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21 June 2021

Mr. Lucas West, Environmental Protection Specialist
Colorado Division of Reclamation Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

RECEIVED

JUN 21 2021

**DIVISION OF RECLAMATION
MINING AND SAFETY**

VIA E-mail/No Hardcopy

SUBJECT: Withdrawal of 110c permit application, M-2021-011 Toner Ranch PM

Dear Lucas:

Thank you for your assistance on this project. As discussed with you, on 2 June 2021, the Hinsdale County Board of Commissioners voted 2:1 to deny Ms. Cynthia Toner and the State Land Board permission to mine sand and gravel at the Toner Ranch under a limited impact, 110c, reclamation permit. We apologize for the delay in formally notifying you of this matter.

Therefore, we have the necessity to withdraw the application now under review by the Division. We do not anticipate that there is any potential to again apply for this or a similar operation on the Toner Ranch. We have doubts that ANY mining will be allowed again in Hinsdale County, or at least the South End.

For the record, we do wish to report the significant impacts of the BOCC denial of the right of both Ms. Toner and the State of Colorado to use their land as they see fit, while under the jurisdiction and accountable to the Division of Reclamation Mining and Safety, and other State agencies. We believe that this information is important in future efforts to mine essential materials to support the people of Colorado and their economy. We intend to share this information with other agencies and individuals in government at various levels.

The primary reason for the denial, as stated by the Chair of the BOCC, was that they see their obligation to "do the will of the people" and since, of about 40 comments made, only 10 were in favor and 30 were opposed, for various reasons, the Commissioners believed the "will" was clear. Economic reasons, personal rights, and the powers of the State, were all brushed aside. The BOCC, as a body, let stand various accusations against Ms. Toner, Crossfire Aggregate Services, the persons and organizations and other agencies involved (and in need of the material to perform their work), and for the most part, scientific facts. Ms. Toner and those working with her had only a minimal opportunity (only upon appeal) to present the proposal and respond to the serious accusations made.

Please let me know any further questions. I am requesting that this letter's attachment be made confidential and not available to the public.

1 Attachment (3 pages)

Respectfully,

Nathan A. Barton, CE, PE, DEE Project Engineer