



August 19, 2025

James Griffin
Strasburg, CO 80136

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

Dear Mr. Griffin,

On August 4th and 18th, 2025, the Division of Reclamation, Mining and Safety (Division) received your emailed correspondence and attached pictures regarding the agriculture project located within Arapahoe County and associated with the “Is It Mining?” Questionnaire (Questionnaire) received on July 15, 2025. The Division has reviewed the information provided as well as engaged in additional correspondence with Arapahoe County (County) and a representative of the landowner.

Based on the original Questionnaire, sandy subsoil located on private property in Arapahoe County is to be excavated. 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 total 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 to the general public.

Based on discussions with representatives of the County, the project has been deemed an agricultural project in which the landowner has received all required permits from the County and posted a financial warranty associated with public road use during the agriculture project. As part of the County’s permit conditions, the site will be inspected to ensure compliance and completion of the agriculture project which includes amended subsoil replacement and topsoil regrade prior to release by the County. Additionally, the County has provided the Division with inspection pictures which documents the extent of the current earthwork. The current extent of the project is well under the noted 41 acres in the Questionnaire and depths measured ranged between 8 inches to 13 inches. Comparison to the pictures provided in the email correspondence matches that of the documentation provided by the County. All activities documented by the County are within the information that has been provided to the Division through the Questionnaire by the landowner.

On August 4th and 18th, 2025, the Division received your emails and attached pictures documenting earthwork activities as well as detailing your concerns. In your email, you note issues regarding noxious weeds located on the landowner’s property, lack of erosion control and dust created by the agriculture project. Currently, these issues are outside of the Division’s jurisdiction. Noxious weeds and erosion control located on private property are handled at the County level. For dust, the Division has no



jurisdiction over agriculture projects and the Act and Rules enforced by the Division do not specifically address air quality issues. Such issues are under the jurisdiction of the County and the Air Pollution Control Division of the Colorado Department of Public Health and Environment.

The email also notes concerns regarding the removal of the excess material and the equipment being used for the agricultural project. The Division has determined that the excess material generated is incidental as a result of the agricultural improvement project. It is the Division's understanding that removal of this material is necessary to allow for the placement of amended soil required for the project's completion. The incidental material has been approved on a County level to be hauled off and is secured under bond by the County. Furthermore, the landowner has attested that the incidental material will not be sold to the general public. Finally, given that the activities have been deemed an agricultural project on private property approved by the County, the Division has no authority to dictate equipment used as a part of the project.

This matter has been investigated by the Division thoroughly. Based upon all the information provided and discussed above, the Division maintains its determination that **a permit is not required for the proposed activity** described in the Questionnaire received by the Division dated July 15, 2025. Any future inquiries should be directed to the County.

If you have any questions, you may contact me by telephone at 303-563-9185 or by email at zach.trujillo@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'ZTJ', is positioned above the printed name.

Zach Trujillo
Senior Environmental Protection Specialist

CC: Brock Bowles, DRMS
CC: Russ Means, DRMS