



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

December 3, 2020

Dan Aupperle  
BWD Construction  
597 Navajo Trail Drive  
Pagosa Springs, CO 81147

**Re: BWD Construction, Reference No. M-2020-056, Division Response to "Is It Mining?"  
Questionnaire, Permit Required.**

Mr. Aupperle:

Thank you for taking the time to discuss your proposed project with the Division of Reclamation, Mining and Safety (Division). The Division received your completed "Need for a Reclamation Permit" questionnaire on November 17, 2020. The Division has assigned file number M-2020-056 to the proposed project. Please display the file number on any correspondence regarding this specific project.

Based on the information you submitted the purpose of the project is to remove approximately 9,000 cubic yards of pit run cobble from a building site in Archuleta County. Some of the excavated material is proposed to be used on site and the leftover material would then be hauled to a stockpile location 5 miles away. The stockpiled material would either be used by BWD Construction for other jobs or sold to other landscaping contractors in the area. The total projected disturbance would consist of approximately 1.5 acres.

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, based on previous Board determinations, 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.

If you have any concerns or disagree with this decision, you may petition the Board during a formal public hearing for a formal Declaratory Order concerning this matter. The request must be made in writing and received no later than 10 days prior to the next regular scheduled MLRB hearing. The next available MLRB hearing is December 16-17, 2020.

If you need additional information, please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, telephone no. 303.866.3567, ext. 8186, or by email at [travis.marshall@state.co.us](mailto:travis.marshall@state.co.us).  
Sincerely,



Dan Aupperle  
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Travis Marshall  
Senior Environmental Protection Specialist  
Grand Junction Field Office

ec: Russ Means, DRMS  
Lucas West, DRMS