



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

June 17, 2024

Baxter Kirkland
Midwestern Farms
P.O. Box 202
Rye, CO 81069

Re: Midwestern Farms - File No. M-1993-059
Midwestern Farms
Surety Release Request (SL-1)
Full/Final Release

Dear Baxter Kirkland:

On June 17, 2024 the Division of Reclamation, Mining and Safety considered your request for a financial warranty release. The Division found that reclamation had not been accomplished at this site and denied this request.

The success of revegetation across the site varied, with some areas showing diverse and successful regrowth while others had few grass species and bare ground. Based on the Division's observations, it seems that a long-lasting vegetative cover capable of self-regeneration has not been established. It may be necessary to reseed the site and closely monitor it over the next few years to ensure that reclamation is progressing towards establishing self-sustaining vegetation. As a result, Midwestern Farms does not meet the Division's revegetation standards outlined in Rule 3.1.10 and is not ready to be released.

The presence of established Tamarisk throughout the site and the absence of native vegetation around these areas is a cause for concern. Young Tamarisk trees were discovered near older ones, indicating that they are spreading and could become a more significant issue if not addressed promptly. Therefore, the Division will not approve the release of the site due to the presence of Tamarisk and the potential for it to spread.

Please review the May 1, 2024 inspection report for the specific reasons for the financial warranty release denial.

In addition, if you have past due annual fees or unpaid civil penalties, your surety cannot be reduced or released.

In accordance with Rule 1.4.11, any person who can demonstrate that they are directly and adversely affected or aggrieved by an action of the Office, may petition for a hearing before the Board on such action within thirty (30) days of the date of the Office decision, if the decision was a denial, without a hearing. Such petitions for a hearing shall state how the petitioner is directly and adversely affected or aggrieved by the Office's decision, and how the petitioner's interests are entitled to protection under the Act. The petitioner shall list and explain any issue the petitioner believes should be considered by



the Board at the hearing on the matter. The petition for a hearing shall specify the application or file number assigned by the Office.

If you have any questions, please contact me by telephone at (720) 812-2002, or by email at Joel.renfro@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel Renfro", is positioned below the "Sincerely," text.

Joel Renfro
Environmental Protection Specialist