



STATE OF  
COLORADO

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

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## Fwd: 7:30 Mine Trail

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**Ebert - DNR, Jared** <jared.ebert@state.co.us>  
To: fortcollinsb17@gmail.com  
Cc: "Gagnon - DNR, Nikie" <nikie.gagnon@state.co.us>

Thu, Dec 19, 2024 at 1:36 PM

Hello Mr. Josephs,

Thank you for the information and your cooperation with our review of the incident. Please see the Division's response letter and let me know if you have any questions.

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

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**730MineTrail\_M2024058\_LetterToJosephs\_19Dec2024.pdf**  
216K



December 19, 2024

Eli Josephs  
319 E. Magnolia Street  
Fort Collins, CO 80524

**RE: 7:30 Mine Trail, DRMS File No. M-2024-058, Complaint and "Is It Mining?" Response**

Dear Eli Josephs,

The Colorado Division of Reclamation, Mining and Safety ("DRMS" or "Division") appreciates your response to our inquiry about the complaint we received from Clear Creek County on November 20, 2024. Based on the information you provided in the "Is it Mining?" form, you do not plan to extract and or haul minerals from the site. You also indicated that topsoil will be moved and stockpiled on site from a .02-acre area. The form indicated the site may be used for a backcountry cabin and/or tourism.

The complaint the Division received asserted that an excavator was used to cut through an old tailings pile, and that construction material and mining equipment were observed at the site. Photos were provided showing the excavator, the trail, a wooden mine door, wood pallets, wood boards, and site signage. The complaint also noted a PVC pipe draining some sort of fluid from the Porter Mine Tunnel.

In accordance with C.R.S. 34-32-103(8), a "Mining operation" means the development or extraction of a mineral from its natural occurrences on affected land. The term "mining operation" includes, but is not limited to, open mining, in situ mining, in situ leach mining, surface operations, and the disposal of refuse from underground mining, in situ mining, and in situ leach mining. The term "mining operation" also includes the following operations on affected lands: Transportation; concentrating; milling; evaporation; and other processing. The term "mining operation" does not include: The exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe; the development or extraction of coal; the extraction of geothermal resources; smelting, refining, cleaning, preparation, transportation, and other off-site operations not conducted on affected land; or the extraction of construction material where there is no development or extraction of any mineral."

Pursuant to C.R.S. 34-32-109(2), one must first obtain a reclamation permit before engaging in a new mining operation. Based on your response to the "Is It Mining?" form, it does not appear that you have or intend to conduct a mining operation. However, should your plans change, you will first need to obtain a reclamation permit from our office. Further, the Division strongly urges you to take caution if any additional earthwork is conducted at the site and/or accessing historic underground mine workings. This letter does not preclude you from compliance with other rules and regulations, including but not limited to those of Clear Creek County and/or the Town of Silver Plume.



If you intend to operate a Tourist Mine, you will need to comply with the Regulations of the Mine Safety and Training Program for Tourist Mines (2. C.C.R. 407-6). Please contact Brandon Neal with the Mine Safety and Training Program with the Division should you have any questions about operating a tourist mine.

Should you have any additional questions, please contact me at [Jared.Ebert@state.co.us](mailto:Jared.Ebert@state.co.us) or (720) 413-6466. You may also 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

CC: Dustin Bertelsen, [dbertelsen@clearcreekcounty.us](mailto:dbertelsen@clearcreekcounty.us)