



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

March 2, 2022

Donald Burwell
True Grit Excavation
225 Highway 149
South Fork, CO 81154

RE: Need for State Reclamation Permit, True Grit, File No. M-M-2022-008

Dear Mr. Burwell:

On February 17, 2022 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-2022-008 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you propose to collect borrow material from an existing dirt ridge located on private property. The project proposes to affect an area less than 1/4 acre. The material is removed with an excavator and dump trucks. The estimated volume of material is less than 850 cubic yards. The material is intended to be used as fill material for a residential building site on a different property located approximately 8 miles away. The material is from a historical ditch cleanout and is considered incidental. Once all the material is removed from the source a level area will remain.

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
Clayton Wein, DRMS

