



STATE OF  
COLORADO

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

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## Fwd: Questionnaire

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**Ebert - DNR, Jared** <jared.ebert@state.co.us>  
To: Thomas Halm <thomas.halm85@gmail.com>  
Cc: "Gagnon - DNR, Nikie" <nikie.gagnon@state.co.us>

Mon, Sep 23, 2024 at 9:50 AM

Hello Thomas Halm,

Please see the attached correspondence from DRMS regarding your "Is it Mining?" questionnaire.

Please reach out to me or Nikie Gagon should you have any questions.

Thanks,

Jared

[Quoted text hidden]

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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 | 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/>



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**MountainTopEnvironmentalLLCNo2\_M2024050\_IsItMining\_23Sep2024.pdf**  
227K



September 23, 2024

Mountain Top Environmental LLC  
Attn: Thomas Halm  
1522 Courtyard Heights  
Colorado Springs, Colorado 80906

Sent via email to: [thomas.halm85@gmail.com](mailto:thomas.halm85@gmail.com)

**RE: Mountain Top Environmental LLC No. 2, DRMS File Number M-2024-050, Division Response to “Is It Mining?” Questionnaire, Reclamation Permit is Required**

Dear Thomas Halm,

On September 18, 2024, the Division of Reclamation, Mining and Safety (Division) received information for an “Is It Mining” questionnaire regarding a proposed project north of Idaho Springs, Colorado in Clear Creek County. Based on the information communicated to the Division, your proposed operation includes hauling waste rock off-site to Denver to be loaded on a train for shipment to another state for further processing. The approximate areal extent of the proposed extraction area was stated to be 2.07 acres. The approximate volume to be extracted is 74,750 cubic yards.

The Mined Land Reclamation Board has requested the Division make determinations as to the need for a Mined Land Reclamation Permit. Based on the information provided in the questionnaire, it has been determined a reclamation permit **is required** for the proposed operation. The proposal meets the definition of a mining operation in accordance with C.R.S. 34-32-103(8) of the Colorado Mined Land Reclamation Act. 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. 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 disagree with this decision, you may petition to appear before the Board during a formal public hearing for a Declaratory Order concerning this matter. Pursuant to Rule 2.5.2(1), the request must be submitted 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 October 16, 2024. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203.

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", with a stylized flourish at the end.

Jared Ebert  
Senior Environmental Protection Specialist

EC: Nikie Gagnon, DRMS, [nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us)