



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

Chance Allen  
Aggregate Industries - WCR, Inc.  
1687 Cole Blvd  
Suite 300  
Golden, CO 80401

**RE: Cooley Reservoir & Fulton Wildlife Area, Permit No. M-1999-034, Acreage Reduction Denial, Revision No. AR-1**

Dear Mr. Allen:

On December 14, 2021 the Division of Reclamation, Mining and Safety considered your request for a permit acreage reduction. The Division found that reclamation had not been accomplished on these areas and denied this request. Please review the attached inspection report for the specific reasons for the acreage reduction denial.

If you have any questions, please contact me.

Sincerely,

Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert, DRMS

Enclosure: Inspection Report

ec: Andre Laroche, Aggregate Industries, [andre.laroche@aggregate-us.com](mailto:andre.laroche@aggregate-us.com)




**Enclosure**



**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Cooley Reservoir & Fulton Wildlife Area	<b>MINE/PROSPECTING ID#:</b> M-1999-034	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Adams
<b>INSPECTION TYPE:</b> Surety-Related Inspection	<b>INSPECTOR(S):</b> Patrick Lennberg	<b>INSP. DATE:</b> December 13, 2021	<b>INSP. TIME:</b> 09:00
<b>OPERATOR:</b> Aggregate Industries - WCR, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Andre Laroche	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Surety Related	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$1,510,800.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> December 14, 2021	

**GENERAL INSPECTION TOPICS**

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

The Cooley Reservoir & Fulton Wildlife Area (Cooley Site) was inspected by Patrick Lennberg with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed as part of an acreage reduction request (AR-1) submitted in accordance with Rule 4.17, received by the Division on October 27, 2021. The site was previously inspected by the Division on October 10, 2018 as part of the Division's routine monitoring inspection program. Trey Poulson and Andre Laroche, representing the Operator Aggregate Industries (AI), accompanied me during the inspection. The weather was clear and mild.

The Cooley Site is a 112c Operation and is permitted for 399.2 acres of land. The permit boundary is divided by the South Platte River. On the west side of the South Platte, mining has created three water storage reservoirs. These three reservoirs are designated as Phase 2, 3, and 4 from south to north. On the east side of the South Platte River, the permit area includes the processing area, two wetland areas and the Jeronimus Lake area. The approved post mining land use for the site is developed water resources and wildlife habitat. The site is located 3 miles south of Henderson, Colorado.

The Division sent notice of the release request to the Adams County Planning Department and Commissioners, West Adams Soil Conservation District, Division of Water Resources (DWR), and Albert Frei and Sons (AFS) the landowner. The Division received a comment letter from AFS. The letter brought up four items; relocated powerlines along 100<sup>th</sup> Ave need to be returned to their original locations, the berm along the southern portion of the property needs to be graded into the site, all perimeter slopes need to be at a 3(H):1(V) slope, and sediment discharge to the Bull Seep needs to be evaluated.

AR-1 is for 27 acres that includes the former processing area. According to the approved reclamation plan, the processing area is required to be covered with six to twelve inches of topsoil and revegetated with the non-irrigated grass seed mixture and all slopes will be returned to 3(H):1(V) or shallower.

The majority of the site has been graded flat and all structures associated with the processing area have been removed and ponding areas have been filled in. However, the site has not had any topsoil replaced on it nor has any vegetation been planted as required by the approved reclamation plan. The operator earlier this year performed grading at the site and removed several large stand of Russian olive trees from along the Bull Seep area to the west. A large berm along the southern boundary of the site has had the majority of the north facing side slopes graded but it appears there are portions along the east end that may be steeper than required 3:1. Also, the southern side of the berm is steeper than a 3:1 slope. It also appears the material contained in the berm may be stockpiled topsoil. During the permit file review the Division could not document the relocating of the power poles or the requirement they be returned to their original location.

Also, several monitoring wells have been installed by AFS at the site. The Division assumes these wells have been installed to collect information on groundwater elevations ahead of applying for a permit to mine the site in the future.

Based on observations made during the inspection and discussions in the field the Division will deny the acreage reduction request.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us) if you have any questions regarding this report.

**Inspection Contact Address**

Andre Laroche  
Aggregate Industries - WCR, Inc.  
1687 Cole Blvd.  
Golden, CO 80401

cc: Jared Ebert, DRMS

ec: Andre Laroche, Aggregate Industries, [andre.laroche@aggregate-us.com](mailto:andre.laroche@aggregate-us.com)

## **PHOTOGRAPHS**



**Photo 1:** Mine sign posted at entrance



**Photo 2:** Overview of site looking west from mine entrance



**Photo 3:** Looking south along Bull Seep towards the southwest corner of site



**Photo 4:** Looking east along the southern berm



**Photo 5:** Looking northeast across the site



**Photo 6:** MW-2 located near the west end of the southern berm



**Photo 7:** South side of the southern berm not graded to 3:1



**Photo 8:** Looking northeast across the site from the southern berm



**Photo 9:** Northwest corner of site with power poles and monitoring well



**Photo 10:** Looking south across the site from the northwest corner.