

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Fwd: DRMS Determination

Ebert - DNR, Jared <jared.ebert@state.co.us>
To: hdutrow@agpros.com

Mon, Jul 24, 2023 at 8:38 AM

Hello Hannah,

Please see the attached correspondence regarding your Is It Mining form. Please let me know if you have any questions.

Jared

On Fri, Jul 21, 2023 at 8:42 AM Ebert - DNR, Jared <jared.ebert@state.co.us> wrote:

Hello Hannah, we have received your "Is it mining?" form. I will review your request and get back to you with either questions for additional information or a determination.

Thank you,

Jared

On Thu, Jul 20, 2023 at 2:02 PM Info - DNR , DRMS_ <drms_info@state.co.us> wrote:

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

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
drms_info@state.co.us | <https://drms.colorado.gov>

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

From: **Hannah Dutrow** <hdutrow@agpros.com>

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

Subject: DRMS Determination

To: drms_info@state.co.us <drms_info@state.co.us>

Cc: Tim Naylor <tnaylor@agpros.com>, Kelsey Bruxvoort <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

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Jared Ebert

Senior Environmental Protection Specialist



P 303.866.3567 ext. 8120 | F 303.832.8106 | Cell (720) 413-6466

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

jared.ebert@state.co.us | <https://drms.colorado.gov/>

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Jared Ebert

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DRMS_IsItMining_Response_AGPRO_M2023023_24July2023.pdf
260K



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

1313 Sherman Street, Room 215
Denver, CO 80203

July 20, 2023

Hannah Dutrow
AGPROfessionals
3050 67th Avenue
Greeley, CO 80634

**RE: AGPROFessionals Site, Reference No. M-2023-023, DRMS Response to “Is It Mining?”
Questionnaire, Permit Required**

Dear Hannah Dutrow,

On July 20th, 2023, the Division of Reclamation, Mining and Safety (Division) received an “Is It Mining?” questionnaire regarding the above referenced site. According to the questionnaire, topsoil will be extracted from private agricultural fields to facilitate the construction of a new pond and silage pad for use by an existing dairy facility. The majority of the material excavated is proposed to be hauled off to other fields owned by the property owner or to a third-party. About 48.7 acres is proposed to be affected by the operation and you project about 75,000 cubic yards of material will be removed.

The Mined Land Reclamation Board has requested the Division make determinations as to the need for a Mined and Reclamation Permit. Based on the information provided in the questionnaire, the Division has determined **a reclamation permit is required for this activity**. The proposed activity meets the definition of a mining operation in accordance with C.R.S. 34-32.5-103(13). In accordance with C.R.S. 34-32.5-109(1) before engaging in a mining operation, an operator shall first obtain a reclamation permit. Given the description of the operation, a 112c reclamation permit would be appropriate.

If you disagree with this decision, you may petition to appear before the Board during a formal public hearing for a Declaratory Order concerning this matter. Pursuant to Rule 2.5.2(1), the request must be submitted to the Board in writing and be received no later than seven days prior to the hearing. The written request must contain the information required pursuant to Rule 2.5.2(2). The next available Board hearing will be held on August 16, 2023. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203.

If you have questions please contact me at Jared.Ebert@state.co.us or at (303) 866-3567 extension 8120.

Sincerely,

Jared Ebert
Senior Environmental Protection Specialist

Ec: Hannah Dutrow, HDUTROW@AGPROS.COM

