



**COLORADO**  
**Division of Reclamation,**  
**Mining and Safety**  
Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

May 28, 2021

Jamie and Dustin Christensen  
7008 County Road 54  
Johnstown, Colorado 80534

**RE:        Green/Croissant Property Sand and Gravel Mine, DRMS File No. M-2001-022**  
**Citizen Complaint CT01**

Dear Mr. and Mrs. Christensen,

The Colorado Division of Reclamation Mining and Safety (“DRMS” or “Division”) received your initial complaint via email to Peter Hays on April 7, 2021. In response to this complaint Peter Hays conducted an inspection of the site on May 5<sup>th</sup>, 2021. Your initial complaint email listed nine concerns. Enclosed is the inspection report from the May 5<sup>th</sup>, 2021 inspection and it includes a response to each of the items listed in your April 7<sup>th</sup>, 2021 email. On the afternoon of May 5<sup>th</sup>, 2021, you filed an additional complaint online through the DRMS website. I have reviewed your concerns from the May 5<sup>th</sup>, 2021 correspondence and I met with you for an inspection of the Cell No. 4 area on May 20<sup>th</sup>, 2021. Enclosed with this letter is the report from my inspection from May 20, 2021. There are a number of issues you have identified in your correspondence with DRMS since April 7, 2021, please see the enclosed inspection reports for detailed responses and findings by the Division. The following should summarize my review of your main concerns.

*Backfilling and Grading of Cell No. 4*

You indicate since 2018 you have raised concerns about the earthwork completed at site and that you believe the Cell No. 4 area has not been backfilled and graded in accordance with the approved reclamation plan or applicable rules and regulations. The approved reclamation plan requires the slopes of Cell No. 4 to be backfilled and graded to the a 3H:1V ratio from the top to the toe of the pit slope. Loveland Ready-Mix Concrete, Inc. (“Operator” or “LRM”). has supplied documentation the slopes above the water line of Cell No. 4 has been backfilled and graded to the required 3H:1V ratio. Further, DRMS evaluated the slopes onsite during the May 20, 2021 inspection and believe the overall slopes above the waterline comply with the reclamation plan. The Division acknowledges there are some slight undulations in the topography and certain points along the slope may be steeper than 3H:1V in angle, but that is expected and is typical of this type of operation. Further Rule 3.1.5(7), allows for slopes steeper than a 3H:1V in cases where a pond or lake has been produced.

Upon further review and investigation, the documentation supplied by LRM does not document the below water slopes have been reclaimed in accordance with the reclamation plan. DRMS has cited this issue as a problem and has required LRM to provide such documentation. Based on my observations during the May 20, 2021 site



inspection the slopes below the water line appear gentle and can be seen a fair distance from the shore in many places and therefore I do not expect the below water slopes to exceed the 3H:1V ratio requirement.

The Division knows you have obtained a survey of the slopes you feel documents the slopes have not been graded to the required 3H:1V ratio. Part of the maps produced from this survey were provided to me during the May 20, 2021 inspection and you showed me other parts of the results of the survey during the inspection. DRMS requests that you provide us the results of the survey and if possible a report that explains how the survey was conducted so we can have a better understanding of the results. Also, your correspondence requests LRM pay for additional grading work to be done at the site. Based on our review, there is currently no regulatory justification for the Division to require LRM to conduct further earthwork at this time.

#### *Timing of Reclamation*

As mining ceased in the Cell No. 4 area on November 1, 2017, LRM has until November 1, 2022 to complete all the phases of reclamation in accordance with Rule 3.1.3. To date, it appears LRM has completed all the steps of reclamation and is conducting follow-up maintenance such as weed control and re-seeding where needed. The timing of reclamation can be extended by the Mined Land Reclamation Board or the Division in accordance with Rule 3.1.3. This is not meant to indicate LRM is not required to diligently complete reclamation or that DRMS would allow an indefinite amount of time to complete reclamation. Given the vegetation established at the site and considering it has only been two or three growing seasons since the Cell No. 4 area was seeded initially, the Division has no reason to believe LRM has unreasonably delayed reclamation nor do we see intentional delay currently. With the moisture Colorado received this year, hopefully the seeding from this spring will be successful.

#### *Documentation Supplied by LRM*

You allude in your April 7, 2021 email the letter from LRM dated July 17, 2019 is misleading and that LRM falsely stated they had complied with the problems identified in the DRMS June 6, 2019 inspection report. There seems to be a misunderstanding here; two problems were identified in the June 6, 2019 inspection report. One problem required the Operator to provide a survey documenting the slopes had been graded to the required 3H:1V angle, and the second problem required LRM to provide documentation an augmentation plan had been obtained for the exposed groundwater at the site. LRM provided documentation regarding the augmentation plan with a letter dated June 25, 2019. The letter dated July 17, 2019 that included LRM's survey map did not allude the slope repair work had been completed yet. Specifically, the letter included a survey map from elevation data collected in January of 2019, possibly pre-dating the southern slope failure. Regardless, LRM did conduct repair work of the southern slope as witnessed in the DRMS inspection on May 20, 2021 and the area is being revegetated. As discussed above, upon further review it does appear the survey conducted by LRM did not address the initial problem cited in the June 6, 2019 inspection report to document the below groundwater slopes. DRMS is now requiring LRM to provide this documentation.

Regarding the repair work of the southern shoreline from 2019. The DRMS June 6, 2019 inspection report does not specifically prescribe how LRM was to repair the slope. Based on the report, it appears LRM hired a consultant to determine the appropriate corrective action. LRM appears to have installed concrete rip-rap on the slope, replaced

topsoil, and is in the processes of revegetating the area. This slope appears stable and water does appear to be percolating through the rip-rap.

*Inspection Frequency and DRMS oversight*

The Mined Land Reclamation Board requires 112c permit such as the one issued for this site to be inspected once every four years (MLRB Policy 20.7.4.3). Upon review, Peter Hays has conducted inspections at this site in compliance with the frequency requirements of the Board's policy. The Division understands the concerns you have raised but disagree with the conclusion that the site has been mismanaged. DRMS recognizes now the survey provided by LRM in 2019 and again in 2021 is not reflective of the below water slopes, this was an oversight and we are requiring LRM to correct this, however we currently have no evidence to indicate the below water slopes are out of compliance with the reclamation plan. I agree written communication with you from the time of your first complaint submittal on April 7, 2021 is lacking. It appears Mr. Hays primarily communicated with you over the phone. In the future, DRMS will document our communications with you in writing.

*Weed Control*

LRM is required to control noxious weeds at the site. Kochia is not a state listed noxious weed and the DRMS permit issued to LRM does not specify a specific mowing frequency. This issue is further discussed in the enclosed inspection reports. Based on our conversation at the mine site, LRM may have a more detailed weed control plan required by Weld County.

To conclude, LRM has requested full bond release of the site (SL01). As indicated in the enclosed inspection reports, DRMS will deny this request. This decision may be appealed in accordance with Rule 1.4.11. Should you have any question please feel free to contact me at [Jared.Ebert@state.co.us](mailto:Jared.Ebert@state.co.us) or at (303) 866-3567 ext. 8120.

Sincerely,



Jared Ebert  
Senior Environmental Protection Specialist

EC: Peter Hays, DRMS  
Stephanie Fancher-English, Loveland Ready-Mix Concrete, Inc.

Enclosures: 1.) *SL01 Denial Letter May 28, 2021 and DRMS May 5, 2021 Inspection Report*  
2.) *DRMS May 20, 2021 Inspection Report*