



September 16, 2025

Eileen Dornfest
Larimer County
6994 Rickenbacker Rd
Loveland, CO 80538

**RE: Larimer County Test Pits, Reference No. M-2025-035
DRMS Response to “Is It Mining?” Questionnaire, Permit Required**

Ms. Dornfest:

On July 14, 2025, the Division of Reclamation, Mining and Safety (DRMS) received your “Is It Mining?” questionnaire regarding a proposed exploratory test pit operation to search for alluvial gravel deposits on a ridge top located on the Steinhoff Hill State Land Board (SLB) parcel in Larimer County. Additional information was provided on September 15, 2025 clarifying that 12 test pits will be excavated, each approximately 3 feet in width by 15-20 feet in length and 12-15 feet in depth. Some representative material will be sampled in 5 gallon buckets, and a total of less than one cubic yard of this material will be taken off site and submitted to a laboratory for geotechnical testing and material characterization. The approximate areal extent of the proposed extraction is less than one acre. The county will obtain a Solid Minerals Planning and Exploration Lease from the SLB prior to initiating these activities. The post-mining land use of the site will be hunting and grazing, which are the current land uses.

The Mined Land Reclamation Board (MLRB) has requested DRMS to make determinations as to the need for a Mined Land Reclamation Permit. Based on the information provided in your questionnaire, DRMS has determined that a permit is required for the proposed activity. Given the proposed activities, DRMS believes a Notice of Intent to Conduct Exploration Operations (NOI) would be most appropriate (enclosed).

If you disagree with this decision, you may petition to appear before the MLRB during a formal public hearing for a Declaratory Order concerning this matter. Pursuant to Rule 2.5.2(1), this request must be submitted to the MLRB in writing and be received no later than seven (7) days prior to the MLRB meeting. The written request must contain all information required by Rule 2.5.2(2) (enclosed).

The next available MLRB hearing will be held on October 15-16, 2025. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203. Please be advised, the Division will oppose a Declaratory Order request for this proposed operation on the above stated reasons and other facts it may bring forth in testimony before the MLRB if necessary.



September 16, 2025
Larimer County Test Pits, Reference No. M-2025-035
DRMS Response to "Is it Mining?" Questionnaire, Permit Required

Page 2 of 2

If you have any questions, you may contact me by telephone at 303-945-9014 or by email at amy.eschberger@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Amy Eschberger". The signature is written in a cursive, flowing style.

Amy Eschberger
Senior Environmental Protection Specialist

Encls: Notice of Intent to Conduct Exploration Operations application
Construction Materials Rule 2.5 – Declaratory Orders

Cc: Jocelyn Carter, DRMS
Joel Renfro, DRMS
Rob Zuber, DRMS
Russ Means, DRMS

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



NOTICE OF INTENT TO CONDUCT EXPLORATION OPERATIONS

This form is for all construction material minerals.

If you plan to conduct exploration on any lands in Colorado, then you must provide all information described in this form. "Exploration" is defined in Rule 1.1(13) of the Construction Material Rules and Regulations and is discussed in greater detail in the "Exploration Information" form. Each of these can be obtained from the office of the Division of Reclamation, Mining and Safety (DRMS). If you plan to conduct exploration on Bureau of Land Management (BLM) land, you should also include the information on pages 5 and 6 of this form.

All information provided the Mined Land Reclamation Board (MLRB) in this Notice of Intent will be protected as confidential information by the Board and not be a matter of public record in the absence of a written release from the Operator or upon a finding by the Board that reclamation is satisfactory.

- * Information on this form which is not required by law, but which, if provided, will assist the Board in timely processing and release of financial warranty obligations.

1. DATE OF FILING OF THIS NOTICE OF INTENT: _____.

2. EXPLORER:

PERSON MLRB SHOULD CONTACT:

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

3. APPLICATION FEE: **\$108.00**

4. DESCRIPTION OF THE LANDS:

Site Name: _____

Location: The land is located primarily within *Section _____, Township _____,

Range _____, * _____ Prime Meridian, *County _____

NOTE: Supply longitude and latitude if lands have not been surveyed:

*Land Ownership: Private _____, and/or Public (specify agency) _____

Estimated acreage of land surface to be affected: _____

Please attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the exploration site(s).

5. **ESTIMATED DATES OF COMMENCEMENT AND COMPLETION:**

Commencement: _____,

completion: _____,

6. ***MINERAL(S) AND/OR RESOURCE(S) BEING INVESTIGATED:** _____

7. **TYPE OF OPERATION:**

Describe the type of operations, which will be undertaken in conducting the exploration operations. Include equipment to be used, access and site construction requirements, type of disturbance (drill holes, trenching, shafts, etc.), anticipated relationship to surface and subsurface water (proximity to streams, penetration of ground water aquifers), sampling procedures (fluid, bulk, geophysical, etc.) and any other pertinent information (attach additional page, if needed).

8. **RECLAMATION MEASURES:**

State the measures to be taken to reclaim any affected land, and/or permanently abandon any drill hole, consistent with the applicable requirements of Rule 3 and Rule 5 and any applicable regulations promulgated thereunder by the Board (attach additional page, if needed).

9. The Board suggests that a photographic record of the pre-exploration and post-exploration conditions be kept by the explorer. These photos should be taken from the same location and by the same method to clearly show the pre-exploration condition of the land and the reclamation efforts. Upon completion of reclamation and request for bond or surety release, the Board shall consider the photos as evidence of adequate reclamation, and thus, be able to act more quickly on the request for release.*

10. **TERMS AND CONDITIONS FOR EXPLORATION OPERATIONS:**

- A. Reclamation measures shall be fulfilled in a timely manner.
- B. The exploration operations described in this Notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rules 3.1 and 5.5.2, precautions to be taken include:
1. Confinement of operations to areas near existing roads or trails, where practicable;
 2. Drilling shall be conducted in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channel;
 3. Timely abandonment of drill holes upon completion as required by Rule 5.4;
- C. It is the explorer's obligation to conduct the exploration operations in such a manner as to comply with all applicable state and federal air and water quality laws and regulations.
- D. The exploration operations shall be conducted so as to minimize adverse effects upon wildlife.
- E. During the exploration operations, the operator will perform the necessary stabilization and reclamation work to prevent significant alteration to the geomorphic processes at the site.
- F. All exploration operations shall be in compliance with the Colorado Land Reclamation Act for the Extraction of Construction Materials, as amended, and any rules and regulations promulgated pursuant thereto.
- G. The Board shall determine (where there is a question) if an operation is exploration or mining.
- H. A financial warranty must be provided for the cost of reclamation of the disturbance described in this Notice. The explorer can either file a "One Site Exploration Financial Warranty" or a "Statewide Financial Warranty."

Note: A One-Site Exploration Financial Warranty should be filed in the amount of \$2,000.00 per acre of land to be disturbed or such other amount as determined by the office, based on the projected costs of reclamation. A statewide Financial Warranty must be posted in an amount determined by the Office.

The explorer will post a surety in the amount of \$_____.

The undersigned understands, accepts and agrees to comply with the foregoing terms and conditions and with all of the provisions of Rules 5 and 6.

Signature of Explorer/Claimant

Date

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



EXPLORATION ON BUREAU OF LAND MANAGEMENT (BLM) LAND

You must provide the following additional information, if you plan to conduct exploration operations on Bureau of Land Management (BLM) land and wish to take advantage of the BLM/MLRD Cooperative agreement. This information will allow the BLM and MLRB to minimize duplicative efforts and allow you to post only one financial warranty for your exploration operation.

1. **CLAIMANT:**

Name: _____

Address: _____

Telephone: _____

2. **SITE/CLAIM INFORMATION:**

List names, serial numbers and provide legal description to nearest quarter-quarter section of all sites or claims (attach additional page, if necessary).

NAME

SERIAL NUMBER

LEGAL DESCRIPTION

3. **LOCATION MAP:**

Please attach a USGS 7.5 minute quad, or similar map of adequate scale, which locates the exploration site(s).

4. Are drill sites staked on the ground? Yes _____ No _____

ADDITIONAL TERMS AND CONDITIONS FOR EXPLORATION ON BLM LANDS

1. The explorer will supply a copy of this Notice of Intent to the BLM office.
2. The explorer authorizes the MLRB to discuss the information in this Notice of Intent with the BLM.
3. The explorer will complete reclamation to the standards described in 43 CFR 3809.1-3 (d) and that reasonable measures will be taken to prevent unnecessary or undue degradation of lands during operations.

The undersigned understands, accepts, and agrees to comply with the foregoing terms and conditions.

Signature of Explorer/Claimant

Date

2.2.3 Agenda Changes or Additions

Additions or changes to the agenda after the 10-day notification may be made regarding emergency situations, informational items, and Special Permits as outlined in Rules 1.4.4 and 1.7.3. In this event, the Board will endeavor to give notification, if possible, as outlined above, and will be required to notify any Operator or individual scheduled to be heard.

2.3 BOARD QUORUM

105(2)

- (1) Four (4) Board members shall constitute a quorum.
- (2) The Board shall act by majority vote of members present, except that four (4) affirmative votes are required for any amendment of these Rules.

2.4 RESERVED

2.5 DECLARATORY ORDERS (Section 24-4-105, C.R.S.)

2.5.1 Cause for Seeking a Declaratory Order

Any person who is or may be directly and adversely affected or aggrieved and whose interests are entitled to legal protection under the Act may petition the Board for declaratory order to terminate controversies or to remove uncertainties as to the applicability to the Petitioner of any statutory provision of or any rule or order of the Board made pursuant to the Colorado Land Reclamation Act For The Extraction Of Construction Materials (Section 34-32.5-101, C.R.S. et seq.).

2.5.2 Petition Submission

- (1) The petition must be submitted, at a minimum, seven (7) days prior to the Board meeting at which it is to be considered.
 - (a) At the regularly scheduled Board meeting, the Board will determine in its discretion and without notice to Petitioner, whether to rule upon any such petition.
 - (b) If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the Petitioner of its action and state the reasons for such action.
- (2) Any petition filed pursuant to this rule shall set forth the following:
 - (a) the name and address of the Petitioner and whether the Petitioner is a Permittee pursuant to the Colorado Mined Land Reclamation Act;
 - (b) the statute, rule or order to which the petition relates;

- (c) a concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner.

2.5.3 Consideration of Petition

In determining whether to rule upon a petition filed pursuant to this Rule, the Board will consider the following matters, among others:

- (a) whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to Petitioner of any statutory provision or rule or order of the Board.
- (b) whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court involving one or more of the Petitioners.
- (c) whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court, but not involving any Petitioner.
- (d) whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
- (e) whether the Petitioner has some adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, which will terminate the controversy or remove any uncertainty as to the applicability to the Petitioner of the statute, rule or other in question.

2.5.4 Procedure for Consideration

If the Board determines that it will rule on the petition the following procedures shall apply:

- (a) The Board may, without further notice, rule upon the petition based solely upon the facts presented in the petition. In such a case, any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
- (b) The Board may order the petitioner to file a written brief, memorandum or statement of position.
- (c) The Board may set the petition, upon due notice to Petitioner, for a non-evidentiary hearing.
- (d) The Board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
- (e) The Board may take administrative notice of facts pursuant to the administrative procedure act (Section 24-4-105(8), C.R.S.) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.

- (f) If the Board rules upon the petition without a hearing, it shall within ten (10) working days notify the petitioner of its decision by deposit in the mail.
- (g) The Board may, in its discretion, set the petition for hearing upon due notice to Petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the Petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of such a hearing, to the extent necessary, the Petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner and any other facts the Petitioner desires the Board to consider.

2.5.5 Party Status and Petition to Intervene

- (1) The Office shall be granted party status upon request.
- (2) Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board based upon the interest of the person and whether that interest is entitled to legal protection under the Act and how that person is affected or aggrieved by the petition for Declaratory Order.
- (3) A petition to intervene shall set forth a concise statement of the facts necessary to demonstrate the nature of its position, and the manner in which the statute, rule or order in question does or does not apply to the Petitioner.

2.5.6 Effect of a Declaratory Order

Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute agency action subject to judicial review pursuant to Section 24-4-106, C.R.S.

2.6 PRE-HEARING PROCEDURES - MOTIONS, WITNESS AND EXHIBIT LISTS

The provisions of this Rule 2.6 shall apply to the Applicant and any entity that has party status.

- (1) All motions, except those made during a hearing, or when the Board deems an oral motion to be appropriate, shall be in writing and shall state the grounds for the motion. Motions shall be received by the Board no later than two (2) Working Days following the Pre-hearing Conference. Any written response to a motion must be received by the Board no later than three (3) Working Days prior to the date of the Formal Board Hearing.
- (2) A party to a Formal Board Hearing may use witnesses or exhibits at the Formal Board Hearing. Parties shall provide a written list of all potential witnesses and exhibits at the Pre-hearing Conference in accordance with the following:
 - (a) The list of potential witnesses must include each witness' name, current address and phone number, area of expertise (if expert witness), and the subject matter of