



STATE OF
COLORADO

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

Objection Letters Recieved Through July 19, AM-1, Kirtright Pit, M1986-123

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

Mon, Jul 22, 2024 at 8:01 AM

Draft To: Peter Wayland <pwayland@weilandinc.com>, "Ken Coulson (ken@coulsonex.com)" <ken@coulsonex.com>, caitlyn@coulsonex.com

Good Morning,

Attached to this email are the Objection Letters the Division has received through July 19, 2024. There are 10 letters of objection.

Please be prepared to address the topics raised in the letters.

Thank you,
Patrick

--

Patrick Lennberg
Environmental Protection Specialist



P 720.665.0836 | F 303.832.8106

Physical Address: [1313 Sherman Street, Room 215, Denver, CO 80203](#)

Address for FedEx, UPS, or hand delivery:

1001 E 62nd Ave, Denver, CO 80216

Patrick.Lennberg@state.co.us | <https://drms.colorado.gov>



Obj_thru_07192024.pdf
4180K

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.

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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?

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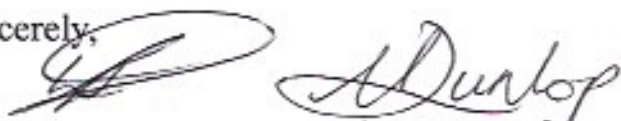
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Our objection to this Kirtright Pit amendment is that it is just another in a long line of excuses and passes given to Coulson to continue to extend operations for their benefit. A company that has been doing this type of work for several generations 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,



NAME Robert & Vicky Dunlop

ADDRESS 4408 Thompson Pkwy

Johnstown, CO 80534

Cell: (314) 800 8848

STATE OF
COLORADO

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

Comments on Coulson Excavating Company - Permit #M1986-123

2 messages

Cathy Sabatka <csabatka@msn.com>

Sat, Jul 13, 2024 at 5:52 PM

To: "Patrick.Lennberg@state.co.us" <Patrick.Lennberg@state.co.us>

Cc: "JShadduckMcNally@larimer.org" <JShadduckMcNally@larimer.org>

Patrick Lennberg, Environmental Protection Specialist

Division of Reclamation, Mining, and Safety

[1313 Sherman Street, Room 215](#)[Denver, Colorado 80203](#)

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Sincerely,

Cathy E. Sabatka

Cathy and Darrell Sabatka

3660 Crestwood Lane

Johnstown, CO 80534

303-877-5738

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

Sat, Jul 13, 2024 at 5:52 PM

Hello

I will be away from the office until Monday July 15th. I will respond to emails as soon as I am able. If you need immediate assistance, please contact the Division at 303-866-3567, or email my supervisor at jared.ebert@state.co.us.

Thank you.

--

Patrick Lennberg

Environmental Protection Specialist

P 303.866.3567 x8114 | F 303.832.8106

Physical Address: 1313 Sherman Street, Room 215, Denver, CO 80203

<<https://www.google.com/maps/place/1313+Sherman+St,+Denver,+CO+80203/@39.7371051,-104.9876694,17z/data=!3m1!4b1!4m5!3m4!1s0x876c7ed5606fc05b:0x692da06e16039258!8m2!3d39.7371051!4d-104.9854807>>

*Address for FedEx, UPS, or hand delivery: *

1001 E 62nd Ave, Denver, CO 80216

Patrick.Lennberg@state.co.us | <https://drms.colorado.gov>

RECEIVED

JUL 12 2024

**Colorado Division of Reclamation,
Mining and Safety**

July 7, 2024

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

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Sincerely,

 7/2/24

Karl Muriby
4414 Thompson Pkwy
Johnstown CO 80534

RECEIVED

JUL 12 2024

Colorado Division of Reclamation,
Mining and Safety

July 7, 2024

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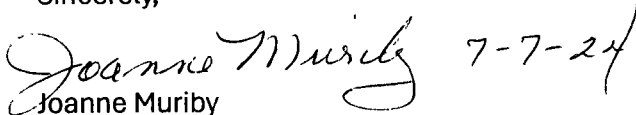
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Sincerely,

 7-7-24

Joanne Muriby
4414 Thompson Pkwy
Johnstown CO 80534

Permitting Action Comment OR Objection



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

CONTACT INFORMATION

You are providing a comment or objection to the public record of a permitting action currently under review by the Division of Reclamation, Mining and Safety. This form is not intended for reporting of possible violations or illegal activity.

Please note that this form is processed through an automated workflow, and forms with incomplete or erroneous permit, permitting action, or county information may be rejected by the automated process.

Comments/objections should pertain to the Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials or Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal or Designated Mining Operations. Objections and Comments must pertain to issues within the Division's jurisdiction (not pertaining to dust, traffic, noise, hours of operation, affect on property values, local land use decisions, etc.).

Please refer to the Division's [Mining Activity Dashboards](#) to assist you in providing the information required on this form.

Date of Comment or Objection

07/15/2024

***** *Indicates a Required Field*

**This form is for comments or objections on permitting actions.
This form is not intended for requests to investigate compliance
issues with DRMS rules.**

Comment or Objection *

- ☒ Objection
- ☐ Support
- ☐ General Comment
- ☐ Agency Comment

Contact Type *

- ☒ Individual
- ☐ Group
- ☐ Agency
- ☐ Attorney

Please select the appropriate option above to identify who you represent.

Your First Name *

melissa

Your Last Name *

stroh

Your Address *

3931 Kenwood circle

Your Address 2

Your City *

Johnstown

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80534

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail.

melhorts@gmail.com

Your Phone Number * (?)

Used only to follow up.

9705202297

Extension**Alternate Phone Number (?)**

Used only to follow up.

Alternate Phone Extension**Connection to Operation ***

Select all that apply

- ☐ Land Owner of affected land
- ☐ Mineral Owner
- ☐ Adjacent Land Owner
- ☐ Government Agency

- ☐ Structure Owner within 200' of affected land
- ☒ Nearby Resident
- ☐ Concerned Citizen
- ☐ Other

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Comment/Objection Narrative *

This will destroy our neighborhood and property values. They also never get these jobs done in the 7 hears allotted. look at there past history!
Stop this from happening

Permitting Action Comment/Objection is Regarding

- ☒ New Permit ☐ Change to Existing Permit

Permit Number * (?)

Enter a valid permit number

M1986123

County *

Colorado County where the proposed operation is located

larimer

Enter one county only

Site Name

Kirtright Pit

Permittee/Operator Name

Coulson Excavating Co

ADDITIONAL INFORMATION

Are there supporting photos, maps, or documents you wish to upload? *

☐ Yes ☒ No

By submitting this form electronically you agree to receive any/all follow up correspondence from the Division of Reclamation, Mining, and Safety at the email address you have provided.

STATE OF
COLORADO

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

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

1 message

Phil Beedle <locohombre2@gmail.com>

Mon, Jul 15, 2024 at 10:58 AM

To: Patrick.Lennberg@state.co.us

Cc: JShadduckMcNally@larimer.org

July 15, 2024

Patrick Lennberg, Environmental Protection Specialist
Division of Reclamation, Mining, and Safety
[1313 Sherman Street, Room 215](#)
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I ask that this amendment be denied and that Coulson be required to complete the Kirtright Pit reclamation now and without regard to the Stroh Pit.

Sincerely,

Phil Beedle
[3749 Heatherwood Circle](#)

7/15/24, 12:34 PM

State.co.us Executive Branch Mail - Re: Comments on Coulson Excavating Company, Inc. – Amendment application for Kirtright P...

[Johnstown CO 80534](#)

970-301-0847

Cc Jody Shadduck McNally

JShadduckMcNally@larimer.org



2024-07-15 Letter to DRMS.pdf

38K

July 15, 2024

Patrick Lennberg, Environmental Protection Specialist
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If the Kirtright Pit is an example, Coulson has not successfully demonstrated good faith to operate within the standards and conditions set by DRMS and Larimer 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 now proposing is anything but reclamation. My objection to this Kirtright Pit amendment is that spears to be yet another delay to allow Coulson to continue to extend operations for their benefit and to detriment of those of us who live here.

I ask that this amendment be denied and that Coulson be required to complete the Kirtright Pit reclamation now and without regard to the Stroh Pit.

Sincerely,

Phil Beedle
3749 Heatherwood Circle
Johnstown CO 80534
970-301-0847

Cc Jody Shadduck McNally
JShadduckMcNally@larimer.org

Jeffrey and Laura Greene

5255 Cherrywood Lane, Johnstown, CO 80534

jeffrey.greene@csuglobal.edu

303-523-3687

July 5, 2024

RECEIVED

JUL 16 2024

Division of Reclamation, Mining, and Safety Colorado Division of Reclamation,
1313 Sherman Street, Room 215 Mining and Safety
Denver, Colorado 80203

Re: Comments on Coulson Excavating Company, Inc. – Amendment application for Kirtright Pit

To whom it may concern:

This letter is written to express my concerns regarding the conduct of Coulson Excavating Company and their application to open the Stroh and Kirkright pits, which has been submitted in bad faith.

First of all, it should be noted that Coulson Excavating Company is employing the services of a consulting firm called Weiland, Inc. which is currently delinquent in its filing status with the Colorado Secretary of State. Registered Agent Patrick Wayland has been attempting to contact residents in the Thompson River Ranch while not being currently compliant with Weiland, Inc's business filing.

In addition to employing an unregistered firm, Coulson Excavating continues to show a blatant disregard for policies that exist to protect property, public health and the environment. Coulson Excavating's examples of bad faith in their application include the following:

The pits will cause a decrease in property values. Coulson has attempted to argue that property value will return once their pit operation is completed, however, Coulson does not guarantee a specific timeframe in which their operations will be done. The Bonser Pit has been operating for more than 15 years. It is not reasonable to expect households to wait 15 years to recover the equity in their homes. Even then, home values will continue to suffer in the Thompson River Ranch, Thompson Crossing and other surrounding developments for decades because of the proposed pits. Will Coulson be willing to compensate families for the loss in property values that will inevitably occur?

Furthermore, the pit will inevitably degrade the aesthetic appeal and air quality of the surrounding neighborhoods. I am certain that your office has received scientific evidence and

data from other open gravel pits that confirm these facts as true and I am equally convinced that Coulson is aware of their negative impacts as well. Will Coulson be willing to cover the medical expenses for those who suffer respiratory disease as a result of the dust and pollution that they will cause?

Additionally, the pit will adversely impact the property rights and quality of life for the surrounding neighborhoods. Proposals include plans for trucks, heavy equipment and conveyor belts being used to move material, which will increase noise and traffic congestion in the area. One aspect of the plan includes a conveyor belt being constructed across privately owned property. Will Coulson be paying rent to the families who have their property transected by roads and/or equipment?

Finally, the proposed pits lay in a 100 year floodplain and flooding happens often on this property. When flooding occurs, vehicle fuel and other substances would spill into the Big Thompson River and cause negative impacts on the river ecosystem as well as potential damage to land owners downstream who rely on the river for agricultural irrigation. Will Coulson compensate family farms who experience land and crop damage due to the river pollution that they will cause?

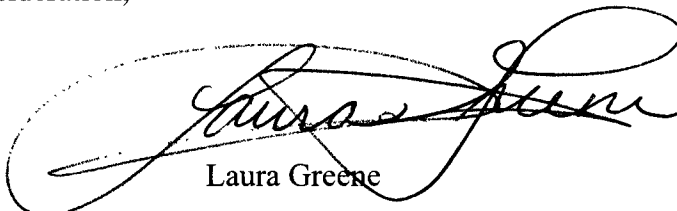
Please carefully consider Coulson's application. Also, please be aware that Coulson's operations will have significant and negative impacts on families and households surrounding the proposed pits as well as those downstream along the Big Thompson River. Coulson is attempting to deliberately skirt the process for approval by posting signs that are too small to read, and employing a consultant that is not currently compliant in its business filing. Coulson is also deliberately attempting to deceive the public by stating that property values will recover when they are done, that their impact on air and water quality will be "only temporary" while the pit is in operation, and that they plan to "recover the land" for open space. However, Coulson does not guarantee any timeframe and although their application only states "7-years", they would likely apply for extensions that would keep the pits in operation for years or even decades.

Due to years of potential damage, degraded public health and financial costs to hundreds of families and households surrounding the proposed pits, and Coulson's apparent lack of good faith in submitting its application, we urge you to deny Coulson's application for the Stroh and Kirkright Pits.

Thank you, sincerely for your consideration,



Jeffrey Greene



Laura Greene

RECEIVED

July 12, 2024

JUL 16 2024

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

Colorado Division of Reclamation,
Mining and Safety

Subject: Comments on Coulson Excavating Company, Inc.
Amendment Application for Kirtwright Pit
Larimer County Permit M1986823

Dear Mr. Lennberg:

I am a resident of Thompson River Ranch in Johnstown, Larimer County. I am providing this letter in response to the call for comments regarding the Kirtwright Pit amendment filed by Coulson Excavating Company and pursuant to the notice filed June 14, 2024, by the Division of Mining, Reclamation, and Safety. Thompson River Ranch properties are adjacent to the Kirtwright Pit properties owned by Randy Kirtwright and Linda O'Brien. Some of the properties in Thompson River Ranch are adjacent to the Stroh Pit property owned by the Coulson family. There are approximately 1,000 homes within a mile of these properties proposed to be used as an industrial mine. Although this permit amendment addresses the Kirtwright Pit, Coulson appears to be trying to tie the fate of both pits together. The nearby property owners obviously have the potential to be impacted by this project.

Larimer County approved the Stroh Pit Use by Special Review permit over the strenuous objections of the residents in the surrounding neighborhoods. I have been advised that the Stroh Pit USR application was based on erroneous information concerning Coulson's right to use the Kirtwright Pit property for the processing and storage of the Stroh Pit materials. I have been given to understand that Ms. Linda O'Brien has **not** given or granted permission for Coulson to use her land for this purpose, **nor** has she agreed to allow Coulson access to her property or use her property for a conveyor belt. Likewise, Ms. O'Brien apparently has **not** agreed to allow Coulson to drive some anticipated 200 one way hauling trucks to cross her property on a daily basis. I cannot help but believe that the Division knows or should have known that Coulson has no legal right to access and/or use this property without the permission of the landowner. And, for the Division to agree to the requested amendment is tantamount to the government participating in the taking of private property without the approval of and compensation to the property owner. Additionally, as I understand the situation, in order to use the Kirtwright Pit for

the Stroh Pit operation Coulson is asking the Division to allow this without the owner's permission. Coulson is now claiming that they need the Stroh Pit overburden to reclaim the Kirtwright Pit, notwithstanding the fact that Coulson owns other nearby gravel operations. I also note that, if this amendment is approved, Coulson claims it will take seven more years to complete the Kirtwright Pit reclamation, which is coincidentally, the same amount of time given to Coulson to mine and reclaim the Stroh Pit.

I have also been given to understand that Coulson's operations have violated code in several respects, particularly they have been operating beyond the Kirtwright Pit permit boundaries. Of particular concern is the damage done to Ms. O'Brien's property and the unwillingness of Coulson to repair the damage and finish the required reclamation. Even though the Department has notified Coulson of issues such as this and apprised Coulson of necessary corrective actions that need to be taken, Coulson apparently does not comply fully, or ignores the notices from the Department with little or no consequences. Ultimately, I have been advised, the Department bends to Coulson's wishes. By way of example, Coulson violated the original Kirtwright permit boundary and simply asked for an amendment after the fact to extend the boundary of the permit. Failure to reclaim the Kirtwright properties for 16 years after mining was completed and the apparent inability of the Department to hold Coulson accountable give me reason to question whether Coulson will follow the conditions included in the County's USR permit for the Stroh Pit. And, since there is no guaranteed time frame to finish mining how long will the residents of Thompson River Ranch have to wait for the required reclamation? Will it be the 7 years in the County's permit or 16 years like the Kirtwright Pit has taken?

There is also concern regarding the water augmentation plan for the Kirtwright Pt which is evident in many of the inspection reports by various agencies. This should lead the Department to question the accuracy of Coulson's claims concerning water rights for the Stroh Pit.

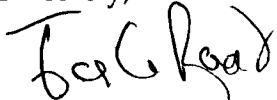
Using the Kirtwright Pit as a current example, Coulson has not successfully demonstrated that they can operate within the requirements and conditions set by the Department and Larimer County, or within the timeframe they claim in the pending application. With this new amendment, the Kirtwright Pit will not be reclaimed for some 23 years after mining has been completed. Note, please, that the proposed completion date in this application is now May 2031. While the Department calls this a reclamation permit, what Coulson is proposing is anything but reclamation.

My objection to this Kirtwright Pit amendment is that it appears to be nothing more than 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 governing this work and the requirements for completing such an undertaking before they start work on a large scale landscape altering endeavor

like a gravel pit. Instead, it appears that they have learned how to manipulate the Division and Larimer County and take advantage of a lack of oversight by the Division and the County.

I cannot believe nor will I accept the position that this is a "local government problem." Both the Department and Larimer County have a substantial role to play in holding Coulson accountable and the Department should start by ensuring that the Kirtwright Pit is finally reclaimed as was initially required by Coulson's permit. I trust that more stringent oversight will then continue on Coulson's future projects.

Sincerely,

A handwritten signature in black ink, appearing to read "J. G. Zack, Jr.", written in a cursive style.

James G. Zack, Jr.
3539 Pinewood Court
Johnstown, CO 80534

Tel: 970-775-8066

E-Mail: jamesgzackjr@gmail.com

Cc: Larimer County Commissioner Jody Shadduck-McNally

Permitting Action Comment OR Objection



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

CONTACT INFORMATION

You are providing a comment or objection to the public record of a permitting action currently under review by the Division of Reclamation, Mining and Safety. This form is not intended for reporting of possible violations or illegal activity.

Please note that this form is processed through an automated workflow, and forms with incomplete or erroneous permit, permitting action, or county information may be rejected by the automated process.

Comments/objections should pertain to the Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials or Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal or Designated Mining Operations. Objections and Comments must pertain to issues within the Division's jurisdiction (not pertaining to dust, traffic, noise, hours of operation, affect on property values, local land use decisions, etc.).

Please refer to the Division's [Mining Activity Dashboards](#) to assist you in providing the information required on this form.

Date of Comment or Objection

07/16/2024

***** *Indicates a Required Field*

**This form is for comments or objections on permitting actions.
This form is not intended for requests to investigate compliance
issues with DRMS rules.**

Comment or Objection *

- ☒ Objection
- ☐ Support
- ☐ General Comment
- ☐ Agency Comment

Contact Type *

- ☒ Individual
- ☐ Group
- ☐ Agency
- ☐ Attorney

Please select the appropriate option above to identify who you represent.

Your First Name *

Whitney

Your Last Name *

Lynch

Your Address *

5243 Cherrywood Lane

Your Address 2

Your City *

Johnstown

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80534

Email Address *

Enter a valid email address in this field to receive a confirmation e-mail.

whitneyplynch@gmail.com

Your Phone Number * (?)

Used only to follow up.

9704662646

Extension**Alternate Phone Number (?)**

Used only to follow up.

Alternate Phone Extension**Connection to Operation ***

Select all that apply

- ☐ Land Owner of affected land
- ☐ Mineral Owner
- ☐ Adjacent Land Owner
- ☐ Government Agency

- ☐ Structure Owner within 200' of affected land
- ☒ Nearby Resident
- ☐ Concerned Citizen
- ☐ Other

DESCRIPTION OF COMMENT OR OBJECTION

You are providing a comment or objection to the public record of a permitting action currently under review by the Division of Reclamation, Mining and Safety. This form is not intended for reporting of possible violations or illegal activity. Please be as specific as possible.

Comment/Objection Narrative *

The Coulson Mining operation should NOT be allowed to mine the Kirtright or Stroh Pits! Coulsons have repeatedly ignored or only partially complied with DRMS rules and regulations.

I strongly object to this operation for multiple reasons, some being:

Loss of property value

Dust and debris - air quality

Heavy truck traffic- and noise!

Within the 100 year flood plain

Please consider how this will affect us!

Permitting Action Comment/Objection is Regarding

- ☒ New Permit ☐ Change to Existing Permit

Permit Number * (?)

Enter a valid permit number

M1986123

County *

Colorado County where the proposed operation is located

Larimer

Enter one county only

Site Name

Kirtright

Permittee/Operator Name

ADDITIONAL INFORMATION

Are there supporting photos, maps, or documents you wish to upload? *

☐ Yes ☒ No

By submitting this form electronically you agree to receive any/all follow up correspondence from the Division of Reclamation, Mining, and Safety at the email address you have provided.

July 10, 2024

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

RECEIVED

JUL 18 2024

**DIVISION OF RECLAMATION
MINING AND SAFETY**

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

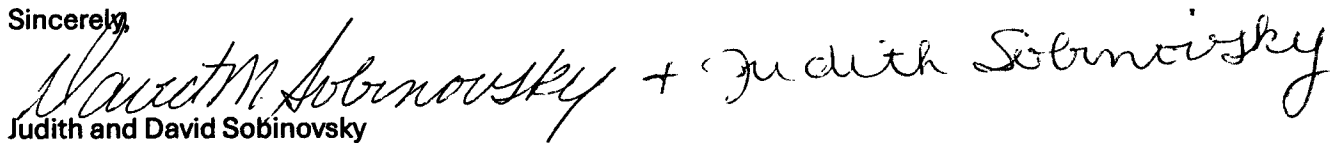
certainly reasons for us to question how well Coulson will follow the conditions listed in the County's USR permit for Stroh Pit. And since there is no *guaranteed* time frame to finish mining, how long will we wait for reclamation? Will it be 7 years or, like Kirtright, another 15 to 20 years?

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,

A handwritten signature in cursive script that reads "David M. Sobinovsky + Judith Sobinovsky". The signature is written in dark ink and is positioned above the typed names of the signatories.

Judith and David Sobinovsky

4801 Saddlewood Circle

Johnstown, CO 80534

303-502-7852