



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

May 1, 2023

Travis Cole  
Mesa County Transportation  
971 Coffman Road  
Whitewater, CO 81527

**RE: Need for State Reclamation Permit, Ute Water – Rapid Creek Road, File No. M-2024-011**

Dear Mr. Cole:

On April 25, 2024 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-2024-011 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 a pre-existing stockpile located off Rapid Creek Road in Mesa County approximately 5 miles east of Palisade, CO. The site consists of 6 acres. Approximately 200 cubic yards will be removed from the site and used for road maintenance purposes throughout Mesa County. The equipment used for the project consists of 145 and 350 Link Belt excavators, Cat D5 Dozer, 624 John Deere Loader, Bobcat T-76 Skid steer and various dump trucks to haul material removed from the site.

The Colorado Mined Land Reclamation Board (Board) has requested the Division make preliminary determinations regarding the need for a mined land reclamation permit. Based on the information provided in your response, it is the Division's opinion the project is a mining operation. Pursuant to Colorado law, you are required to first obtain a mined land reclamation permit from the Board prior to initiating the mining operation. If you disagree with the Division's determination you may petition the Board for a declaratory order whereby you may obtain an exemption from permit requirements. Such request must be made in writing and must be received no later than ten days prior to a regularly scheduled Board meeting. The next available Board meeting is scheduled for June 20, 2024.

If you have any questions please contact me at (970) 433-8281, otherwise we look forward to working with you through the permitting process.

Sincerely,

Travis Marshall  
Senior Environmental Protection Specialist

ec: Russ Means, DRMS  
Amy Yeldell, DRMS

