



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

June 16, 2023

John Lichtengger  
High Country Developers, LLC  
1313 Silver Vault  
Leadville, CO 80461

**RE: Need for State Reclamation Permit, Phase 2 Railyard Project, File No. M-2023-018**

Dear Mr. Lichtengger:

On June 9, 2023 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-2023-018 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you propose to use material generated from excavation of basements for homes, installation of sewer and water lines for construction of 50 homes. Approximately 30,000 cubic yards will be processed and used for water and sewer line bedding, road base, sidewalk base and backfill. No material is proposed to leave the property. No exposure of groundwater is anticipated. The equipment used for the project consists of a Cat 336 excavator and a Komatsu 4 yard loader.

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  
Amy Yeldell, DRMS

