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December 19, 2024

Amber M. Gibson  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

**RE: Seeley Reservoir Stockpiles, File No. M-2023-043**

Amber,

On behalf of the landowners of Lots' A and B of REC EXEMPT RE-5061 and Lot D of REC EXEMPT RECX15-0012, below are our comments/questions/concerns related to Permit # M-2023043 in relation to our noted affected properties.

1. Ascertain why Ogilvy Irrigating and Land Company is not listed as the applicant? In meeting with DRMS representatives Nikie Gagon and Jared Ebert, it was clear Ogilvy would need to be the applicant given it was their project. As the landowners affected by the permit, that remains our position.
2. In regard to (6.4.5 Exhibit "E" Reclamation Plan in the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials) of the application.
  - a. The applicant has not met their stated 3:1 slopes and we have major ongoing safety concerns related to the detrimental impacts to our properties given the applicants noncompliance with the DMRS 3:1 slope requirements/standards.

(Below is a current image highlighting an example of current erosion and the applicant not meeting the 3:1 slopes)



(Below is an image of previous structure that failed and supports our ongoing safety and slope stability concerns)



- b. Concerned with the compliance of revegetation (specifically all disturbed areas on Lots' A, B and D) and slope stability (related to shorelines, which are already showing signs of erosion).
3. Ascertain whether the 2<sup>nd</sup> unapproved structure/damn trespassing on our land (shown on Pg.1 built in connection with this project) complies with *DMRS 3.1.6 Water - General Requirements* and all other applicable DMRS requirements and all state/federal laws? Does the new unapproved damn structure which created a new stagnant body of water and altered historical water flows, trigger noncompliance/concerns with the following referral agencies and are they aware of this new artificial structure?

Colorado Division of Water Resources  
Division's Dam Safety Branch  
Colorado Department of Health, Water Quality Control Division  
U. S. Army Corps of Engineers  
Weld County Planning Department (given its effects on the Weld County EVF  
PUD PF-1090 detention pond discharge)

4. Concerned with the removal/reclamation of the remaining project debris located adjacent to the southern boundary of Lot B (located on Lot C REC EXEMPT RE-5061). That property needs to be part of this permit, to insure full reclamation of that area.

**5. Note as referenced in our Right of Entry Forms:**

**The Landowners, referenced below of the below-described property, provides this letter in connection with Ogilvy Irrigating & Land Company's ("Ogilvy") application for a DRMS 112-C permit. CBKLC is willing to grant access to the Property to satisfy Ogilvy's obligations under the permit, if issued, on terms and conditions to be determined.**

**Landowners: CBKJr Holdings, LLC, a Colorado limited liability company EJK Holdings, LLC, a Colorado limited liability company GAK Holdings, LLC, a Colorado limited liability company SWK Holdings, LLC, a Colorado limited liability company Keirnes Land Company, LLC, a Colorado limited liability company fka C.B. Keirnes Land Company, LLC**

**Any grant of entry by the Landowners referenced above will not waive, limit, or release any obligations of Ogilvy under the Seeley Lake Maintenance Project Agreement dated March 4, 2024.**

We appreciate your consideration of our above comments/questions/concerns related to the impacts this permit directly has on our subject properties. Please don't hesitate to reach out to me with any question, otherwise we look forward to further detailing our concerns during the Pre-Operation Inspection onsite meeting January 9<sup>th</sup>, 2025.

Sincerely,

A handwritten signature in cursive script that reads "Charles Keirnes".

Charles Keirnes