

TO: Patrick Lennberg  
Environmental Protection Specialist  
Department of Natural Resources  
Colorado Division of Reclamation, Mining and Safety  
1313 Sherman St. Room 215  
Denver, CO 80203  
[patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us)

DATE: August 1, 2024

RE: Kirtright Pit - File No. M-1986-123, Coulson Excavating Company, Inc.  
Amendment (AM-1) Kirtright Pit Amendment

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Larimer County received a referral from the Colorado Division of Reclamation, Mining and Safety regarding the Regular (112) reclamation permit application of Coulson Excavating Co., Inc. on the Kirtright Pit (M1986123). Based on the provided information, it is the County's understanding that the permit application is for reclamation activities only; no new or additional mining activities are proposed with this amendment.

The application proposes to include an area north of the existing permit boundary, as shown in Exhibit C-1 PRE-MINING PLAN MAP provided by the applicant. The additional area is for disturbance and restoration activities within the approximate 4.7-acre area that was used as barrow dirt for filling exposed groundwater-fed ponds in compliance with the proposed Substitute Water Supply Plan (SWSP). The applicant submitted a technical revision Exhibit F dated February 27, 2015, showing the most recent technical revision to the proposed reclamation plan. The existing permit boundary is shown in this exhibit.

While the County does not regulate reclamation activities directly, there are several departments within Larimer County that will require permitting applications to be submitted, and approved, to allow the proposed work to be completed in compliance with the Larimer County Land Use Code (LCLUC). The Applicant is responsible for ensuring that any additional County permits are obtained and that they are in compliance with any previously granted approvals. It is unclear from the application whether any modifications or additional permits will be required at the County level at this time.

## **Larimer County has the following comments/concerns:**

### Floodplain Comments:

Contact: Caryn Nezat, Civil Engineer II, (970) 498-5734, email at nezatca@co.larimer.co.us

1. Floodplain Permits. All work proposed within a regulatory floodplain as a part of the project must obtain a Floodplain Development Permit from Larimer County prior to construction. All work must be adequately documented through the submittals and meet all applicable floodplain regulations.
2. Floodplains Impacted by the Project. The flooding source impacted by the project is the Big Thompson River. The FEMA Flood Insurance Study (FIS) and the 2021 FEMA Revised Preliminary Physical Map Revision are the effective hydraulic model and hydrology for the project site. It is important to keep in mind that under Section 12.1.3.A.2 of the LCLUC, Larimer County regulates to the most restrictive of these studies and, therefore, all studies should be accounted for in the floodplain permitting reports and analyses.
  - a. ***Proposed development within the Zone AE (floodway) may require the applicant to present the proposed plan to the Larimer County Flood Review Board (FRB) and get their recommendation for approval to the County Engineer with his approval prior to issuance of a floodplain development permit. It may also require a FEMA approval process through a Conditional Letter of Map Revision/Letter of Map Revision or a Conditional Letter of Map Revision based on Fill/Letter of Map Revision based on Fill.***
3. No-Rise Analyses & Certification. Per LCLUC Section 12.1.5.A.6, projects proposed within a regulatory floodway must demonstrate that any and all work (e.g. access roads, utility connections, etc.) will not produce an increase in base flood elevations (BFEs) and not cause adverse impacts to any existing structures via an engineering analysis and no-rise certification, which must be signed and stamped by a licensed Colorado Professional Engineer (PE).
  - a. It is the applicant's and/or project manager's responsibility to coordinate floodplain requirements with all parties to ensure the overall scope of the project is compliant with floodplain regulations. A completed application regarding the project should be received and approved prior to construction activities.
4. CLOMR/LOMR Requirements. If a no-rise condition is not feasible within the floodway, a Conditional Letter of Map Revision must be submitted and a recommendation for approval from the Larimer County Flood Review Board (FRB) to the County Engineer. The County Engineer's approval must be obtained, along with FEMA's approval, prior to construction. A Letter of Map Revision must be

submitted to the FRB and FEMA within 90 days following construction. No insurable structures may be impacted by a rise created by the project. If the project causes a drop in base flood elevations (100-yr flood water surface elevation) which exceeds 0.3-feet (but a no-rise condition is maintained), a Letter of Map Revision must be submitted to the FRB and FEMA within 90 days following construction.

- a. Fill that is brought in to elevate structures may be subject to a FEMA process for a Conditional Letter of Map Revision based on Fill/Letter of Map Revision based on Fill. Compliance with the Endangered Species Act would also apply.
5. Scour Analysis and Channel Migration. Submittals for the project should address potential scour and channel migration in the event of a 1% annual chance flood event and any necessary protection measures for the project, stormwater facilities, or other proposed facilities which are located in the 1% annual chance floodplain (100-year floodplain). Scour analysis and construction methods need to address potential impacts to the floodplain.
6. Larimer County Flood Review Board (FRB) Determination. If the work within the floodway results in a no-rise condition or less than a drop of 0.3-feet and is within the channel, it must undergo review by the FRB as a Floodplain Project Review (FPR) under Section 12.1.6.H of the LCLUC. FPRs are recommended for approval or denial by the FRB to the County Engineer, who makes the decision to approve or deny the permit application. The Flood Review Board meets on the fourth Thursday of each month, and submittals to the Board should be received at least eight (8) weeks prior to the meeting. Once all comments have been addressed, seven (7) hardcopies and one (1) electronic copy of all materials must be submitted for distribution to the FRB prior to the scheduled meeting.
7. The comments provided above must be addressed in the floodplain development permit application submittal. Please contact Caryn Nezat at (970) 498-5734 or email at [nezatca@co.larimer.co.us](mailto:nezatca@co.larimer.co.us) if you have any questions.

Department of Health and Environment Comments:

Contact: Lea Schneider, Environmental Health Planner, (970) 498-6777,  
[lschneider@larimer.org](mailto:lschneider@larimer.org)

The Kirtright Pit and associated reclamation currently operate under an Air Pollution Control Division permit (Permit Number 98LR0014F, AIRS ID 069-0332). Once the reclamation is complete, the operator will need to file a cancellation request to APCD to then begin operations under the Stroh Pit air permit (Permit Number 02LR0607F, AIRS ID 069-0382), which will include processing operations in the area of the reclaimed Kirtright Pit.

The reclamation construction operation shall adhere to the Fugitive Dust Control plans required under the air permit issued by the Air Pollution Control Division. The operator shall also implement the following mitigation to minimize nuisances for the adjacent north recreational uses and south residential community:

1. No off-site transport of visible emissions from disturbed areas, dirt access roads, stockpiles, construction equipment, and haul trucks, shall occur during the reclamation construction activities.
2. Unpaved access roads shall be watered as often as needed, treated with chemical stabilizer, and graveled to control fugitive particulate emissions.
3. All disturbed areas shall be watered as often as needed to control fugitive particulate emissions. A filled water truck shall be on-site during operating hours and nonoperating hours (including weekends) for the operator and/or contractor to apply water to disturbed areas of soil to reduce visible emissions and off-site transport to the adjacent communities.
4. No earthwork shall be allowed during days of high wind of 30 miles per hour or greater.
5. Speed limit signs shall be posted on all access roads and in areas of active reclamation construction areas restricting speeds to 15 miles per hour.
6. If utilizing haul trucks, loaded haul trucks shall be covered during transport and storage to minimize visible emissions.
7. The reclamation operation shall adhere to Larimer County Noise Ordinance.
8. Earth-moving construction equipment and other operator-owned equipment for reclamation construction shall be equipped with white noise backup beepers.
9. The hours of reclamation construction activity shall be limited between 7:00 a.m. to 7:00 p.m. Monday through Friday.
10. The reclamation operation shall post easily visible contact information signage around the fenceline perimeter of the property and entrances of the property. The signage shall face the direction of traffic at access points and neighboring communities. Signage shall include contact information (business name, contact name, phone number, email, and website) to allow for communities to address questions and concerns directly with the operator.

Planning Division and Engineering Department Comments:

Contacts: Samantha Mott, Senior Planner, (970) 498-7678, [smott@larimer.org](mailto:smott@larimer.org)

Traci Shambo, Senior Civil Engineer, (970) 498-5701, [tshambo@larimer.org](mailto:tshambo@larimer.org)

The applicant is responsible for ensuring that any existing county permits are complied with. Further, it is the applicant's responsibility to ensure that any

additional activities that would require further permitting do not occur prior to obtaining the necessary approvals. With the understanding that there is no mining proposed with this request, these comments are limited to the application to the state for a modification to the reclamation plan. The Planning Division and Engineering Department's concerns pertain to the impacts of the reclamation activities. The County requests that the State Reclamation and Mining Board impose the following conditions to mitigate the impacts to surrounding property owners and community members:

1. No parking, loading or unloading of any vehicles will be allowed within the County right-of-way or State Highway right-of-way.
2. Trucks shall not back onto or use the County Road or State Highway for a turnaround.
3. Applicant is responsible for prompt, complete removal of material spilled onto the County roadway or State Highway.
4. All landscaping improvements required to be constructed or installed for development of the Property, including but not limited to plant materials shall be installed, constructed or performed by Developer on or before the timeframes specified in the approved plans for mining and reclamation.
5. Further review may require additional County processes in the future.

Feel free to contact the specific individuals above if you have questions regarding their comments. Thank you for your consideration of Larimer County's comments on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Rebecca Everett', with a stylized, cursive script.

Rebecca Everette, AICP  
Community Development Director