



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

December 6, 2023

Tim Loncarich
CW Construction
825 21 ½ Road, Building D
Grand Junction, CO 81505

RE: Need for State Reclamation Permit, CW Construction Project, File No. M-2023-041

Dear Mr. Loncarich:

On November 30, 2023 the Division of Reclamation, Mining and Safety (Division) received your correspondence responding to the Division's inquiry, RE: "Is It Mining". The Division has assigned file number M-2023-041 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 and grading of homesites which will be used for pipe bedding and final grading. Approximately 50,000 cubic yards will be generated, processed, and used on the parcel. No material is proposed to leave the parcel. The equipment used for the project consists of a crusher, stacker, excavator, dozer and a loader. All material excavated and processed will be used on site for home construction.

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: Michael Cunningham, DRMS
Clayton Wein, DRMS

