## 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



Bill Owens Governor

Russell George Executive Director

Ronald W. Cattany Division Director Natural Resource Trustee

# NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS FOR HARD ROCK/METAL MINES

#### **GENERAL**:

To conduct prospecting activities in the State of Colorado, a person or organization must file an Notice of Intent (NOI) to conduct Prospecting Operations and provide a financial warranty for the prospecting operations to the Mined Land Reclamation Board (MLRB or Board). All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and the Colorado Mined Land Reclamation Board Hard Rock/Metal Mines Rules and Regulations 2 CCR 407-1 and amendments to those rules ("Rules"). For purposes of an NOI, the Office/Division serves as staff to the Board. This NOI form is for all minerals except coal and construction materials. The Board shall determine (where there is a question) if an operation is prospecting or mining.

#### **CONFIDENTALITY:**

All information provided to the Mined Land Reclamation Board (MLRB) or the Division in this NOI will be protected as confidential information and will not be a matter of public record, in the absence of a written release from the Prospector or upon a finding by the Board that reclamation is satisfactory (Rule 5.2).

#### **DEFINITION:**

"Prospecting" is defined in Rule 1.1(43) of the Hard Rock/Metal Mining Rules and Regulations as the act of searching for or investigating a mineral deposit. "Prospecting' includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to the commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause very little or no disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by the ordinary, lawful use of the land by persons not prospecting. The term does not include any single activity which results in the disturbance of a single block of land totaling 1600 square feet or less of the land surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over 24 consecutive months" (Rule 1.1.43).

#### APPLICATION FEE: \$75.

NOIs require a \$75 fee, which must accompany this notice or it cannot be processed by the Division  $(C.R.S.\ 34-32-127(2)(a)(1)(K))$ .

#### **RECOMMENDATIONS PRIOR TO FILING:**

The Hard Rock/Metal Mining Rules and Regulations, the Colorado Mined Land Reclamation Act 34-32-101 and the Colorado Mined Land Reclamation Board regulate the filing, operational and reclamation requirements for prospecting 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 from the Division or accessed on line at <a href="https://www.mining.state.co.us">www.mining.state.co.us</a>. In order to file your NOI properly it is recommended that you review the Act and;

Rule 1.1 Definitions

Rule 3.1 Reclamation Performance Standards Rule 3.3.1 Operating without an NOI - Penalty

Rule 4 Financial Warranties
Rule 5 Prospecting Requirements

#### **FILING REQUIREMENTS:**

If you plan to conduct prospecting on any lands in Colorado, you must provide all information described in this form. To file an NOI, submit the following;

- One (1) signed and completed NOI form with maps and attachments (original signatures must be done in blue ink);
- One (1) unbound copy of the original NOI form with maps and attachments;
- Application fee; and
- Financial Warranty and applicable warranty form.

#### **PROCESSING REQUIREMENTS:**

The Division will review the NOI and associated Financial Warranty information within twenty (20) working days of receipt by the Division. If the prospector has not been notified of any deficiencies of the NOI Form within twenty (20) working days of receipt, prospecting operations may commence upon approval of the financial warranty. The Prospector has 60 days from the date of filing to correct any deficiencies. For activities on BLM or USFS Lands, the twenty (20) working-day period begins on the day when the appropriate Federal Land Management agency has been notified by the Prospector (see below). Incomplete NOI forms will be terminated and returned to the person or organization, if deficiencies are not corrected within 60 days of filing (Rule 5.1.3).

#### PROSPECTING ON FEDERAL LAND:

The Division has entered into cooperative agreements with the U.S. Bureau of Land Management (BLM) or the U.S. Forest Service (USFS) to coordinate the review of NOIs and the posting of financial warranties. The primary goal is to ensure that the agencies minimize duplication of functions and thereby minimize regulatory duplication imposed upon prospecting operations. The Division assumes the primary responsibility for the administration, review, and permitting of NOIs. The prospector is required to document that the NOI has been sent to the BLM or the USFS. Upon receipt of the NOI, the Division will notify the appropriate BLM or USFS office and forward a copy of the NOI. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM or USFS.

#### FINANCIAL WARRANTY:

A financial warranty must be provided and approved prior to the entry upon lands for the purpose of prospecting. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Prospecting Financial Warranty." The One Site Prospecting Financial Warranty is usually filed by individuals or small companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for the land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the prospecting operation and the magnitude, type and estimated cost of the planned reclamation. A Statewide Financial Warranty is usually filed by larger companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the Statewide bond at any time in order to cover additional or expanded prospecting activities.) The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting. The financial warranty will be retained by the Board until the prospector has completed reclamation of the prospecting site and has been released, in writing, of reclamation responsibility. Financial warranty forms can be downloaded from the Division's Internet web page located at mining.state.co.us.

#### PLAN MODIFICATIONS:

Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs and use the same NOI form. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. The Board shall determine (where there is a question) if an NOI can be modified or requires the filing of a new NOI in accordance with Rule 1.4.11. If the Division determines that the proposed modification (or new NOI) requires the posting of an additional reclamation bond amount to cover increased costs of reclamation caused by the modification (or new NOI), the NOI holder must submit and the Division must approve the supplemental or additional bond to cover such increased reclamation costs before the NOI holder may undertake any additional or different activities described in the modification (or new NOI). A separate prospecting notice shall be filed with the Office for each non-contiguous land survey quarter section in which a proposed prospecting activity is to occur. The requirement for separate notices may be waived by the Office for good cause (Rule 5.1.1).

#### **ANNUAL REPORTS:**

Annual Reports are required for all active prospecting operations effective on December 31, 2006. By December 31 of each year that the NOI is in effect, the prospector must file an annual reclamation report detailing the exploration and reclamation activities that occurred during that year and whether prospecting has been completed. For the purpose of reporting prospecting activities, the reporting year shall begin on November 1 and end on October 31.

#### **RECLAMATION:**

Reclamation shall be completed in a timely manner and within five (5) years of completion of prospecting activities. The time period to complete site reclamation commences on the date that prospecting has been completed, as stated in the Annual Report (Rule 5.1.2(g)). New or significantly upgraded roads, structures, or other features on private lands that are planned to be retained following prospecting may be identified in the NOI submittal and may be excluded from the financial warranty amount at the discretion of the office. The prospector must submit a notarized letter from the landowner requesting that the roads, structures or other features remain on site and demonstrate that it meets the applicable County zoning and code requirements.

#### RELEASE OF FINANCIAL WARRANTY AND TERMINATION OF THE NOI:

Upon completion of any phase of reclamation, you should consult Rule 3.1 for reclamation standards and Rule 4.15 for details on how to request a reclamation responsibility release from the MLRB. Following the completion of reclamation, the prospector may request a release of the reclamation responsibility sent by certified mail. The Division will conduct an inspection within 30 days of receiving the request (or as soon thereafter as weather conditions permit). If the operation is located on Public Land or State Land, the Division will coordinate the inspection with the appropriate land management agency (Rules 3.1 and 4.1.5).

#### **COMPLIANCE WITH OTHER LAWS:**

Compliance with the Act and Rules and Regulations of the Mined Land Reclamation Board does not relieve you of responsibility to comply with all other applicable local, state and federal laws. We recommend that you contact the following agencies and any others to determine whether you need to comply with their legal requirements:

- The Colorado State Historical Preservation Office regarding properties of potential historical significance;
- Colorado Division of Water Resources regarding water rights;
- Colorado Department of Public Health and the Environment, Water Quality Control Division, regarding the
  potential to discharge pollutants into the State waters;
- Colorado Department of Public Health and the Environment, Air Pollution Control Division, with regard to the potential need for a fugitive dust permit;
- U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation is 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.

#### **AUTHORIZED SIGNATURE:**

You, or a person authorized by you, must sign the NOI. By doing so you are stating that the information provided in the NOI is true and correct as of the date specified. For individuals, the NOI must be signed by the NOI holder or the person authorized to sign on the NOI holder's behalf. For companies or partnerships, the NOI must be signed by a person acting under the company's/partnership's express or implied authority, or by an authorized agent.

#### SUBMIT COMPLETED NOIS TO ONE OF THE OFFICES BELOW:

Denver Office (main):
Division of Reclamation, Mining and Safety
1313 Sherman St., Rm. 215
Denver, CO 80203
Telephone: 303.866.3567

FAX: 303.832.8106

Durango Field Office: Division of Reclamation, Mining and Safety 701 Camino Del Rio, Rm. 125 Durango, CO 81301 Telephone: 970.247.5469

Telephone: 970.247.546 FAX: 970.247.5104 Grand Junction Field Office: Division of Reclamation, Mining and Safety 101 South 3<sup>rd</sup>, Ste. 301 Grand Junction, CO 81501 Telephone: 970.243.6368 FAX: 970.241.1516

Office hours are Monday to Friday, 8:00 a.m. to 5:00 p.m., excluding State Holidays.



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Office of

Mined Land Reclamation



Bill Owens Governor

Russell George Executive Director

Ronald W. Cattany Division Director Natural Resource Trustee

Office of

Active and Inactive Mines

#### Natural Resource Trustee CHECK ONE: There is an NOI Number Already Assigned to this Operation - (Please reference the file number assigned to this operation) NOI# New NOI Modification to an Existing NOI P- (Provide for **Modifications** to an existing NOI) NOI# GENERAL OPERATION INFORMATION Type or print clearly, in the space provided, ALL information described below. I. GENERAL INFORMATION 1. DATE NOI RECEIVED BY THE DIVISION: (office use only) 2. PROJECT NAME: PROSPECTOR: PERSON MLRB SHOULD CONTACT: Name: Name: Company Name: Company Name: Street: Street: P.O. Box: \_\_\_\_\_ P.O. Box: State: State: Zip Code: Zip Code: Telephone Number: Telephone Number: Fax Number: Fax Number: **APPLICATION FEE:** \$75. (NOIs require a \$75 fee which must accompany this notice or it cannot be processed by the Division). 5. LOCATION INFORMATION: County:\_\_\_\_ PRINCIPAL MERIDAN (check one) 6<sup>th</sup> (Colorado) 10<sup>th</sup> (New Mexico) (Ute) SECTION (write number):

NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS

FOR HARD ROCK/METAL MINES

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		t (USFS)	
State Sovereign Lands	Other (please d	lescribe):	
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	C.	LOCATION MAP: Attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the prospecting site(s).
	D.	Are prospect sites (e.g., drill holes, trench locations, etc) staked on the ground? Yes No
	E.	Specify the Land Management Agency, Address and Telephone Number:
	F.	The prospector is required to document that the NOI has been sent to the BLM or the USFS. Processing of the NOI will not begin until the prospector has submitted evidence acceptable to the Division that the NOI was sent to the BLM o USFS. Check one:
		Evidence of notification is attached to this NOI for BLM Land Evidence of notification is attached to this NOI for USFS Land. Other proof of notice is attached to this NOI
II.		MAPS & DRAWINGS
Acc may	eurat y sub	e topographic base map showing the location of the proposed project must be submitted with this notice. The prospector omit a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale that:
1.	ider mu	ntifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas include all drill holes d pits, excavations, trenches, adits, shafts, tunnels, rock dumps, stockpiles, impoundments and prospecting roads, and
2.	are tum date	nudes sufficient detail to identify and locate known prospecting features and facilities that may be affected and those that not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, nels, rock dumps, stockpiles, impoundments and prospecting roads. Color photographs, adequately labeled (including e, orientation and location), of the prospecting site may be used to fulfill this requirement if included with the NOI mittal.
III	4	PROJECT DESCRIPTION
incore,	Mii	neral(s) and/or Resource(s) being Investigated:
2.	Est	imated dates of commencement and completion:
	Cor	nmencement:
	Cor	mpletion:
3.	Am	ount of material to be extracted, moved or proposed to be moved:
4.	Ide	ntify the type or method of prospecting proposed and quantity (place an "X")
	-	CutsPitsTrenches
	XXXXXXXXX	Shafts Tunnels Adits Declines
	skaaassoksaka	Air DrillingFluid DrillingDrilling & Blasting

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ropose	d Disturbance (approximate) Describe the proposed drilling to be conducted, including anticipated number of
	depth, location, etc Submit additional pages if necessary:
A.	Drill Pads: Quantity Average Width (ft) Average Length (ft)
В.	Drill Holes: Quantity Depth (ft) Diameter (in)
C.	Mud Pits: Quantity Average Width (ft) Average Length (ft)
	Average Depth(ft)
	Described proposed underground work, including reopening of old workings, advancement of adits or shafts,
	trenches, pits, cuts, rock dumps, or other types of disturbance, describe type, quantity and general dimensions
D.	Other Disturbances (please describe):
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E.	Indicate Chemicals and Fuels used or stored on site. List type, quantity and method to store.
	New Road(s): Length(ft) Width(ft)
	ficantly Upgraded Road(s)  Length(ft) Width(ft)
	ulverts or other crossings proposed? If so, please describe:

		Total project area to be disturbed (acres)
		. Describe the equipment to be used for the prospecting operations:
		Describe and locate any structures to be constructed (i.e. stockpiles, ponds, impoundments):
		Describe anticipated relationship to surface water and groundwater (proximity to streams, penetration of ground water aquifers):
**		
1.	The pros	PERATION AND RECLAMATION MEASURES: Board suggests that a photographic record of the pre-prospecting and post-prospecting conditions be kept by the cotor. These photos should be taken from the same location and by the same method to clearly show the pre-prospecting ion of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the may consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for each considerable.
2.	area. orier	le a description of the native vegetation of the area to be disturbed, including tree, shrub, and grass communities of the Color photographs, sufficient to adequately represent the ecology of the site and adequately labeled (including data ation and location), may be used in lieu of a written description. Based on the quality of the photographs, the Division additional detail.

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escribe l	ow drill holes will be plu	gged (refer to Rule	5.4 of the Rules	for required aban	donment procedu	res):
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7. List the seed mixture to be used in the re-establishment of vegetation. See the attached seed mixture calculation to obtain PLS/acre. For assistance with formulating seed mixtures and rates, contact the local NRCS if on private land, BLM/USFS if on public land or State Land Board if on state land.

A. Provide plant name and seeding	141	ŧC
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Plant Name	Seeding Rate (PLS/acre)

Β.	Describe the method for seed bed preparation, and application method for grass/forb seeding:

## V. TERMS AND CONDITIONS FOR PROSPECTING OPERATIONS:

- 1. Reclamation measures shall be fulfilled in a timely manner and completed within five (5) years of completion of prospecting activities.
- The prospecting operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rule 5, precautions to be taken include:
  - A. Confinement of operations to areas near existing roads or trails, where practicable. Existing roads which are to remain as permanent roads after prospecting activities are completed shall be left in a condition equal to or better than the preprospecting condition;
  - B. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel. Drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;

- C. Proper and timely abandonment of drill holes upon completion of drilling;
- D. Reclamation of affected lands upon completion of operations or phases of an operation;,
- E. Backfilling and revegetating any pits to blend in with the surrounding land surface;
- F. Safeguarding mine entries, trenches and excavations from unauthorized entry at all times;
- G. Disposal of any trash, scrap metal, wood, machinery, and buildings;
- H. Control of noxious weeds within the area affected by the prospector
- 3. The prospecting operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws and regulations including applicable state and federal air and water quality laws and regulations.
- 4. The prospecting operations shall be conducted so as to minimize adverse effects upon wildlife to include covering of open drill holes until properly plugged.
- 5. During the prospecting operations, the operator will perform the necessary stabilization and reclamation work to ensure those areas affected by prospecting activities are erosionally and geotechnically stable.
- 6. All prospecting operations shall be in compliance with the Colorado Mined Land Reclamation Act, as amended (34-32-101 et seq. C.R.S.), and all rules and regulations currently in effect or promulgated pursuant thereto. See 2 CCR 407-1, Mined Land Reclamation Board Hardrock /Metal Mining Rules.

## VI. ADDITIONAL TERMS AND CONDITIONS FOR PROSPECTING ON BLM/USFS LANDS

- 1. The prospector will supply a copy of this NOI to the appropriate BLM and/or USFS office.
- 2. The prospector authorizes the MLRB to discuss the information in this Notice of Intent with the BLM and/or USFS.
- 3. If on BLM land, the prospector will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and implement reasonable measures to prevent unnecessary or undue degradation of lands during operations.

#### VII. FINANCIAL WARRANTY

A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The prospector can either file a "One Site Prospecting Financial Warranty" or a "Statewide Financial Warranty." The financial warranty must be submitted and approved by the Division prior to entry upon lands for the purpose of prospecting.

An One-Site Prospecting Financial Warranty is usually filed by individuals or companies where prospecting activities are limited to a single area. It must be filed in the amount of \$2,000 per acre for land to be disturbed, or such other amount as determined by the Division, based on the projected costs of reclamation. A Statewide Financial Warranty is usually filed by companies with multiple prospecting sites. It must be filed in an amount equal to the estimated cost of reclamation per acre of affected land for all anticipated sites statewide. (You may increase the Statewide bond at any time in order to cover additional or expanded prospecting activities.)

### VIII. SIGNATURE REQUIREMENT

Please place you initials on the line provided:
I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned prospecting site as required by the Colorado Mined Reclamation Act and the rules as specified in the Hard Rock/Metal Mining Rules and Regulations and this NOI form.
I have enclosed the required permit fee.
I authorize the Division to contact and copy the BLM and/or USFS on any correspondence related to the prospectin operation, if the prospecting operation is located on federal public land.
I have also enclosed the appropriate reclamation surety amount or will post an amount as determined by the office based on the projected costs of reclamation.
I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approve in writing from the Division of Reclamation, Mining and Safety.
I accept and agree to comply with the foregoing terms and conditions and with all of the provisions of Rules 3 and 5 and C.R.S. 34-32-101.
This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32-113, C.R.S., of the Mined Lan Reclamation Act. Any alteration or modification of this form shall result in voiding any NOI issued on the altered or modifie form and subject the operator to cease and desist orders and civil penalties for operating without a NOI pursuant to section 34 32-123, C.R.S.
I, the undersigned, being the NOI holder or the person authorized to sign on behalf of the NOI holder, declare that the informatio given in this NOI form is true and correct.
Signed and dated thisday of,
Signature of NOI holder or person authorized to sign:
Name (typed or print)
Title/Position:

SIGNATURES MUST BE IN BLUE INK