

Renee Maxwell
5370 Pine Ridge Road
Golden, CO 80403
303.917.4572
Renee.Nicole.Maxwell@gmail.com

October 27, 2021

Mr. Eric Scott
Environmental Protection Specialist
Division of Reclamation, Mining and Safety Department of Natural Resources
1313 Sherman Street, Room 215 Denver, CO 80203
Eric.Scott@state.co.us

RE: Golden Mine Permit No. M1976-007-UG; Denver Brick Company Proposal to Convert from 110c to 112c Permit. Construction Materials Reclamation Permit Conversion Application.

To Eric Scott,

We strenuously object to the mining application referenced above for the reasons set forth below. We respectfully request that the application be DENIED by the DRMS Board.

The Southern portion of the parcel of land for the mine expansion in question (where the majority of the expanded mine would be located) is currently zoned as JeffCo A-2. This zoning does not allow for any mining by right or even by special use permit. Thus, under JeffCo's zoning resolution the only way to mine this site would be to rezone the site as "PD Mining." This would require a number of studies to demonstrate the adherence with the County's Mineral Extraction Policy as well as public hearing to process and final vote for approval before the Jefferson County Commissioners. The applicant has not successfully applied with Jefferson County to re-zone the property to change the zoning from A-2, and in fact, it previously withdrew its application to re-zone the property which it filed last year.

Additionally, CRS 34-32.5-115(4)(d) provides that an application can be denied if the proposed mining operation is "contrary to the laws or regulations of this state or the United States, including but not limited to all federal, state, and local permits, licenses, and approvals, as applicable to the specific operation."

We believe there is case law which suggests that the DRMS might validly deny a permit if the proposed mine would violate the applicable zoning for the site. As discussed above, we believe that mining is currently prohibited at this site under Jefferson County Zoning Resolution. Therefore, DRMS should deny the application because the applicant has failed to comply with the current county zoning requirements.

Additionally, CRS 34-32.5-11(4)(e) states as follows: "The mining operation will adversely affect the stability of any significant, valuable, and permanent manmade structures located within two hundred feet of the affected land; except that the permit shall now be denied on this basis where damage to the structure is to be compensated for by the operator of, where such an agreement cannot be reached, the application provides an appropriate engineering evaluation that demonstrates that such structures shall now be damaged by the proposed construction material excavation operations."

There are at least 4 houses that fall within the 200-foot projected area, all located on the east side of Pine Ridge Road, and adjacent to the proposed mine site. We are aware of property damage to the house located at 5040 Pine Ridge Road, owned by Lorrane Wheeler, in either 2017 or 2018 from blasting done

at the mine on the opposite side of the hogback. We are not aware of any agreement between the mining company applicant and any owner on Pine Ridge Road to compensate those owners from the damage due to blasting by the application, nor has the applicant supplied DRMN with any required engineering evaluation that those structures will not be damaged by the applicants proposed blasting. For this additional reason, we would request the DRMS to deny the application.

Thank you for your consideration,

Renee Maxwell