

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Re: 7:30 Mine Trail

1 message

Eli Josephs <fortcollinsb17@gmail.com>

Fri, Nov 22, 2024 at 1:05 PM

To: "Gagnon - DNR, Nikie" <nikie.gagnon@state.co.us>

Hello,

It was great to talk with you on the phone today, thank you for taking the time. If it is possible to coordinate to have MSHA, the Sheriff, and the DRMS all come up at the same time that would be excellent and will likely save us all some time and make communication easier. If that is something you would like to do please let me know. This coming week has more snow coming which may make the road conditions slippery on the mountain, and there are a few dangerous areas that haven't been fixed this year. I have made the journey myself many times in poor conditions but I will leave the timing and coordination up to you. If it is possible to give me a day or two of notice so that I can adjust my schedule it would be appreciated, but I will make it work either way.

I have attached the filled out form. Please let me know if you have any questions or concerns.

I have also found the info for the MSHA inspector I have talked to, as we discussed on the phone. His info is as follows:

U.S. Department of Labor
MSHA-M/NM
Scott Lawson
Mine Safety & Health Inspector
Office: (303) 231-5920
DFO: (303) 231-5469
RMD: (303) 231-5465
Fax: (303) 231-5468
Email: Lawson.Scott.i@dol.gov

I have talked with Sargeant Parker at the Clear Creek County Sheriff's Office who I believe MSHA wants to accompany them on the visit.

Thank you very much for your time,

-Eli Josephs
970-658-6719

On Fri, Nov 22, 2024 at 9:48 AM Gagnon - DNR, Nikie <nikie.gagnon@state.co.us> wrote:

Hello Eli.

I'm the specialist with the Colorado Division of Reclamation, Mining and Safety, responsible for mine permitting for Clear Creek County. The Division received a complaint regarding mining activity on the 7:30 Mine Trail near Silver Plume. I would like to talk to you about your operation in the area.

Please give me a call at your earliest convenience to discuss this further. Attached to this email is an *Is It Mining* form. Please fill out the form and submit it to the Division. This will help us determine if you need a mining permit for your activities.

Feel free to call me if you have any questions.

Kind regards,

Nikie Gagnon
Environmental Protection Specialist



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

Cell: 720.527.1640

Physical: [1313 Sherman Street, Room 215, Denver, CO 80203](#)

Address for FedEx, UPS, or hand delivery:

DRMS Room 215, [1001 E 62nd Ave, Denver, CO 80216](#)

nikie.gagnon@state.co.us | <https://www.drms.colorado.gov>



IsItMining (3) Filled.pdf

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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.?

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.

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

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

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

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.)

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

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.

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 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.