



STATE OF  
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

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## The Mighty Argo Cable Car Development, M-2024-014

1 message

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**Ebert - DNR, Jared** <jared.ebert@state.co.us>

Fri, Jun 14, 2024 at 2:30 PM

To: Bryan McFarland <bryanmcfarland@mightyargo.com>

Cc: ttruschel@landmarkenviro.com, Nikie Gagnon - DNR <nikie.gagnon@state.co.us>

Bcc: Brock Bowles <brock.bowles@state.co.us>

Hello Bryan,

Attached is the Division's response to the "Is It Mining?" questionnaire submitted for the above referenced site. Please let Niki Gagnon or me know if you have any questions.

Thanks,

Jared

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Jared Ebert

Senior Environmental Protection Specialist



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

P 303.866.3567 ext. 8120 | F 303.832.8106 | Cell (720) 413-6466

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

[jared.ebert@state.co.us](mailto:jared.ebert@state.co.us) | <https://drms.colorado.gov/>



**MightyArgoDevelopment\_M2024014\_IsItMining\_14June2024.pdf**  
228K



June 14, 2024

Bryan McFarland

*Sent via email to:* [bryanmcfarland@mightyargo.com](mailto:bryanmcfarland@mightyargo.com)

**RE: The Mighty Argo Cable Car Development Proposal, DRMS File Number M-2024-014, Division Response to “Is It Mining?” Questionnaire**

Dear Bryan McFarland,

On March 22, 2024, the Division of Reclamation, Mining and Safety (Division) received information for an “Is It Mining” questionnaire regarding a proposed project within and near Idaho Springs, Colorado in Clear Creek County. Based on the information provided to the Division, the proposed operation will excavate historic mine waste rock to facilitate the construction of a garage. The volume of material proposed to be excavated is about 5,000 cubic yards within a .2-acre area. The historic waste rock material to be excavated is proposed to be hauled to two off-site locations known as the Gem Mine and Franklin Mine, and/or stored onsite. The Gem Mine and Franklin Mine are currently not DRMS permitted operations. Based on conversations with the Colorado Department of Public Health and the Environment (CDPHE), this proposed activity has not been permitted or approved by them.

Based on the information received by DRMS, there are three options available to pursue:

1. You may petition to appear before the Mined Land Reclamation Board (Board) during a formal public hearing for a Declaratory Order concerning this matter to determine if a DRMS permit would be required. Pursuant to Rule 2.5.2(1), the request must be submitted electronically to the Board in writing and be received no later than ten (10) days prior to the hearing. The written request must contain the information required pursuant to Rule 2.5.2(2). The next available Board hearing will be held on July 17 and 18, 2024. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203. Or,
2. Obtain appropriate designated mining operations permits for the land to be affected by the excavation operation and the disposal/storage area for the historic mine waste. Or,
3. Provide documentation that the excavation and disposal of the solid waste is in accordance with applicable CDPHE regulations and that they have given official approval of the operation.



If you choose to obtain a permit through DRMS per the second option above, in accordance with C.R.S. 34-32-109(2) an operator proposing to engage in a new mining operation must first obtain from our office a reclamation permit. There are several types of reclamation permits available and the appropriate one to apply for depends on the nature of the mining operation, material to be excavated, the number of acres to be affected, and the tons of mineral, overburden, or combination of the two planned to be extracted per calendar year. Based on the information you provided, a 110d permit will need to be obtained prior to conducting the operation for both the areas where excavation is occurring and where the material will be placed for longer term disposal/storage. The applications for these types of permits may be viewed on our website (<https://drms.colorado.gov/forms/minerals-program-forms>) and the applications include instructions and additional information you should review.

If you have questions or would like further guidance on the type of permit that is required please contact Nikie Gagnon at [nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us) or at (720) 527-1640.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert", is positioned above the printed name.

Jared Ebert  
Senior Environmental Protection Specialist

EC: Nikie Gagnon, DRMS [nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us)  
Tony Truschel, [ttruschel@landmarkenviro.com](mailto:ttruschel@landmarkenviro.com)