



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

June 22, 2023

Terry and Cristi Baldino
4801 Wildwood Way
Johnstown, CO 80534

**RE: Response to Enquiry Dated May 18, 2023; Kirtright Pit;
Permit File No. M-1986-123;**

Dear Terry and Cristi Baldino,

On May 18, 2023, the Division of Reclamation, Mining and Safety (Division/DRMS) received your enquiry regarding the Kirtright Pit (M1986-123) and the adjacent Stroh Pit (M2002-087). Below you will find the Division's responses to the items contained in your letter. I have broken out questions in the numbered items below along with Division responses to those items.

1. One question of many is if they were originally required to complete reclamation of the Kirtright pits by 2013, why is it that 10 years later they are just getting around to it? Why has it taken your office so long to check on and confirm the reclamation work?

As mentioned in the inspection report completion of final reclamation requires the Operator to get permanent augmentation for the exposed groundwater at the site through a Water Court Decree. As far as the Division is aware the ruling for permanent augmentation is not due until sometime in 2024. The Division cannot release the site with exposed groundwater until it is appropriately augmented through the Division of Water Resources. The inspection report also noted several additional items that need to be addressed prior to the Operator requesting final release of permit, including removal of the scale house and spreading out of topsoil stockpile.

The site has been inspected every four years since 2002 along with two inspections in 2022. The last few inspection reports have noted that the site has for the most part been largely reclaimed. All inspection reports can be viewed through our online imaged document database portal.

2. Processing facility at the Kirtright Pit to support the Stroh Pit.

At the moment the Division has not seen a proposal from the Operator indicating they want to use the Kirtright Pit for processing operations for the Stroh Pit. If the Operator wanted to change the currently approved permit in a way which has a significant effect upon the approved Reclamation Plan they would have to submit an Amendment Application. At this time the Division would consider a processing plant a significant change.



3. We'd like to know if your agency has already approved or has seen a current mining and reclamation plan for Stroh quarry? Does it include any mention of material processing, or of an asphalt plant?

The original permit application for the Stroh Pit, M-2002-078, was submitted in July 2002. The permit was approved in August 2003. As part of the approved plan an asphalt batch plant is planned to be located in the northwestern corner of the site in mine Cell 3.

Here are the instructions for using our Imaged Document Database which will allow you to view entire permit documents online.

All documents, including the permit application, associated with Stroh Pit, File No. M-2002-078, can be accessed online at the Division's website (<https://www.colorado.gov/drms>). You can search for the file in the Laserfiche database by clicking on the DRMS Weblink (Laserfiche) icon about half-way down on the home page.

Once on the database (<https://dnrweblink.state.co.us/drms/search.aspx>), search the permit number without dashes (M2002078) in the Permit No field to access all scanned permit documents associated with the Stroh Pit permit. Once you have access to all the electronic permit documents I recommend sorting by date in the Doc Date column. Click once on the Doc Date header box to sort from oldest to newest and again to sort from newest to oldest.

4. Have you seen the new FEMA flood maps for this area? Since the 2013 floods, the floodway has been expanded further into the Kirtright and Stroh pit areas. How does this affect your concerns for mining safety and reclamation? This is especially concerning if there is to be an asphalt or other gravel processing facility in this area.

The Division has not seen the updated FEMA flood maps for the area around the Kirtright and Stroh Pits. However, the Division has begun to reach out to the flood plain managers with Larimer County to determine if all the appropriate permitting is in place to allow for mining according to the approved plan.

5. If you have a *revised* mining and/or reclamation plan for the Stroh Pit project, could we please get a copy?

The Division has not received any permit revision documents to date. All permit documents are a matter of public record and can be viewed online using the instructions previously stated.

6. We would also like to know what concerns and/or restrictions you would place on these plans considering the location so near residential properties and the Big Thompson River – with some homes only 100 feet from the Coulson property and a short 266 feet from the proposed pit (a little over 200 steps!).

The Division's jurisdiction is limited to enforcement of the requirements of the Act and Rules. The Act and Rules do not specifically address impacts to visually appealing landscapes, aesthetics, hours and/or days of operation, noise and sight pollution, and quality of life. Such issues are typically addressed at the local government level and not at the State government level. These issues should be addressed through Larimer County.

The Operator is required to operate the mining operation in such a way to protect offsite areas from slides or damages in accordance with the Mineral Rules and Regulations for the Extraction of Construction Materials.

7. The neighborhoods of Thompson Crossing and Thompson River Ranch are also concerned by the lack of details and commitment on the part of Coulson as to their plans for reclamation. They have proposed conflicting plans, so we would like to know what, if anything, you would hold them to.

The details of the approved reclamation plan are contained in the permit that can be viewed online. The Division cannot comment on what may or may not have been stated during County processes. The Operator has an approved permit that contains the details of how mining and reclamation will be conducted at the site. The Operator has the ability to revise the permit if conditions change at the site. Permit revisions are reviewed and approved by the Division in accordance with the Act and Rules. Lastly, the Operator is required to remain in compliance with all local regulations.

If you need additional information or have any questions, please contact me by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg".

Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Terry and Cristi Baldino, tbaldino514@gmail.com