



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

A my.yeldell @ State .CO-US

M-2023-018

Received 6/10/2023

Date: 6-9-2023

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

Name:

Street

Address:

Telephone:

Email

Address:

High Country Developers, LLC

1313 Silver Vault, Leadville, CO 80461

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Mobile:

(530) 450-0206

John@RailyardLeadville.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 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.

Section: 2324+13 Township: 9 South Range: 80 PM 6th

Or NAD 27 X UTM
GPS

Y UTM

Direction and Miles to
nearest town/city:

0 miles - Leadville County: Lake



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

Public ☐ 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.?

Natural Glacial moraine - all the same

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.

After digging basements for home, installing sewer and water lines pits of material accumulate - Almost all material is extracted by an excavator and crushed to provide building aggregates.

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

It is used on site

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

Bedding for waterlines, storm sewers
Road base for roads, sidewalks & backfill

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

No material has been hauled off.
Intend for on site repurposing
for use in development

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

9. To what approximate depth will the extraction extend?

10'

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

30,000 Tons

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 ☒

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.

Planned Unit Development of 50 Homes

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?

Dust Control, Stormwater permits
from CDPH

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

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

Percentages

State N/A Federal N/A Local Agency N/A

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

Affordable Home + Townhomes

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

Cat 336 Trackhoe
Komatsu 4 yard loader

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 RULES 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;
- (d) a custom mill.

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.