



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

Date:

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

Name: Mesa County Transportation

Street Address: 971 Coffman Rd Whitewater, Co 81527

Telephone: (970) 244.1673 Mobile: (970) 589.5051

Email Address: Travis.Cole@mesacounty.us

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.

Parcel: 2937-021-00-132

Township:

Range:

PM

Or NAD 27 GPS X UTM Y UTM

Direction and Miles to nearest town/city: County: Approximately 5 MI E of Palisade Co



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.? We are loading Big boulders that are sitting on top of the ground and on windrows that have been sitting on property from previous projects years ago.
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. We will be loading the boulders with an excavator either a 145 link belt or 350 link belt. At times we may have a 624/644 John Deere loader on side and a T- 76 Skid Steer.
5. Will the extracted material be hauled off site or used on the same parcel of property where the material is extracted? The boulders are sitting on top of the ground and will be hauled off and used at various locations throughout Mesa County for washout protections and structure protection.
6. How will the extracted material be used on site? We do not plan to use the boulders for any onsite work unless it is to reclaim the land once we are done or to stay compliant with storm permits and any other permits.
7. If the material is hauled off site, where will it be hauled to and what is the intended use? The Boulders will be hauled to various places in Mesa County to be used on the road network to armor structures and roads to protect them from washouts during high water.
8. What is the approximate aerial extent of the proposed extraction in acres? Approximately 6 acres at said Parcel
9. To what approximate depth will the extraction extend? All the boulders that Mesa County is hauling off / using is sitting above the ground and on windrows. If there is any dirt that is disturbed that is from the equipment moving around or from the dirt/windrow piled around some of the boulders.
10. In cubic yards, approximately how much material will be removed: At this location we are only getting the big rocks that are sitting on top of the ground and possibly on pre-existing windrows. I am not sure how to calculate the cubic yards of the boulders. When a truck is loaded it wouldn't be a true full load due to all the voids between the boulders.
11. Will material extraction involve the use of explosives? No
12. Will the site of extraction result in the exposure of tributary groundwater? 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? 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. The boulders we are loading are sitting above ground and some

surrounded by dirt piles/or on windrows

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? **No**

Funding: **No**

Design: **N/A**

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.) **The boulders that we are loading up are from a previous project years ago and were placed on top of the ground. The land will be cleaned up and freed of the big boulders.**

18. What types and sizes of equipment will be used in the extraction? **145 link bet, 350 link belt, D5 Dozer, 624 JD loader, T-76 skidsteer & dump trucks to haul out.**

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.