

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



April 9, 2013

R. Michael Conlin
Conlin Associates
875 Mountain View Drive
Leadville, Colorado 80461

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Pineda
Director

Re: Request for Updated or new Declaratory Order, Rocky Mountain Fen Research Project, File No. M-2006-001

Dear Mr. Conlin:

On March 23, 2013 the Division of Reclamation, Mining and Safety received your letter requesting a new Declaratory Order for the Rocky Mountain Fen Research Study and responses to an "Is It Mining" questionnaire.

Based on the information provided the Division review indicates the original site and materials being excavated remains the same as has been previously ruled on by the Mined Land Reclamation Board. The test sites for transplantation of the peat soils is the only significant change which does not affect the overall Declaratory Order (DO) that the excavation and transported materials do not constitute a mining activity which requires a permit. Therefore, staff will note the change in the file but feels no further actions are required by you at this time in regard to a new DO.

The Mined Land Reclamation Board has requested that the Division make determinations as to the need for a Mined Land Reclamation Permit. If you have any concerns with this decision, you may request that your petition for a new DO be presented to the Board during a formal public hearing for a Declaratory Order concerning this matter. The request must be made in writing and received no later than 10 days prior to the next regular scheduled Board Meeting. The next available Board meeting is May 15-16, 2013.

If you need additional information please visit our website @ <http://mining.state.co.us>. You may also contact me directly at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, by telephone at 970.241.1117, or by e-mail at russ.means@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "G. Russell Means".

G. Russell Means
Senior Environmental Protection Specialist
West Slope Field Office Supervisor

Cc: Tony Waldron, Minerals Program Supervisor
Dustin Czapla, Minerals Specialist for Lake County