



Julie Mikulas  
Land Manager

June 25, 2017

Ms. Amy Eschberger  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

**RECEIVED**  
JUL 05 2017  
DIVISION OF RECLAMATION  
MINING AND SAFETY

RE: Lyons Pit M-1974-015, Follow-up to inspection dated March 22, 2017

Dear Ms. Eschberger:

Please accept this letter as our written response to the two items due 6/25/17.

**CORRECTIVE ACTIONS:** The operator shall show evidence the operator is taking measures to bring the site into compliance with the Office of the State Engineer (SEO), or backfill the pit to at least two feet above the groundwater surface.

**RESPONSE:** The lined reservoir is jointly owned by St Vrain and Left Hand Water Conservancy District and Boulder County Open Space (BCPOS). We have been meeting with them periodically since 2014 as they have been engineering the liner repair and working with funding assistance under FEMA's Public Assistance program. Because of the complexities and broader scope of our Special Use Permit (SU) and their FEMA requirements, BCPOS felt it was important to simplify their efforts and run this under their own Limited Impact Special Use (LISU) which focuses on Lake 4 rather than operating under our Special Use Permit which already allows for mining and reclamation across the permit as a whole. So in essence, they are repairing Lake 4 under our SU and their LISU. Their application for the liner repair of Lake 4 has been submitted to Boulder County and scheduled for a public hearing before the Board of County Commissioners on July 25, 2017. After that time they will put the sediment removal out to bid and then the repair out to bid. They are hoping to have the storage sealed by the end of the year so they can begin using it again during the 2018 water season. Copy of their application form and Land Use Notice is attached.

**CORRECTIVE ACTIONS:** The operator shall provide photo documentation to the Division demonstrating the pond bank erosion has been repaired and the slopes graded to the approved 3H:1V gradient, and the site has been reconstructed and stabilized to prevent erosion damage. The operator shall demonstrate that the current flood protection plan is adequate to protect the site from stream capture and associated flood damage in the future.

**RESPONSE:** Martin Marietta is requesting a 90-day extension from June 25, 2017 to September 25, 2017. The neighbors have questioned the validity of our SU permit with Boulder County. The Boulder County Land Use Director has requested that we submit documentation showing that our permit has

Rocky Mountain Division – Northern Office  
1800 N Taft Hill Road, Fort Collins, CO 80534  
julie.mikulas@martinmarietta.com  
[www.martinmarietta.com](http://www.martinmarietta.com)

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not experienced a five year lapse of inactivity. We should have our documentation submitted in to him by mid-July. The Director then has 2 week to either agree our activity has not lapsed or require us to re-submit a new special use application. Either the neighbors or Martin Marietta will have 30 days to then submit an appeal to the Board of Adjustments and then another 30 days for the Board to make a decision. Once that is completed, we will then schedule our Interim Review required by our Boulder County Resolution. After this is completed, the various departments should begin issuing our septic permit for the scale house and employee building and flood plain permit for the plant area so we can begin filing building permits for the improved plant set up. Until the Interim Review is completed above, we won't be able to give you a definitive reclamation plan.

We have briefly discussed reclamation of Lake 2 and 3 with BCPOS, the land owner. We wish to reclaim as previously approved by the DRMS and Boulder County Commissioners. Our current discussion with BCPOS is that they will fill in Lake 3 in the short term with material that is being removed from Lake 4 and then we will re-screen and re-crush the Lake 3 material when we re-enter mining the site leaving more areas filled then previous reclamation to help provide some protection to Lake 4 during another flood. Banks of Lake 3 will then be re-sloped to meet the 3H:1V slopes. There is currently a lot of uncertainty about how to repair the banks of Lake 2. As you and I discussed during your inspection, BCPOS would like for us to leave the 1H:1V slopes on the banks due to the burrowing nesting birds currently using the bank. They would also like for us to leave a shelf for some of the birds that like walking out into the shallow water. Until we can determine the quantity and quality of the material, no definitive plan can be pulled together. This won't be done until after the Interim Review discussed in the Corrective Action Response above. We understand that this is not acceptable reclamation from the DRMS view point and will work to create a revised plan that satisfies your requirements. Most of our discussion with BCPOS up to this point has been in regards to Lake 4 since they are pushing to get the water storage usable again.

Please let me know if anything additional is needed.

Sincerely,

Julie Mikulas, Land Manager



## Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

**MEMO TO:** Agencies and Adjacent Property Owners  
**FROM:** Christian Martin, CFM, Planner II – Flood Recovery  
**DATE:** June 7, 2017  
**RE:** Docket LU-17-0014

**Docket LU-17-0014: Boulder County Parks and Open Space - Lake 4 Repairs**

**Request:** LISU review to perform flood-related dam and pipeline repairs and sediment removal involving 397,000 cubic yards of earthwork for Lake 4 in the Boulder County Western Mobile Open Space.  
**Location:** Parcels 120322000020; 120327000005; 120327000010; 120327000011; 120327000021; 120327000023; 120327000024, located at Western Mobile Lake 4, south of St. Vrain Creek and west of 61st Street between Lyons and Longmont, in Sections 22 and 27, Township 3N, Range 70W.  
**Zoning:** Agricultural (A) Zoning District  
**Applicants:** Eric Lane, Boulder County Parks and Open Space  
Sean Cronin, St. Vrain and Left Hand Water Conservancy District  
**Agent:** Justin Atherton-Wood, Boulder County Parks and Open Space

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing. The Land Use staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter. Late responses will be reviewed as the process permits; all comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to review the entire file at the Land Use Department. If you have any questions regarding this application, please contact me at (303) 441-1372, or via email at [cpmartin@bouldercounty.org](mailto:cpmartin@bouldercounty.org).

Please return responses to the above address by **June 22, 2017**.

☐ We have reviewed the proposal and have no conflicts.  
☐ Letter is enclosed.

Signed \_\_\_\_\_ PRINTED Name \_\_\_\_\_

Agency or Address \_\_\_\_\_



## Boulder County Land Use Department

Courthouse Annex Building  
2045 13th Street • PO Box 471 • Boulder, Colorado 80302  
Phone: 303-441-3930 • Fax: 303-441-4856  
Email: [planner@bouldercounty.org](mailto:planner@bouldercounty.org)  
Web: [www.bouldercounty.org/lu](http://www.bouldercounty.org/lu)  
Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.  
Tuesday 10 a.m. to 4:30 p.m.

Fees Waived - LUP

Intake Stamp	Shaded Areas for Staff Only
	<b>RECEIVED</b>
	JUN 06 2017
Boulder County Land Use Department	

## Application Form

Project Number	LU-17-0014			Project Name	Boulder County PDS - Lake 4 Restoration		
<input checked="" type="checkbox"/> Limited Impact Special Use	Application Deadline:	First Wednesday of the Month	Application Deadline:	Second Wednesday of the Month	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Road/Easement Vacation	<input type="checkbox"/> Location and Extent
<input type="checkbox"/> Limited Impact Special Use Waiver	<input type="checkbox"/> Variance	<input type="checkbox"/> Appeal	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Resubdivision (Replat)	<input type="checkbox"/> Special Use/SSDP
<input type="checkbox"/> Modification of Special Use	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Site Plan Review Waiver	<input type="checkbox"/> Subdivision Exemption	<input type="checkbox"/> Exemption Plat	<input type="checkbox"/> 1041 State Interest Review	<input type="checkbox"/> Other:	

### Location(s)/Street Address(es)

0 HYGIENE RD, Unincorporated Boulder County (Lake 4 Parcel; Parcel No. 120327000024)

Note: there are additional parcels in project area. Please see attached sheet

### Subdivision Name

Lot(s)	Block(s)	Section(s)	Township(s)	Range(s)
n/a	n/a	27	3N	70
Area in Acres	Existing Zoning	Existing Use of Property	Number of Proposed Lots	
323	Ag	Water storage reservoir		
Proposed Water Supply	Proposed Sewage Disposal Method			
n/a	n/a			

## Applicants:

Applicant/Property Owner			Email Address		
Boulder County, Parks & Open Space Dept., Eric Lane, Director			<a href="mailto:jatherton-wood@bouldercounty.org">jatherton-wood@bouldercounty.org</a>		
Mailing Address					
5201 St. Vrain Road					
City	State	Zip Code	Phone	Fax	
Longmont	CO	80305	303-678-6273		
Applicant/Property Owner/Agent/Consultant			Email Address		
St. Vrain and Left Hand Water Conservancy District			<a href="mailto:sean.cronin@svlhwcd.org">sean.cronin@svlhwcd.org</a>		
Mailing Address					
9595 Nelson Rd. #203					
City	State	Zip Code	Phone	Fax	
Longmont	CO	80501			
Agent/Consultant			Email Address		
Justin Atherton-Wood, Resource Planner			<a href="mailto:jatherton-wood@bouldercounty.org">jatherton-wood@bouldercounty.org</a>		
Mailing Address					
5201 St. Vrain Road					
City	State	Zip Code	Phone	Fax	
Longmont	CO	80503	303-678-6273		

## Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner	Printed Name	Date
<i>[Signature]</i>	Eric Lane, Director, Boulder County Parks & Open Space	6/2/17
Signature of Property Owner	Printed Name	Date
<i>Sean T Cronin</i>	Sean Cronin, Executive Director, St. Vrain and Left Hand Water Conservancy District	05/09/17

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.

## Grading Calculation

Cut and fill calculations are necessary to evaluate the disturbance of a project and to verify whether or not a Limited Impact Special Use Review (LISR) is required. A Limited Impact Special Use Review is required when grading for a project involves more than 500 cubic yards (minus normal cut/fill and backfill contained within the foundation footprint).

If grading totals are close to the 500 yard trigger, additional information may be required, such as a grading plan stamped by a Colorado Registered Professional Engineer.

## Earth Work and Grading

This worksheet is to help you accurately determine the amount of grading for the property in accordance with the Boulder County Land Use Code. Please fill in all applicable boxes.

**Note:** Applicant(s) must fill in the shaded boxes even though foundation work does not contribute toward the 500 cubic yard trigger requiring Limited Impact Special Use Review. Also, all areas of earthwork must be represented on the site plan.

## Earth Work and Grading Worksheet:

	Cut	Fill	Subtotal
Driveway and Parking Areas			
Berm(s)			
Other Grading	214,500 CY	182,500 CY	397,000 CY
Subtotal	214,500 CY	182,500 CY	397,000 CY <small>Box 1</small>
* If the total in Box 1 is greater than 500 cubic yards, then a Limited Impact Special Review is required.			
	Cut	Fill	Total
Foundation			
Material cut from foundation excavation that will be removed from the property			

## Excess Material will be Transported to the Following Location:

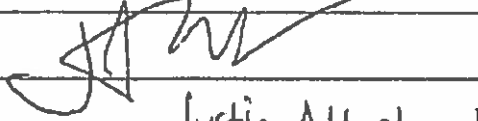
Excess Materials Transport Location:
32,000 CY will be exported for use as fill on projects on adjacent county property (West Lake, A-Frame Pond, and Ramey pasture area). A separate LISU is being submitted to review placement of this material.

## Is Your Property Gated and Locked?

**Note:** If county personnel cannot access the property, it could cause delays in reviewing your application.

## Certification

I certify that the information submitted is complete and correct. I agree to clearly identify the property (if not already addressed) and stake the location of the improvements on the site within four days of submitting this application. I understand that the intent of the Site Plan Review process is to address the impacts of location and type of structures, and that modifications may be required. Site work will not be done prior to issuance of a Grading or Building Permit.

Signature 	Date 6/5/2017
Justin Atterton - Wood, BCPOS	