

**DEPARTMENT OF NATURAL RESOURCES**

**Mined Land Reclamation Board**

**Division of Reclamation Mining and Safety**

**2 C.C.R. 407-4**

**STATEMENT OF BASIS, SPECIFIC  
STATUTORY AUTHORITY AND PURPOSE FOR**

**Amendments to the Mineral Rules and Regulations of the Colorado Mined Land  
Reclamation Board for the Extraction of Construction Materials (2 C.C.R. 407-4)**

**Basis and Purpose**

**I. Statutory Authority**

These modifications to the Rules are made pursuant to the authority granted to the Mined Land Reclamation Board in Sections 34-32-104, 34-32-105(3), 34-32-106(1)(b), 34-32-108(1), 34-32.5-104, 34-32.5-105, and 34-32.5-108 C.R.S.

The specific authority for these rules is provided in Section 34-32-108(1), C.R.S. -- “The Board may adopt and promulgate reasonable rules and regulations respecting the administration of this article and article 32.5 of this title and in conformity therewith” and Section 34-32.5-108, C.R.S. – “The board may adopt and promulgate reasonable rules respecting the administration of this article.”

**II. Purpose of revising the Rules**

The primary purpose of the amendments are to incorporate Senate Bill 18-184 (the new 111(1)(b) Special One-Time Excavation Operation Permit), clarify and amend certain portions of existing rules, including the size of the required posted sign, an estimated completion date for Notices of Intent to Conduct Exploration Activities and general editorial clean up.

**Regulatory Additions and Amendments**

- I. Rule 111(1)(b) was added to incorporate Senate Bill 18-184 into the Rules and the statutory language was mirrored as closely as possible.
- II. The definition of “Mining Operation” in Rule 1.1(30) was amended to match the statutory definition.
- III. The definition of “Off-site” in Rule 1.1(33) was amended to read more clearly and be less confusing.
- IV. Rule 1.10 AMENDMENT TO A PERMIT was amended to allow for electronic submittals and reduce the amount of paperwork submitted.

- V. Language was added to Rule 1.16 regarding property leases and the need for operators to notify the Office when leases that affect legal right of entry are changed.
- VI. In response to public feedback, language regarding the size of signs was added to Rule 1.6.2 in order to ensure that permit application notices are visible to the public.
- VII. Language was added to Rule 2.8.1 to mirror the Hard Rock Rules and incorporate procedures for telephonic appearances at hearings.
- VIII. In response to past issues, the Division added language to Rule 3.1.3 Time Limit and Phased Reclamation to insure timely reclamation of sites.
- IX. Language was added to Rule 3.1.9 Topsoiling and 3.1.10 Revegetation to provide further clarification and to mirror the Hard Rock Rules.
- X. In response to public feedback, language further clarifying Rule 3.1.12 Signs and Markers was added regarding the size of signs.
- XI. In response to past issues, the Division added language to Rule 5 that limits prospecting activities to 5 years unless approved by the Office or Board. In addition, documentation of the legal right to enter was added as an NOI Application requirement.
- XII. Changes were made to Rule 5 to match with the Hard Rock Rules.
- XIII. Language was added to Rule 6.3.3(g) EXHIBIT C – Mining Plan that mirrors the statutory definition of “affected lands.”
- XIV. Rule 6.3.1 EXHIBIT G – Source of Legal Right-to-Enter was edited for clarity purposes.
- XV. Language was added to Rule 6.4.4(j) EXHIBIT D – Mining Plan that includes the statutory definition of “affected lands.”
- XVI. Rule 8.2.1 was edited to provide up-to-date contact information.

### **Stakeholder Involvement in the Process**

The following describes the Division’s effort to work with and reach out to stakeholders.

#### **I. Extent of Agency Consultation with Operators, Consultants, Environmental Organizations, and Government Representatives**

The Division utilized various methods to inform individual industry representatives, industry trade associations, environmental organizations, and federal government agencies of the proposed regulatory revisions. These methods included:

1. Posting a Stakeholder Process Notification Request Form on the Division's website to notify stakeholders of upcoming stakeholder meetings and related draft documents.
2. The Division hosted 2 informal stakeholder meetings in both Grand Junction (2/7/19) and Denver (2/14/19).