

STATE OF  
COLORADO

Eschberger - DNR, Amy &lt;amy.eschberger@state.co.us&gt;

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## Proposed Mining Project Near Pueblo

3 messages

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**Eschberger - DNR, Amy** <amy.eschberger@state.co.us>

Thu, Sep 12, 2024 at 2:27 PM

To: mbrooks@sema.inc

Cc: "Carter - DNR, Jocelyn" &lt;jocelyn.carter@state.co.us&gt;

Hello Mr. Brooks,

I was forwarded your email sent to our general DRMS email adress (below) this afternoon regarding a proposed project near Pueblo.

In order to provide a formal determination on this proposed project, please fill out an Is it Mining Form (see attached) and email it to me.

I'll review the details of your proposed project and send you a formal determination letter.

Best Regards,

Amy Eschberger  
Senior Environmental Protection Specialist



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

Phone: (303) 945-9014 | Fax: (303) 832-8106

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

**Address for FedEx or UPS:**

1001 E 62nd Ave, Denver, CO 80216

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

----- Forwarded message -----

From: **Mark Brooks** <mbrooks@sema.inc>

Date: Thu, Sep 12, 2024 at 2:01 PM

Subject: DRMS Permit Question - SEMA Construction

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

DRMS

We have a highway project for CDOT in the vicinity of Pueblo. This project requires a large amount of imported fill materials. The majority of embankment fill will be coming from commercial/permitted sources. We have also spoke with an irrigation district who owns some storage ponds adjacent to the Arkansas River. Our understanding is there is accumulated sediment in the bottom of the ponds from normal usage as well as eroded material from flood events where the river overtopped the levee. These "sediment spoil" materials have been stockpiled in the pond basin floor for removal by the district. The irrigation district is asking if SEMA can remove the spoil materials for use in the highway embankments for CDOT. The irrigation district is indicating that because this is not native insitu material and it is necessary to remove these materials to restore the operational capacity of the water storage pond no permit is required from DRMS. Please confirm that no 110/11 Borrow Permit would be required through the DRMS for this spoil removal work. Below is a general location map from an engineering design report showing the designated spoil pile requiring removal by the district.



Thanks - Mark

**Mark W. Brooks, P.E.**

Senior Vice President

📞 303.627.2600 | 📠 303.748.9140

[mbrooks@sema.inc](mailto:mbrooks@sema.inc)

7353 S. Eagle St., Centennial, CO 80112



[sema.inc](http://sema.inc)

 **Is-it-Mining\_Form.pdf**  
601K

**Mark Brooks** <mbrooks@sema.inc>

Fri, Sep 13, 2024 at 9:11 AM

To: "Eschberger - DNR, Amy" &lt;amy.eschberger@state.co.us&gt;

Cc: "Carter - DNR, Jocelyn" &lt;jocelyn.carter@state.co.us&gt;

Amy,

Thanks for the reply. I have answered the questions based on my current understanding of discussions with the AGRA/CWPD water district. Attached is the questionnaire for your determination.

Thanks - Mark

**From:** Eschberger - DNR, Amy <[amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us)>**Sent:** Thursday, September 12, 2024 2:28 PM**To:** Mark Brooks <mbrooks@sema.inc>**Cc:** Carter - DNR, Jocelyn <[jocelyn.carter@state.co.us](mailto:jocelyn.carter@state.co.us)>**Subject:** Proposed Mining Project Near Pueblo

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

 **Is-it-Mining\_Form.pdf**  
607K



**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 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:**

**Township:**

**Range:**

**PM**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Or NAD 27 X UTM**  
**GPS**

**Y UTM**

\_\_\_\_\_

\_\_\_\_\_

**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 \_\_\_\_

Exchange of services to repair erosion and regrade reservoir basin slopes.

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.

No reclamation required water storage reservoir basin (below water).

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	Yes ____	No ____

Indirectly from CDOT payment for roadway improvements

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 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.