



STATE OF
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Followup re: Leavenworth Lode

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Fri, May 2, 2025 at 10:38 AM

To: "kdidonato denverinvestigators.com" <kdidonato@denverinvestigators.com>

Kristin,

I neglected to mention that CRS LLC will not be able to begin work until the performance warranty and financial warranty have been received by the Division.

Leigh Simmons
Environmental Protection Specialist



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

P 720.220.1180

1313 Sherman Street, Room 215, Denver, CO 80203

leigh.simmons@state.co.us | <https://drms.colorado.gov>

On Fri, May 2, 2025 at 10:35 AM Simmons - DNR, Leigh <leigh.simmons@state.co.us> wrote:

Kristin,

CRS LLC has satisfied all of the regulatory requirements for a new 110d permit on the East Leavenworth parcel, so I have proposed the decision to approve their application - you should have received a copy of that notice.

I think that all of the jurisdictional concerns you expressed have been addressed, but if you disagree you have the right to appeal the decision within 30 days, per Rule 1.4.11. I copied the text of the rule below for your reference, but the complete rules are available [here](#).

1.4.11 Administrative Appeal – of an Office Decision

(1) Any person who demonstrates that they are directly and adversely affected or aggrieved by an action of the Office, including a decision to grant or deny a permit application, other than an application considered under the provisions of Rule 1.4.9 or a cost estimate determination for oil shale or in situ leach mining applications under the provisions of Rule 1.4.11(3), and whose interest is entitled to legal protection under the Act may petition for a hearing before the Board on such action within:

(a) sixty (60) days of the date of the Office decision if the Office decision was a denial, without a hearing, of an application for a permit or a Notice of Intent; or 24-4-104(9)

(b) thirty (30) days for an appeal of any other Office decision.

(c) Such hearings before the Board shall comply with this Rule and Section 24-4-105, C.R.S.

(d) Such petitions for a hearing shall state how the petitioner is directly and adversely affected or aggrieved by the Office's decision, and how the petitioner's interests are entitled to protection under the Act. The petitioner shall list and explain any issue the petitioner believes should be considered by the Board at the hearing on the matter. The petition for a hearing shall specify the application or file number assigned by the Office.

(2) If no petition decision is made by the Board within sixty (60) days of the date the petition is submitted, the petition will be deemed denied. Such denial shall be considered final agency action for the purposes of the judicial review provisions of Section 24-4-106, C.R.S.

(3) A permit applicant for an oil shale or any in situ leach mining operation may appeal to the Board the Office's cost estimate to review such an application done pursuant to Rule 1.5.2(1) by filing a petition for a hearing before the Board within ten (10) days from the date the Office mailed the cost estimate to the applicant. The petition for hearing shall set forth the list of issues the applicant believes should be considered by the Board and the specific factual and legal basis for the appeal. The petition for a hearing shall specify the application or file number assigned by the Office. The hearing shall not be held any sooner than twenty (20) days after notice is given to the permit applicant. The Office and applicant may consult on the cost estimate issue between the time the Office mails the notice to the applicant and the time in which the applicant must file an appeal with the Board.

(4) The Office shall give notice of any Formal Board Hearing to consider an appeal according to the provisions of Rule 1.6.1(4).

(5) The Office may determine whether to hold a pre-hearing conference dependent upon the number of parties to the Formal Board Hearing and/or complexity of the issues, or the Board may so direct the Office as the Board sees fit.

Please contact me if you have any questions,
Leigh

Leigh Simmons
Environmental Protection Specialist



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

P 720.220.1180

1313 Sherman Street, Room 215, Denver, CO 80203

leigh.simmons@state.co.us | <https://drms.colorado.gov>

On Thu, Mar 13, 2025 at 12:41 PM Simmons - DNR, Leigh <leigh.simmons@state.co.us> wrote:
Kristin,

I inspected the site for the Russell Gulch Reclamation Project application last week, and sent my inspection report to the applicant today. Here's a direct link for you to view that report: <https://dnrweblink.state.co.us/drms/ElectronicFile.aspx?docid=1440978&dbid=0>

The East Leavenworth parcel is not landlocked, it touches Virginia Canyon Road, and I understand the applicant has approval from Gilpin County for a driveway, which they plan to construct soon. The driveway will be used to access the proposed permit area, so there will be no need (or authority) to cross any other parcels.

The proposed permit boundary is contiguous with the East Leavenworth parcel boundary, so there will be no permitted impacts to the surface of the West Wyandotte parcel from the proposed activity.

I'm afraid that impacts to views (as well as noise, dust, etc.) are outside of the jurisdiction of the Division of Reclamation, Mining and Safety, although those concerns may be addressed by the county, and I'd encourage you to participate in their land use permitting process. It may reassure you to learn that the applicants intend to develop the property for residential land use post-mining, and as such plan to minimise the trees that will be removed.

I will continue to keep you informed as we go through the permitting process here. Please reach out if you have further questions or concerns.

Leigh Simmons
Environmental Protection Specialist



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

P 720.220.1180

1313 Sherman Street, Room 215, Denver, CO 80203

leigh.simmons@state.co.us | <https://drms.colorado.gov>

On Tue, Mar 4, 2025 at 3:40 PM kdidonato [denverinvestigators.com](mailto:kdidonato@denverinvestigators.com) <kdidonato@denverinvestigators.com> wrote:

Hi Mr. Simmons,

Thank you for following up with me.

The one thing that I really need to know is if the East Leavenworth is landlocked. I would like to know how they are going to get access to it to do the work they are planning on doing...I don't want them to cut through the West