

October 5, 2023

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

Re: Division Comment, Follow-Up Complaint (CT-1) Response; Kirtright Pit, Permit No. M-1986-123

Dear Ken and Richard,

On October 4, 2023, the Division of Reclamation, Mining and Safety (Division/DRMS) received your response to the follow-up complaint (CT-1), dated September 18, 2023, for the Kirtright Pit, M1986-123. After review of the submission the Division has the following comment.

On September 20, 2023 during the Mined Land Reclamation Board (Board) hearing the Board found Coulson Excavating Company, Inc. (CEC) in violation of C.R.S. § 34-32.5-109(1) for failure to obtain a reclamation permit prior to engaging in a new operation for affecting 4.7 acres outside the approved permit boundary. During the hearing, the Board issued a Cease and Desist Order prohibiting any further mining activities, except those activities approved by the Division, in writing, as necessary to comply with the conditions of the Order, prevent damage to off-site areas, or to protect public health and safety, until corrective actions have been resolved to the satisfaction of the Division.

The description of the earthwork activities being performed at the site by the landowner are considered by the Division to be mining activities. It is the obligation of CEC to coordinate with the landowner conducting the earthwork to be in compliance with the Board's Cease and Desist Order. Pursuant to C.R.S. § 34-32.5-118(1)(a) the financial warranty shall be subject to forfeiture if the Operator violates a Cease and Desist Order.

All activities at the site need to stop immediately. CEC can submit in writing a description of activities they would like to undertake during the Cease and Desist Order for the Division's approval prior to engaging in those activities. However, the Division is not likely to approve any additional earthwork until the reclamation plan has been revised in accordance with the Board's ordered corrective action. The Division will consider any activity proposed that will prevent damage to off-site areas or to protect public health and safety.



If you have any questions or need further information, please contact me 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". The signature is fluid and cursive, with the first name "Patrick" and the last name "Lennberg" clearly distinguishable.

Patrick Lennberg
Environmental Protection Specialist

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
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