



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

May 10, 2024

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

**Re: Incompleteness Notice No. 2, 112c Construction Materials
Amendment Application No. 1 (AM-1), Kirtright Pit, Permit No. M-1986-123**

Mr. Coulson:

On May 6, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) received your responses to the Division's Incompleteness Notice No. 1, dated March 7, 2024, for Amendment Application No.1 (AM-1) for the Kirtright Pit, File No. M-1986-123. 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 Incompleteness Notice No. 2 with the requested additional/updated information and summarize each response in a cover letter titled "Incompleteness Response No. 2; M-1986-123".

AMENDMENT APPLICATION:

1. In the Mined Land Reclamation Board (Board) Order, signed on November 27, 2023, for MV-2023-012. The first Board Ordered Corrective Action states *The Operator shall, within 90 days of the effective date of this Order, submit an amendment application to encompass all of the affected land at the site and update only the reclamation plan for the site-any update to the mining plan to allow for processing at the site will not be considered-and obtain approval of the required revision within statutory deadlines.* A review of Exhibit C-2 Mining Plan Map and Exhibit D - Mining Plan the Applicant is proposing changes to the Mining Plan to allow for processing at the site. AM-1 is a Board Ordered corrective action to expand the permit boundary to include the 4.7 acres found to be affected, by the Applicant, beyond the permit boundary and update the Reclamation Plan to account for those disturbances and address the Applicant's desire to backfill various ponds at the site that were to remain according to the currently approved Reclamation Plan. If the Applicant wants to update the Mining Plan to account for processing and stockpiling of mined material from the Stroh Pit (M2002-078) a separate amendment application will have to be submitted after approval of AM-1.

A response is required.



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

2. Exhibit C-2 - Mining Plan Map needs to be withdrawn from the AM-1, see item #1 above. Please provided a statement acknowledging withdrawal of Exhibit C-2 - Mining Plan Map.
3. Exhibit C-1 – Pre-Mining Plan Map needs to updated with a perimeter line, or similar feature, to clearly depict what is within two hundred (200) feet of the affected land boundary.
4. The title block of Maps C-1 and F (Reclamation Plan Map) incorrectly identify the county where the Kirtright Pit is located, please update.

EXHIBIT D – Mining Plan (6.4.4):

5. Exhibit D needs to be updated to clearly state no mining, processing or stockpiling is proposed in this amendment. Mining is complete and only reclamation activities will occur at the site.

ADDENDUM 1 – Notice Requirement (Rule 1.6.2(1)(b)):

6. Pursuant to Rule 1.6.2(1)(b) the Office (Division) may require additional notice signs be posted at the site. The Division requires two additional notice signs be placed along Lacy Lane facing south towards the Thompson River Ranch subdivision and another sign along the Frontage Road. Please provide an affidavit indicating the date on which the additional notices were posted at the mine site, as required by the Office, of sufficient size of a minimum size of sixteen (16) inches high by twelve (12) inches wide, with font sufficient to be readable at a reasonable distance, and number to clearly identify the site as the location of a proposed mining operation giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Please include photo documentation of all signs placed and a map indicating the locations of all signs. The map does not need to meet the general requirement of Rule 6.2.1.

Other:

7. Pursuant to Rule 1.6.2(1)(c), 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.

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.

Please respond to these incompleteness items no later than thirty (30) days from the date on this letter. If, at the end of the 30 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 Incompleteness Notice No. 2 is due on or before June 9, 2024.

This letter shall not be interpreted to mean that there are no other incompleteness 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