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6.4.1 Exhibit A – Legal Description

The permit area includes four separate parcels of land. The western two parcels and the easternmost parcel are owned by Randy Kirtright and the middle parcel is owned by The O'Brien Living Trust.

The Permit Boundary is more specifically described as:

Beginning at a point whose Northing is 1386285.9852 and whose Easting is 3143870.7902;

thence bearing S 89-29-11.076 W a distance of 2573.964 ;

thence bearing N 0-8-52.971 E a distance of 1316.269 ;

thence bearing N 89-47-15.357 E a distance of 45.087 ;

thence bearing N 3-35-27.954 E a distance of 56.666 ;

thence bearing N 39-4-56.147 E a distance of 279.295 ;

thence bearing N 55-32-36.796 E a distance of 127.198 ;

thence bearing N 59-27-20.775 E a distance of 164.681 ;

thence bearing N 64-57-33.084 E a distance of 48.746 ;

thence bearing N 79-17-56.848 E a distance of 166.432 ;

thence bearing S 35-37-55.355 E a distance of 295.003 ;

thence bearing S 35-57-34.892 E a distance of 123.876 ;

thence bearing S 8-1-43.679 E a distance of 138.537 ;

thence bearing N 89-47-15.357 E a distance of 1625.206

thence bearing S 0-5-45.924 E a distance of 1302.715 ;

to the point of beginning.

The permit boundary includes 84 acres of land.

The mine entrance is located at the following UTM NAD83 (2011), Zone 13 (meter) coordinates:

Northing: 4,471,568.922(m)

Easting: 500,609.041(m)

Please note that that the applicant is simultaneously seeking to remove certain portions of the above-described land from the permit boundaries because reclamation is complete in these areas. Please see Exhibit C-2 for the areas where reclamation work is complete and where the applicant has sought to release property from within the permit boundaries.

6.4.2 Exhibit B – Index Map

6.4.3 Exhibit C – Pre-mining and Mining Plan Map(s) of Affected Lands

6.4.4 Exhibit D – Mining Plan

No mining, processing or stockpiling is proposed in this amendment. Mining is complete and only reclamation activities will occur at the site.

6.4.5 Exhibit E - Reclamation Plan

Description of the Type of Reclamation

Background

Reclamation was completed in around 2008 and the site has remained under the jurisdiction of the Mined Land Reclamation Board due to long term augmentation obligations for the 4 ponds. In 2023, work began to backfill Pond 1 with onsite materials primarily from floodplain deposits left from the 2013 Big Thompson flood. There are some Pre-1981 Ponds located within the permit area which have not been affected by CEC. It is however understood that the landowner cleaned out some of the ponds in 2023. Since the ponds occur within the permit area, an analysis was done to compare the pre-1981 pond surface area to the current pond surface areas. There was no material change.

Reclamation Narrative

Reclamation will consist only of backfilling Pond 1, replacing topsoil and revegetation, and weed control as needed. Backfilling of Pond 1 will leave Ponds 2, 3, and 4 unlined. The unlined ponds allow for seepage of groundwater and subsequent evaporative losses to the atmosphere. Since this water is tributary to the Big Thompson River, a permanent augmentation plan has been developed for the site as part of the Division 1 water court case # 19CW3157. The permanent plan will replace water in time and amount to the river in order to prevent injury to downstream vested water rights.

(a) Reclamation Earthwork Sequence and Timetable

The sequence of reclamation activities will follow the narrative given above. Reclamation earthwork will consist of backfilling Pond 1 with alluvial floodplain deposits left from the 2013 flood in the borrow area shown on Exhibit C-1. Specifically, a dozer will be used to scrape an average of 6” of surface deposits from the borrow area, which will be pushed into Pond 1.

Table 6.4.5-1 Reclamation Earthwork Summary Table

Activity	Acres	Volume	Source Area
Backfill Pond 1	~0.98	~9,000 yd^3	Borrow Area
Replace Topsoil	~4.97	~5,500 yd^3	Topsoil Stockpile

The sequence of reclamation activities will occur in the order above. The timetable to complete this reclamation work is approximately 1.5 years.

Table 6.4-2 Reclamation Sequence Timetable

Area	Time to Complete
Backfill Pond 1	1 month
Replace Topsoil	2 Months
Revegetation	1 year

(b) Post Mining Land Use Comparison

Post mining land use will continue as agricultural and residential as it was prior to mining activity.

(c) Description of How the Reclamation Plan will Meet the Requirements of Section 3.1.

The reclamation plan specifications described herein have been designed to meet the requirements of Section 3.1 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board. Completion of the reclamation plan in accordance with these specifications will therefore meet the requirements of Section 3.1.

(d) Topsoil Segregation

Topsoil was previously segregated and is located in the area shown in Exhibit C-1 as the Topsoil Stockpile Area.

(e) Reclamation Sequence and Timetable

An estimate of the sequence and periods of time for each reclamation activity is given above.

(f) Descriptions and Specification of Reclamation Activities

(i) Final Grading

Final slopes will be graded to 3H:1V

(ii-v) Seeding, Fertilization, Revegetation, Topsoil Placement

Topsoil Replacement / Revegetation

Topsoil will be replaced to an approximate depth of 6” ft for the areas shown as Topsoil & Revegetation Areas in Exhibit F.

Seeding and Fertilizing

The proposed seeding areas are shown on Exhibit F. The recommended seeding method is by drill and seeding rates assume this method. The species composition of the seed mixture recommended for reclamation is shown in **Table 6.4.5-2. Recommended Seed Mixture**

Table 6.4.5-2. Recommended Seed Mixture

Species (Variety)	***Rate – pure live seed (PLS) lbs/ac***	***Native/ Introduced***	***W/C Season***
Thickspike wheatgrass (Critana)	8.0 to 10.0	Native	Cool
Sideoats grama (Vaughn)	5.0 to 7.0	Native	Warm
Switchgrass (Nebraska-28)	4.0 to 6.0	Native	Warm
Alfalfa (Nomad)	3.0 to 5.0	Introduced	NA

TOTAL	20.0 to 28.0

Based on this seed mixture, an application rate of approximately 20.0 to 28.0 lbs PLS/ac will be used. Topsoil should be disked prior to seeding. It is recommended that fertilizer be utilized for reclamation. A standard application of fertilizer will be used and applied at a rate of 250 lbs/ac as shown in **Table 6.4.5-3. Fertilizer Application**

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Table 6.4.5-3. Fertilizer Application

Fertilizer	***Standard rate lbs/acre***
Diammonium phosphate (18-46-0) (46-53% available P_2O_5 with 18-21% N)	250

Fertilizer will not be used near the edge of the reservoir, since there is a possibility of nitrate contamination in the pond water. The total disturbed area to be seeded is approximately 24.06 acres. The total area to be fertilized is approximately 24.06 acres. Seeding and fertilizing will be completed after the overburden and topsoil is replaced, smoothed to conform to the existing topography and disked. Optimal periods of seeding are in the fall (after November 1st) or in the spring from late March until April 30th. Mulching will not be completed as the quality soils and availability of water should facilitate the rapid establishment of perennial grasses.

Following revegetation, weed management strategies will be implemented to facilitate and achieve native grassland. Years 1 through 1.5 following revegetation will include an aggressive mowing program to prevent the growth and establishment of weeds, specifically, eight noxious weeds including: Canada thistle (*Cirsium arvense*), Dalmation toadflax (*Linaria dalmatica*), Diffuse knapweed (*Centaurea diffusa*), Leafy spurge (*Euphorbia esula*), Musk thistle (*Carduus nutans*), Russian knapweed (*Centaurea repens*), Spotted knapweed (*Centaurea maculosa*) and Yellow toadflax (*Linaria vulgaris*) as mandated by Colorado State Law (35-5.5CRS1990, 1996). Herbicide application will be applied as needed to further control these weeds. Herbicides will also be used to control Salt cedar (*Tamarix* spp.) if it becomes established in the reclaimed area. **Table 6.4.5-4 Recommended Herbicide Application** defines recommended herbicides, application rate, and time of application for each of the 9 species. It may be necessary to replant treated areas.

Table 6.4.5-4 Recommended Herbicide Application

Weed Species	***Herbicide***	***Application Rate***	***Application Time***

Canada thistle	Curtail	2-3 qt/ac	October or 1 month after last mowing
	Clopyralid	2/3 - 1 pint/ac	Spring or fall, during rosette to bud growth stages in spring
	2,4-D	1lb ai/ac	Spring prebud to early early bud growth stages
	picloram	1lb ai/ac	Spring prebud to early early bud growth stages
Dalmation toadflax	picloram	0.5 - 1 lb ai/ac	Fall
	picloram + 2,4-D		Pre-bloom or fall
Diffuse knapweed	Tordon	1 pint/ac	Spring rosette to early-bolt growth stages
	Banvel/Vanquish/ Clarity + 2,4-D	0.5 + 1 qt/ac	Spring rosette to early-bolt growth stages
	Curtail	2-3 qt/ac	Spring rosette to early-bolt growth stages
	Transline	2/3 - 1 pint/ac	Spring rosette to early-bolt growth stages
Leafy spurge	Tordon	1 qt/ac	Fall 1 month after last mowing
	Tordon + 2,4-D	0.5 - 0.75 + 1 qt/ac	Fall 1 month after last mowing
	Vanquish/Clarity	1 qt/ac	Fall 1 month after last mowing
Musk thistle	Curtail	0.25 lb ai/ac	Spring 10-14 days before bolting
	dicamba	1 lb ai/ac	Spring 10-14 days before bolting
	picloram	0.25 lb ai/ac	Fall, apply to rosettes when other plants are dormant
Russian knapweed	Curtail		Fall for dormant plants, need to re-apply during following year
	picloram	1 lb ai/ac	Anytime
Spotted knapweed	picloram	1 lb ai/ac	Anytime
	dicamba or 2,4-D	1 lb ai/ac	

Yellow toadflax	picloram or dicamba	1 lb ai/ac	Spring during flowering
Saltcedar	imazapyr		Late summer early fall foliar application
	imazapyr or triclopyr		To resprouted stems
	imazapyr or triclopyr		To perimeters of cut stems immediately after cutting

Sources: Colorado Natural Areas Program. 2000. Creating an Integrated Weed Management Plan.

http://parks.state.co.us/cnap, and Colorado State University Cooperative Extension. No date.

Weed Management for Small Rural Acreages. No. 3.106.
http://www.ext.colostate.edu/PUBS/Natres/03106.html

Alternative Reclamation Plan

Despite significant progress with the Division 1 water court to finalize a decree for permanent augmentation of Ponds 2 , 3 and 4, and little risk that a decree will not be issued, if that were to occur, an alternative reclamation plan would be to line the ponds with a compacted clay liner to prevent exposure of groundwater.

6.4.6 Exhibit F - Reclamation Plan Map

Exhibit F – Reclamation Plan Map.

6.4.7 Exhibit G - Water Information

The operation will affect groundwater systems through evaporation and pumping. Predicted depletions to groundwater which are tributary to the Big Thompson River are mitigated by implementation of a Temporary Substitute Water Supply Plan (SWSP). The current SWSP is included with this application as Attachment G-1. The most recent SWSP was approved through 2024 and the current, enclosed SWSP is awaiting approval by the Colorado Division of Water Resources.

Prior to backfilling Pond 1, the pond will be dewatered by pumping dewatering effluent to the Big Thompson River. Pump rates are expected to be approximately 500 gallons/min.

Coulson has filed an application for an augmentation plan in Colorado Division Water Court, now pending in 19 CW 3157. The application seeks approval to replace depletions caused by several unlined pits along the Big Thompson River, including up to 21.76 acres of exposed groundwater created after 1981, and associated with the subject permit. To the extent the augmentation requirement is decreased, this will be reflected in the judicially approved final decree, which Coulson hopes to obtain by the end of 2025.

Although this application was filed in 2019, it was necessary to amend the application in 2020 to incorporate additional sources of augmentation water, including municipal effluent made available pursuant to a second long-term lease entered with the City of Loveland.

The case was referred to the Water Court Judge and set for a trial in 2024. Unfortunately, Coulson was unable to obtain “dry-up” credit for historical irrigation shares that were being relied upon as augmentation supplies- and the Court approved their motion to vacate the trial and allow them time to investigate further additional sources.

Coulson has an extensive portfolio of water rights they own, including 5.5 irrigation shares in the Consolidated Hillsborough Ditch Company and 10 shares in the Big Thompson and Platte River Ditch. These ditches are strategically located near the Kirtright property and in combination would yield significantly more than is required

Coulson and the opposers are scheduled for a Status Conference with the Court to be held on June 17, 2025. Prior to that time, the Applicant will republish their second amended application using some combination of the above-described sources. With such a robust supply, Coulson believes that the case will be resolved fairly quickly.

(The description of the augmentation plan is based on information provided by CEC’s legal counsel in the matter of the Application for Approval of Plan for Augmentation, Change Of Water Right, and for Conditional and Absolute Underground and Surface Water Rights, Including Water Storage Rights, Coulson Excavating, Inc. Case No. 19CW3157.)

Hydrologic Balance

Ponds 1 is being backfilled to prevent exposure of groundwater to the atmosphere. A long term augmentation plan has been applied for with the Division 1 water court (19CW3157) to augment the remaining ponds on the site, with the exception of the ponds located in the southwest portion of the site. These southwestern ponds were historical mining sites which exposed approximately 5 acres of pond area prior to 1980. Currently approximately 2.8 acres of surface pond area occurs and will remain as such.

With regard to floodwater hydrologic balance, a Letter of Map revision will be filed with Larimer County Engineering pending approval of this amendment. Overall, the earthwork proposed in this reclamation plan will not affect floodwater surface elevations due to the fact that pond areas are modeled as ineffective flow up to their spill elevations. The final backfill grade for Pond 1 will be at or just below that elevation.

6.4.8 Exhibit H – Wildlife Information

Wildlife studies and a USFWS concurrence letter from 2017 are given in Attachment A. The conditions of the habitat have not changed and the Colorado Field Office granted an extension of the concurrence letter on February 20, 2025.

6.4.9 Exhibit I – Soils Information

Soils Information was provided in Exhibit I to the Sept 2, 1986 application.

6.4.10 Exhibit J – Vegetation

Vegetation information is given in Attachment A.

6.4.11 Exhibit K – Climate Information

Monthly Temperature Data [F] NCWCD Loveland Climate Station

Water Year	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Average
1990	50.00	39.82	25.10	33.73	31.04	36.69	47.62	54.29	68.63	69.00	68.94	64.69	49.13
1991	49.82	41.16	22.05	23.76	38.08	41.54	46.61	57.87	66.30	70.41	69.35	60.78	48.98
1992	49.34	34.18	31.96	30.95	38.60	41.36	52.74	58.40	64.46	68.29	66.39	63.00	49.97
1993	51.89	32.05	24.13	24.15	27.60	41.61	46.54	57.76	63.58	69.29	66.97	57.42	46.92
1994	47.32	32.72	32.03	31.85	28.69	42.70	47.28	60.43	69.95	70.55	70.62	63.76	49.83
1995	49.63	35.89	33.30	31.23	35.26	40.52	44.25	50.59	62.75	70.39	73.61	60.59	49.00
1996	49.43	41.18	32.89	25.87	33.15	36.67	48.63	58.02	67.43	71.44	69.38	60.04	49.51
1997	50.76	36.38	33.23	25.49	31.47	41.90	41.99	57.33	66.89	71.65	69.14	63.73	49.16
1998	50.08	35.25	30.95	33.46	35.09	37.60	46.50	59.15	62.23	72.78	71.53	66.85	50.12
1999	49.89	42.77	NC	33.76	39.63	43.78	NC	55.24	64.63	73.18	70.74	58.59	NC
2000	50.46	44.64	35.80	33.08	39.31	41.41	51.30	60.82	66.61	75.05	73.19	63.19	52.91
2001	50.01	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
2004	NC	NC	NC	NC	29.99	45.01	47.45	59.35	62.02	69.19	66.71	60.88	NC
2005	49.87	36.83	30.55	30.94	34.74	39.23	46.44	55.33	65.30	73.77	69.33	62.41	49.56
2006	50.54	40.78	27.89	35.46	29.32	37.01	50.85	59.26	70.71	74.04	71.14	57.20	50.35
2007	48.42	38.25	26.85	19.51	28.49	44.17	45.74	57.29	66.45	75.10	72.97	62.96	48.85
2008	51.46	39.18	22.68	25.07	32.25	38.16	44.20	54.81	64.60	72.23	67.97	58.94	47.63
2009	48.48	41.09	24.08	30.87	35.58	39.54	44.56	57.21	62.62	68.55	66.75	60.67	48.33
2010	41.11	38.77	21.51	26.54	26.37	38.59	46.67	52.20	66.34	71.61	70.72	62.69	46.93
2011	52.16	36.51	32.57	26.42	25.78	41.21	46.45	51.18	65.65	73.70	73.45	61.45	48.88
2012	50.22	37.26	24.30	33.02	27.75	46.14	52.28	57.58	71.28	75.21	70.83	63.30	50.76
2013	47.07	38.46	28.96	26.88	27.89	35.64	40.52	55.90	67.99	71.66	71.13	64.12	48.02
2014	46.59	38.26	26.21	28.07	25.75	38.70	47.69	56.17	65.28	71.35	68.73	61.80	47.88
2015	52.66	33.57	30.27	30.97	33.11	41.86	48.14	51.89	68.05	71.09	70.81	65.96	49.87
2016	54.49	37.39	27.33	28.01	35.64	40.67	47.92	52.91	69.97	73.16	69.03	62.97	49.96
2017	54.89	43.60	24.38	27.30	39.40	45.72	47.89	54.60	67.55	73.34	68.29	62.32	50.77
2018	47.24	42.14	30.63	30.17	27.09	41.34	46.09	58.98	69.93	72.33	69.70	64.91	50.05
2019	47.41	35.62	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Min:	41.11	32.05	21.51	19.51	25.75	35.64	40.52	50.59	62.02	68.29	66.39	57.20	46.92
Max:	54.89	44.64	35.80	35.46	39.63	46.14	52.74	60.82	71.28	75.21	73.61	66.85	52.91
Mean:	49.68	38.22	28.32	29.06	32.20	40.72	47.05	56.33	66.43	71.86	69.90	62.05	49.31

Monthly Precipitation [in.] NCWCD Loveland Climate Station

Water Year	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Average
1990	NC	NC	NC	0.67	0.67	4.56	0.97	2.89	0.29	1.67	1.43	2.37	NC
1991	0.49	0.73	0.58	0.45	0.03	0.25	0.83	2.04	2.06	3.05	1.47	1.12	13.10
1992	0.65	1.71	0.03	0.48	0.02	3.05	1.17	1.19	1.88	1.48	2.86	0.00	14.52
1993	0.17	1.11	0.30	0.38	0.84	1.43	2.14	1.12	2.55	1.04	0.95	2.70	14.71
1994	2.01	1.23	0.18	0.41	0.80	0.56	2.53	1.28	2.91	1.07	1.77	0.72	15.47
1995	0.81	0.69	0.44	0.21	0.94	0.69	3.16	6.80	3.44	0.82	0.18	1.84	20.02
1996	0.16	0.63	0.11	1.10	0.28	1.51	0.85	2.76	1.56	2.44	0.70	2.74	14.86
1997	0.48	0.72	0.09	0.91	0.77	0.67	3.26	2.57	2.61	1.98	3.11	2.24	19.41
1998	1.25	0.46	0.28	0.12	0.28	2.05	1.99	2.05	1.32	1.09	0.54	0.90	12.34
1999	3.43	0.89	NC	0.45	0.06	0.67	NC	1.83	2.26	1.70	1.85	1.57	NC
2000	1.05	0.72	0.16	0.09	0.28	1.11	0.71	1.50	1.22	0.89	0.60	1.85	10.17
2001	0.57	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
2002	NC	NC	NC	NC	NC	NC	NC	NC	NC	0.29	0.47	1.95	NC
2003	0.94	0.61	0.01	0.01	0.97	3.92	2.54	2.63	2.99	0.76	1.58	0.31	17.26
2004	0.09	0.55	0.37	0.47	0.88	0.47	1.96	2.04	2.48	2.66	2.06	2.04	16.06
2005	1.34	1.78	0.21	1.07	0.51	0.78	3.20	2.26	2.61	0.53	0.92	0.37	15.58
2006	3.19	0.11	0.29	0.11	0.59	1.61	0.14	0.71	0.10	1.59	1.72	0.37	10.54
2007	2.22	0.62	1.01	1.03	0.39	1.67	1.96	1.55	0.25	1.15	1.87	1.58	15.28
2008	1.43	0.39	1.57	0.04	0.36	1.14	0.80	1.89	1.32	0.52	2.58	1.43	13.47
2009	0.63	0.07	0.68	0.58	0.26	1.31	4.92	2.02	2.32	2.14	1.34	1.16	17.42
2010	2.28	0.71	1.34	0.23	0.76	2.11	3.30	1.97	2.44	2.50	0.73	0.06	18.42
2011	0.54	0.76	0.33	0.46	0.84	0.29	2.30	4.63	1.67	2.31	0.16	1.64	15.91
2012	1.45	0.88	1.41	0.18	1.45	0.01	0.50	1.62	0.11	2.12	0.08	1.19	11.01
2013	0.81	0.49	0.33	0.08	1.04	1.26	3.22	3.24	1.44	1.32	1.11	6.63	20.96
2014	1.24	0.46	0.50	1.81	0.40	1.22	0.58	5.32	0.65	2.91	2.68	1.46	19.23
2015	0.92	1.04	0.81	0.30	1.57	0.37	2.74	6.44	2.66	1.19	1.02	0.05	19.10
2016	2.24	1.80	1.36	0.52	1.26	2.85	2.30	2.23	0.23	1.08	0.80	0.25	16.92
2017	0.46	0.24	0.72	0.91	0.46	0.67	2.42	4.11	0.39	0.44	1.91	1.86	14.59
2018	1.50	0.57	0.38	0.52	0.93	0.85	0.93	3.70	0.69	2.73	0.64	0.13	13.55
2019	1.23	0.51	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Min:	0.09	0.07	0.01	0.01	0.02	0.01	0.14	0.71	0.1	0.29	0.08	0	10.17
Max:	3.43	1.8	1.57	1.81	1.57	4.56	4.92	6.8	3.44	3.05	3.11	6.63	20.96
Mean:	1.2	0.76	0.54	0.5	0.65	1.37	1.98	2.68	1.65	1.55	1.33	1.45	15.6

6.4.12 Exhibit L – Reclamation Costs

Reclamation Costs are estimated as follows:

DIRECT COSTS

Item	*Task Description*	*Area* [acres]	*Volume* [yd^3]	*Cost* [$/]	*Extension* [$]
1	Dewater Pond 1	3.41 acre/ft		$65.67	$223.93
2	Backfill Pond 1		9,000	$1.00	$9,000.00
5	Topsoil Replacement 6.83 acres @ 6" Depth		5,500	$0.58	$3,190.00
6	Revegetate Disturbed Area	24.06		$550.00	$13,233.00
7	Mobilization/Demobilization			$2,000.00	$1,000.00
8	Total Direct Costs				$26,646.93

6.4.13 Exhibit M – Other Permits and Licenses

The applicant holds the following permits:

NPDES Stormwater Discharge Permit

Air Pollution Control Division Construction Permit

State Engineers Office Well Permit / SWSP

Larimer County Use by Special Review Permit.

6.4.14 Exhibit N – Source of Legal Right to Enter

1. Kirtright Property

A legal right to enter from Randy Kirtright is on file with the DRMS.

2. O'Brien Property

With regard to the O'Brien property, the applicant is the successor beneficiary of a 1930 deed (included as Attachment N-1) granting a right of way from the land owned by the applicant across both the Kirtright and O'Brien parcels. This right of way has been in use since it was first granted, including under the ownership of Linda O'Brien.

The applicant's right of access to conduct reclamation activities also is established by a 1986 agreement between the applicant and Virgil Kirtright, who was the original owner of the O'Brien property (see Attachment N-2; the "1986 Agreement"). However, the applicant has completed reclamation work on the O'Brien property in accordance with the most recently approved (2015) reclamation plan and does not intend to access the O'Brien property for further reclamation work on the property.

1986 Agreement

The 1986 Agreement provided the applicant with the right to enter and remove gravel from the Kirtright property and was executed a few months before DRMS's approval of the applicant's original mining and reclamation permit in 1986. The 1986 Agreement functioned as the applicant's source of a legal entry right at the time of the original 1986 permit and continues to operate as a legal right of entry today; when Linda O'Brien took title to the O'Brien property six years after the execution of this agreement, she took ownership subject to this entry right. The warranty deed establishing her title specifically provides that her title is subject to "easements, covenants, restrictions and reservations of record, or in use, if any" (see Attachment N-3). The 1986 Agreement was unrecorded but the applicant's use pursuant to this agreement was in place prior to the execution of Linda O'Brien's deed, as the applicant has accessed the O'Brien property for mining, and subsequently reclamation, since 1986. This was done with Linda O'Brien's full knowledge. It is only in the recent past that Linda O'Brien has questioned the applicant's right to access the land.

3. CDOT Property

The applicant sent a request to DRMS via certified mail on February 27, 2025 to release the CDOT property from within the permit boundaries; reclamation work is complete in this location and the applicant does not need to enter upon CDOT's property to complete the remaining reclamation work.

6.4.15 Exhibit O – Owner (s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

The owners of record of the land and surface minerals are as follows:

KIRTRIGHT RANDY A
260 SE FRONTAGE RD
JOHNSTOWN, CO 80534

OBRIEN LIVING TRUST THE
PO BOX 920
JOHNSTOWN, CO 80534

CDOT

10601 W. 10th St.

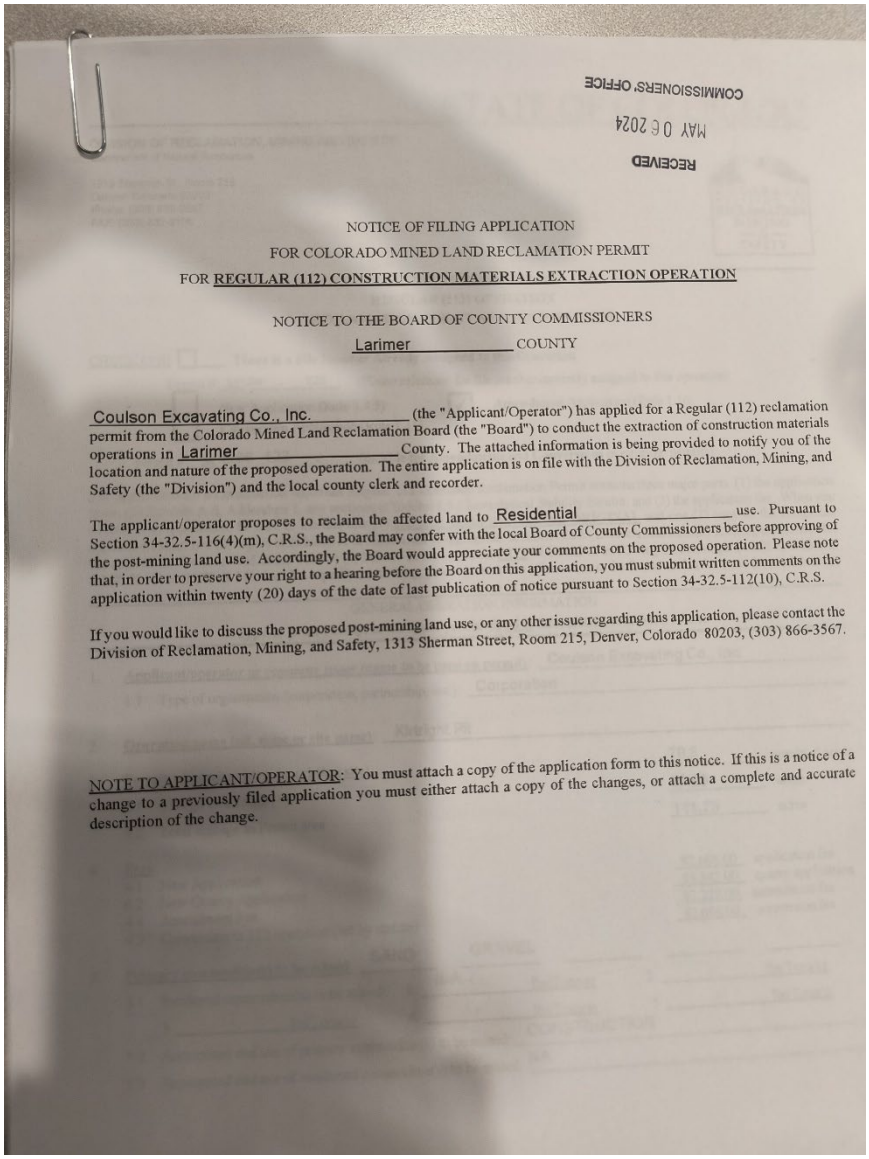
GREELEY, CO 80634

6.4.16 Exhibit P – Municipalities Within Two Miles

The Municipalities within 2 miles of the permit area are as follows:

1. Town of Loveland
2. Town of Johnstown

6.4.17 Exhibit Q - Proof of Mailing of Notices to Board of County Commissioners and Soil Conservation District



COMMISSIONERS' OFFICE

RECEIVED

MAY 06 2024

NOTICE OF FILING APPLICATION

FOR COLORADO MINED LAND RECLAMATION PERMIT

FOR **REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION**

NOTICE TO THE BOARD OF COUNTY COMMISSIONERS

Larimer COUNTY

Coulson Excavating Co., Inc. (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in Larimer County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Residential use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Board of County Commissioners before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

NOTICE OF FILING APPLICATION

FOR COLORADO MINED LAND RECLAMATION PERMIT

FOR **REGULAR (112) CONSTRUCTION MATERIALS EXTRACTION OPERATION**

NOTICE TO THE BOARD OF SUPERVISORS

OF THE LOCAL CONSERVATION DISTRICT

Larimer Conservation DISTRICT

Coulson Excavating Co., Inc. (the "Applicant/Operator") has applied for a Regular (112) reclamation permit from the Colorado Mined Land Reclamation Board (the "Board") to conduct the extraction of construction materials operations in Larimer County. The attached information is being provided to notify you of the location and nature of the proposed operation. The entire application is on file with the Division of Reclamation, Mining, and Safety (the "Division") and the local county clerk and recorder.

The applicant/operator proposes to reclaim the affected land to Residential use. Pursuant to Section 34-32.5-116(4)(m), C.R.S., the Board may confer with the local Conservation Districts before approving of the post-mining land use. Accordingly, the Board would appreciate your comments on the proposed operation. Please note that, in order to preserve your right to a hearing before the Board on this application, you must submit written comments on the application within twenty (20) days of the date of last publication of notice pursuant to Section 34-32.5-112(10), C.R.S.

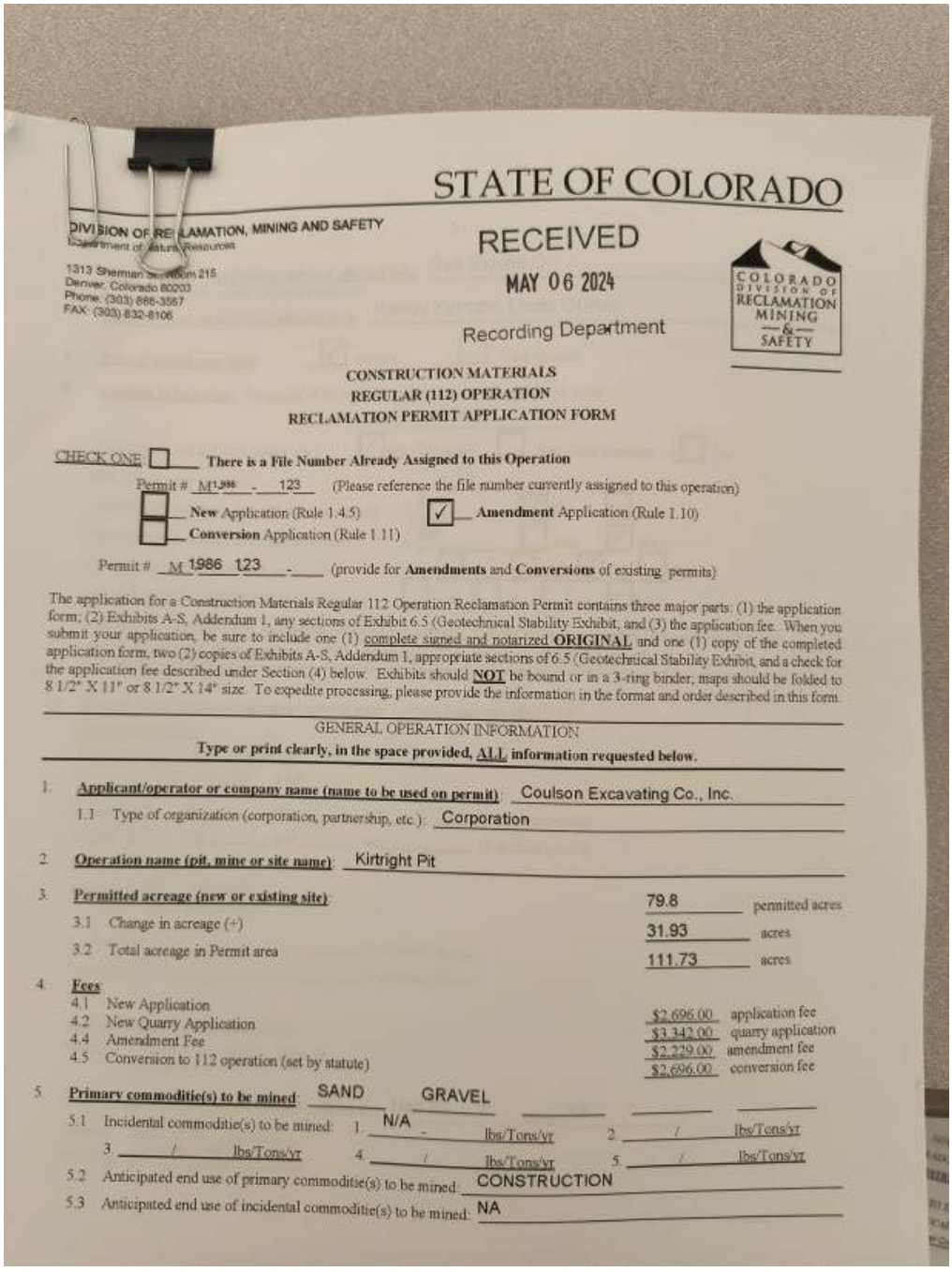
If you would like to discuss the proposed post-mining land use, or any other issue regarding this application, please contact the Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567.

NOTE TO APPLICANT/OPERATOR: You must attach a copy of the application form to this notice. If this is a notice of a change to a previously filed application you must either attach a copy of the changes, or attach a complete and accurate description of the change.

Recieved by Larimer Conservation District 5/6/2024

- Dylan Hlsbach

6.4.18 Exhibit R – Proof of Filing with County Clerk and Recorder



STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106

RECEIVED
MAY 06 2024
Recording Department

COLORADO DIVISION OF RECLAMATION MINING & SAFETY

CONSTRUCTION MATERIALS
REGULAR (112) OPERATION
RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: ☐ **There is a File Number Already Assigned to this Operation**

Permit # M1986 - 123 (Please reference the file number currently assigned to this operation)

☐ **New** Application (Rule 1.4.5) ☑ **Amendment** Application (Rule 1.10)

☐ **Conversion** Application (Rule 1.11)

Permit # M 1986 123 - ___ (provide for **Amendments** and **Conversions** of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form, (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit, and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized **ORIGINAL** and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit):** Coulson Excavating Co., Inc.
   1.1 Type of organization (corporation, partnership, etc.): Corporation
2. **Operation name (pit, mine or site name):** Kirtright Pit
3. **Permitted acreage (new or existing site):** 79.8 permitted acres
   3.1 Change in acreage (+) 31.93 acres
   3.2 Total acreage in Permit area 111.73 acres
4. **Fees**
   4.1 New Application $2,696.00 application fee
   4.2 New Quarry Application $3,342.00 quarry application
   4.4 Amendment Fee $2,229.00 amendment fee
   4.5 Conversion to 112 operation (set by statute) $2,696.00 conversion fee
5. **Primary commodity(s) to be mined:** SAND GRAVEL
   5.1 Incidental commodity(s) to be mined: 1 N/A - lbs/Tons/yr 2 / lbs/Tons/yr
   3 / lbs/Tons/yr 4 / lbs/Tons/yr 5 / lbs/Tons/yr
   5.2 Anticipated end use of primary commodity(s) to be mined: CONSTRUCTION
   5.3 Anticipated end use of incidental commodity(s) to be mined: NA

WSI Weiland, Inc.
Environmental & Engineering

VIA Courrier Service

March, 3 2025

Larimer County Clerk & Recorder
200 W Oak St STE 1000,
Fort Collins, CO 80521

RECEIVED
MAR 04 2025
Recording Department

Re: Proof of Filing with the Clerk

To Whom it May Concern,

This package includes revisions to the Kirtright Regular 112 Amendment Application M-1986-123, which is to be filed with the Clerk and Recorder for the public to view.

I request that you provide me proof of the filing via email to pwayland@weilandinc.com .

If there are any fees to be paid or questions, please call my mobile phone at 303-518-2182.

Sincerely,

Peter Wayland

Peter Wayland
President

PO BOX 18087 , BOULDER, CO 80308
303-518-2182

6.4.19 Exhibit S – Permanent Man-Made Structures

The following table gives permanent man-made structures within 200ft of the affected land. The map key references **Exhibit C-1 Pre-Mining Plan Map.**

Requests for execution of a structure agreement were sent to owners of permanent man-made structures within 200 feet of the affected lands on June 25, 2025, by certified mail along with the official notification letter. CDOT, which owns a fence and roadway within the 200-foot radius, is the only party that this now applies to. An executed structure agreement with CDOT is included as Attachment S-1.

Table 6.4.19-1 Permanent Man-Made Structures within 200ft of the Affected Land

MAP KEY	STRUCTURE	OWNER
S-1	FENCE	CDOT ASSET MANAGEMENT
S-2	ROADWAY	CDOT ASSET MANAGEMENT