



02/28/2025

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Denver, CO

**Re: Response to Objections to 112c Construction Materials Amendment Application (AM-1)  
Kirtright Pit, Permit No. M-1986-123**

Dear Mr. Lennberg,

On behalf of Coulson Excavating Co., Inc. ("CEC"), this letter is intended to address comments received by the Division of Reclamation, Mining & Safety ("DRMS") in connection with the above-referenced application (the "Amendment Application"). DRMS forwarded these comments to CEC in emails dated July 11<sup>th</sup>, 22<sup>nd</sup>, 26<sup>th</sup> and August 5<sup>th</sup> and 6<sup>th</sup>, 2024.

The Amendment Application requests the inclusion of an additional 6.6 acres of land (the "Expansion Area") along the northwestern boundary of the land subject to Permit No. M-1986-123 (the "Site" and "Permit" respectively). As an initial matter, it is clear from our review of the comments received by DRMS that there is a great deal of misunderstanding – and likely misinformation circulating – regarding the scope of the Amendment Application and CEC's previous reclamation activities. CEC wishes to clarify that the Amendment Application only seeks to amend the Permit boundaries to allow for completion of reclamation on the Site. The amendment is requested in order to obtain fill material needed to backfill a single exposed groundwater-fed pond (Pond 1) on the Site. The Site is subject to a reclamation plan most recently updated and approved in 2015 (the "Reclamation Plan") as part of the Permit.

The fill material that CEC seeks in the Expansion Area consists primarily of alluvial material that was deposited in this location when the Big Thompson River flooded in 2013. CEC requires this material to complete the backfilling of Pond 1 in compliance with the Reclamation Plan for the Site. CEC is not seeking to commence new or ongoing commercial mining operations; its sole objective in seeking to amend the Permit is to complete reclamation work.

In parallel with this Amendment Application, CEC also is seeking the release of certain areas from within the Permit boundaries, as reclamation work is complete in these locations. As further discussed below, Exhibit C-2 to the Amendment Application identifies the areas where reclamation work is complete. The idea that CEC has not diligently pursued reclamation, or that CEC does not wish to see the property reclaimed now, is false.

## 1. Introduction

Many of the comments received by DRMS with regard to the Amendment Application raised similar issues. Rather than respond individually to each letter that DRMS received, this response letter seeks to address the substance of the concerns that were raised in these letters (particularly as many commentators appear to have submitted copies of the same form letter). The chart attached hereto as Attachment A provides an overview of the letters that were received and their comment. The comments focused on the following matters: (1) mining operations at the Stroh Pit; (2) entry upon property owned by Linda O'Brien (the "O'Brien Property"); and (3) the timeframe for reclamation of the Kirtright Pit. These matters are addressed below, along with additional comments received from Larimer County regarding County-level permits and comments received from Linda O'Brien's attorney, Kent Naughton, regarding use of the O'Brien Property.

Since CEC's initial submittal of the Amendment Application, CEC has streamlined its proposal to complete reclamation of the Site, and is submitting an updated Amendment Application with this letter. Of particular note, CEC no longer intends to obtain any fill material from the Stroh Pit to complete the reclamation work for the Kirtright Pit. Additionally, our updated Amendment Application does not contemplate any reclamation work on the O'Brien Property as revegetation has already been established. Accordingly, many of the public comments raised with regard to the Amendment Application are now moot.

## 2. Response to Comments Received by DRMS

### *(a) The Amendment Application Does Not Involve the Stroh Pit*

CEC will not source or transport any material from the Stroh Pit to complete the Reclamation Plan; CEC will only use fill material from within the Permit boundaries (including the Expansion Area, as proposed by the Amendment Application) to complete reclamation of the Kirtright Pit.

A number of commentators suggested that the Amendment Application was intended to allow for additional commercial mining operations at Stroh Pit – this is inaccurate. CEC initially suggested using material from Stroh Pit to complete backfilling within the Permit boundary because CEC, as owner of the Stroh Pit, can easily access this material. However, to keep this Amendment Application as straight-forward as possible – with the ultimate goal of completing the reclamation of Kirtright Pit as expeditiously as possible – CEC will not use any material from Stroh Pit to complete the reclamation of the Kirtright Pit. All operations at the Stroh Pit remain separate and unrelated to the Kirtright Pit and this Amendment Application.

Additionally, we wish to clarify that the work to be completed at the Kirtright Pit under the Amendment Application is solely related to reclamation. The purpose of the Amendment Application is to expand the current Permit boundaries to capture the area where alluvial material was deposited by the flooding of the Big Thompson River and to use this fill material to backfill Pond 1 on the Site and complete revegetation and reclamation of this area. The location of Pond 1 and the borrow area are shown on Exhibit C-1 of the Amendment Application. CEC has not engaged in any commercial mining at the Kirtright Pit since 2008 and this Amendment Application is only intended to allow for reclamation work.

*(b) No Further Work is Planned on the O'Brien Property*

Our revised Amendment Application does not contemplate any additional reclamation work on the O'Brien Property, nor on the Kirtright Property to the east. Revegetation has already been established in these locations in accordance with the currently approved 2015 Reclamation Plan.

*(c) The Reclamation Timeframe*

CEC wishes to clarify the current status of outstanding reclamation work needed to satisfy the Reclamation Plan under the Permit, as the objections received by DRMS demonstrate a misunderstanding of the work CEC has completed to date and what remains to be accomplished. Mining ended in 2008. On February 15, 2022, the Site was inspected by Brock Bowles of the DRMS. Mr. Bowles wrote in his inspection report, "The site was mostly reclaimed and vegetated with the exception of the scale house and some older equipment near the entrance (photo 1)" In the same report, Mr. Bowles also made the following statement "The reclamation of the ponds needs to wait until the Augmentation Plan scheduled for water court in 2024 is complete".

CEC filed the application for the augmentation plan in Colorado Division Water Court (the "Water Court") in 2019. CEC continues to await a final decree, which is expected in 2025. During this time, CEC sought to incorporate additional sources of augmentation water, including municipal effluent, into its permanent plan for augmentation. As a result, CEC has dedicated a very sustainable water supply to this augmentation plan.

The claim that CEC has been remiss in completing reclamation of the Site ignores the fact that CEC is awaiting approval of the augmentation plan, the timing of which is controlled by the Water Court, and has worked diligently to complete the other elements of the Reclamation Plan that are within CEC's control. The map attached to the Amendment Application as Exhibit C-2 identifies the areas where reclamation is complete, subject only to approval of the augmentation plan. On February 27, 2025, CEC also submitted to DRMS via certified mail a release request for certain areas within the permit boundaries, as further shown on Exhibit C-2 ("Release Request"). We are providing this map as a visual representation of the work CEC has done on the Site and to clarify that CEC's sole objective with regard to the Site is to complete reclamation.

The scope of work remaining to satisfy the Reclamation Plan for the Site is limited. In order to do so, CEC must backfill Pond 1, and then replace topsoil and complete revegetation, followed by weed control as needed. CEC anticipates that backfilling Pond 1 will take one month, replacing topsoil will take two months and revegetation will take approximately a year. The relevant areas for each of these actions are shown on Exhibit C-2 to the Amendment Application.

Moreover, if this Amendment Application is approved, it is CEC's intention to request release of the Permit property, except for (i) the areas identified on Exhibit F as still requiring revegetation, and (ii) the Pond areas, which cannot be released until final approval of the augmentation plan.

As explained in the Amendment Application, CEC is seeking approval of the Amendment Application so that it will be able to proceed with completion of the required reclamation work. CEC is committed to completing this reclamation work within 1.5 years from approval of the Amendment Application. This timing is predominantly controlled by the time it takes for revegetation to occur; it

is in no way impacted by operations at the Stroh Pit nor by an inability or unwillingness on the part of CEC to complete the work.

### **3. Response to Letter Dated August 2, 2024 from Linda O'Brien's Attorney to DRMS (the August 2024 Letter)**

The below section of this letter responds to objections raised in the August 2024 Letter.

#### *(a) The Amendment Application Does Not Involve the Stroh Pit*

The August 2024 Letter provides that "The Plan improperly depends upon operations at the adjacent Stroh Pit." As discussed, CEC initially proposed to use fill material from Stroh Pit to complete backfilling of the ponds within the Permit boundaries. This was simply intended for the sake of efficiency as CEC controls both sites. CEC has no need to obtain fill material from the Stroh Pit and no longer intends to do so. The Amendment Application pertains solely to the Permit and does not implicate the Stroh Pit nor the mining and reclamation permit for the Stroh Pit. Accordingly, any objections raised with regard to the involvement of the Stroh Pit are now moot.

#### *(b) Reclamation Timeline*

The August 2024 Letter provides that "the Seven-year timeline is unreasonable." CEC proposed a seven year reclamation timeline in the initial Amendment Application. CEC has reduced the overall scope of reclamation work and the proposed timeline has correspondingly been adjusted to 1.5 years; a discussion of the timeline and the reclamation work undertaken to date is provided above in Section 2(c) of this letter.

#### *(c) Flood Protection on the O'Brien Property*

The August 2024 Letter provides that "The Plan must provide for improved flood protection of the O'Brien property." The O'Brien property is currently in a state of final reclamation as defined in the Reclamation Plan. It is understood that the ground north of Pond 3 on the O'Brien Property has been prone to flooding when the Big Thompson River reaches higher stages. As defined by the Reclamation Plan for that area, the grade of that area of land is lower than it was prior to 1986 when mining began. The effect of lowering the grade of land in the flood conveyance zone actually has the effect of mitigating (lowering) flood water surface elevations, thereby reducing the risk of flooding to any of the residential structures within the Permit area. Furthermore, the ground north of Pond 3 on the O'Brien Property is currently mapped by FEMA (11/15/2017 effective date) as occurring in the floodway. Filling in the floodway is prohibited unless the engineer can prove a zero rise condition to flood surface water elevations. The amount of fill required to prevent flooding of this area would indeed cause a rise to flood water surface elevations, therefore it is not feasible to fill this ground.

Backfilling of Pond 1 is however permissible in the floodway since floodplain models consider ponds to be ineffective flow areas. Larimer County Engineering is the FEMA administrator responsible for managing the floodplain in this area. They were consulted regarding the backfilling of Ponds at the Kirtright Pit and agreed that this backfilling would not constitute a rise in floodwater surface elevations.

#### *(d) Structure Agreements*

The August 2024 Letter provides that “The Plan does not comply with Rule 6.3.12.” This rule requires that the applicant execute structure agreements with owners of significant, permanent, man-made structures within 200 feet of the affected lands, or provide an engineering evaluation demonstrating that the proposed operations will not damage these structures. The assertion that CEC has not complied with this rule is inaccurate. In connection with the Amendment Application, requests for structure agreements were sent to owners of permanent man-made structures within 200 feet of the affected lands on June 25, 2024, 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 an attachment to Exhibit S of the Amendment Application.

The August 2024 Letter further references 25 dump trucks full of topsoil near Lacy Lane, incorrectly asserting that CEC dumped this material in this location, which would impact the location of the 200 foot structure agreement notice area. CEC had no involvement in this material being placed here; this material was moved by Randy Kirtright.

*(e) Bonding for Reclamation*

The August 2024 provides that “the Plan should not be approved until bonding is adequate,” asserting that CEC has not provided adequate bonding for reclamation. However, the matter of bonding was reviewed by DRMS in 2019; as DRMS correctly determined, an increase was not necessary because CEC’s Temporary Water Supply Plan (“SWSP”) from the Division of Water Resources includes the dedication of water rights to cover the augmentation of the exposed groundwater at the Site (see DRMS letter to CEC dated November 12, 2019).

The August 2024 Letter further asserts that the SWSP relies on the dedication of 6.84 shares of Hill & Brush Ditch Co. but that this interest has not been properly established, providing “The standard method of perfecting a security interest in water stock of this sort is to obtain physical possession of the original water stock certificates and ensure that the ditch company is adequately informed of the security interest.” Hill & Brush Ditch Co. is owned in full by Ken Coulson, and he is the one who dedicated shares of the water stock to CEC; accordingly, there is no issue here of insufficient knowledge or possession. DRMS was absolutely correct in finding this dedication of water rights to be in order.

CEC hopes to obtain approval of a permanent augmentation plan in 2025. Additionally, as further described in this letter, CEC recently sought to release portions of the Site from the Permit, which would result in a decrease in the applicable surety amount, and further intends to seek a release of additional property following the processing of the Amendment Application. CEC is committed to completing reclamation and respectfully seeks approval of the Amendment Application so that it may proceed to do so.

**4. Response to Letter Dated August 1, 2024 from Larimer County Community Development Director to DRMS (the “Larimer County Letter”)**

The Larimer County Letter provides helpful guidance to CEC in connection with the Amendment Application, ensuring that CEC consider County-level requirements with regard to the Permit-boundary change proposed in the Amendment Application. The Larimer County Letter does

not assert that CEC has failed to consider or meet these requirements, nor does it state whether any County-level requirements are triggered by the Amendment Application. CEC addresses the Larimer County Letter here simply to affirm that it is aware of the applicable County-level requirements and will follow all such requirements in connection with the proposed change to the Permit boundaries.

*(a) Floodplain Permits and No-Rise Analysis*

The Site is subject to Floodplain Permit No. 23-FLD0031 issued on June 15, 2023 (the "Floodplain Permit") and CEC has applied for an extension of this Floodplain Permit. The inclusion of the Expansion Area is not expected to change the conditions of the Floodplain Permit.

As a condition of approval for the Floodplain Permit, a Letter of Map Revision ("LOMR") may be required should final reclamation of the Site show a decrease of floodwater surface elevation of 0.3 ft. The Floodplain Permit also requires that a hydraulic model will be prepared to demonstrate post mining conditions. Overall, the earthwork proposed to complete reclamation of the Site will not affect floodwater surface elevations due to the fact that pond areas are treated as ineffective flow up to their spill elevations in hydraulic model. The final backfill grade for Pond 1 will be at or just below that elevation.

A LOMR will be required because the Use by Special Review permit issued by Larimer County for the Stroh Pit also covers the Kirtright Pit land. The work on the Kirtright Pit will lower floodwater surface elevations, necessitating a LOMR. Based on these conditions, Larimer County has indicated that a floodplain review is not necessary.

*(b) Air Pollution Control Division Permit*

The Kirtright Pit and associated reclamation currently operate under an Air Pollution Control Division permit (Permit No. 98LR0014F, AIRS ID 069-0332; the "Air Quality Permit"). The Air Quality Permit includes Fugitive Dust Control plans and the Larimer County Letter lists certain additional mitigation measures CEC must follow, such as watering unpaved roads, suspending earthwork on days of high wind, and covering loads on haul trucks. CEC currently is compliant with - and will continue to comply with - these requirements.

*(c) Additional Mitigation Measures*

The Larimer County Letter includes a request that the DRMS Board impose certain additional conditions on the Amendment Application to mitigate the impacts of reclamation work on surrounding property owners and community members. These are enumerated in the Larimer County Letter and entail restricting use of the County Road and State Highway for loading, parking, turnarounds, etc; removing spilled material; and landscaping improvements. CEC will comply with all of these conditions.

## Attachment A

### Overview of Comments Received

DRMS received 38 object timely objections, which were shared with CEC. The below chart identifies the senders of the objections and provides a brief overview of the comments they provided. Please note that the majority of these submissions comprised a form letter that appears to have been circulated among neighbors – these objections are listed first. A copy of this form letter is provided below the chart.

Sender	Date of Comment	Content of Comment
David and Sandra Balthrop	July 2, 2024	Form Letter
Robert and Vicky Dunlop	July 3, 2024	Form Letter
Edward Garvey	July 3, 2024	Form Letter
Gary R. Wetzel	July 3, 2024	Form Letter
Joseph A. Vilha	July 3, 2024	Form Letter
Pat and Sharon Carr	July 3, 2024	Form Letter
Robert and Carolyn Cushman	July 3, 2024	Form Letter
Paul and Susan Fischer	July 4, 2024	Form Letter
Terry and Cristi Baldino	July 4, 2024	Form Letter
Kevin Ritter	July 5, 2024	Form Letter
Richard and Rose Boccolucci	July 5, 2024	Form Letter
Jessie Ritter	July 5, 2024	Form Letter
Karl Muriby	July 7, 2024	Form Letter
Joanne Muriby	July 7, 2024	Form Letter
Deborah A. Genet	July 8, 2024	Form Letter
Gregory Martino	July 8, 2024	Abbreviated version of Form Letter
Judith and David Sobinovsky	July 10, 2024	Form Letter
Laura and Scott MacDonald	July 10, 2024	Form Letter
Cathy and Darrell Sabatka	July 13, 2024	Form Letter
Phil Beedle	July 15, 2024	Form Letter (also provides a second letter that is an abbreviated version of the Form Letter)
Brent and Lori Brown	July 22, 2024	Form Letter
Brent and Mary Rudd	July 27, 2024	Form Letter

Sender	Date of Comment	Content of Comment
Panayota Andrianakos	July 28, 2024	Form Letter
Brian and Claudia Burgstahler	August 1, 2024	Form Letter
Sandy Balthrop	August 2, 2024	Resending Form Letter submitted on July 3, 2024
Frank and Denise O'Hare	August 3, 2024	Form Letter
Lynn Beedle	August 5, 2024	Abbreviated version of the Form Letter
Linda O'Brien	June 9, 2024	<ul style="list-style-type: none"> <li>- Frustrations with digging conducted by Randy Kirtright</li> <li>- Frustrations with flooding on property</li> <li>- Piling of topsoil used by Randy Kirtright (Coulson cooperation with R. Kirtright)</li> <li>- "Current bond amount is inadequate"</li> <li>- "Stroh Pit mining plan has no agreement with O'Briens"</li> <li>- "Coulsons want seven years to finish Kirtright Pit."</li> <li>- "Coulsons want to expand the pit boundaries to 111 acres from the original 80 acres...this is only to accommodate the use of the Stroh Pit for finishing the Kirtright reclamation"</li> <li>- "Sixteen acres in the SW corner are not pre-1981 status"</li> <li>- "Coulsons needs to finish the O'Brien property reclamation first before the Kirtright property."</li> <li>- "Coulson management cannot be trusted to comply with requirements."</li> </ul>
Nine signatories	July 2, 2024	<p>"Coulsons have married the reclamation of the Kirtright Pit to the mining of the Stroh Pit by stating dirt from the Stroh Pit will be used to fill in ponds on the Kirtright Pit." The letter raises the following:</p> <ul style="list-style-type: none"> <li>- Airborne particulates generated by minding and movement of dirt</li> <li>- Decreased property values</li> <li>- Open areas of mud flats invite pests and mosquito infestations</li> <li>- Truck traffic and safety concerns</li> <li>- Truck noise</li> <li>- Inadequate bond amounts</li> <li>- Not enough oversight of Coulsons by DRMS and DWR</li> <li>- Coulsons overdue on completing reclamation</li> </ul>



Sender	Date of Comment	Content of Comment
Mark Danton	July 4, 2024	Online comment stating: "This pit, and the planned Stroh pit, can and will negatively impact my quality of life in several areas: Noise; Dust and fallout; Hours of operation; Negative visual impact; Negatively impact my property value; Increased truck traffic."
Jeffrey and Laura Greene	July 5, 2024	"This letter is written to express my concerns regarding the conduct of Coulson Excavating Company and their application to open the Stroh and Kirtright pits, which has been submitted in bad faith." Notes that Coulson's consulting firm, Weiland, Inc. is not current in its filings; believes Coulson has acted in bad faith; asserts the pits will cause a decrease in property values; pits will degrade the aesthetic appeal and air quality; pits will adversely impact property rights and quality of life; pits are in a 100 year floodplain and when flooding happens, vehicle fuel and other substances will spill into the Big Thompson River; CEC has posted signs that are too small to read.
Daniel Brunt	July 9, 2024	Accuses Coulson of negligence and delay tactics. Opposes use of the Stroh Pit and accuses Coulson of seeking to extend operations rather than engaging in reclamation.
Name not provided; email is bkaneb@gmail.com	July 10, 2024	Form Letter with the following cover message: "I am writing to ask you to look into the shadyness of the Coulson Excavation Company in the dealing with the Stroh Quarry and the Kirtright pit. I am in full agreement with the below letter [Form Letter] and write this so you know I am a real person. I am a veteran and my girls have asthma.. We need to stop this pit. It is shady. Enough is enough."
James G. Zack, Jr.	July 12, 2024	Variation of Form Letter
Melissa Stroh	July 15, 2024	Online comment stating: "This will destroy our neighborhood and property values. They also never get these jobs done in the 7 hears [sp] allotted. Look at there [sp] past history! Stop this from happening."
Whitney Lynch	July 17, 2024	Online comment stating: "The Coulson Mining operation should NOT be allowed to mine the Kirtright or Stroh Pits! Coulsons have repeatedly ignored or only partially complied with DRMS rules and regulations. I strongly object to this operation for multiple reasons, some being: Loss of property value Dust and debris – air quality; Heavy truck traffic – and noise!; Within the 100 year flood plain. Please consider how this will affect us!"

Sender	Date of Comment	Content of Comment
Mindy Hunter	August 1, 2024	Opposes allowing Coulson to delay the reclamation of the Kirtright Pit. Accuses Coulson of proposing to use O'Brien property without permission.
Chase Bonner	August 1, 2024	Provides the letter is provided in "opposition to the proposed gravel pit in our residential area." Cites a number of concerns, including property values, aesthetic degradation, health concerns, heavy haul truck traffic, site's location in 100-year floodplain, and timing of the project.
Kent Naughton, Esq., Attorney for Linda and Kevin O'Brien	August 2, 2024	The claims raised in Mr. Naughton's letter are discussed in the body of this letter.
Grayson Graff	August 3, 2024	Attaches the July 2, 2024 letter from nine signatories (including Mr. Graff) and writes "Please find the attached letter and signatures protesting the Zoning change request and proposal by Coulson mining to open and operating a gravel mining operation Upwind and only 900 feet from over a Thousand homes and our Local school and recreation center." Describes concerns with a proposed zoning change, including respiratory and air quality concerns; Coulson's track record; proposed operation is not approved by DRMS; sound and traffic; flooding; loss of property values.
Barbara Brunt	August 4, 2024	"My concern is the lack of governance towards holding Coulson Excavating to reclamation of properties..." Wants Coulson to be held accountable to completing reclamation.

### Text of Form Letter

Re: Comments on Coulson Excavating Company, Inc. — Amendment application for Kirtright Pit, Larimer County, Permit #M1986-123

Dear Mr. Lennberg:

We are residents of the Thompson River Ranch and Thompson Crossing community. We are sending this letter in response to the call for comments regarding the Kirtright Pit amendment (Notice dated June 14, 2024, from Patrick Lennberg) filed by Coulson Excavating Company, Inc. (Coulson). Some of us live adjacent to the Kirtright Pit properties owned by Randy Kirtright and by Linda O'Brien; some of us live adjacent to the Stroh Pit property owned by the Coulson family, and some of us are adjacent to both, but all of us — well over 1,000 households — lie within a mile of these properties proposed to be used for an industrial mine. Although this amendment addresses the Kirtright Pit, Coulson has tied the fate of the Kirtright and Stroh Pits together and therefore we all have the potential to be impacted by this project.

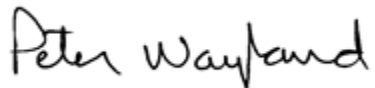
Larimer County approved the Stroh Pit Use by Special Review permit over the objections of the residents in the surrounding neighborhoods. But it has since come to our attention that the Stroh Pit USR application was based on false, or at least misleading, information regarding Coulson's right to use the Kirtright Pit property for the processing and storage of Stroh materials. It is our understanding that Linda O'Brien has not given Coulson permission to use her land for this purpose nor to allow access to, or across her property for a conveyor belt or for the 200 one-way haul truck trips per day — an average of one truck every 3 minutes. Even now, after this has come to light, Coulson continues to get a pass to move forward with complete disregard for the property owner's rights. And suddenly, in order to use Kirtright Pit for the Stroh Pit operation despite the property owner's objections, Coulson now claims they need Stroh Pit soil to reclaim Kirtright Pit (despite access to other nearby gravel operations they own to the east and west) and it just so happens it will take them seven more years to finish the Kirtright reclamation — the same time frame given to mine and reclaim the Stroh Pit.

Perhaps even more disturbing than the consistently outdated and inaccurate paperwork (permit applications and annual reports) as well as the inconsistency between the plans submitted to the DRMS and Larimer County, are the number of code violations (including operating outside Kirtright Pit permit boundaries), delay tactics, and outright negligence on the part of Coulson Excavating.

Of particular concern is the damage done to the O'Brien property and the unwillingness of Coulson to correct the damage and finish reclamation. The DRMS sends Coulson letters with corrective actions to be taken which Coulson, time after time, fails to fully complete, or ignores, with little or no consequences, resulting in DRMS eventually giving in to Coulson's wants. (For example, Coulson violates the original Kirtright Pit permit boundary and simply asks for an amendment after the fact to extend the boundary of the permit.) Failure to reclaim the Kirtright Pit properties 16 years after mining was completed and the inability of the DRMS to hold Coulson accountable are certainly reasons for us to question how well Coulson will follow the conditions listed in the County's USR permit for Stroh Pit. And since there is no *guaranteed* time frame to finish mining, how long will we wait for reclamation? Will it be 7 years or, like Kirtright, another 15 to 20 years? There is also considerable confusion regarding the water augmentation plan for the Kirtright Pit which is evident in many of the inspection reports by various agencies. That leads us to question the reliability of claims of water rights for the Stroh Pit reclamation.

If the Kirtright Pit is an example, the Coulsons have not successfully demonstrated that they can operate within the standards and conditions set by DRMS and the County, or within the timeframe they claim. With this new amendment, the Kirtright Pit will not be reclaimed until 23 years after mining was completed there. (Proposed completion date is now May 2031.) The DRMS calls this a reclamation permit, but what Coulson is proposing is anything but reclamation.

Our objection to this Kirtright Pit amendment is that it is just another in a long line of excuses and passes given to Coulson to continue to extend operations for their benefit. A company that has been doing this type of work for several generations should know the regulations and the requirements of completing such an undertaking before they start work on a large-scale, landscape-altering endeavor like a gravel pit. Instead, it appears that it has taught them how to play DRMS and Larimer County and take advantage of the lack of government oversight. DRMS cannot pass this off as only the problem of local government. Both the DRMS and Larimer County have a role to play in holding Coulson accountable and the DRMS can start by ensuring that Kirtright Pit is reclaimed as was initially required by their permit. It is hoped that more stringent oversight will then continue with Coulson's future projects.



Peter Wayland  
President