



STATE OF  
COLORADO

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

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## DRMS - Is it Mining Determination, M-2023-043

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

Tue, Dec 19, 2023 at 12:43 PM

To: Tim Naylor <tnaylor@agpros.com>

Cc: sshealy@agpros.com, Kelsey Bruxvoort <Kbruxvoort@agpros.com>

Hello Tim,

Michael Cunningham forwarded me the "Is it Mining?" questionnaire dated December 12, 2023 regarding a proposed project in Weld County. Please see the attached letter with the Division's determination.

Thank you,

Jared

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Jared Ebert

Senior Environmental Protection Specialist



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

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



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**DRMS\_IsItMining\_Response\_AGPRO\_M2023043\_19December2023.pdf**

258K



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

1313 Sherman Street, Room 215  
Denver, CO 80203

December 19, 2023

Tim Naylor  
AGPROfessionals  
3050 67<sup>th</sup> Avenue  
Greeley, CO 80634

**RE: AGPROfessionals Site, Reference No. M-2023-043, DRMS Response to “Is It Mining?”  
Questionnaire, Permit Required**

Dear Tim Naylor,

On December 13, 2023, the Division of Reclamation, Mining and Safety (Division) received an “Is It Mining?” questionnaire regarding the above referenced site. According to the questionnaire, the proposed project will excavate approximately 600,000 cubic yards of sediment from an existing irrigation reservoir. The excavated material will be stored on a separate parcel until dried enough to 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 likely 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 January 17, 2024. 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](mailto:Jared.Ebert@state.co.us) or at (303) 866-3567 extension 8120.

Sincerely,

Jared Ebert  
Senior Environmental Protection Specialist

Ec: Tim Naylor, [tnaylor@agpros.com](mailto:tnaylor@agpros.com)

