



March 28, 2025

Keith Duncan  
PO Box 14  
Dixon, WY 82323

**RE: Ducan Livestock, Reference No. M-2025-017, Division Response to “Is It Mining?”  
Questionnaire, Additional Information Required**

Dear Mr. Duncan,

On March 18, 2025, the Division of Reclamation, Mining and Safety (Division) received your “Is It Mining?” questionnaire (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.

On March 21 and 25, 2025, the Division was contacted by and met with the Energy and Carbon Management Commission (ECMC) regarding the Division’s determination on the Questionnaire, reference M-2025-017. Based on these discussions, the Division has determined that additional information is required. As stated in the Division’s response letter dated March 20, 2025, the determination applies only to the activity described in the questionnaire submitted and any significant deviation from the described activity could result in the review and possible reversal of this determination. In order for the Division to ensure that the original determination as to a Mined Land Reclamation Permit is not required for your proposed project, the following additional information is needed:

1. Please provide a location map detailing the location(s) in which the excavated material will be placed for the entire 48,000 c.y. including the total amount placed for each location.
2. Please provide any documentation that a Substitute Water Supply Plan (SWSP) and Notice of Intent for Non-Jurisdictional Water Impoundment structure application has been submitted to and received by the Division of Water Resources.
3. Please provide a response as to whether the material is being excavated for the purpose of Petroleum Resource Management Corp.’s use to satisfy abatement steps associated with the Notice of Alleged Violation, NOAV-403890794, issued by ECMC dated August 15, 2024 or any other permitting actions associated with ECMC.



Please include "Reference No. M-2025-017" on any future correspondence or submittals for this site. Your response to this letter can be submitted directly to me via the email address provided below.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Zach Trujillo', with a stylized, cursive script.

Zach Trujillo  
Senior Environmental Protection Specialist

CC: Russ Means, DRMS  
Hunter Ridley, DRMS  
Denise Arthur, ECMC