



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

March 7, 2024

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

**Re: Incompleteness Notice, 112c Construction Materials Amendment Application No. 1 (AM-1),
Kirtright Pit, Permit No. M-1986-123**

Mr. Coulson:

On February 27, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) received the 112 Construction Materials Amendment Application for the Kirtright Pit, File No. M-1986-123. Preliminary review of the application determined the following items must be received before the Division can consider the application as being submitted/filed and the technical review can begin. Please respond to this Incompleteness Notice with the requested additional/updated information on permit application replacement pages and summarize each response in a cover letter titled "Incompleteness Response; M-1986-123".

APPLICATION FORM:

1. Primary commodities to be mined: On the first page Section 5.1, Incidental commoditie(s) to be mined, was left blank. Please indicate type and quantity of material that will be incidentally mined at the site or if none are expected please clearly indicate with "NA". Please submit a replacement page one of the application form.
2. Location Information. On page two, item 9, the general description was left blank, please provide the number of miles and direction from the nearest town and the approximate elevation. Please submit a replacement page two of the application form.
3. Location Information. On page two, item 10, the primary mine entrance location coordinates are incorrect. Please update with the correct coordinates and submit a replacement page two of the application form.
4. Responsibilities as a Permittee. On page five, item 1, the Division acknowledges the Permittee's comment on page 7. However, please initial item 1 that you understand your obligation under this item. Please submit a replacement page five of the application form.



5. Responsibilities as a Permittee. On page six, item 10, is initialed the question does not require initials. Please indicate "N/A" for the question. Please submit a replacement page six of the application form.

EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3):

6. The Applicant did not provided any maps for this exhibit but provided a statement that there was "No Change". At the very least the topography of the site has been altered and a subdivision is now located to the south of the southern permit boundary since the last maps were submitted. Please provide an Exhibit C pursuant to Rule 6.4.3 to legibly portray the following information:
- (a) all adjoining surface owners of record;
 - (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
 - (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
 - (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
 - (e) the type of present vegetation covering the affected lands; and
 - (f) in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
 - (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
 - (h) In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section.
 - (i) Aerial photos, if available, may be included in this section.

EXHIBITS H, I and J (6.4.8 - 6.4.10):

7. Pursuant to Rule 1.10.1(1) The Applicant will not be required to submit any information which duplicates applicable previous submittals. However, the Applicant shall clearly describe where in the original application and supporting documents the information not included in the amendment application, but necessary to render the amendment technically adequate, may be found. Please describe where in the permit file the information may be found.

EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Conservation District (Rule 6.4.17):

8. Pursuant to Rule 1.6.2(1)(ii) Proof of notice shall be in the form of a return receipt of a Certified mailing or a date-stamped copy of the notice acknowledging receipt by the appropriate local Board. Please provide a date-stamped copy of the notice acknowledging receipt from the Larimer County Board of County Commissioners and Larimer Conservation District.

EXHIBIT R – Proof of Filing with County Clerk and Recorder (Rule 6.4.18):

9. Pursuant to Rule 1.6.2(1)(c), please demonstrate that the Applicant has placed a copy of the application materials with the County Clerks or Records Offices. Also, please demonstrate that the Applicant's response to these incompleteness issues have been placed with the application materials previously placed with the County Clerks or Records Offices, and made available for public review.

EXHIBIT S – Permanent Man-made Structures (Rule 6.4.19):

10. The Applicant states there are no permanent man-made structures within 200 feet (ft) of any excavations or backfill activities. The Division notes, at a minimum, there are fences that border the private properties that are within 200 ft of where flood deposits are proposed to be removed and there are two houses that appear to be within 200 ft of pond backfilling and revegetation activities.

Pursuant to Rule 6.4.19, where the affect lands are within 200 feet of any significant, valuable and permanent man-made structures, the Applicant shall:

- a. Provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure*; or
- b. Where such an agreement cannot be reached, the applicant shall provide an engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c. Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

* Structure agreements shall be sent by a trackable method, i.e. certified mail. In addition, the individual structure agreements shall be labeled with the certified mail number or other tracking number.

Your Amendment Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of

receipt and acceptance of all of the requested information. Additionally, if you have already published notice you will need to republish notice, but only after the Division considers the application complete and filed. The Division will notify you when you should initiate publication of your notice. This notice must be published once a week for four (4) consecutive weeks, starting ten (10) days of the date your application is considered filed. The final date for receiving comments is the twentieth (20th) day after the fourth publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have sixty (60) days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. Should additional time be required to submit all the necessary documents an extension request can be submitted in writing for consideration by the Division.

The response to this Incompleteness Notice is due on or before May 6, 2024.

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

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

cc: Jared Ebert, DRMS

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