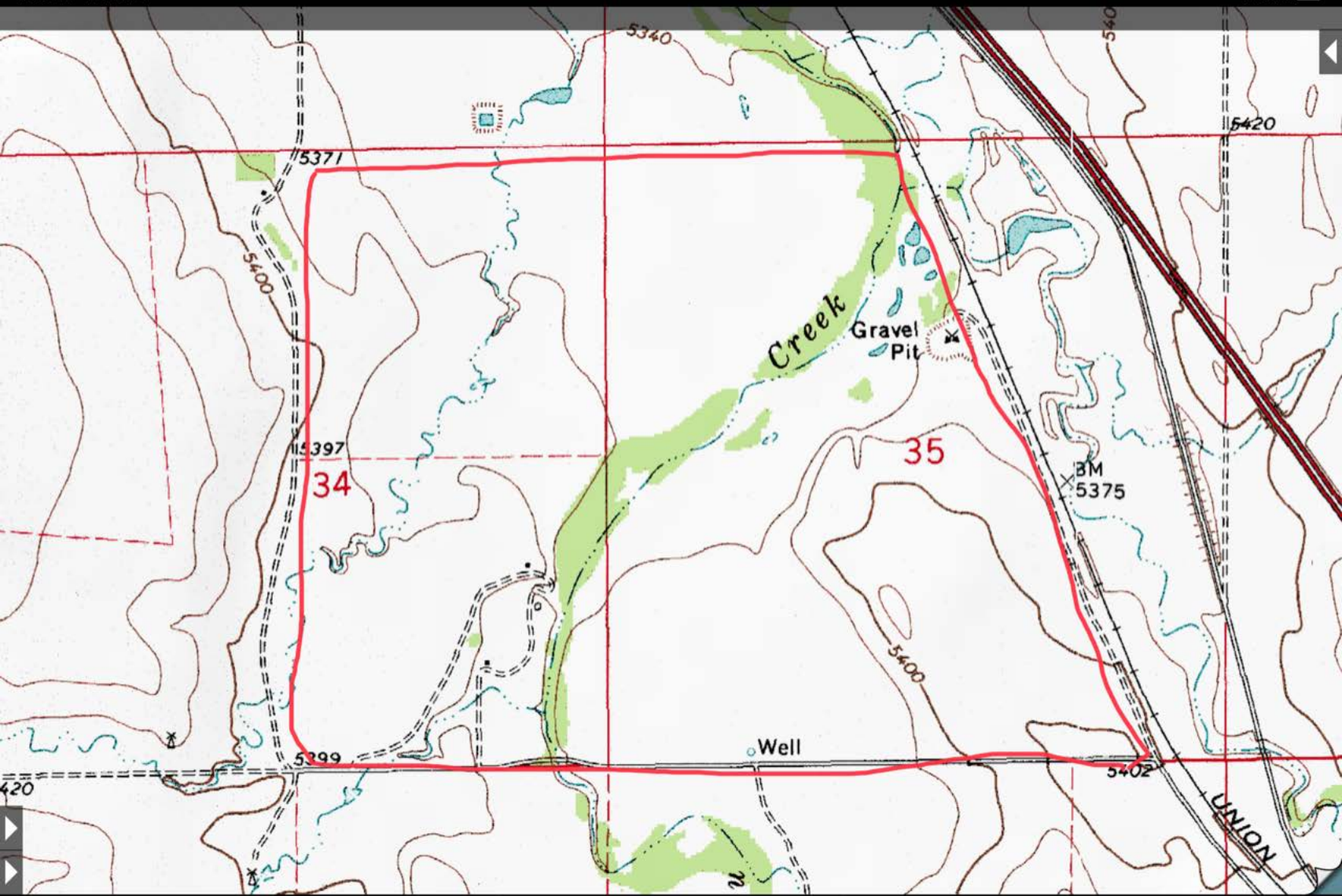
2 attachments



PNG image 2.png
841K



IsItMining 2.pdf
404K





STATE OF
COLORADO

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

Clean Out Old Ponds

H D B <deanohdb@me.com>

Thu, Jan 26, 2023 at 12:43 PM

To: Colorado Division of Mining / Reclamation <amy.eschberger@state.co.us>

Amy,

I revised the ISITMining application question 12. The ponds are not in the East Bijou Creek water way however the water below the surface of the old ponds are in an area where the alluvial water level is what we will be exposed.

You need to tell me if I should answer question 12 with a yes or no.

Dean Bursch



IsItMining Application.pdf

405K



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

Date: January 26, 2023

RE: Need for State Reclamation Permit: "Is It Mining?"

Name: The HD & SE Trust

Street Address: 3912 Needles Drive, Colorado Springs, CO 80908

Telephone: (970) 901 7723 **Mobile:** (970) 901 7723

Email Address: Deanohdb@me.com

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 your 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: 35 **Township:** 6 S **Range:** 59 W **PM** 6th Principal

Or NAD 27 X UTM Y UTM
GPS _____

Direction and Miles to nearest town/city: 1.5 M NW of Agate **County:** Elbert



2. Is the site of material extraction on public or privately owned property?

Public Private Yes

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.?

Gravel

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.

Excavator

5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?

Used on the same parcel

6. How will the extracted material be used on site?

Road base for farm roads

7. If the material is hauled offsite, where will it be hauled to and what is the intended use?

8. What is the approximate areal extent of the proposed extraction in acres?

Less than one acre

9. To what approximate depth will the extraction extend?

No more than 20 feet

10. In cubic yards, approximately how much material will be removed:

Less than 50,000

11. Will material extraction involve the use of explosives?

Yes ☐ No ☒

12. Will site of extraction result in the exposure of tributary ground water?

Yes ☐ No ☒ No however the ground water is aluvial along Bijou Basin

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?

Yes ☐ No ☒

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?

NO

16. Are there state/federal/local agency participants in terms of funding?

	Yes	No
Funding	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Yes	No
Design	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Percentages

State _____ Federal _____ Local Agency _____

17. What post mining land uses will be made of the extraction and why? (This question helps us determine the intent of the activity.)

None

18. What types and sizes of equipment will be used in the extraction?

Large excavator

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 questions, please contact the Division at (303)866-3567. Please feel free to visit our web site at: <https://colorado.gov/drms> 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 excerpt for Hard Rock Metal Mines and Construction Materials
Rule 1.2 excerpt for Hard Rock/Metal Mining

1.2 SCOPE OF RULE 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; and
- (d) the extraction of geothermal or groundwater resources.

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.