



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

June 13, 2019

Zane Luttrell
Rocky Mountain Aggregate & Construction, LLC
23625 Uncompahgre Road
Montrose, CO 81401

RE: Need for State Reclamation Permit, Klett Pit, File No. M-2019-033

Dear Mr. Luttrell:

On June 10, 2019 the Division of Reclamation, Mining and Safety (Division) received your correspondence responding the Division's inquiry, RE: "Is It Mining". The Division has assigned file number M-2019-033 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you are extracting a construction material for surfacing agricultural roads around farm fields. The project has affected an area of approximately 3 acres. The excavation activity has been conducted with a dozer and a loader and is being processed with a crusher. The material has been hauled to another location owned by the same land owner 2 miles away from the excavation site on County Road 5875.

The Colorado Mined Land Reclamation Board (Board) has requested the Division make preliminary determinations regarding the need for a mined land reclamation permit. Based on the information provided in your response, it is the Division's opinion the project is a mining operation. Pursuant to Colorado law, you are required to first obtain a mined land reclamation permit from the Board prior to initiating the mining operation. Due to the operation commencing prior to completing and submitting the "Is it Mining" questionnaire this activity has been determined to be mining without a permit and a "Possible Violation" letter will be sent to you and the land owner under separate cover. If you disagree with the Division's determination you may petition the Board for a declaratory order whereby you may obtain an exemption from permit requirements. Such request must be made in writing and must be received no later than ten days prior to a regularly scheduled Board meeting. The next available Board meeting is scheduled for July 24-25, 2019.

If you have any questions please contact me at (303) 866-3567 extension 8186, otherwise we look forward to working with you through the permitting process.

Sincerely,

Travis Marshall
Senior Environmental Protection Specialist

ec: Stephanie Mitchell, DRMS

