



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

July 3, 2019

Gerald E. Burgess  
SGM, Inc.  
103 West Tomichi Ave.  
Suite A  
Gunnison, CO 81230

**RE: Need for State Reclamation Permit, Waunita Hot Springs Ranch, File No. M-2019-039**

Dear Mr. Burgess:

On July 2, 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-2019-039 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you will have incidental material from leveling an area where a 161,000 square feet green house will be constructed. Construction material will be processed and used on site for structural fill and road base. No extracted material is proposed to leave the site. The project proposes to affect an area of approximately 3.7 acres. The excavation activity will be conducted with a dozer, tracked excavator, haul truck, a loader and is being processed with a crusher.

Based on the information contained in the correspondence it is the Division's opinion that no reclamation permit will be required from this agency at this time. However, other local, state, or federal permits may be required and it is recommended that you contact those agencies for further clarifications if you have questions. Please be advised that this opinion is being offered based on the information provided in your response. **Any significant deviation from the described activity, including removal for sale or trade of any excavated materials from its natural state could result in a review and possible reversal of this opinion.**

Please consider the following: if the Division receives different information or a written complaint regarding the proposed activities it is required by law to further investigate. If the investigation shows a possible violation of the Construction Materials Act and Rules an enforcement action would be initiated which could include civil penalties, a cease and desist order and obtaining a permit for the activities.

If you have any questions please contact me at (303) 866-3567 extension 8186

Sincerely,

Travis Marshall  
Senior Environmental Protection Specialist

ec: Russ Means, DRMS  
Dustin Czapl, DRMS

