

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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INFORMATION REGARDING THE USE OF SUCTION DREDGES IN COLORADO

April 8, 2010

This document presents some general information regarding prospecting prepared by the Division of Reclamation, Mining and Safety (DRMS) and by the Bureau of Land Management. This document addresses the use of suction dredges specifically.

The DRMS regulates mining and prospecting operations in the State of Colorado under the authority of the Colorado Mined Land Reclamation Act and the Mineral Rules and Regulations of the Mined Land Reclamation Board. Copies of the Act and Regulations are available from the DRMS for \$5.00 (if picked up at the Division) and \$8.00 (if mailed). If you plan to do any prospecting in Colorado it is advisable to obtain these documents as well as a "Notice of Intent to Conduct Prospecting" form. Mail your request, asking specifically for these documents, and a check for the appropriate amount to the letterhead address.

Of particular interest to recreational prospectors is the exclusion in the definition of the term prospecting contained in C.R.S. 34-32-103 that allows disturbance of 1600 square feet or less of the land's 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 twenty-four consecutive months. If your dredging operation fits within this criterion, you do not have to file a Notice of Intent to Conduct Prospecting with the Division of Minerals and Geology. **IF YOUR OPERATION WILL DISTURB ANY SINGLE BLOCK OF LAND THAT IS MORE THAN 1600 SQUARE FEET, OR IF YOU WILL CREATE MULTIPLE DISTURBANCES THAT EXCEED 3200 SQUARE FEET WITHIN ONE ACRE, OR IF YOU WILL DISTURB MORE THAN FIVE ACRES OF LAND WITHIN 24 MONTHS, YOU MUST FILE A NOTICE OF INTENT.** Please note that land surface includes land that is under water, such as stream beds.

As the foregoing discussion indicates, the DRMS does not, at this time, regulate dredging operations on the basis of the size of the dredge, but rather on the areal extent of the disturbance. There are other agencies that may have regulatory authority over dredging operations within Colorado that may use dredge size as a criterion.

Even if you are not required to file a Notice of Intent for your dredging operation, there are a number of other agencies that may regulate such an operation. These would include:

1. Colorado Division of Water Resources (State Engineer) with regard to the administration of water rights if the operation makes a consumptive use of water.
2. Colorado Department of Health, Water Quality Control Division with regard to the discharge of pollutants into the waters of the state.

3. EPA Region VIII Water Quality Enforcement Branch regarding a General Permit for Portable Suction Dredges.
4. U.S. Bureau of Land Management or the U.S. Forest Service if the proposed operation will occur on federal lands.
5. U.S. Army Corps of Engineers regarding a Dredge and Fill (404) Permit.
6. The County Planning Department for the county or counties in which your proposed operation is located.
7. The Colorado Division of Wildlife and the U.S. Fish and Wildlife Service to assess impacts to fisheries and other wildlife.

The DRMS would like to remind anyone that is anticipating doing any prospecting to respect property rights, and be aware of private in-holdings within public lands. Also, prospectors should take particular note of the following citations from the Mineral Rules and Regulations of the Mined Land Reclamation Board:

Rule 5.3.1: "The prospecting operations described in this notice will be conducted in such a manner as to minimize surface disturbances".

Rule 5.3.1(1): "Precautions to be taken include confinement of operations to areas near existing roads and trails where practicable".

Rule 5.3.2: "The prospecting operation shall be conducted as to minimize adverse effects upon wildlife".