

## Possible Edits to the Hard Rock Rules

Current Rule	Proposed Change	Act Citation	Justifications	Other Comments
Rule 1.1(12) Rule 1.2.1 e	<b>Strike custom mill exemption</b>	not defined	DRMS has authority of all milling pursuant CRS 34-32-103(8). Recent MOU update with CDPHE Haz Waste eliminated their oversight of such facilities.	milling defined in Mining operations..CRS 34-32-103(8) and Rule 1.1 (31)
1.4.2(2) (b), 1.4.5(b), 1.10(1), 1.10(2)	Original: one(1) original and two (2) or four(4) copies of: change to: <b>one (1) original and one (1) copy or by electronic submittal as designated and approved by the Division:</b>		Modernization and reduction of paper. Current processing only needs two and with e-permitting none.	
Rule 1.5.6 (?)	<b>(5) Mining operations which qualify for a permit under 34-32-110(1) or (2) C.R.S 1984, as amended, which shall be referred to as 110(1) and 110(2) - \$173.00</b>	127(2)(l)	\$173.00 fees for TR on 110(1) & (2) Currently there is nothing in the Rules spelling out fee so it is \$0.00 until corrected.	
Rule 1.6.2 (1)(b)	...as required by the office, of <b>a minimum size of 16 inches high by 12 inches wide, with font sufficient to be readable at a reasonable distance,</b> and number clearly....	not defined	Consistency and clarity for applicants / general public	Seek stakeholder input on reasonable sizes, etc., current Size suggestion is a common County Land Use notice size
1.12(1)	Strike last sentence: <b>The successor operator ...FW of a lesser amount than existing FW...obligation.</b>	34-32.5-119	Current language conflicts with surety reduction rules and process.	Staff by policy reviews within 180 days, can do sooner. New operator can request Reduction after transfer.

Rule 1.15(1)	The Annual Report shall include all information specified on the Annual Report Form, <b>in the format required</b> by the Office, and specifically:	not defined	Modernization: tightens up the requirement that the report, etc. be submitted electronically	
Rule 1.15 (2)	Strike sentence <b>...If no new disturbances ...no new map is required. In the Annual Report.</b>	34.32.5-116 (3)(a)	Not consistent with Act and requirements	
1.16	Address Change, Sale of Property by operator, <b>Change in Property Lease</b> , or business name or ownership change, and Notice of Filing a Petition in Bankruptcy		Title Edit	
1.16(2)	<b>add sentence: Where an operator leases the lands, the operator shall promptly notify the Office of any substantial changes that affect right of legal entry upon the lands to be mined.</b>		Lease agreement changes have not been noted causing issues regarding legal right to enter.	
2.6(3)	<b>Strike: The board shall be provided fifteen (15) copies, which shall be unbounded.</b>		Modernization. Most motions, list of exhibits, etc. are submitted via email. Submissions are converted to electronic form for Board as well.	General Public misses this commonly. It is more common that they are given a few days to submit anyway.

3.1.3(2)	add the following language.....' <b><i>and each phase of reclamation shall be completed within five (5) years from the date the Operator informs the Board or Office that such phase has commenced, or from the date the Office has evidence that mining or exploration has ceased, unless extended by the Board or Office'</i></b>		clarifies when the clock starts tolling for commencement of reclamation and allows staff some discretion based on actual site conditions as opposed to an inaccurate annual report for both mining and prospecting	reports can lack details as to activity and operators may fail to notify the Board or Office of a lack of activity that requires reclamation to be initiated.
3.1.12	<b><i>(1)(d) The posted sign shall have a minimum dimension of 24 inches in height and 36 inches in length with a minimum 2" inch lettering.</i></b>		Inconsistent signage has led to postcard size signage by operators and confusion for the public	Stakeholder input required
Rule 4.17.4 (7.2.10 and 7.2.11)	<b>Move DMO release process Rule 7.2.10 and 7.2.11 into Rule 4.17.4</b> Change 4.17.4 (7.2.10(2) C) to read submit comments "within 30 days <b><i>of the date of publication to the Office</i></b> , listed on the cover of these Rules.	117(5.5)	Allows all FW / Final release processes to be compiled in Rule 4.17.4 rather than splitting it between Rule 4 and Rule 7. Specifies WHEN the clock starts for 30 day public comment period.	Public Notice requirements are often missed at first due to the requirements being in 2 separate Rules.
5.1.2 (e)	...the date of anticipated commencement <b><i>and the date of completion</i></b> of the above described prospecting activity. <b><i>Completion of activates and commencement of reclamation shall not exceed five (5) years unless approved by the Office or Board :</i></b>	113(2) (e)(f)	The NOI rules do not have an end date for activities. Some sites are being left open for other activities under the guise of prospecting.	Legitimate NOI activities can be modified if there is continuing activity. But staff seeks some basis to close out others prospects that may be a guise for other land uses not otherwise authorized.

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| 5.4.2 (2) | Any drill hole which encounters an aquifer in " <b>consolidated rock formations</b> "   | There is an omission in Rule 5.4.2 with respect to a frequently encountered condition. That is how to abandon a hole as described in 5.4.2(5) except that the hole DOES encounter an aquifer. Unless that aquifer is in "volcanic or sedimentary rock" (5.4.2(2)), there is no guidance for such an encounter. |
| 6.3.1(3)  | strike the language that the operation location map shall to be a 1:24000 scale USGS map. Add: ...a <b>map showing the regional location of the affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable.</b> | limits the type of map that can be submit, some modern maps better   |
| 6.4.7(1)  | If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted. <b>Such statement shall include sufficient demonstration to support no impacts to the hydrological balance.</b>   | An applicant should justify their rational. A simple statement has proven problematic.   |
| 8.2.1(b)  | notice shall be given to <b>the Colorado Department of Public Health 24 hour Colorado Emergency and Incident Reporting Line</b> .....   | A google search for Office of Emergency Management does not result in a valid website or contact info. Should we change this to the CDPHE 24 hour Colorado Emergency and Incident Reporting Line? More accurate system of communications   |