



May 15, 2025

Keith Duncan
PO Box 14
Dixon, WY 82323

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

Dear Mr. Duncan,

On May 14, 2025, the Division of Reclamation, Mining and Safety (Division) received your amended “Is It Mining?” questionnaire and additional information provided as requested from the Division’s letter dated March 28, 2025. As provided in the amended questionnaire, approximately 350,000 cubic yards of topsoil and subsoil will be extracted to allow for construction of an agriculture pond in support of ranch operations owned and operated by the Duncan Livestock Company (Landowner). Of the 350,000 cubic yards of material generated, approximately 42,000 cubic yards will be topsoil. The proposed extraction area will cover 12.74 acres of disturbance, with a pond depth of approximately 20 feet. Supplemental information provided with the questionnaire shows that the Landowner has engaged with other State regulatory and permitting entities necessary for the construction of the agriculture pond. The extracted material will be used as part of the agriculture pond construction with the majority of excess topsoil stored adjacent to the pond. A portion of the excess topsoil will be transported to and stored on adjacent land owned by the Landowner for reclamation purposes associated with two constructed oil and gas well pads. The excess topsoil will be transported approximately 1 and 4 miles from the extraction area to the well pad sites.

The oil and gas well pads are operated by Petroleum Resource Management Corp. (PRM) and located on land owned by the Landowner. Based on discussions with the Energy and Carbon Management Commission, it is the Division’s understanding that the two pads operated by PRM have received a Notice of Alleged Violation (NOAV- 403890794) related in part to topsoil salvaging. As part of the “Is it Mining?” questionnaire and requested information, the Landowner has stated their wishes to use excess topsoil generated by the agriculture pond construction to ensure reclamation can be completed and to assist in excess topsoil distribution. No topsoil or excavated material is being sold by the Landowner and will be used and stored on property owned by the Landowner.

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 amended questionnaire to the Division dated May 11, 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 June 18, 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,

A handwritten signature in black ink, appearing to read 'Zach Trujillo', with a stylized flourish at the end.

Zach Trujillo
Senior Environmental Protection Specialist

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