



March 20, 2025

Keith Duncan
PO Box 14
Dixon, WY 82323

**RE: Ducan Livestock, Reference No. M-2025-017, Division Response to “Is It Mining?”
Questionnaire, Permit Not Required**

Dear Mr. Duncan,

On March 18, 2025, the Division of Reclamation, Mining and Safety (Division) received your “Is It Mining?” questionnaire regarding topsoil and subsoil excavation located on private property in Moffat County. Approximately 48,000 cubic yards of material will be extracted from the site to allow for construction of an agriculture pond for ranch operations. The proposed extraction area will cover 13 acres of disturbance, with a depth of approximately 2 feet. Extracted material will be transported approximately 4 miles from the extraction area and placed on the property owned by the same surface owner to be used for vegetative reclamation of disturbed rangeland.

The Mined Land Reclamation Board has requested the Division make determinations as to the need for a Mined Land Reclamation Permit. Based on the information provided in the questionnaire to the Division dated March 18, 2025, the Division has determined **a permit is not required for the proposed activity**. Please be advised, this determination applies only to the activity described in the questionnaire submitted. Any significant deviation from the described activity could result in the review and possible reversal of this determination.

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 Construction Materials Rule 2.5.2(1), the request must be submitted to the Board in writing and be received no later than seven (7) 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 April 16-17, 2025. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203.

If you have any questions, you may contact me by telephone at 303-563-9185 or by email at zach.trujillo@state.co.us, otherwise we look forward to working with you through the permitting process.

Sincerely,

Zach Trujillo
Senior Environmental Protection Specialist

CC: Russ Means, DRMS



Recipient
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Date

Hunter Ridley, DRMS