



July 22, 2025

Miguel Brizuela
56505 E. County Road 26
Strasburg, CO 80136

RE: Arapahoe County Farm, Reference No. M-2025-036, Division Response to “Is It Mining?” Questionnaire, Permit Not Required

Dear Mr. Brizuela,

On July 15, 2025, the Division of Reclamation, Mining and Safety (Division) received your “Is It Mining?” questionnaire regarding sandy subsoil excavation located on private property in Arapahoe County. Approximately 69,000 cubic yards of material will be extracted from the site to allow for the import of more suitable soil to improve agricultural conditions for crop production. The proposed extraction area will cover approximately 41 acres of disturbance, with a depth of approximately 1 foot. The proposed activities are for an agricultural project which generates excess subsoil that is considered incidental as a result of the project. The excavated subsoil will be removed and hauled to approved fill locations for disposal and will not be sold or used for any commercial purposes. The Operator has received an approved Standard Grading and Erosion Control Permit and based on discussions with representatives of Arapahoe County, is currently working on permits required by Arapahoe County.

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 July 15, 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



Recipient
Page 2 of 2
Date

Senior Environmental Protection Specialist

CC: Brock Bowles, DRMS