



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

September 5, 2023

Coulson Excavating Company, Inc.
Attn: Ken & Richard Coulson
3609 North County Road 13
Loveland, CO 80538

RE: **Notice of Citizen Complaint, CT-1, Kirtright Pit, Permit File No. M-1986-123**

Dear Ken and Richard,

The Division of Reclamation, Mining and Safety (Division/DRMS) received a complaint against the above referenced operation on September 1, 2023. A copy of the complaint letter and associated documentation has been enclosed for your records. Please respond to the items contained within the attached complaint no later than September 15, 2023. The Division is currently reviewing the complaint and the permit and will contact you if it is determined that an inspection is warranted.

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,

Patrick Lennberg
Environmental Protection Specialist

Enclosure: Complaint CT-1

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



STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

New Information for DRMS Board Meeting Sept 20-21

Linda O'Brien <lindabatesobrien@gmail.com>

Fri, Sep 1, 2023 at 12:08 PM

To: "patrick.lennberg@state.co.us" <patrick.lennberg@state.co.us>

Cc: Daniel Giroux <DanGiroux@terramax.us>, Kent Naughton <knaughton@witwerlaw.com>

Patrick, I am sure you only know me by name, but attached you will find demonstration of the lack of responsibility on Coulsons part to manage the Kirtright Pit. On numerous occasions Ken Coulson asked me to advise him when Randy Kirtright was acting in and out of the permitted area of the Kirtright Pit. However, Ken had done nothing to stop the activity over several years.

There is a threat of exposed ground water which is evident in the photos. In addition the Kirtright behavior has caused flooding on O'Brien property, and exposes neighbors in the Thompson River Ranch on the south.

Kent Naughton, Dan Giroux and I are writing a formal complaint on the other issues we have against the Coulsons and their inability to act within the DMRS rules and regulations. We are truly convinced that the Coulsons are not willing to live up to their misdeeds and negotiate with us. We have no other course but to share the truth about what has been happening. Larimer County Engineering has been advised also. They are waiting to see what DRMS is doing.

--
Linda Bates O'Brien
P. O. Box 920/ 6229 Lacy Lane
Johnstown, Colorado 80534
Cell: (970) 218-7326



Kirtright Dirt Movement Week of 8-28-23 (DRMS).pptx
7367K

Enclosure

Kirtright Pit Activity Continues without Coulson Planning and Direction

This week has accentuated the irresponsible activities of Randy Kirtright and his contractor, Bruce Helzer, who have dug recklessly in the Kirtright Pit without any planning and apparently without Coulson direction. This has been happening for years.

On Monday, 8-28-23, Linda O'Brien notified Ken Coulson that Kirtright continues to use Coulson permit to dig huge amounts of dirt in an unplanned, unapproved fashion with DRMS. Without any response, the digging continues. Larimer County Engineering has been notified for flood planning purposes.



Two new areas have been dug out. Raising concern about ground water exposure and flooding.

Work Done Week of 8-28-23



Kirtright dug this ditch on 8-28-23. It goes nowhere except is pointed to the neighbors on the south. It doesn't attach (yet) to an existing pond to the north. See Kirtright's backhoe which was used.



Northeast



As of yesterday, 8-31-23, a new ditch to the west of Monday's ditch has been formed which is huge and dog tails to the north.

North



Kirtright Dirt Movement April 22, 2023



There is another ditch that was dug by Bruce Helzer for Randy Kirtright for no other reason than to empty water from Kirtright property to O'Brien property. Coulson's employee, Lonnie, admitted to Dick Coulson that he was pushing water from the pond north of the Kirtright house to the O'Brien property. See pictures associated with this ditch on next slides.

Kirtright Dirt Movement April 22, 2023



Note how much dirt was moved. Ken Coulson promised to correct this in April, but failed to do so. Now it is full of water.

This picture shows Bruce Helzer digging, and Randy Kirtright walking back to his car after observing the work.



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Kirtright Dirt Movement April 22, 2023



8 to 10 feet deep



Shows the dirt taken on Kirtright property to dig westward.



I could not get anyone to show an interest in fixing this problem since April. I communicated with Larimer County and the Coulsons with no interest shown by either.

Kenny Coulson said he'd fill this in on April 22, but failed to do so, and when the Big Thompson flooded, it provided a passageway for floodwaters to again fill in the pond that Coulsons were trying to cover, north of the Kirtright house.

This picture was taken 8-30-23. The ditch is still full of water.

More Kirtright Dirt Movement April 22, 2023



Shows how the ditch was dug westward to the existing pond north of the Kirtright house..



This picture was taken within a few days of when the ditch was dug, showing the water filled in quickly.



Shows the O'Brien property marker looking southeast. This proves that Bruce Helzer cut into O'Brien property before he finished his deed. Kirtright property is on the right and O'Brien property is on the left.