



STATE OF
COLORADO

Gibson - DNR, Amber <amber.gibson@state.co.us>

Comment submitted for Seeley Reservoir Stockpiles M-2023-043 Application

1 message

Gibson - DNR, Amber <amber.gibson@state.co.us>

Fri, Dec 20, 2024 at 3:39 PM

To: Tim Naylor <tnaylor@agpros.com>

Good afternoon,

Attached for your consideration are comments received by the Division from the landowners of Lots A, B, and D on Thursday December 19, 2024 in regard to your Seeley Reservoir Stockpiles, M-2023-043 permit application.

Thank you,

Amber M. Gibson
Environmental Protection Specialist I



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

P 720.836.0967 | F 303.832.8106 |
amber.gibson@state.co.us

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

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

<https://drms.colorado.gov/>



Keirnes Comments forwarded to Applicant-- Permit M2023043_received 12.19.24_forwarded 12.20.24.pdf
2180K

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

12/19/2024

***** *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.

Group Name *

Keirnes

Please specify how you would like to provide the list of names of the individuals you are representing.

I prefer *

- ☒ to type in the names.
- ☐ upload a PDF of the names.

List of persons represented

CBKJr Holdings, LLC, EJK Holdings, LLC, GAK Holdings, LLC, SWK Holdings, LLC, Keirnes Land Company, LLC, C. Bradley Keirnes and Jane Anne Keirnes.

Your First Name *

Charles

Your Last Name *

Keirnes

Your Address *

PO Box 7

Your Address 2**Your City ***

Eaton

Your State

CO

Your Zip Code *

Maximum of 10 digits. (Example) 80202

80615

Email Address *

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

charles@keirnescompanies.com

Your Phone Number * (?)

Used only to follow up.

9705392204

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 *

See attached letter.

Permitting Action Comment/Objection is Regarding

- ☒ New Permit ☐ Change to Existing Permit

Permit Number * (?)

Enter a valid permit number

M2023043

County *

Colorado County where the proposed operation is located

Weld County

Enter one county only

Site Name

Seeley Reservoir Stockpiles

Permittee/Operator Name

Four C Sons, Inc.

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

☒ Yes ☐ No

Upload Supporting Documents

Maximum of 5 files can be uploaded and each file size must be 10mb and under. PDF, JPG, and PNG formats only.

Keirnes Comments -- Permit M2023043 12.19.24.pdf

746.99KB

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.



Charles Keirnes
PO BOX 7
Eaton, CO, 80615
970-539-2204
Charles@keirnescompanies.com

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 2nd 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 9th, 2025.

Sincerely,

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

Charles Keirnes