



October 20, 2022

Mr. Malte Asmus
3520 58P Road
Placerville, CO 81430

Re: Katrina Springs Road Pond, Reference No. M-2022-038, Division Response to “Is It Mining?” Questionnaire, No Permit Required.

Dear Mr. Asmus,

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 October 9, 2022. Based on the information you submitted the purpose of the excavation project was to build a pond on private land owned by Malte Asmus. It was disclosed that the excess material was used to improve and create additional winter parking area for neighbors on Katrina Springs Trail Road. It was determined by Division Staff during the inspection that none of the material left private property and no monetary compensation was received by Mr. Asmus.

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 November 16-17, 2022.

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,

A handwritten signature in blue ink, appearing to read 'T. Marshall', with a stylized, cursive script.

Travis Marshall
Senior Environmental Protection Specialist
Grand Junction Field Office

ec: Russ Means, DRMS
Lucas West, DRMS