



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

April 25, 2022

Richard Hardy
523 Expedition Drive
South Fork, CO 81154

RE: Need for State Reclamation Permit, Richard Hardy Topsoil Relocation, File No. M-M-2022-020

Dear Mr. Hardy:

On April 18, 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-2022-020 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you propose relocate topsoil stock piles from west side of the recently revoked Hanna Pit, Permit No. M-2004-045, to the east side. The current location of the stockpile was recently sold and the new landowner wants to commence construction on a building project. No topsoil will leave the site and / or be sold. The material will be used onsite for personal use.

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

