



STATE OF COLORADO

Brown - DNR, Kari <kari.oakman@state.co.us>

Re: UPRR 50 Pan Am D#1

Brown - DNR, Kari <kari.l.brown@state.co.us>

Wed, Feb 18, 2026 at 4:09 PM

To: Cullen Chew <cchew@kpk.com>

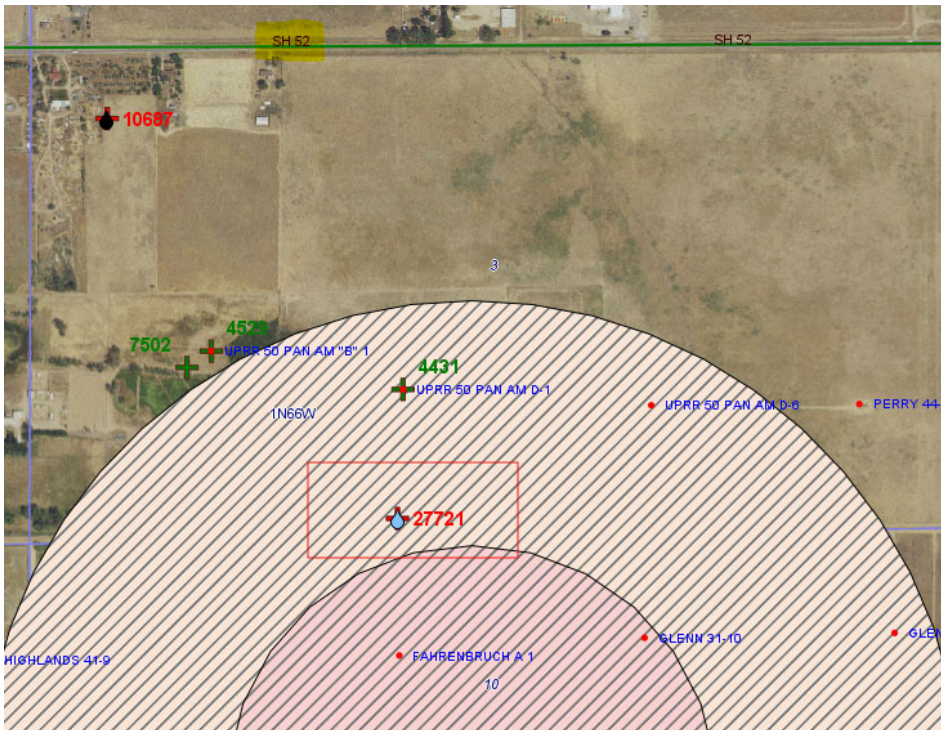
Cc: "Marette - DNR, Brandon" <brandon.marette@state.co.us>, Daniel Motisi <dmtisi@kpk.com>, Nikki Graber - DNR <nikki.graber@state.co.us>, Erin Priest - DNR <erin.priest@state.co.us>, Diana Burn - DNR <diana.burn@state.co.us>, Audrey Blakeman - DNR <audrey.blakeman@state.co.us>, "Deranleau - DNR, Greg" <greg.deranleau@state.co.us>, Steven Kirschner - DNR <steven.kirschner@state.co.us>, Chris Binschus - DNR <chris.binschus@state.co.us>

Thanks Cullen. ECMC remains concerned about work at this location.

Brandon mentioned in his previous email that the nest was on the other side of SH52, however, our map shows the nest to the south of the remediation area and on the same side as SH52 (image below). Please explain this discrepancy.

ECMC was on site today and observed concrete and trash in the stockpiles on site for backfill material, in addition to concrete in the portion of the excavation that has been partially backfilled (pictures attached). Backfill with concrete is not allowed (Rule 1003.a). Additionally, there is a pipe sticking out of the partially backfilled floor of the excavation that is not properly capped (engineering is CC'd on this email; pictures attached). Finally, ECMC has not received a Form 27 for this location since 2/22/2023; KPK has provided no analytical for this project and has not demonstrated compliance with Table 915-1.

KPK shall IMMEDIATELY STOP ALL ACTIVITY at this location until all issues listed above have been addressed.



On Wed, Feb 18, 2026 at 2:57 PM Cullen Chew <cchew@kpk.com> wrote:

I think there may be some confusion, and for that I apologize. This is the same site that Brandon and I emailed about this morning and is the only one we are currently backfilling. I started a separate email thread from the original regarding the specifications, scope of work, and duration at this site because I was worried that my first email didn't go through when Brandon asked me if I had sent him the information this morning.

From: Brown - DNR, Kari <kari.l.brown@state.co.us>

Sent: Wednesday, February 18, 2026 2:44 PM

To: Marette - DNR, Brandon <brandon.marette@state.co.us>

Cc: Cullen Chew <cchew@kpk.com>; Daniel Motisi <dmotisi@kpk.com>; Nikki Graber - DNR <nikki.graber@state.co.us>; Erin Priest - DNR <erin.priest@state.co.us>

Subject: Re: UPRR 50 Pan Am D#1

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Thanks Brandon.

Cullen, can you please clarify where the second site it that is being backfilled?

Thanks,

Kari Brown
Environmental Protection Specialist



COLORADO
Energy & Carbon Management
Commission

Department of Natural Resources

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On Wed, Feb 18, 2026, 2:33 PM Marette - DNR, Brandon <brandon.marette@state.co.us> wrote:

Good afternoon Cullen,

Thanks for your call just now and this info in the email below.

For the good of the group, this is the 2nd KPK site today and is different than the one we chatted about this morning.

Regarding this 2nd site, unless anyone cc'd has any concerns, and given this landowner's insistence that this pit be cleaned up ASAP + the nest being on the other side of SH52, for this instance only, please complete this daytime only work ASAP.

Finally, and I believe I said this before, please work with your team to thoroughly vet and plan ahead for cleanup other leaks and such that are in HPHs outside future seasons. Can they all be done this summer?

Regards,

Brandon B. Marete, CWB®

Northeast Region Energy Liaison



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[CPW's Energy Webpage](#)



THINK SAFETY FIRST!

<Upcoming days off: 2/25, 5/14, 7/10-7/17>

On Thu, Feb 12, 2026 at 9:44 AM Cullen Chew [<cchew@kpk.com>](mailto:cchew@kpk.com) wrote:

Location ID: 478832; Spill ID: 4822826; Rem ID: 27721

Distance from work to nest: 1484'

days work: 30 maximum

Intensity of work: trucks will dump loads of soil next to the excavation that will then be pushed into the excavation for backfill. Likely only one truck and one backhoe on site at a time. Duration of the backhoe will depend on the soil available to backfill with, but will likely run for 4 hours intermittently in the mornings (not every day). Trucks are generally dropping off a load at a time and then moving off site. Estimated noise generation to be low to moderate.

From: Marette - DNR, Brandon <brandon.marette@state.co.us>
Sent: Thursday, February 12, 2026 9:27 AM
To: Cullen Chew <cchew@kpk.com>
Cc: Daniel Motisi <dmotisi@kpk.com>
Subject: Re: UPRR 50 Pan Am D#1

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Good morning,

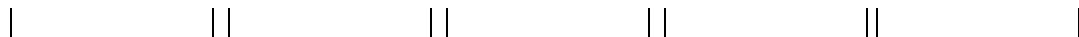
Could you provide me more info - such as the Location ID, distance between the work and nest, # days of work, intensity of the work (e.g., noisy long term vs. specific time frames).

Regards,

Brandon B. Marette, CWB®
Northeast Region Energy Liaison



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THINK SAFETY FIRST!

<Upcoming days off: 2/16-President's Day, 2/25, 5/14, 7/10-7/17>

On Wed, Feb 11, 2026 at 11:21 AM Cullen Chew <cchew@kpk.com> wrote:

Good morning Brandon,

KPK is in the process of preparing this site for reclamation and has hauled soil to location for backfill. It is my understanding that this site is near a BAEA nest. ECMC's corrective actions on the most recent form 27 doc# 403225048 submitted 11/11/22 state that all work must be placed on hold until fledging has occurred. With CPW's permission, I am available to be onsite to monitor the nest during work hours. KPK believes this process for backfill will take up to one month. Please advise.

Thanks,
Cullen

Cullen Chew
Environmental Coordinator
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Office 720-868-9848
Cell 205-914-4843



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Kari Brown
Environmental Protection Specialist



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12 attachments



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