



STATE OF
COLORADO

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

Kirtright CT-1 Response Letter

Peter Wayland <pwayland@weilandinc.com>
To: Patrick Lennberg <patrick.lennberg@state.co.us>

Fri, Sep 15, 2023 at 2:49 PM

Patrick,

Please find attached response letter for Kirtright.

Thanks

Peter Wayland

Weiland, Inc.

PO Box 18087

Boulder, CO 80308

M 303.518-2182



Kirtright CT-1 Letter Response.pdf
995K



9/14/2023

Patrick Lennberg
Environmental Protection Specialist
Colorado Division of Reclamation Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Response to Citizen Complaint, CT-1, Kirtright Pit M-1986-123

Patrick,

On behalf of Coulson Excavating Co., Inc. (CEC), I have prepared the following responses to the complaint email and enclosures from Linda O'Brien. I will preface the responses by saying CEC has had a good working relationship with the Kirtright family for many years. Things did shift when the matriarch of the family, Darlene Kirtright passed away this past year. It is my understanding that Randy Kirtright and Linda O'Brien (Randy's Sister) are involved in disputes over family matters.

My responses to Linda's complaints below are based on managing permits for the Kirtright pit for the last 20 years as well as extensive conversations with Ken Coulson.

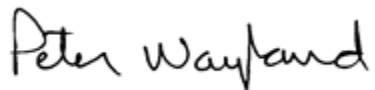
1. Complaint regarding the threat of exposed groundwater.

CEC has made an application to water court for the permanent augmentation of exposed groundwater at the Kirtright Pit (Case # 19CW3157). At the advise of their water attorney, CEC began backfilling a shallow pond in the northwest of the permit area with an aerial extent of approximately 3.75 acres (see Figure 1) for the purpose of reducing the area of exposed groundwater. This activity is consistent with the MLRB rules and regulations regarding restoring hydrologic balance. CEC had ceased working on the site in June due to the Big Thompson River flooding in the area. There is approximately 0.69 acres of pond left to backfill and their plan is to continue backfilling pending the approval of DRMS. The borrow area for material used to backfill the pond area is shown in Figure 1. Previously, that borrow area had approximately 3 acres of exposed groundwater (Pre 1980). Currently, there is less than 1 acre of groundwater exposed in that area. The earthwork activity in late August, I believe was Randy Kirtright is likely restoring the Pre-1980 ponds in that area.

2. Complaint regarding flooding of the O'Brien Property.

It is known that a flooding event did occur on the Big Thompson River with the following flows observed at the Loveland stream gage 6/16/2023 1210 c.f.s. , 6/17/2023 1600 c.f.s. , 6/18/2023 1350 c.f.s. 6/19/2023 1130 c.f.s. 6//20 1060 c.f.s. and 6/21 975 c.f.s. This event did flood part of the Kirtright property and the backfilling area as well as the borrow area. The aerial photo from 8/4/2023 still shows ponding of floodwaters in the eastern ponds.

This area has taken an unusually long period to drain or evaporate is due to the very wet preceding month of July 2023 and the fact there is not an overflow drain for those ponds. Historically, the ponds to the west (backfill area) and the ponds to the east including ponds on Linda O'Brien's property have always been hydraulically connected with culverts running under a road between the ponds (See Figure 2). To demonstrate this, refer to Figure 2, which shows similar flooding as seen in the 2023 aerial occurring in June of 2014. That road was temporarily breached to allow more rapid dewatering of the backfill areas. Once the area is completely backfilled, there will be no water from the west flowing onto Linda O'Brien's property and the northern most pond area on her land is expected to completely dry up. In general, the backfilled pond area would not be expected to create a rise to floodwaters since ponds are typically modeled as ineffective flow areas. It should be noted that CEC will be required to submit a LOMR to FEMA following final grading of the adjoining Stroh Pit as well as Kirtright Pit via Larimer County and will update floodplain maps at that time.



Peter Wayland
President

Encl. Figure 1, Figure 2



AERIAL PHOTOGRAPHY DATE: AUGUST 4, 2023

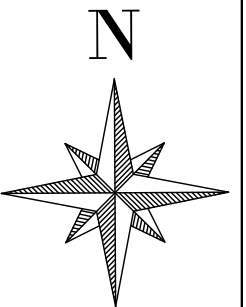
REVISIONS			
REV	DESCRIPTION	DATE	APPROVED


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KIRTRIGHT PIT M-1986-123 LARIMER COUNTY, CO	
PREPARED FOR:	COULSON EXCAVATING CO., INC.

FIGURE 1			
AERIAL PHOTO 8-4-2023			
SCALE 1"=250'	DWG NO. FIGURE 1.DWG	REV. REV	
DRAWN BY: CTW	CHECKED BY: PFW	DATE: 9/14/2023	SHEET 1 OF 1



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KIRTRIGHT PIT
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FIGURE 2
AERIAL PHOTO JUNE 2014

SCALE 1"=250'	DWG NO. FIGURE 2.DWG	REV. REV
DRAWN BY: CTW	CHECKED BY: PFW	DATE: 9/14/2023
		SHEET 1 OF 1