



STATE OF
COLORADO

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

5-6-2024 Neighborhood letter to DRMS

Linda O'Brien <lindabatesobrien@gmail.com>

Mon, May 6, 2024 at 7:42 AM

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

Cc: Daniel Giroux <DanGiroux@terramax.us>, Kent Naughton <knaughton@witwerlaw.com>

Good morning, Patrick. I hope this email will support you in what you are trying to accomplish.

I was told a few weeks ago by Larimer County employees that agencies would be more inclined to take action if I had more support from the neighbors of the Stroh and Kirtright Pits. Over just a few days, I have gotten numerous signatures to endorse the attached letter. What is more impressive was the strong response from the people I was able to contact and even those I was unable to get back to before today. As I didn't have the final version of this letter until May 2nd, I only had a few days to catch people along Lacy Lane. Rest assured, there are more individuals from Thompson River Ranch that are learning of the status of the Kirtright and Stroh Pits and have concerns about how slowly government agencies are responding to continuing abuses of the rules and regulations.

I will be sending the same letter to Caryn Nezat at Larimer County Engineering with additional comments.

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Neighborhood Letter 5-6-2024 to DRMS and LCE.pdf

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May 6, 2024

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Caryn Nezat, MS, EI, CFM
Civil Engineer II

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This letter by the neighbors of the Kirtright and Stroh Pits is being delivered via email only in order to provide you feedback in a timely manner before the Coulson revised reclamation plan is due on Monday, May 6, 2024. The contents of this letter in no way encompasses all the comments and concerns we have about the actions of Coulson Excavating and Randy Kirtright with regard to the Kirtright and Stroh properties.

Reviewing available DRMS, County and DWR records regarding the Kirtright and Stroh pits, it would appear that Coulson and Kirtright both have a history of taking unauthorized actions and of failure to comply with regulatory requirements, directives, and orders, yet for decades they have suffered virtually no serious consequences. We are hopeful that the DRMS board will take severe and decisive actions against Coulson Excavating after May 6.

As for Larimer County Engineering, we understand that communication has been mostly one-way with Linda O'Brien showing the excessive movement of large tracks of dirt, numerous times, by Coulsons and/or Randy Kirtright within the flood plain without Larimer County approval or oversight. We also understand that, while Tina Kurtz has tried to communicate with Randy Kirtright, he has successfully ignored calls and emails for two years—yet we are unaware of any corrective action taken by the County.

Apparently, Caryn Nezat handed her business card to Randy Kirtright on April 1, 2023, at the Kirtright Pit and said he had to get permission from LCE to dig. Nonetheless, he proceeded to dig anyway, without permission, two holes east of

the O'Brien residence at Lacy Lane on April 19, 2023. No apparent action had been taken by LCE at the time. Instead, the County appears to rely solely on DRMS for direct supervising while LCE has flood plain expertise and responsibility. Evidently, Coulsons were told by DRMS that the holes had to be covered, and they were, that day.

One area of particular concern has to do with piles of topsoil that Coulson was ordered in February of 2022 to move no later than June 20, 2022. Specifically, in December, 2021, Coulson removed an illegal berm that Kirtright had constructed in 2020 and 2021 on the north side of his east pond. This berm was partially outside of the Kirtright Pit, showing a consistent behavior by Coulson to work outside the permitted Kirtright Pit boundaries. In two 2022 DRMS investigation reports, Coulson was notified that their piling of over 25 dump truck loads (from the berm) of apparent topsoil was inconsistent with the reclamation plan and thus needed to be either removed or spread out, incorporated into the soil, and revegetated consistent with the reclamation plan. Yet in May of 2023, another 5-6 dump trucks of dirt from the SW corner of the Kirtright Pit were taken to the same piles. We have pictures taken for verification. Today, that dirt still sits across Lacy Lane from Thompson River Ranch. It would appear that Kirtright intends to use this topsoil in connection with his plans to build a house for which he has no permit. Yet, no serious steps have been taken by either DRMS or Larimer County Engineering to force compliance with these DRMS and County permit rules and regulations. And therefore, as usual, Coulsons and Kirtright appear to simply ignore the rules and regulations without suffering any serious consequences.

We, as neighbors of the Kirtright Pit, demand to know why the original DRMS inspection ordered that the dirt be moved and why it has not yet been done. We are told that there are plans for Kirtright to build a home there as early as July, 2024. This would be an outright abuse of the original orders. Both DRMS and LCE should have an interest in taking meaningful and effective action. We look forward to your replies.

[signatures on following page]

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