

November 12, 2025

Amanda Poincelot
EPS Group, Inc.
301 N. Howes Street
Fort Collins, CO 80521

RE: Heron Lakes 19th Filing, Reference No. M-2025-055
“Is It Mining?” Questionnaire, Additional Information Required

Ms. Poincelot:

On November 12, 2025, the Division of Reclamation, Mining and Safety (DRMS) received your “Is It Mining?” questionnaire regarding a proposed 22.9 acre excavation project in Larimer County, in which approximately 60,500 cubic yards of soils will be extracted from the Heron Lakes 19th Filing and hauled to the nearby Heron Lakes 17th Filing for use as fill material in a residential development project. Both parcels are owned by the same entity and are located within the same residential development in the Town of Berthoud. A grading permit will be obtained from the Town of Berthoud for the extraction project. The proposed extraction area is focused in an area that is planned for development in the near future.

In order for DRMS to make a determination as to whether a Mined Land Reclamation Permit or a Notice of Intent is required for your proposed project, the following additional information is needed:

- 1) On Item #13, you indicated that neither the landowner nor the mine site operator will receive any type of compensation (e.g., monetary, in-kind, haulage fees) from the proposed material extraction. Please clarify who owns each of the parcels identified, who will be conducting the extraction and hauling activities (the operator), and how EPS Group, Inc. is involved with this project.
- 2) On Item #17, you state there are plans to design/develop the Heron Lakes 19th Filing (extraction location) in the near future, which is why you are trying to only take from an area that will be cut in the future when this is developed. What is the approximate length of time between when the extraction project is anticipated to be completed and development of the site will begin? During that time, what will be done to temporarily stabilize the extraction area?
- 3) The third map provided showing the proposed locations of removal and placement does not indicate how the extracted material will be transported from one location to the other. Please provide a revised map indicating the new or existing roads that will be used to haul material extracted from the Heron Lakes 19th Filing to the Heron Lakes 17th Filing.



Please include "Reference No. M-2025-055" 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 303-945-9014 or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Senior Environmental Protection Specialist

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