



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

August 13, 2021

J. Scott Wagner
7777 County Road 887
Gunnison, CO 81230

RE: Need for State Reclamation Permit, Cimarron Pit, File No. M-2021-055

Dear Mr. Wagner:

On August 10, 2021 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-2021-055 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you propose to collect surface rock adjacent to a private road for use as landscaping material on your property. The project proposes to affect an area less than ½ acre. The rock collection activity will be conducted by hand. The estimated volume of rock collected is less than 30 cubic yards. A small forklift will be used to transport the rock approximately 300 feet.

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

