



Date: May 2, 2023

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

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Street

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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 you 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.

Township 9, Range 78, Section 7, SE1/4. – London Mine sorting to be done in existing mine yard area.



**Direction and Miles to
nearest town/city: Alma CO is 4 miles NE.**

County: Park County



1313 Sherman Street, Room 215, Denver, CO 80203 P 303.866.3567 F 303.832.8106 <https://colorado.gov/drms> Jared
S. Polis, Governor | Dan Gibbs, Executive Director | Virginia Brannon, Director

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

Private

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.? **No new material to be extracted, only existing previously mined rock stockpiles to be sorted.**

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. **Dry sorting of rocks using xrays (Steinert Sorter XRT), no chemicals.. Sorter will use existing electric grid power.**

5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted? **Material once sorted will be hauled to the Lucky Strike Mill near Gunnison.**

6. How will the extracted material be used on site? **No new material will be extracted. Only sorting of existing stockpiles.**

7. If the material is hauled offsite, where will it be hauled to and what is the intended use? **Hauled to Lucky Strike Mill, where sulfides will be separated using flotation.**

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

Processing area will be about 4 acres.

9. To what approximate depth will the extraction extend? **0 feet depth.**

Only above-ground stockpiles will be removed, no below grade

extraction.

10. In cubic yards, approximately how much material will be removed: **80,000 CY of existing previously mined (100 year old) stockpiles..**

11. Will material extraction involve the use of explosives?

No

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

water? **No. No extraction of material, only removal of existing**

previously disturbed stockpiles.

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?

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.

No new areas will be disturbed. Once stockpiles are reduced in volume some of the material will be pulled back from around the American Shaft to reduce infiltration to the London Mine, and the exposed ground surface will be re-vegetated and reclaimed.

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? **CDPS Permit CO0038334 and related Compliance Order IC160803 provides for water quality of discharge from the London Mine, monitored weekly for metals, and monthly at SMC003 downstream along South Mosquito Creek.**

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

YES

Funding

No

Design

Percentages

Local Agency (City of Aurora reimburses for certain water management costs including pumping of the Lower Well (LM-2.5) to reduce hydrostatic pressure on the London Mine workings, and these actions by MineWater have materially reduced zinc discharge from the mine.

17. What post mining land uses will be made of the extraction and why? (This question helps us determine the intent of the activity.) **No new areas will be disturbed. The area of sorting will remain industrial post-completion of the sorting project.**

18. What types and sizes of equipment will be used in the extraction? **Existing stockpiles will be moved to the sorting area by 40 ton haul trucks, and sorted with a Steinert XRT Ore Sorter.**

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

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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.

103(3) and (13)

1.2 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 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 activitiesinclude 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.