



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 25, 2021

Mr. Jason Eckman
Caerus Piceance LLC
143 Diamond Ave.
Parachute, CO 81635

**Re: Caerus Borrow, Reference No. M-2021-034, Division Response to “Is It Mining?”
Questionnaire, No Permit Required.**

Dear Mr. Eckman,

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 May 18, 2021. Based on the information you submitted the purpose of the excavation project was to level an area for a natural gas well pad. During the construction of the pad a large amount of incidental sandstone was generated from the cut area. Caerus Piceance LLC plans to screen material initially and then eventually use a mobile crusher. The material will be used to surface well pads and access roads used by Caerus Piceance LLC.

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.



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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
Amy Yeldell, DRMS