



April 6, 2020

George Tempel
Midwestern Farms
P.O. Box 246
Wiley, CO 81092

Re: Midwestern Farms, Permit No. M-1993-059, Status of Required Corrective Actions

Mr. Tempel:

The Division of Reclamation, Mining and Safety (Division) is providing the following status update on the remaining corrective actions required by the inspection report mailed on September 26, 2019 for Midwestern Farms:

- 1) **PROBLEM:** Erosion gullies are present along pond shorelines at several locations. Additionally, the riprap blanket installed along the eastern pond shoreline under Technical Revision No. 6 (TR-6, approved on November 7, 2017) is not effectively controlling erosion at one location in particular (see inspection report), where pond water is overflowing the bank onto the adjacent farm road. This is a problem pursuant to C.R.S. 34-32.5-116(4)(j) and Rule 3.1.6(3) for failure to protect all surface areas of the affected land from erosion.

CORRECTIVE ACTIONS: Provide the Division with photo documentation verifying the erosion damage on pond shorelines has been repaired, and the site has been reconstructed and stabilized to prevent further erosion damage. If the operator proposes an alternative method for stabilizing the eastern pond shoreline (than the plan approved in TR-6), the operator must submit this proposal in the form of a Technical Revision with the appropriate fee of \$216.00 by the corrective action date.

CORRECTIVE ACTION DATE: March 31, 2020

STATUS UPDATE: *On April 6, 2020, the operator provided photographic evidence that erosion damage along pond shorelines has been repaired and rip rap installed to control further erosion damage in these areas. Therefore, this problem is considered abated at this time. However, the Division intends to inspect the site again this summer to verify that erosion is being effectively controlled along pond shorelines.*

- 2) **PROBLEM:** There are state-listed noxious weed species present on site, particularly Tamarisk (salt cedar) and Field Bindweed. This is a problem pursuant to Rule 3.1.10(6) for failure to employ weed control methods for all prohibited noxious weed species within the affected lands, and to reduce the spread of weeds to nearby areas.



CORRECTIVE ACTIONS: Implement the approved weed control plan for all state-listed noxious weed species on the affected lands, and provide proof to the Division that this was done. If the operator wishes to revise the approved weed control plan, the proposed plan must be submitted in the form of a Technical Revision with the appropriate fee of \$216.00 by the corrective action date. The Division recommends the operator consult with the county extension agency or weed control district office in developing a plan that includes specific control measures to be applied, a schedule for when control measures will be applied, and a post-treatment monitoring plan.

CORRECTIVE ACTION DATE: August 31, 2020

STATUS UPDATE: *On April 6, 2020, the operator stated that Tamarisk was sprayed at the site last week. Please be advised, the information provided is not sufficient proof the weed control plan has been implemented at the site for state-listed noxious weed species. Please provide more details on the weed control measures that were implemented, including a description of the areas where these measures were taken (may be useful to show on a site map), the type of chemical(s) and/or other method(s) used, and how these measures are expected to control the growth and spread of state-listed noxious weed species at the site.*

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

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