

# 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



### DESIGNATED MINING REGULAR (112d) OPERATION RECLAMATION PERMIT APPLICATION PACKAGE

#### APPLICABILITY:

This application package is for a Designated Mining Operation (DMO) which affects 10 acres or more or extracts 70,000 tons or more of mineral, overburden or combination of the two per calendar year and uses or stores designated chemicals or acid-producing materials or has the potential to cause acid mine drainage. If you plan to conduct a mining operation which meets these criteria, please follow the instructions provided in this package and Rules 1.4.1, 1.4.5, 6.0, 7.0, and 8.0, as required, of the Mineral Rules and Regulations.

#### FILING REQUIREMENTS:

The Mineral Rules and Regulations (the Mined Land Reclamation Act, Section 34-32-101, *et seq.*, C.R.S., and 2 CCR 407-1) of the Colorado Mined Land Reclamation Board (the "Board") regulate the permitting, operational, and reclamation requirements for all non-coal mining operations in Colorado. It is your obligation to comply with the Act and Regulations. You are encouraged to obtain and review a copy of the Rules, available for \$8.00 from the Division of Reclamation, Mining and Safety (the "Office"). In order to submit your application properly, it is recommended that you review the Act and:

- Rule 1.1 Definitions;
- Rule 1.4.1 General Provisions of the Application Review and Consideration Process;
- Rule 1.4.5 Specific Requirements for Regular 112 and 112d Mining Operations;
- Rule 1.6 Public Notice Procedures;
- Rule 3.1 Reclamation Performance Standards;
- Rule 3.3.1 Operating without a Permit - Penalty;
- Rule 4 Performance Warranties and Financial Warranties;
- Rule 6 Permit Application Exhibit Requirements;
- Rule 6.2 General Requirements of Exhibits;
- Rule 6.4 Specific Permit Application Exhibit Requirements;
- Rule 6.5 Geotechnical Stability Exhibit;
- Rule 7 Designated Mining Operations; and,
- Rule 8 Emergency Response Plan for Designated Mining Operations.

To apply for a Reclamation Permit for a Regular Designated Mining Operation, one (1) completed signed and notarized Original and four (4) copies (Section 34-32-112(1)(a), C.R.S. 1984, as amended) of the Regular (112d) Designated Mining Operation Application Form, five (5) copies of Exhibits A-S, any required sections of Exhibit T, Geotechnical Stability Exhibit (Rule 6.5), as required, Addendum 1 - Notice requirements (described in Rule 1.6.2(1)(b), an example of this notice is attached for your use), the Emergency Response Plan, and an application fee MUST be submitted to the Office. This package contains the required application form and directions for preparing Exhibits A-T (as outlined and described in Rule 6.4), Geotechnical Stability Exhibit (Rule 6.5), the Emergency Response Plan (Rule 8), and Addendum 1 (Rule 1.6.2(1)(b)). Review of the application and exhibits will NOT begin until all required information is submitted. The Office will then review the submitted information for adequacy.

It is recommended that you contact the agencies listed under "Compliance With Other Laws" prior to submitting the application to the Office. You must send a notice, on a form approved by the Board, to the local board of county commissioners and, if the mining operation is within the boundaries of a conservation district, to the board of supervisors of the conservation district, prior to filing the application. A copy of these "Notice of Filing Application" forms have been attached for your use. You must include proof of such mailings with the application at the time the application is submitted to the Office for filing (Rules 1.6.2 and 1.6.5).

Upon filing the application, place for public review a copy of the application, less confidential items, with the clerk and recorder of the county or counties in which the affected land is located. Any changes or additions made to an application following submittal must be filed with the county clerk and recorder. You must also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk and recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1). The copy of the application and any changes or additions placed at the office of the county clerk and recorder shall not be recorded, but shall be retained there for at least sixty (60) days after a decision on the application by the Office and be available for inspection during this period. At the end of this period, the application may be reclaimed by the applicant or destroyed (Rule 1.6.2(2)).

Prior to the Office making an approval decision (consideration of the application), you must submit proof of publication and proof of all required notices. Proof of notice may be by submitting return receipts of a certified mailing or by proof of personal service (Rules 1.6.2 and 1.6.5).

#### **Application Review Procedures:**

When the Office receives the application form, Exhibits A-T, Geotechnical Stability Exhibit, Emergency Response Plan, Addendum 1, and the application fee, the Office will set a date for consideration of the application. This date will be within 90 days of the date of submittal. The date set for consideration may be extended, pursuant to Rule 1.4.5(3), if you change or make additions to the application (Rule 1.8).

The Office may schedule an informal conference on the application. You may also request an informal conference. Please consult Rule 1.4.6 for the procedures on informal conferences.

During the 90-day review period, the Office will review your application to determine if it is technically adequate and meets the requirements of the Act and Mineral Rules and Regulations. You will be notified if any deficiencies exist and will be asked to respond prior to the date set for consideration of the application.

The Office will issue its decision on or before the date set for consideration of the application. The decision will be either to: (1) approve; (2) approve with conditions; (3) deny; or, (4) set the application for a hearing before the Board. Any conditions upon approval, unless agreed to by the applicant, shall be treated as a denial. The grounds for denial, approval with conditions, or approval over an objection will be set forth in writing (Rule 1.4.8).

A hearing will automatically be scheduled if the Office's decision is: (1) denial; (2) approval when objections have been received; (3) approval with conditions when these are unacceptable to the applicant; or, (4) the Office chooses to set a hearing because of a decision requiring Board policy.

In the event the Office sets an application for a hearing without issuing a decision, the Office will issue a recommendation to the Board and will identify the issues raised in the adequacy review or by objections filed with the Office. The Office will mail a copy of the recommendation to all parties to the hearing (Rule 1.4.5(6)).

#### **Performance and Financial Warranties:**

A performance warranty and a financial warranty, in an amount determined as a part of the application review, must be submitted to the Office prior to permit issuance. If the applicant is a unit of state or county government, then only a performance warranty is required. Several different types of financial warranties are allowed by the law. Please review Rule 4 to determine which type of financial warranty you desire to use. You may obtain the appropriate forms during the application review period. A financial warranty should not be submitted until a decision on the application has been made.

### **Compliance with Other Laws:**

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not in any way relieve you of the responsibility to comply with all other applicable state and federal laws (Section 34-32-115(4)(c) and 109(5), C.R.S. 1984, as amended). At a minimum, you **MUST** contact the following agencies to determine whether or not you need to comply with their legal requirements:

- The Colorado Historical Society regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures;
- Colorado Division of Water Resources with regard to the administration of water rights;
- Colorado Department of Health, Water Quality Control Division, with regard to the discharge of pollutants into the waters of the State;
- Colorado Department of Health, Air Pollution Control Division, with regard to the need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service for proposed operations on federal lands;
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit; and
- The County Planning Department for the county or counties in which the proposed operation is located. (Section 34-32-109(6), C.R.S. 1984, as amended) requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304.)

### **Permit Approval:**

An applicant will not be issued a reclamation permit until notified by the Office that this application and the required performance and financial warranties have been approved. Alternatively, an automatic approval will occur where the Office fails to notify the applicant/operator that the application has been denied. This decision must be made one hundred twenty (120) calendar days from the date the application was submitted. However, the performance and financial warranties must be submitted and approved by the Office before the permit will be issued even if you receive an automatic approval. **NO MINING OPERATIONS SHALL BEGIN UNTIL A PERMIT IS ISSUED (Rule 4.1(2)).**

### **Notice Requirements:**

Within ten (10) days after filing, mail or personally serve a copy of the notice described in Rule 1.6.2(1)(c) to all owners of record of surface rights to the affected land and all owners of record of lands that are within 200 feet of the boundary of the affected land (Rule 1.6.2(1)(d)(I) and (ii)). In addition, you must publish four consecutive times in a newspaper of general circulation, in the locality of the proposed mining operation, the notice described in Rule 1.6.5. A copy of a form which includes all required information for the notice has been attached for your use. You will need to provide the Office proof of notice prior to the decision date. Proof of notice may be by submitting return receipts of a certified mailing or by proof of personal service (Rules 1.4.1(4), 1.4.2(4)(c) and 1.6.2(1)(d)).

### **NOTE TO COMMENTORS/OBJECTORS:**

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

### **Completion of Mining:**

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and 4.16 for details on how to request a reclamation responsibility release from the Board.

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### REGULAR (112d) DESIGNATED MINING OPERATION

#### RECLAMATION PERMIT

#### APPLICATION FORM

Bill Ritter, Jr.  
Governor

Harris D. Sherman  
Executive Director

Ronald W. Cattany  
Division Director  
Natural Resource Trustee

**CHECK ONE:** \_\_\_\_\_ New Application (Rule 1.4.5) \_\_\_\_\_ Amendment Application (Rule 1.10)  
\_\_\_\_\_ Conversion Application (Rule 1.11)

Permit No. M-\_\_\_\_\_ - \_\_\_\_\_ (provide for amendments and conversions of existing permits)

The application for a Regular (112d) Designated Mining Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-T, Geotechnical Stability Exhibit, the Emergency Response Plan, and Addendum 1, as required by the Office, and outlined in Rules 6.1, 6.2, 6.3, 6.4.19, 6.5, 8.0, and 1.6.2(1)(b); and, (3) the application fee. When you submit your application, be sure to include one (1) **signed and notarized original** and four (4) copies of the application form, five (5) copies of Exhibits A-T, Rule 6.5 Geotechnical Stability Exhibit, the Emergency Response Plan, Addendum 1, and a check for the appropriate application fee (described under Section (4) on Page 2). Exhibits should not be bound or in a 3-ring binders; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

#### GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, all information described below.

1. **Applicant/operator or company name (name to be used on permit):** \_\_\_\_\_

1.1 Type of organization (corporation, partnership, etc.): \_\_\_\_\_

1.2 I.R.S. Tax ID No. or Social Security Number: \_\_\_\_\_

2. **Operation name (pit, mine or site name):** \_\_\_\_\_

3. **Permitted acreage:** (new or existing site) \_\_\_\_\_ permitted acres

3.1 Change in acreage (+) \_\_\_\_\_ acres

3.2 Total acreage in Permit area \_\_\_\_\_ acres

4. **Fees:**

4.1	<b>New</b> 112d(1) Application (affecting less than 50 acres and extracting less than 1 million tons per year) application fee	<u>\$4,025.00</u>
4.2	<b>New</b> 112d(2) Application (larger than above but affecting less than 100 acres and extract less than 5 million tons per year)	
4.3	<b>New</b> 112d(3) Application (any other operation)	<u>\$6,900.00</u> application fee
4.4	<b>Existing</b> 112d(1) Amendment Fee	<u>\$9,200.00</u> application fee
4.5	<b>Existing</b> 112d(2) Amendment Fee	<u>\$2,300.00</u> amendment fee
4.6	<b>Existing</b> 112d(3) Amendment Fee	<u>\$4,025.00</u> amendment fee
4.7	<b>Existing</b> 112d(3) Amendment Fee	<u>\$7,475.00</u> amendment fee
4.7	<b>New</b> 112d(1) Amendment Fee	<u>\$2,875.00</u> amendment fee
4.8	<b>New</b> 112d(2) Amendment Fee	<u>\$2,875.00</u> amendment fee
4.8	<b>New</b> 112d(2) Amendment Fee	<u>\$4,600.00</u> amendment fee
4.9	<b>New</b> 112d(3) Amendment Fee	<u>\$8,050.00</u> amendment fee
4.10	Conversion Fee	see above application fees

5. **Primary commodity(ies) to be mined:** \_\_\_\_\_

6. **Name of owner of surface of affected land:** \_\_\_\_\_

7. **Name of owner of subsurface rights of affected land:** \_\_\_\_\_  
If 2 or more owners, refer to Exhibit O.

8. **Type of mining operation:** \_\_\_\_\_ Surface \_\_\_\_\_ Underground

9. **Location Information:** the center of the area where the majority of mining will occur lies in:  
COUNTY: \_\_\_\_\_

PRINCIPAL MERIDIAN (check one): \_\_\_\_\_ 6th (Colorado) \_ 10th (New Mexico) \_\_\_\_ Ute

SECTION (write number): S \_\_\_\_\_

TOWNSHIP (write number and check direction): T \_\_\_\_\_ North \_\_\_\_\_ South

RANGE (write number and check direction): R \_\_\_\_\_ East \_\_\_\_\_ West

QUARTER SECTION (check one): \_\_\_\_\_ NE \_\_\_ NW \_\_\_ SE \_\_\_ SW

QUARTER/QUARTER SECTION (check one): \_\_\_\_\_ NE \_\_\_ NW \_\_\_ SE \_\_\_ SW

GENERAL DESCRIPTION (miles and direction from nearest town and approximate elevation):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. **Primary Mine Entrance Location (report in either Latitude/Longitude OR UTM):**

Latitude/Longitude:

Example: (N) 39° 44' 12.98"  
(W) 104° 59' 3.87"

Latitude (N): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

Longitude (W): deg \_\_\_\_\_ min \_\_\_\_\_ sec \_\_\_\_\_ (2 decimal places)

OR

Example: (N) 39.73691°  
(W) -104.98449°

Latitude (N) \_\_\_\_\_ (5 decimal places)

Longitude (W) - \_\_\_\_\_ (5 decimal places)

OR

Universal Transverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13  
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) \_\_\_\_\_ Zone \_\_\_\_\_

Easting \_\_\_\_\_

Northing \_\_\_\_\_

11. **Primary future (Post-mining) land use** (check one):

- \_\_\_\_\_ Cropland(CR)      \_\_\_\_\_ Pastureland(PL)      \_\_\_\_\_ General Agriculture(GA)
- \_\_\_\_\_ Rangeland(RL)      \_\_\_\_\_ Forestry(FR)      \_\_\_\_\_ Wildlife Habitat(WL)
- \_\_\_\_\_ Residential(RS)      \_\_\_\_\_ Recreation(RC)      \_\_\_\_\_ Industrial/Commercial(IC)
- \_\_\_\_\_ Developed Water Resources(WR)      \_\_\_\_\_ Solid Waste Disposal(WD)

12. **Primary present land use** (check one):

- \_\_\_\_\_ Cropland(CR)      \_\_\_\_\_ Pastureland(PL)      \_\_\_\_\_ General Agriculture(GA)
- \_\_\_\_\_ Rangeland(RL)      \_\_\_\_\_ Forestry(FR)      \_\_\_\_\_ Wildlife Habitat(WL)
- \_\_\_\_\_ Residential(RS)      \_\_\_\_\_ Recreation(RC)      \_\_\_\_\_ Industrial/Commercial(IC)
- \_\_\_\_\_ Developed Water Resources(WR)

13. **Method of Mining:**      \_\_\_\_\_ Quarry (QR)      \_\_\_\_\_ Solution (SO)

13.1 Other: Briefly explain mining method (e.g. Placer, truck/shovel): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14.

**Correspondence Information:**

**APPLICANT/OPERATOR** (name, address, and phone of name to be used on permit):

Contact's Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Street: \_\_\_\_\_ P.O. Box: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_

Fax Number: (\_\_\_\_\_) - \_\_\_\_\_

**PERMITTING CONTACT** (if different from applicant/operator above):

Contact's Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Street: \_\_\_\_\_ P.O. Box: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_

Fax Number: (\_\_\_\_\_) - \_\_\_\_\_

**INSPECTION CONTACT:**

Contact's Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Street: \_\_\_\_\_ P.O. Box: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_

Fax Number: (\_\_\_\_\_) - \_\_\_\_\_

**CC: STATE OR FEDERAL LANDOWNER** (if any):

Agency: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_

**CC: STATE OR FEDERAL LANDOWNER** (if any):

Agency: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_

15. **On Site Processing:**

\_\_\_\_\_ Solution (SO) \_\_\_\_\_ Chemical (CH) \_\_\_\_\_ Thermal (TH)

\_\_\_\_\_ Heap Leach (HL) \_\_\_\_\_ Vat Leach (VL)

List any designated chemicals or acid-producing materials to be used or stored within permit area: \_\_\_\_\_

\_\_\_\_\_

**Description of Amendment:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Maps and Exhibits:**

Five (5) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-T, the Geotechnical Stability Exhibit, the Emergency Response Plan, and Addendum 1. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the five (5) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rules 6.4, 6.5, 8, and 1.6.2(1)(b):

- EXHIBIT A - Legal Description
- EXHIBIT B - Index Map
- EXHIBIT C - Pre-Mining and Mining Plan Map(s) of Affected Lands
- EXHIBIT D - Mining Plan
- EXHIBIT E - Reclamation Plan
- EXHIBIT F - Reclamation Plan Map
- EXHIBIT G - Water Information
- EXHIBIT H - Wildlife Information
- EXHIBIT I - Soils Information
- EXHIBIT J - Vegetation Information
- EXHIBIT K - Climate Information
- EXHIBIT L - Reclamation Costs
- EXHIBIT M - Other Permits and Licenses
- EXHIBIT N - Source of Legal Right-To-Enter
- EXHIBIT O - Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
- EXHIBIT P - Municipalities Within Two Miles
- EXHIBIT Q - Proof of Mailing of Notices to County Commissioners and Conservation District
- EXHIBIT R - Proof of Filing with County Clerk and Recorder
- EXHIBIT S - Permanent Man-Made Structures
- EXHIBIT T - Designated Mining Operation Environmental Protection Plan
- RULE 6.5 - Geotechnical Stability Exhibit
- RULE 8 - Emergency Response Plan
- ADDENDUM 1 - Notice Requirements (sample enclosed) (Rule 1.6.2(1)(b))

The instructions for preparing Exhibits A-T, the Geotechnical Stability Exhibit, the Emergency Response Plan, and Addendum 1, are specified under Rule 6.4, 6.5, 8, and 1.6.2(1)(b) of the Mineral Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

**Responsibilities as a Permittee:**

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

- \_\_\_\_\_ 1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;
- \_\_\_\_\_ 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- \_\_\_\_\_ 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- \_\_\_\_\_ 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- \_\_\_\_\_ 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- \_\_\_\_\_ 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
  - a. the name of the operator;
  - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
  - c. the permit number.
- \_\_\_\_\_ 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.
- \_\_\_\_\_ 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Mineral Rules and Regulations in effect at the time the permit is issued.
- \_\_\_\_\_ 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee (**\$1,150**), and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as an operator, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

**Certification:**

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. This mining operation will not adversely affect the stability of any significant, valuable and permanent man-made structure(s) located within two hundred (200) feet of the affected lands. (However, where there is an agreement between the applicant/operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the applicant/operator (Section 834-32-115(4)(d), C.R.S. 1984, as amended), then mining may occur within 200 feet. Proof of an agreement must be submitted to the Office prior to the decision date.)
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32-115(4)(f), C.R.S. 1984, as amended);
3. As the applicant/operator, I do not have any mining/prospecting operations in this state of Colorado currently in violation of the provisions of the Mined Land Reclamation Act (Section 34-32-120, C.R.S. 1984, as amended) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S. 1984, as amended.

***This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-112, C.R.S., of the Mined Land Reclamation Act. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32-123, C.R.S.***

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Applicant/Operator Name

If Corporation Attest (Corporate/County Seal)

Signature: \_\_\_\_\_

By: \_\_\_\_\_

Corporate Secretary or Equivalent

Title: \_\_\_\_\_

Town/City/County Clerk

State of \_\_\_\_\_)

) ss.

County of \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_.

by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR **REGULAR (112d) DESIGNATED MINING OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS  
\_\_\_\_\_ COUNTY

\_\_\_\_\_ (the "Applicant/Operator") has applied for a Regular (112d) Designated Mining Operation reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct mining operations in \_\_\_\_\_ County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to \_\_\_\_\_ use. Pursuant to Section 34-32-116(7)(j), C.R.S., the Board is required to confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

**NOTE TO APPLICANT/OPERATOR:** You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

NOTICE OF FILING APPLICATION  
FOR COLORADO MINED LAND RECLAMATION PERMIT  
FOR **REGULAR (112d) DESIGNATED MINING OPERATION**

NOTICE TO THE BOARD OF SUPERVISORS  
OF THE LOCAL CONSERVATION DISTRICT  
\_\_\_\_\_DISTRICT

\_\_\_\_\_ (the "Applicant/Operator") has applied for a Regular (112d) Designated Mining Operation reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct mining operations in \_\_\_\_\_ County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to \_\_\_\_\_ use. Pursuant to Section 34-32-116(7)(j), C.R.S., the Board is required to confer with the local Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within ten (10) days after the date of the applicant's newspaper publication.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

**NOTE TO APPLICANT/OPERATOR:** You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

AN EXAMPLE PUBLIC NOTICE WHICH MEETS THE REQUIREMENTS OF THE STATUTES IS SHOWN BELOW. THE BLANKS WHICH REQUIRE DATES WILL NEED TO BE FILLED IN ACCORDING TO THE FOLLOWING INSTRUCTIONS. PLEASE READ CAREFULLY.

PUBLICATION INSTRUCTIONS:

Date of commencement and date of completion should represent the dates which you feel most accurately describe the life of the operation.

For all Limited Impact (110) types of operations, this notice must be published once within ten (10) days of the date the application is considered submitted to the Division of Reclamation, Mining and Safety (the "Division"). The final date for receiving comments is ten (10) days after the date of publication or the next regular business day.

For all Regular (112) types of operations, this notice must be published once a week for four (4) consecutive weeks, starting within ten (10) days of the date the application is considered to be submitted to the Division. The final date for receiving comments is the 20th day after the fourth publication or the next regular business day.

All notices must be published in a newspaper of general circulation in the locality of the proposed mining operation and mailed to the landowners as set forth in the Colorado Mined Land Reclamation Rules and Regulations. Since the date for consideration of your application may change, DO NOT include it in this notice.

For a complete discussion of the notice procedures and objections, please refer to C.R.S. 34-32-110(7)(c), 112(10), 114 and 115.

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PUBLIC NOTICE

(Operator Name) \_\_\_\_\_; (Address and Phone Number) \_\_\_\_\_, has filed an application for a Limited Impact (110d) Designated Mining Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Mined Land Reclamation Act. The proposed mine is known as the (Name of the Mine) \_\_\_\_\_, and is located at or near Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, \_\_\_\_\_ Prime Meridian.

The proposed date of commencement is \_\_\_\_\_, \_\_\_\_\_, and the proposed date of completion is \_\_\_\_\_, \_\_\_\_\_. The proposed future use of the land is (Future Landuse) \_\_\_\_\_. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567, or at the (County Name) \_\_\_\_\_ County Clerk and Recorder's office; (Clerk and Recorder's Address) \_\_\_\_\_, or the above-named applicant.

Comments must be in writing and must be received by the Division of Reclamation, Mining and Safety by 4:00 p.m. on \_\_\_\_\_, \_\_\_\_\_ (Final Date for Comments).

The following is an example that you may wish to use for the Notice required for Rule 1.6.2(1)(b).

**NOTICE**

This site is the location of a proposed mining operation. (Name of the Applicant/Operator) \_\_\_\_\_, whose address and phone number is (Address and Phone Number of the Applicant/Operator) \_\_\_\_\_, has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the (County Name) \_\_\_\_\_ County Clerk and Recorder's Office, (Clerk and Recorder's Office Address) \_\_\_\_\_, and should send comments prior to the end of the public comment period to the Division of Reclamation, Mining and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

**Certification:**

I, \_\_\_\_\_, hereby certify that I posted a sign containing the above notice for the proposed permit area known as the (Name of Operation) \_\_\_\_\_, on (Date Posted) \_\_\_\_\_.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

An example Structure Agreement which meets the requirements of the Statutes is shown below.

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**Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

*(Please list additional structures on a separate page)*



**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Notary Public