



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

November 19, 2024

Matt Miles
Leadership Circle, LLC
1521 Oxbow Drive, Suite 210
Montrose, CO 81401

Re: Howard Fork (Waterfall Canyon), Reference No. M-2021-021, Division Response to "Is It Mining?" Questionnaire, No Permit Required.

Mr. Miles:

Thank you for taking the time to discuss your proposed project with the Division of Reclamation, Mining and Safety (Division). The Division received your completed "Need for a Reclamation Permit" questionnaire on October 22, 2024. The Division has assigned file number M-2024-021 to the proposed project. Please display the file number on any correspondence regarding this specific project.

Based on the information you submitted the purpose of the project is to remove and process approximately 18,000 cubic yards of gravel from the site leftover from the construction of ponds and storm water control features. A crusher and screening plant has been employed to process the material. The material is proposed to be used on site and hauled offsite to other locations for use to upgrade the Waterfall Canyon HOA open space and some material is to be hauled offsite for a pond and road project at Bear Creek. The Division staff inspection confirmed that the material is incidental from a construction project to build a pond on a future home site development location.

Based on the information contained in the correspondence it is the Division's opinion that no reclamation permit will be required from this agency for this project 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 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. 970-433-8281, or by email at travis.marshall@state.co.us.



Matt Miles
2 of 2
November 19, 2024

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis Marshall", with a stylized, cursive script.

Travis Marshall
Senior Environmental Protection Specialist
Grand Junction Field Office

ec: Russ Means, DRMS
Dustin Czapla, DRMS