



STATE OF
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

P1992020, Compromise Mine, Request for Information

1 message

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Mon, Jan 22, 2024 at 2:20 PM

To: popish@rof.net

Cc: Amy Eschberger - DNR <amy.eschberger@state.co.us>, Russ Means - DNR <russ.means@state.co.us>, "Gross, Jason - FS" <jason.gross@usda.gov>

Please see attached letter

Leigh Simmons
Environmental Protection Specialist



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

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P1992020_Compromise-Mine_Request-for-Information.pdf

275K



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

January 22, 2024

Kim Popish
Aspen Mountain Mining Corporation,
220 Silverlode Dr,
Aspen, CO 81611

Re: Compromise Mine, Notice of Intent No. P-1992-020, Request for Information

Dear Ms. Popish,

The Division of Reclamation, Mining and Safety (Division) has identified three separate issues at the Compromise Mine (referred to by the US Forest Service as “Emma Lode”), for which a Notice of Intent (NOI) No. P-1992-020 was issued by our office in March of 1993. These issues are described below. Please note, the Division is requesting information to be submitted by the deadline specified below.

1. Tourist mine status

In 2015, the Division approved a modification request, MD-1, for the Compromise Mine, to allow for its dual use as a tourist mine and a prospecting operation. However, it has come to the Division’s attention that the US Forest Service (The White River National Forest) does not currently allow (and has never allowed) use of the site for tourism. Without having all other required local, state and federal permits, licenses, and approvals in place, including from the US Forest Service, the tourist mine activity cannot proceed pursuant to the [Colorado Mined Land Reclamation Act](#) and the [Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations](#).

Aspen Mountain Mining Corporation cannot conduct any tourist mine activities at the Compromise Mine until it has provided sufficient documentation to the Division demonstrating these activities are authorized by the US Forest Service. The prospector should be aware, until this demonstration has been made, the continuation of tourist mine activity at the site would be considered a violation of the approved NOI.

2. Sale of material from the mine

The Division has received anecdotal evidence that material extracted from the Compromise Mine was



sold to a local contractor. Please be advised, an NOI, such as the one issued for the Compromise Mine, is strictly for prospecting activities, defined by Rule 1.1(57) as “the act of searching for or investigating a mineral deposit”.

The development, production, and/or extraction of a mineral is considered a “Mining Operation”, as defined in Rule 1.1(41), and, as such, would require a mining permit. Please note, the sale of any material extracted from a site would be considered a mining operation. Application forms and guidance for mining permits are available on the Division’s website at:

<https://drms.colorado.gov/forms/minerals-program-forms>

Aspen Mountain Mining Corporation cannot sell any material that was extracted at the Compromise Mine until the appropriate mine permit has been issued for these activities. The prospector should be aware, until a mine permit has been issued, any sale of material extracted from the site would be considered a violation of the approved NOI.

3. Prospecting activity

As stated above, an NOI is intended to allow the prospector to search for or investigate a mineral deposit, and to assess the viability of mining the deposit in the future. Prospecting operations are expected to be short-term in nature and are addressed by Rule 5. Specifically, Rule 5.1.2(e) states that prospecting activity “...must be completed within five (5) years of the NOI approval unless otherwise approved...”; and Rule 5.1.2(g) states that “...reclamation must be completed within five (5) years of the completion of prospecting activities...”.

The NOI for the Compromise Mine was issued in 1993; 31 years is an exceptional duration for a permit of this nature to be maintained. According to annual reports submitted to the Division, there has been no activity at the site for several consecutive years. It is reasonable to assume that legitimate prospecting at the Compromise Mine has been completed. Without authorization for a tourist mine, and considering the lack of prospecting activities, reclamation of the site should begin as soon as possible. (If this is incorrect, please provide a detailed report of any activities that have occurred at the site over the past 5 years, including an explanation as to why these activities were not reported to the Division in the annual report submittals, as required.)

Please provide an estimated timeline for completing reclamation of the site in accordance with the approved NOI. Note, the Division expects all reclamation, including any required structure removal/demolition, earthwork, and initial seeding/planting, to be completed within the year, and a request for release of the NOI to be submitted in accordance with Rule 4.16 as soon as full reclamation has been achieved.

Please provide the above requested information to the Division within 30 days of the date of this letter, by February 21, 2024. Your response should include in the title “Response to Division’s January 22, 2024 Request for Information” and can be submitted to me via email at leigh.simmons@state.co.us

If you have any questions, please contact me at 303-866-3567, ext. 8121 or at the email address provided above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Leigh Simmons', with a stylized flourish at the end.

Leigh Simmons
Environmental Protection Specialist

Cc: Jason Gross, USFS, White River National Forest
Amy Eschberger, DRMS
Russ Means, DRMS