



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

May 8, 2025

Justin Bunting  
44250 Deer Play Run  
Gunnison, CO 81230

**RE: Need for State Reclamation Permit, Never Summer Landscaping, File No. M-2025-020.**

Dear Mr. Bunting:

On April 17, 2025, 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-2025-020 to this project. Please display the file number on any correspondence regarding this specific project.

The information you provided indicates you are conducting a project that includes two disturbance areas composed of less than a total area of a quarter of an acre combined. The total material to be removed is approximately 200 cubic yards. The purpose of the project is to enhance agricultural infrastructure for horses that are on the landowner's property. The current area where the horses are is overgrazed and the purpose of the project is to create access for the horses to an additional pasture with a corral, shelter and water. The disturbance is on property owned by Mr. Bunting. A skid loader is being used to create flat areas for the infrastructure. Topsoil and some small boulders are generated as a result. The landowner stated that most of the material generated is used to create berms and reclamation of the areas associated with the project. Some excess material is being hauled off site and given to friends in Saguache and Gunnison counties. Based on the information provided the Division has determined this project is agriculturally related and not considered mining.

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 (970) 433-8281 or at [travis.marshall@state.co.us](mailto:travis.marshall@state.co.us).

Sincerely,

Travis Marshall  
Senior Environmental Protection Specialist  
ec: Russ Means, DRMS  
Todd Jesse, DRMS

