



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

September 18, 2023

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

**RE: Notice of Follow-Up 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 follow-up complaint against the above referenced operation on September 15, 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 October 2, 2023. Specifically, address how the activities cited in the complaint are being conducted in a manner that is compliant with the approved Mining and Reclamation Plans for the site. The Division is currently reviewing the follow-up complaint and the permit file 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](mailto:patrick.lennberg@state.co.us).

Sincerely,

Patrick Lennberg  
Environmental Protection Specialist

Enclosure: Follow-Up Complaint CT-1

cc: Jared Ebert; DRMS

ec: Richard Coulson, Coulson Excavating Company, Inc., [caitlyn@coulsonex.com](mailto:caitlyn@coulsonex.com)



Ken Coulson, Coulson Excavation Company, Inc., [ken@coulsonex.com](mailto:ken@coulsonex.com)  
Peter Wayland, Weiland, Inc., [pwayland@weilandinc.com](mailto:pwayland@weilandinc.com)

**Enclosure**



STATE OF  
COLORADO

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

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## Extensive Mining Continues Without DRMS Reclamation Plan

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Linda O'Brien <lindabatesobrien@gmail.com>

Fri, Sep 15, 2023 at 9:14 AM

To: patrick.lennberg@state.co.us

Cc: Caryn Nezat <nezatca@co.larimer.co.us>, Daniel Giroux <DanGiroux@terramax.us>, Kent Naughton <knaughton@witwerlaw.com>

Please find attached pictures of the most recent digging in the Kirtright Pit. I thought you should know this before Wednesday's board meeting.

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



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**Kirtright Dig 8-28-2023 to 9-13-2023.pptx**  
4527K

# Kirtright Pit Activity Continues without DRMS or LarCo Engineering Planning and Approvals

This short slide deck shows the extensive land movement in the Kirtright Pit from August 28, 2023 to September 13, 2023 without a current reclamation plan or flood plain approval. The last approved reclamation plan was in 2015, and looks nothing like what has been happening in recent years.

Early September DRMS received first notice of this behavior, and there have been 2.5 weeks of continued excessive digging by Kirtright and his contractor. Without any consequences to abuse of rules and regulations, the behavior continues. Larimer County Engineering has been notified for flood planning purposes.



This shows the location of the dig in the SW corner of the Kirtright property . What was a series of canals has now become an island with water surrounding it.



# May 2023 Pictures of Same Area



After 2.5 Weeks of Digging



Note the newly –formed mounds of dirt.





# More Images of Dig



Across the driveway to the south is the Thompson-River Ranch neighborhood, just feet from this ditch.



Note how wide and deep the dig is.

The digging now connects the preexisting pond directly in front of Kirtright household to the rest of the area.





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Lennberg - DNR, Patrick &lt;patrick.lennberg@state.co.us&gt;

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**Extensive Mining Continues Without DRMS Reclamation Plan**

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**Caryn Nezat** <nezatca@co.larimer.co.us>

Fri, Sep 15, 2023 at 9:55 AM

To: Linda O'Brien &lt;lindabatesobrien@gmail.com&gt;, Traci Shambo &lt;shambotl@co.larimer.co.us&gt;

Cc: patrick.lennberg@state.co.us, Daniel Giroux &lt;DanGiroux@terramax.us&gt;, Kent Naughton &lt;knaughton@witwerlaw.com&gt;

Hi Linda,

Thank you for sending this as well. I am unfortunately not able to be at the hearing on Wednesday in person. I have shared the information with our Code Compliance Manager and the County Engineer. I believe we will have some ears at the meeting at the least.

We are getting more information and are trying to detangle who is going to take responsibility for what. I do not have much more information yet but will let you know when I do. I appreciate you continuing to keep us informed.

Sincerely,  
Caryn

[Quoted text hidden]

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**Caryn Nezat, MS, EI, CFM :)**

Civil Engineer II

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Engineering Department  
200 W Oak St, Fort Collins, 80521 | 3rd Floor  
W: (970) 498-5734 |  
[nezatca@larimer.org](mailto:nezatca@larimer.org) | [www.larimer.org](http://www.larimer.org)