

STATE OF  
COLORADO

Ebert - DNR, Jared &lt;jared.ebert@state.co.us&gt;

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**Fwd: DRMS Determination**

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**Info - DNR , DRMS\_** <drms\_info@state.co.us>

Thu, Jul 20, 2023 at 2:01 PM

To: Peter Hays - DNR &lt;peter.hays@state.co.us&gt;, Jared Ebert - DNR &lt;jared.ebert@state.co.us&gt;

Good afternoon everyone:

I'm forwarding the following inquiry from Hannah Dutrow.

Hanna's contact information is:

Phone numbers:

**970-535-9318** office

**303-775-0780**

Email: [hdutrow@agpros.com](mailto:hdutrow@agpros.com)

Thank you

Eléni

**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

P 303.866.3567 | F 303.832.8106  
[1313 Sherman Street, Room 215, Denver, CO 80203](https://www.colorado.gov/p3038663567)  
[drms\\_info@state.co.us](mailto:drms_info@state.co.us) | <https://drms.colorado.gov>

----- Forwarded message -----

From: **Hannah Dutrow** <[hdutrow@agpros.com](mailto:hdutrow@agpros.com)>

Date: Thu, Jul 20, 2023 at 1:12 PM

Subject: DRMS Determination

To: [drms\\_info@state.co.us](mailto:drms_info@state.co.us) <[drms\\_info@state.co.us](mailto:drms_info@state.co.us)>

Cc: Tim Naylor <[tnaylor@agpros.com](mailto:tnaylor@agpros.com)>, Kelsey Bruxvoort <[Kbruxvoort@agpros.com](mailto:Kbruxvoort@agpros.com)>

Good afternoon,

We are looking into a potential project in Weld County that will involve grading of agricultural fields for an existing dairy facility to create a pond and silage pad. Can you provide a determination whether a mining permit with DRMS will be required based on the attached information?

If you have any questions, please let me know.

Thank-you,

Hannah Dutrow

Land Planner III

## AGPROfessionals

3050 67th Avenue, Suite 200

Greeley, CO 80634

970-535-9318 office

303-775-0780

970-535-9854 fax

[www.agpros.com](http://www.agpros.com)



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 **IsItMining\_Weld County.pdf**  
998K



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

Date: \_\_\_\_\_

RE:     Need for State Reclamation Permit: “Is It Mining?”

**Name:** \_\_\_\_\_

**Street**

**Address:** \_\_\_\_\_

**Telephone:**

(     ) \_\_\_\_\_

**Mobile:**

(     ) \_\_\_\_\_

**Email**

**Address:** \_\_\_\_\_

Enclosed are pertinent sections of the Colorado Mined Land Reclamation Board (Board) Rules governing activities that do not require a reclamation permit. To determine if you need a permit for you proposed activity, first check Rule 1.2 which describes activities the Board has determined do not require state reclamation permits. If you find a match, you can proceed based on your interpretation of the rule, but at your own risk. If you are uncertain how the Rule may apply to your activity, you should answer the list of questions below with as much detail as possible. Please feel free to use additional paper, maps, and attachments to explain your project.

Please include in your determination request answers to the following questions:

1. Please provide the legal location of the proposed project and submit a site map that clearly delineates the location of the proposed extraction site and the location of the nearest city, town, and county location name.

**Section:**

**Township:**

**Range:**

**PM**

\_\_\_\_\_

**Or NAD 27 X UTM**  
**GPS**

**Y UTM**

\_\_\_\_\_

**Direction and Miles to**  
**nearest town/city:**

**County:**

\_\_\_\_\_



2. Is the site of material extraction on public or privately owned property?

Public

Private

3. What type(s) of material or metal is/are proposed to be extracted and describe the physical nature of the site i.e., river terrace, rocky knob, in-stream gravel deposit, etc.?

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4. What processing or extraction method(s) will be used on site? Include any equipment or chemical(s) that will be used in the processing and extraction of the materials.

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5. Will the extracted material be hauled offsite or used on the same parcel of property where the material is extracted?

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6. How will the extracted material be used on site?

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7. If the material is hauled offsite, where will it be hauled to and what is the intended use?

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8. What is the approximate areal extent of the proposed extraction in acres?

\_\_\_\_\_

9. To what approximate depth will the extraction extend?

\_\_\_\_\_

10. In cubic yards, approximately how much material will be removed:

\_\_\_\_\_

11. Will material extraction involve the use of explosives?

Yes \_\_\_\_ No \_\_\_\_

12. Will site of extraction result in the exposure of tributary ground water?

Yes \_\_\_\_ No \_\_\_\_

13. Will either the landowner or the mine site operator receive any type of compensation, i.e., monetary, in-kind, haulage fees, etc., from the proposed material extraction?

Yes \_\_\_\_ No \_\_\_\_

14. Please supply a copy of any documents that will ensure that the area of extraction will be reclaimed to some beneficial land use once extraction activities have been completed.

15. Do you have permits for this activity from any other governmental agencies such as building, construction, or grading permits, and if so, what are they?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Are there state/federal/local agency participants in terms of funding?

	Yes	No
Funding	Yes ____	No ____
Design	____	____

Percentages

State \_\_\_\_\_ Federal \_\_\_\_\_ Local Agency \_\_\_\_\_

17. What post mining land uses will be made of the extraction and why? (This question helps us determine the intent of the activity.)

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18. What types and sizes of equipment will be used in the extraction?

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Please send the completed questionnaire to the Division at the address above for review. The Board has directed the Division to make a decision based on the information you have supplied. We trust that the activities will be performed as represented. If we receive a complaint, we are required by law to conduct an inspection of the site. Which could result in a violation, a cease and desist order, and other corrective actions including submittal of a permit application.

If you have any questions, please contact the Division at (303)866-3567. Please feel free to visit our web site at: <https://colorado.gov/drms> for further access to the full Act and Rules governing extraction of metals, non-metals, and construction materials in the State of Colorado.

Sincerely,

Division of Reclamation, Mining and Safety Staff

Enclosure: Rule 1.2 excerpt for Hard Rock Metal Mines and Construction Materials  
Rule 1.2 excerpt for Hard Rock/Metal Mining

## **1.2 SCOPE OF RULE AND ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT**

### **1.2.1 Specified by Rule**

The Board has determined that certain types of activities do not need reclamation permits either because the excavated substance is not a mineral as defined in Section 34-32-103(7), Colorado Revised Statutes 1984, as amended or because the activity is not a mining operation as defined by Section 34-32-103(8), C.R.S. 1984, as amended. Such activities include the following:

- (a) the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe;
- (b) the development or extraction of coal (refer to the Colorado Surface Coal Mining Reclamation Act Section 34-33-101, et seq., C.R.S. 1984, as amended);
- (c) smelting, refining, cleaning, preparation, transportation, and other off-site operations not conducted on affected land; and
- (d) the extraction of geothermal or groundwater resources.

## 1.2 ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT

103(3) and  
(13)

### 1.2.1 Specified by Rule

The Board has determined that certain types of activities do not need reclamation permits either because the excavated substance is not a construction material as defined in Section 34-32.5-103(3), Colorado Revised Statutes 1984, as amended or because the activity is not a mining operation as defined by Section 34-32.5-103(13), C.R.S. 1984, as amended. Such activities include the following:

- (a) the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe:
- (b) the development or extraction of coal (refer to the Colorado Surface Coal Mining Reclamation Act Section 34-33-101, et seq., C.R.S. 1984, as amended);
- (c) cleaning, preparation, transportation, and other off-site operations not conducted on permitted land: and
- (d) the extraction of geothermal or groundwater resources.

### 1.2.2 Reserved

### 1.2.3 Reserved

### 1.2.4 Extraction or Exploration on Federal Lands

Any person who intends to extract or explore for construction materials on federal lands shall apply for a Mined Land Reclamation Board permit or submit a Notice of Intent to conduct exploration operations unless specifically exempted by the Board according to the provisions of this Subsection 1.2.