



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

October 23, 2017

Chris Pitcher
P.O. Box 463
Pagosa Springs, Colorado 81147

Re: Pitcher Materials Site, Reference No. M-2017-051, Division Response to “Is It Mining?” Questionnaire, Permit Required

Dear Mr. Pitcher:

On October 17, 2017 the Division of Reclamation, Mining, and Safety (Division) received information for an “Is It Mining” questionnaire regarding a proposed project to use and remove some existing construction materials. Please use the reference number M-2017-051 regarding any correspondence or submittals for this site in the future.

The Division has determined that a permit is required based on the fact that approximately half of the 10,000 cubic yards of construction material (road base / gravel) is being offered for compensation and being removed to an offsite location. The approximate 5,000 cu/yds is identified as going to a neighbor for use in a driveway. This could be construed as an unfair competitive advantage against other businesses that sell the same material and are required to have permits. Based on the .3 acres of affected lands a 110c permit would be required. A permit could be submitted and approved for reclamation only as a residential site, no further mining, and with a minimal bond. I have copied Mr. Lucas West on this correspondence. Mr. West is the specialist who has oversight of your area and can assist you with any questions regarding permitting, etc.

You can find the appropriate Act, Rules, and permit applications at the following links:

<http://mining.state.co.us/Forms/Pages/Minerals.aspx>, and
<http://mining.state.co.us/Rules/Pages/home.aspx>.

This opinion is being offered based on the information provided in your response. Should the proposed project change please feel free to contact the Division for additional review. The Mined Land Reclamation Board (Board) has requested that the Division make determinations as to the need for a Mined Land Reclamation Permit.



Due to the fact that this is a onetime activity with no further excavation; you may consider a petition to appear before the Board during a formal public hearing for a Declaratory Order concerning this matter. There is no fee associated with the request. Pursuant Rule 2.5.2 (1): the request must be submitted to the Board in writing and be received no later than 10 days prior to the hearing. The written request must contain the information required pursuant Rule 2.5.2 (2). (Rule 2.5 Enclosed) The next available Board hearings will be held on November 15, 2017 or December 13, 2017. Therefore any request for a hearing must be received by November 6 or December 4, 2017 or sooner. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203. .

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, by telephone at 970.241.1117, or by e-mail at russ.means@state.co.us.

Sincerely,



G. Russell Means
Senior Environmental Protection Specialist
Grand Junction Field Office

Cc: Tony Waldron, Minerals Program Director
Lucas West, EPS, Grand Junction Field Office

