

July 3, 2024

Patrick Lennberg, Environmental Protection Specialist  
Division of Reclamation, Mining, and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

Re: Comments on Coulson Excavating Company, Inc. – Amendment application for Kirtright Pit, Larimer County, Permit #M1986-123

Dear Mr. Lennberg:

We are residents of the Thompson River Ranch and Thompson Crossing community. We are sending this letter in response to the call for comments regarding the Kirtright Pit amendment (Notice dated June 14, 2024, from Patrick Lennberg) filed by Coulson Excavating Company, Inc. (Coulson). Some of us live adjacent to the Kirtright Pit properties owned by Randy Kirtright and by Linda O'Brien; some of us live adjacent to the Stroh Pit property owned by the Coulson family, and some of us are adjacent to both, but all of us – well over 1,000 households – lie within a mile of these properties proposed to be used for an industrial mine. Although this amendment addresses the Kirtright Pit, Coulson has tied the fate of the Kirtright and Stroh Pits together and therefore we all have the potential to be impacted by this project.

Larimer County approved the Stroh Pit Use by Special Review permit over the objections of the residents in the surrounding neighborhoods. But it has since come to our attention that the Stroh Pit USR application was based on false, or at least misleading, information regarding Coulson's right to use the Kirtright Pit property for the processing and storage of Stroh materials. It is our understanding that Linda O'Brien has not given Coulson permission to use her land for this purpose nor to allow access to, or across her property for a conveyor belt or for the 200 one-way haul truck trips per day – an average of one truck every 3 minutes. Even now, after this has come to light, Coulson continues to get a pass to move forward with complete disregard for the property owner's rights. And suddenly, in order to use Kirtright Pit for the Stroh Pit operation despite the property owner's objections, Coulson now claims they need Stroh Pit soil to reclaim Kirtright Pit (despite access to other nearby gravel operations they own to the east and west) and it just so happens it will take them seven more years to finish the Kirtright reclamation – the same time frame given to mine and reclaim the Stroh Pit.

Perhaps even more disturbing than the consistently outdated and inaccurate paperwork (permit applications and annual reports) as well as the inconsistency between the plans submitted to the DRMS and Larimer County, are the number of code violations (including operating outside Kirtright Pit permit boundaries), delay tactics, and outright negligence on the part of Coulson Excavating.

Of particular concern is the damage done to the O'Brien property and the unwillingness of Coulson to correct the damage and finish reclamation. The DRMS sends Coulson letters with corrective actions to be taken which Coulson, time after time, fails to fully complete, or ignores, with little or no consequences, resulting in DRMS eventually giving in to Coulson's wants. (For example, Coulson violates the original Kirtright Pit permit boundary and simply asks for an amendment after the fact to extend the boundary of the permit.) Failure to reclaim the Kirtright Pit properties 16 years after mining was completed and the inability of the DRMS to hold Coulson accountable are certainly reasons for us to question how well Coulson will follow the conditions listed in the County's USR permit for Stroh Pit. And since there is no *guaranteed*

time frame to finish mining, how long will we wait for reclamation? Will it be 7 years or, like Kirtright, another 15 to 20 years?

There is also considerable confusion regarding the water augmentation plan for the Kirtright Pit which is evident in many of the inspection reports by various agencies. That leads us to question the reliability of claims of water rights for the Stroh Pit reclamation.

If the Kirtright Pit is an example, the Coulsons have not successfully demonstrated that they can operate within the standards and conditions set by DRMS and the County, or within the timeframe they claim. With this new amendment, the Kirtright Pit will not be reclaimed until 23 years after mining was completed there. (Proposed completion date is now May 2031.) The DRMS calls this a reclamation permit, but what Coulson is proposing is anything but reclamation.

Our objection to this Kirtright Pit amendment is that it is just another in a long line of excuses and passes given to Coulson to continue to extend operations for their benefit. A company that has been doing this type of work for several generations should know the regulations and the requirements of completing such an undertaking before they start work on a large-scale, landscape-altering endeavor like a gravel pit. Instead, it appears that it has taught them how to play DRMS and Larimer County and take advantage of the lack of government oversight. DRMS cannot pass this off as only the problem of local government. Both the DRMS and Larimer County have a role to play in holding Coulson accountable and the DRMS can start by ensuring that Kirtright Pit is reclaimed as was initially required by their permit. It is hoped that more stringent oversight will then continue with Coulson's future projects.

Sincerely,

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