



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

April 26, 2024

Kevin Peart
Holcim – WCR, Inc.
1687 Cole Blvd., Suite 300
Golden, CO 80401

RE: Adequacy Review, Technical Revision 7
Cooley Reservoir & Fulton Wildlife Area, File No. M-1999-034

Dear Mr. Peart:

The Division of Reclamation, Mining and Safety (Division) completed our review of the information submitted in Technical Revision 7 (TR-7), filed on April 3, 2024, and determined that the following issues of concern shall be adequately addressed before TR-7 can be considered for approval.

According to Division records, in 2015, above normal precipitation in the spring and summer months resulted in portions of the South Platte River experiencing prolonged flooding. The high flows caused several bank and slope failures at the Cooley Reservoir/Fulton Wildlife Area mine site. The Division conducted inspections in the summer of 2015 and cited the following Problem and required Corrective Action in the July 2 and 9, 2015 inspection reports:

PROBLEM: A breach between the River and phase 2 has occurred. The breach has headcut back towards the River, eroding the land between the River and phase 2. Erosion is occurring in areas where the flow is overtopping the earthen embankments between phases 2, 3, and 4. Erosion is also occurring in areas where diverted flow is overtopping the earthen embankments between reservoir complex and the River. On July 7, 2015, During the follow-up inspection, the Division observed a breach between the River and Phase 3. This is a problem for failure to protect the affected land from erosion pursuant to Rule 3.1.5(3) and C.R.S. § 34-32.5-116(4)(j).

CORRECTIVE ACTIONS: The Operator shall repair all damaged slopes and earthen embankments to prevent future erosion. The Operator shall replace the damaged sections of the slurry wall. The Operator shall provide a flood control mitigation plan. The flood control mitigation plan shall include, armored inlet and outlet spillway structures for the entire reservoir complex. The flood control structures must be designed to prevent future erosion damage. The flood control mitigation plan shall be submitted in an approvable form, as a Technical Revision.

The Operator submitted a temporary stabilization plan for the breach between the South Platte River and Reservoir Phase 2, which was approved on April 21, 2026, under Technical Revision 5. However, the Operator has not submitted the required permanent flood control mitigation plan for the entire reservoir complex in response to the outstanding 2015 corrective action for the problem cited.



Although it is not clear in TR-7 as submitted, based on conversations with Wyatt Webster, representing the Operator, the purpose of TR-7 is to update the reclamation plan to show the flood control mitigation structures that were completed in 2021. However, the map submitted in TR-7 does not adequately meet the Division requirements for a revised reclamation plan map. Additionally, the Operator did not submit the outstanding flood control mitigation plan and associated as-built drawings for the installed flood mitigation components required to resolve the corrective action for the problem cited in 2015.

Therefore, please submit the following information to the Division along with a cover letter that includes a description of the revision and clearly identifies each component within the submittal.

1. Please submit a revised reclamation plan map that meets all the requirements of Rules 6.2.1(2) and 6.4.6 and depicts the final reclamation plan for the site, i.e., the final grading, seeding, fertilizing, revegetation (including trees/shrubs), and topsoiling for each phase. Additionally, the map should show the shoreline stabilization features around the reservoirs (rip rap), inlet/outlet structures for flood control, and any permanent operating features (pumps/control valves) inside the permit boundary that have been installed by the City and will remain after release of the permit.
2. Please submit the required Flood Control Mitigation Plan. Per Rule 6.4.5, the Division requires that the applicant provide, in Exhibit E or Exhibit G, a basis for the bank stabilization design along with the flood repair as-built drawings. This basis should include references to standards, guidelines, and/or other technical publications, such as those issued by the Mile High Flood District or Adams County. Also, include a discussion of the basis for the sizing of riprap for the bank repairs and a discussion of the design of the overflow channels. The discussion of the overflow channels need include how they were sized (what amount of flow was used) and how the riprap sizes in these channels was selected.

This completes the Division's preliminary adequacy review. The decision date set for TR-7 is currently set for **May 3, 2024**. If additional time is needed to address the adequacy items, an extension request must be received by our office prior to the decision date.

If you have questions or concerns, please feel free to contact me by telephone at 303-866-3567, ext. 8126, or by email at nikie.gagnon@state.co.us.

Sincerely,



Nikie Gagnon
Environmental Protection Specialist

Cc: Wyatt Webster, Holcim – WCR, Inc.
Jared Ebert, Senior EPS, DRMS