



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

January 9, 2024

Moores Ranching
32095 Highway 141
Gateway, CO 81522

RE: Need for State Reclamation Permit, Moores Agg Feilds, File No. M-2023-044.

Dear Mr. Moores:

On January 2, 2024, 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-2023-044 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 consists of enlarging an agricultural field on your property. The proposed field site is a very rocky terrace located 20-50 feet above West Creek. The proposed field will be terraced to minimize erosion and provide a level farming surface. Portions of the field have already been leveled and will be farmed in the spring of this year if water is available. Excavators are used to remove large rocks. Where the soils are extremely rocky a small topsoil screen is used to separate the rock from the soil. Screened topsoil is placed on the excavated areas. Most of the incidental rock produced is used on site if room is available to level fields and build retaining walls. Some incidental rock is removed and hauled to the permitted site across Highway 141.

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 (303) 866-3567 extension 8186

Sincerely,

Travis Marshall
Senior Environmental Protection Specialist
ec: Russ Means, DRMS
Amy Yeldell, DRMS

