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From: **Marsh, Chuck** <[cmarsh@wcgrp.com](mailto:cmarsh@wcgrp.com)>

Date: Thu, Mar 14, 2024 at 9:13 AM

Subject: Is It Mining Questionnaire

To: [drms\\_info@state.co.us](mailto:drms_info@state.co.us) <[drms\\_info@state.co.us](mailto:drms_info@state.co.us)>

Good morning,

The attached questionnaire has been completed for a mining operation near Sedalia. The Ute Mine has been in operation since 1979 and has been adjacent to the Sedalia Sanitary Landfill. We are wondering if the clay that is extracted from the ground as a part of the landfill development can be used in the creation of construction materials (i.e., brick) and if that process requires a mining permit.

Please review and let us know if you have any questions.

Thanks,

Chuck

**Charles Marsh, PE**

Project Director

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**SAFETY FIRST, TRUSTED ADVISORS, 12:1 CULTURE**

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

Date: \_\_\_\_\_

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

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**Telephone:** ( ) \_\_\_\_\_ **Mobile:** ( ) \_\_\_\_\_

**Email Address:** \_\_\_\_\_

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:** \_\_\_\_\_ **Township:** \_\_\_\_\_ **Range:** \_\_\_\_\_ **PM** \_\_\_\_\_

**Or NAD 27 X UTM Y UTM**  
**GPS** \_\_\_\_\_

**Direction and Miles to nearest town/city:** \_\_\_\_\_ **County:** \_\_\_\_\_



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.?

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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.

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

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

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

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

\_\_\_\_\_

9. To what approximate depth will the extraction extend?

\_\_\_\_\_

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

\_\_\_\_\_

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.

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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

	Yes	No
Funding	Yes ____	No ____
Design	____	____

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.)

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

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Please send the completed questionnaire and any supporting materials to the Division at the address below for review.

Colorado Division of Reclamation, Mining and Safety  
1313 Sherman St Rm 215  
Denver CO 80203

If you prefer, you may email the completed questionnaire and supporting materials to [drms\\_info@state.co.us](mailto:drms_info@state.co.us).

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: [drms.colorado.gov](http://drms.colorado.gov) 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.