

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



To:

Date:

RE: *Need For State Reclamation Permit- M-*

Enclosed are pertinent sections of the Colorado Mined Land Reclamation Board (Board) Rules and Regulations and Board Policy adopted July of 1999, titled "Need for 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 and the attached policy. If you find a match, you can proceed based on your interpretation of the rule, but at your risk. If you want to be sure or are uncertain how the Rule may apply to your activity, you should answer the list of questions that follow and send your question, i.e., "Do I need a State Mined Land Reclamation Board permit?" to the Division.

The Board has directed the Division to make the decision based on the information you supply. If you disagree with the Division's decision, you may appeal that decision to the Board.

Please include in your request answers to the following questions:

1. Please give 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 _____; County _____
Direction and miles to nearest town/city _____
2. Is the site of material extraction public or privately owned property?
3. What type(s) of material 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. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?
5. What on site use will be made of the extracted material?
6. If the material is hauled offsite, where will it be hauled and what is the intended use?
7. What is the approximate areal extent of the proposed extraction in acres?
8. To what approximate depth will the extraction extend?

9. In cubic yards, approximately how much material will be removed?
10. Will material extraction involve the use of explosives?
11. Will the site of extraction result in the exposure of tributary ground water?
12. Will either the landowner or the mine site operator receive any type of compensation, i.e., monetary, in-kind, etc., from the proposed material extraction?
13. 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.
14. Do you have permits for this activity from any other governmental agencies, and, if so, what are they?
15. Are there state/federal/local agency participants in terms of funding (yes)-(no), design (yes)-(no).-What are the percentages?
16. What *post mining* uses will be made of the site of extraction and why?
(This question helps us determine the intent of the activity)
17. What types and sizes of equipment will be used in the extraction?

We trust that the activities will be performed as represented. If we receive a complaint, we are required to conduct an inspection of the site.

Send the request to Tony Waldron at the Division, and he will make a decision on your need to obtain a MLRB permit. Please include your mailing address, phone number, and your e-mail address if you have one.

If you have any questions, please contact me at (303) 866-3567, x8150.

Sincerely,

Tony Waldron
Senior Environmental Protection Specialist

Enclosure:

cc:

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.