



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

April 27, 2021

Ms. Katee Denham
1145 S Church Avenue
Montrose, CO 81401

**Re: Katee Denham, Reference No. M-2021-028, Division Response to “Is It Mining?”
Questionnaire, No Permit Required.**

Dear Ms. Denham,

Thank you for taking the time to discuss your project with the Division of Reclamation, Mining and Safety (Division). The Division received your completed “Need for a Reclamation Permit” questionnaire on April 22, 2021. Based on the information you submitted the purpose of the excavation project was to level/feather a 2 acre area to enhance drainage for agricultural purposes. It was disclosed that excess topsoil in the amount of approximately 800 cubic yards will be hauled off site and used for agricultural purposes on a location approximately 2 miles from the subject property. The sole purpose of the proposed activity is strictly agricultural.

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.

The Mined Land Reclamation Board (MLRB) has requested that the Division make determinations as to the need for a Mined Land Reclamation Permit. 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 June 23-24, 2021.



Ms. Katee Dunham

Page 2

April 27, 2021

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.

Sincerely,



Travis Marshall
Senior Environmental Protection Specialist
Grand Junction Field Office

ec: Russ Means, DRMS
Dustin Czapla, DRMS