



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

June 1, 2022

Brian Briggs
B.K. Briggs & Associates
2019 Otter Pond Circle
Montrose, CO 81401

RE: Need for State Reclamation Permit, B. K. Briggs & Associates, File No. M-2022-027

Dear Mr. Briggs:

On May 25, 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-2022-027 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you will be conducting underground excavation for a resort, no extraction of mineralized material is proposed. Construction material produced from the underground excavation will be processed and used on site for structural fill and road base. No extracted material is proposed to leave the site. The project proposes to excavate approximately 1,200 cubic yards of material. The excavation activity will be conducted underground with a 2 cubic yard LHD and an underground haul truck. Surface equipment used will be a 1 cubic yard excavator, 2 cubic yard FEL, a diesel compressor and a diesel generator.

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



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ec: Russ Means, DRMS
Lucas West, DRMS