



COLORADO

Division of Reclamation,
Mining and Safety


Department of Natural Resources

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.

MINE NAME: Kirtwright Pit	MINE/PROSPECTING ID#: M-1986-123	MINERAL: Sand and gravel	COUNTY: Larimer
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: June 27, 2023	INSP. TIME: 09:00
OPERATOR: Coulson Excavating Company, Inc.	OPERATOR REPRESENTATIVE: Ken Coulson	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Priority	BOND CALCULATION TYPE: Partial Bond	BOND AMOUNT: \$58,400.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Patrick Lennberg	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: August 7, 2023

The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.

INSPECTION TOPIC: Off-site Damage

POSSIBLE VIOLATION: Land has been affected outside of the approved permit boundary. This is a possible violation at this time pursuant to: 1.) C.R.S. 34-32.5-109(1) for failure to first obtain from the board or office a reclamation permit prior to engaging in a new operation.

CORRECTIVE ACTIONS: This possible violation will require a hearing before the Mined Land Reclamation Board (MLRB). The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the operator.

CORRECTIVE ACTION DUE DATE: 9/20/23

INSPECTION TOPIC: Right of Entry

PROBLEM: Failure to maintain legal right of entry per Rule 6.3.7.

CORRECTIVE ACTIONS: The permittee/operator must provide proof of legal right to enter and conduct mining and reclamation operations.

CORRECTIVE ACTION DUE DATE: 9/20/23

INSPECTION TOPIC: Markers

PROBLEM: The affected area boundary markers are missing or incorrectly placed. This is a problem for failure

to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.

CORRECTIVE ACTIONS: The operator shall conduct a survey and replace the boundary markers in the correct location(s). The operator shall provide proof to the Division that this has been done by the corrective action date.

CORRECTIVE ACTION DUE DATE: 9/20/23

OBSERVATIONS

The Kirtright Pit was inspected by Patrick Lennberg with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed as a priority inspection due to an increase in public inquiry regarding mining activities at the site. The site was previously inspected by the Division on February 15 and March 29 of 2022 as part of the Division's routine monitoring inspection program. Ken Coulson representing the Operator/Permittee, Coulson Excavating Company, Inc., accompanied me during the inspection. The weather was clear.

This is a 112c operation permitted for 79.80 acres. The permit was for the mining of sand and gravel for construction materials. The mine is located on property owned by Randy Kirtright and Ms. O'Brien. The permit is located in Larimer County. The approved post-mining land use is pasture and wildlife habitat. A mine sign was observed at the entrance to the mine as required by Rule 3.1.12. However, during the inspection the permit boundary markers could not be located and this has been cited as a problem in this report, see above for the corrective action.

The site consists of multiple irregular shaped pit excavations. These pit excavations are depicted on the currently approved reclamation plan map (Attachment 1) that was approved with Technical Revision No. 1 (TR1). Two large open water ponds are located on the east side of the site, the TR1 reclamation map indicates they are to be 6.73 and 9.5 acres in size. A 1.51 acre pond is to be located near the center of the site west of a residence constructed on the west side of the eastern pit excavations. In the southwest portion of the site, several pre-1980 ponds, 1.51 and 1.48 acres in size were to exist. Proposed in the northwest portion of the site was to be a small .38 acre pond and a 3.37 acre pond.

The current status of the permit according to the currently approved Substitute Water Supply Plan (SWSP) is: *Resource extraction and reclamation activities at the Kirtright Pit are complete. There are three unlined ponds located at the Kirtright Pit property. The site is anticipated to be released from the DRMS permit upon approval of an augmentation plan by the water court. Depletions covered under this SWSP are limited to evaporation from exposed groundwater surface areas. The total surface area of groundwater exposed at the site is 13.77 acres, of which 0.76 acres were exposed to the atmosphere prior to January 1, 1981 ("pre-81"). According to previous information received by this office, a total of 2.99 acres of groundwater surface area was exposed within the Kirtright Pit reclamation permit boundary prior to January 1, 1981. Of those 2.99 acres, only 0.76 acres remain exposed. The 0.76-acre area exposed at the Kirtright Pit prior to 1981 is tied to the location as shown on the attached Attachment 2—Exposed Groundwater Areas Kirtright Pit. The credits for the pre-81 area are tied to the location identified on that map and may not be re-allocated to other areas of groundwater exposure within the gravel pit permit boundary.*

As mentioned in the SWSP mining at the site has been completed and according to the annual reports mining activities at the site last occurred in 2008. From the previous inspection reports and the SWSP, final reclamation of the ponds and site needs to wait until the approval of the final Augmentation Plan which scheduled for water court in 2024. The Operator has deviated from the currently approved reclamation plan by filling in the Pond 1 area located in the northwest portion of the permit. Additionally, the existing pond areas do not match those shown on the approved reclamation plan map. Therefore, the Operator will need to revise their reclamation plan.

During the previous routine site inspection (February 15, 2022) the Division cited a problem for failure to maintain current legal right of entry for the four parcels that comprise the current permit area. According to the Larimer County Assessor website, the four parcels are owned by two entities, Randy Kirtright (three parcels) and The O'Brien Living Trust (one parcel). On May 2, 2023 the Division sent a Notice of Outstanding Corrective Action for the problem cited in February 2022. On May 18, 2023 the Operator provided access agreements for the three parcels owned by Randy Kirtright. The missing agreement between the Operator and Ms. O'Brien has been cited as a problem in this report. During the inspection the Operator indicated they were working with Ms. O'Brien to get an access agreement.

The site was not active at the time of inspection but recent grading disturbances were visible. The Operator indicated that they were grading and filling in ponds located in the northwest quadrant of the permit area with material located along the western and northern permit areas and removing material from the southwestern area of permit adjacent to the Pre-1981 pond. The Operator stated that this activity was being done to help the permanent augmentation plan for the site by filling in the Pond 1 area (Attachment 2). A review of aerial imagery after the inspection it was determined that during the course of grading at the site the Operator has affected approximately 4.7 acres outside the approved permit boundary, Attachment 3. From observation made during the inspection the land outside the permit boundary appears to have been stripped of material using a dozer that then pushed that material into the permit area to fill Pond 1. Also, the dozer may have scraped material into a pile that then was loaded in haul trucks, using an excavator, which then hauled the material to the fill area. At the time of inspection the land was bare and consisted heavy equipment tracks. The land has been disturbed as a result of reclamation activities associated with a mining operation. The land affected outside the permit boundary, approximately 4.7 acres, is being cited as a Possible Violation pursuant to C.R.S. 34-32.5-109(1) for failure to first obtain a reclamation permit before engaging in a mining operation and will require a hearing before the Mined Land Reclamation Board.

It appears the removal of material from the southwestern area may be enlarging the Pre-1981 pond area beyond the approved 0.76 acres in the current SWSP. The Division estimates the pond area to be approximately 1.2 acres in size. The island areas are about 0.17 acres in size thus indicating the Pre-1981 pond is now approximately 1 acre in size. The Division contacted the Department of Water Resources (DWR) regarding the increase in pond size. DWR stated that as long as the Operator accounts for the increase in pond size during renewal of the SWSP there is no further action required.

Prior to the inspection the Big Thompson River, located north of the permit area, over topped its banks and flowed through the site from west to east. After the river subsided, water remained captured on property to the north of the permit boundary and within the permit boundary. The Operators consultant stated that when the water was flowing across the site the river was "open call" meaning that anyone could remove water from the river without injuring any water rights. The Division subsequently verified this with DWR. However, the flood waters remain very close to Ms. O'Brien's residence.

The Division evaluated the financial warranty and determined the current bond amount held by the Division is adequate at this time. Please note if the water court ruling does not provide for permanent augmentation for the ponds the Division will evaluate if additional financial warranty is needed to reclaim the ponds.

Photographs taken during the inspection are attached.

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

Inspection Contact Address

Ken Coulson
Coulson Excavating Company, Inc.
3609 North County Road 13
Loveland, CO 80538

Attachments: 1. Approved Reclamation Plan Map TR-1
2. SWSP Kirtright Pit Map
3. Aerial Permit Map 2023

cc: Jared Ebert; DRMS

ec: Richard Coulson, Coulson Excavating Company, Inc., caitlyn@coulsonex.com
Ken Coulson, Coulson Excavation Company, Inc., ken@coulsonex.com
Peter Wayland, Weiland, Inc., pwayland@weilandinc.com

PHOTOGRAPHS



Photo 1: Mine sign at primary mine entrance



Photo 2: Looking south along an overburden stockpile adjacent to western permit boundary



Photo 3: Looking east across the backfilled location of the Pond 1 area



Photo 4: Looking northeast across the area that is located north of the approved permit boundary used to source fill material for the Pond 1 area



Photo 5: Looking north across the graded area, yellow line approximate permit boundary



Photo 6: Looking east across the filled Pond 1 area



Photo 7: Southwestern quadrant area, west of the Pre-1981 Pond, used to source fill material



Photo 8: Southwestern quadrant area, looking towards Pre-1981 pond



Photo 9: Looking at Southwestern quadrant area from main road



Photo 10: Looking northeast across the permit area, the water seen is from the Big Thompson flooding the permit area



Photo 11: Aerial image, looking to the West, provided to the Division on June 20, 20223 showing the flooding of the area by the Big Thompson River. Yellow polygon is the approximate permit boundary of the Kirtright Pit. Photo provided by Terry Baldino.

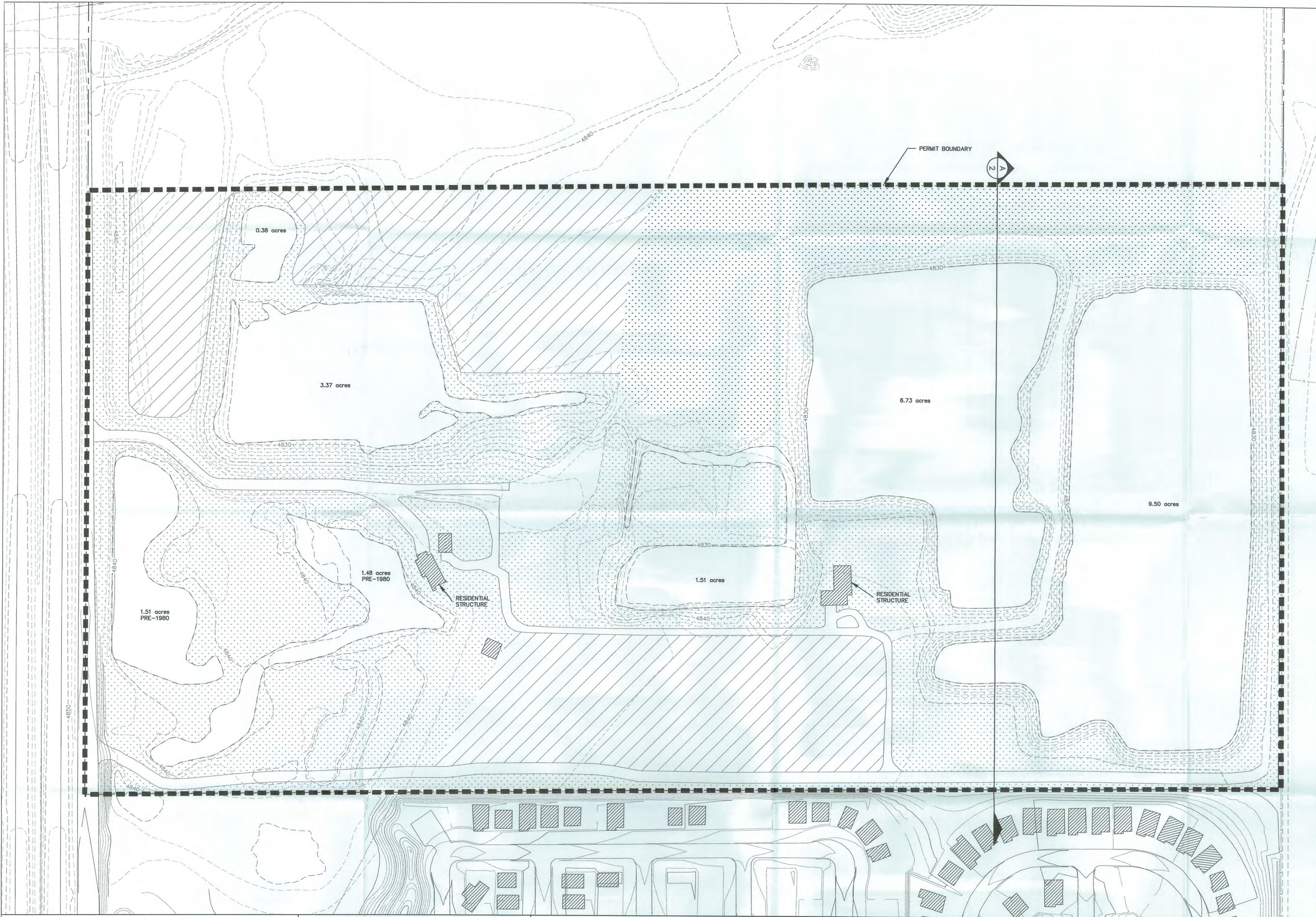
GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>Y</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>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>PB</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>N</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>PV</u>	

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

Attachment 1



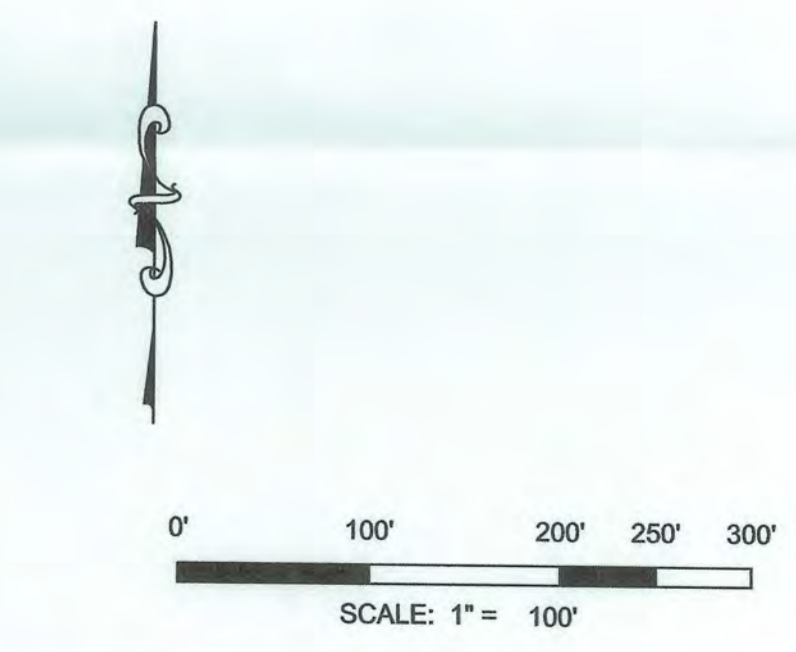
LEGEND

EXISTING

- PROPERTY/PERMIT AFFECTED AREA BOUNDARY
- PROPERTY BOUNDARY
- MAJOR ELEVATION CONTOUR (10')
- MINOR ELEVATION CONTOUR (2')
- SURFACE WATER
- FENCE
- UTILITY POLE
- GRAVEL ROAD
- ASPHALT ROAD
- BUILDING
- EXISTING AREAS OF ESTABLISHED VEGETATION
- EXISTING AREAS OF IRRIGATED CROPLAND

PROPOSED

- PROPOSED TOPSOIL/REVEGETATION AREA



REVISIONS			
REV	DESCRIPTION	DATE	APPROVED

WSI Weiland, Inc.
Environmental & Engineering

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BOULDER, CO 80308
ph 303-443-9521
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KIRTRIGHT PIT
REGULAR 112 PERMIT TR-1
LARIMER COUNTY, CO
COULSON EXCAVATING CO., INC.

PREPARED FOR:

EXHIBIT F
SHEET-1

SCALE: 1"=100'

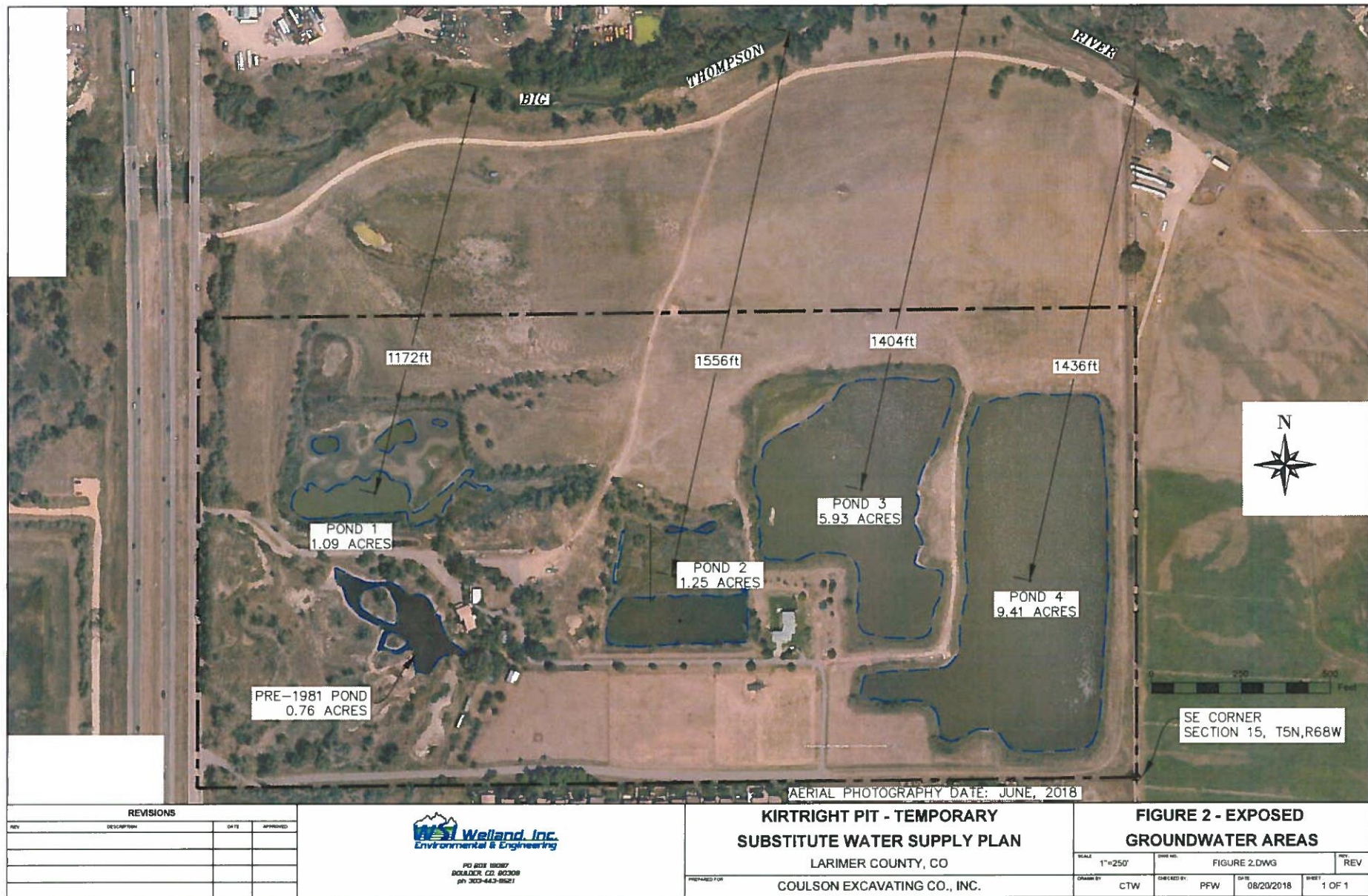
DWG NO. EXHIBIT-F.DWG

CHECKED BY: PFW

DATE: 02/27/15

SHEET 1 OF 1

Attachment 2



Attachment 3

Kirtright Pit

M1986-123
Aerial Image 06/2023

Legend

- Area Affected Outside of Permit Boundary 4.7 acres
- Permit Boundary 79.8 acres
- Pond 1 Areas 1.09 acres
- Pond 2 1.25 acres
- Pond 3 5.93 acres
- Pond 4 9.41 acres
- Pre-1981 Pond 0.76 acres

Google Earth

Image © 2023 Airbus

Lacy Ln

Cherrywood Ln



1000 ft