

STATE OF
COLORADO

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

Follow up objections from the Keirnes group

2 messages

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

Mon, Feb 10, 2025 at 8:53 AM

To: Tim Naylor <tnaylor@agpros.com>

Cc: Scott Cockroft <srcockroft@gmail.com>

Good morning,

Attached are additional concerns/objections raised by the landowners of the affected land for the Seeley Reservoir Stockpiles (M-2025-043) application that will need to be addressed. The concerns primarily pertain to the stabilization of the area in and round the flow control structure, and the impact to a permanent man-made structure (detention pond on Outlot A Eagle View Farms, parcel #080523101025) that they state has been affected and did not receive a structure agreement.

Thank you,

Amber Michels 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 80216Physical: 1313 Sherman Street, Room 215, Denver, CO 80203<https://drms.colorado.gov/>

2 attachments



Follow up after phone call on Feb 6, 2025.pdf
1666K



Keirnes comments following adequacy before phone call.pdf
292K

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

Mon, Feb 10, 2025 at 8:55 AM

To: Tim Naylor <tnaylor@agpros.com>

Cc: Scott Cockroft <srcockroft@gmail.com>

Correction, permit number M-2023-043.

Amber Michels Gibson
Environmental Protection Specialist I



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

RE: Seeley Reservoir Stockpiles, File No. # M-2023-043, New 112c Application, Adequacy Review-1

charles keirnes <charles@keirnescompanies.com>
To: "Gibson - DNR, Amber" <amber.gibson@state.co.us>
Cc: "spencer@keirnesre.com" <spencer@keirnesre.com>

Tue, Feb 4, 2025 at 10:22 AM

Hi Amber,

I just left you a voicemail, although wanted to provide additional info prior to discussing. We have some supplemental questions regarding the issues you addressed in your letter to Scott Cockroft (RE: Seeley Reservoir Stockpiles, File No. # M-2023-043, New 112c Application, Adequacy Review-1).

Having read through the subject letter of issues/re-reading through the rules and regulations, we fill the following "Rules/Regulations" pertain to the sediment structure/damn adversely impacting our property (some of which you noted).

I look forward to discussing this further with you. Thank again for your efforts!

MINERAL RULES AND REGULATIONS OF THE COLORADO MINED LAND RECLAMATION BOARD FOR THE EXTRACTION OF CONSTRUCTION MATERIALS**116(4)(b) Page 44 Construction Materials Rule 3**

(2) Earth dams, if necessary to impound water, may be constructed if the formation of such impoundments will not damage adjoining property or conflict with water pollution laws, rules or regulations of the federal government, the state of Colorado or with any local government pollution ordinances.

(3) All surface areas of the affected land, including spoil piles, shall be stabilized and protected so as to effectively control erosion.

Page 91 6.3.3 EXHIBIT C - Mining Plan

(i) if groundwater will be encountered and/or surface water intercepted or disturbed, describe how mining will affect the quantity and quality of the surface or groundwater and the methods to be used to minimize disturbance to the surface and groundwater systems including proposed dewatering, sediment-containment or chemical treatment systems, storm water run-off controls, and groundwater points of compliance;

115(4)(e) Page 96 Construction Materials Rule 6

(b) where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

116(4)(i) Page 103 6.5 GEOTECHNICAL STABILITY EXHIBIT

(1) On a site-specific basis, an Applicant shall be required to provide a geotechnical evaluation of all geologic hazards that have the potential to affect any proposed impoundment, slope, embankment, highwall, or waste pile within the affected area. A geologic hazard is one of several types of adverse geologic conditions capable of causing damage or loss of property and life. The Applicant may also be required to provide a geotechnical evaluation of all geologic hazards, within or in the vicinity of the affected lands, which may be de-stabilized or exacerbated by mining or reclamation activities.

116(4)(e) Page 43 3.1.5 Reclamation Measures - Materials Handling

(7) Maximum slopes and slope combinations shall be compatible with the configuration of surrounding conditions and selected land use. In all cases where a lake or pond is produced as a portion of the Reclamation Plan, all slopes, unless otherwise approved by the Board or Office, shall be no steeper than a ratio of 2:1 (horizontal to vertical ratio), except from 5 feet above to 10 feet below the expected water line where slopes shall be not steeper than 3:1. If a swimming area is proposed as a portion of the Reclamation Plan, the slope, unless otherwise approved by the Board or Office, shall be no steeper than 5:1 throughout the area proposed for swimming, and a slope no steeper than 2:1 elsewhere in the pond.

116(4)(h) Page 44 3.1.6 Water - General Requirements

(1) Hydrology and Water Quality: Disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quantity or quality of water in surface and groundwater systems both during and after the mining operation and during reclamation shall be minimized by measures, including, but not limited to:

Page 100 6.4.7 EXHIBIT G - Water Information

(2) If the operation is expected to directly affect surface or groundwater systems, the Operator/Applicant shall:

(a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;

(b) Identify all known aquifers; and

(c) Submit a brief statement or plan showing how water from de-watering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.

Page 107 - 108 Construction Materials Rule 8, 8.4.2 Office's Determination that an Emergency Exists

The Office may exercise its emergency authority to respond to situations at construction material extraction operations. The determination may be based upon the following:

(a) the Operator, or another person fails or refuses to stop engaging in any activity not permitted by, or which constitutes a possible violation of the Act, the Rules or permit conditions, and which is presenting an unwarranted risk of serious harm to person or property;

Best Regards,

Charles Keirnes

Keirnes Companies, LLP

1813 61st Avenue, Suite 200

Greeley, CO 80634

970.539.2204 direct phone

Keirnes.com | EagleViewatSeeleyLake.com

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RE: Seeley Reservoir Stockpiles, File No. # M-2023-043, New 112c Application, Adequacy Review-1

charles keirnes <charles@keirnescompanies.com>
To: "Gibson - DNR, Amber" <amber.gibson@state.co.us>
Cc: "spencer@keirnesre.com" <spencer@keirnesre.com>

Thu, Feb 6, 2025 at 12:51 PM

Hi Amber,

Thank you for taking the time for a phone call this morning. Please see the attached with the additional information discussed today. Let me know if you have any questions. Thank you!

[Quoted text hidden]



Keirnes Comments -- Permit M2023043 Adequacy Review Additional Comments 2.6.25.pdf
1512K



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

February 6, 2025

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 (Adequacy Review/Additional Application Comments)

Amber,

On behalf of the landowners of Lots' A and B of REC EXEMPT RE-5061 and Lot D of REC EXEMPT RECX15-0012 and Common Interest Community - Eagle View Farms PUD/Eagle View Community Association Inc, please see the below information/concerns related to Permit # M-2023043 in relation to our noted affected properties.

1. Please see the below, impacted Outlot A of the Eagle View Farms PUD/Eagle View Farms Community Association Inc. via the Weld County Property Portal. The Eagle View Farms Detention Pond Outlet Structure (shown on Pg. 2) needs to be called out and addressed per the permit application guidelines.

Account: R8955171
February 6, 2025

Open/Close A

Account Search

Account Information

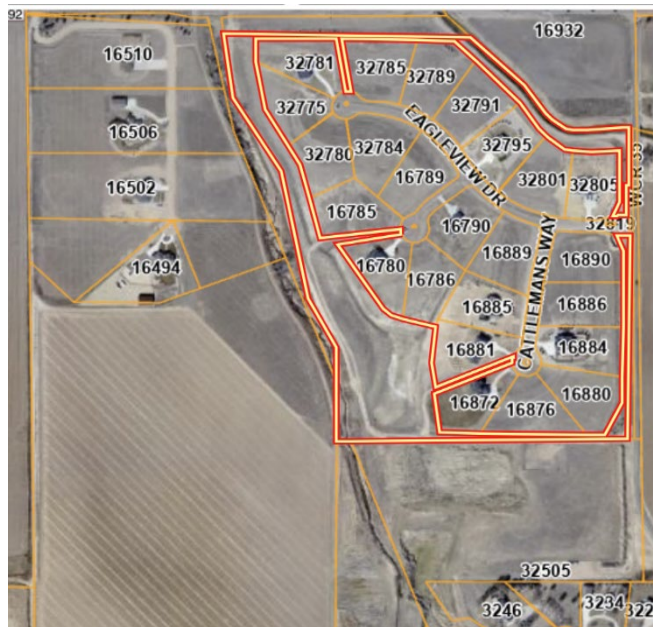
Account	Parcel	Space	Account Type	Tax Year	Buildings	Actual Value	Assessed Value
R8955171	080523101025		Residential	2025		6,960	1,940

Legal

OUTLOT A EAGLE VIEW FARMS PUD

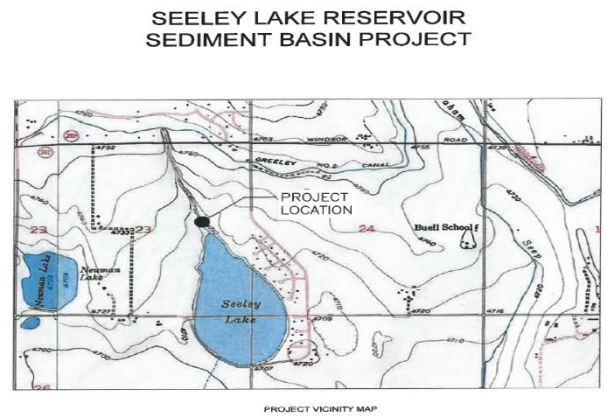
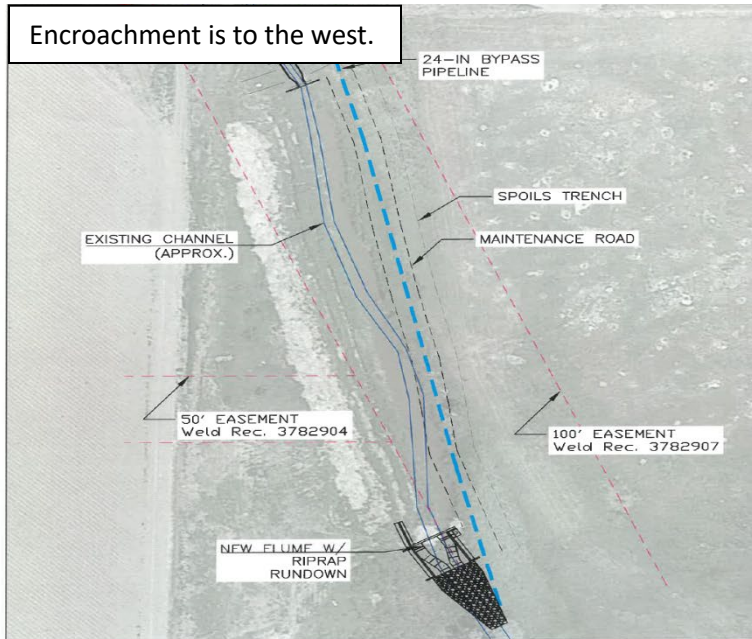
Subdivision	Block	Lot	Land Economic Area
EAGLE VIEW FARMS PUD			EAGLE VIEW FARMS

Property Address	Property City	Zip	Section	Township	Range
			23	06	66



-

- Please see the below, easement survey/staked easement image, clearly showing the encroachment/impact to our property (Lot B REC EXEMPT RE-506).



REVISIONS			NOCO ENGINEERING, INC.		Ogilvy Irrigating and Land Co.		SHEET 1
NO.	DESCRIPTION	DATE	BY	DATE	DATE	DATE	
1	Final Design - 100%	6/21/24	DES	6/21/24	DATE: 6/26/24	DATE: 6/26/24	
	Final Design	6/26/24	DES				

Encroachment is to the right of the stake



Hopefully the above provides further validity to our concerns and related impacts this permit directly has on Eagle View Farms PUD/Eagle View Community Association Inc and our subject properties. We appreciate your ongoing efforts, please don't hesitate to reach out to me with any question.

Sincerely,

Charles Keirnes

Charles Keirnes