

DRMS Recd:
March 26, 2022

WASTELINE INC.

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22 March 2022

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

VIA E-mail/No Hardcopy

SUBJECT: Withdrawal of 112c permit application, M-2021-064 Oak Brush Hill Gravel

Dear Dustin:

Thank you for your assistance (and that of Lucas West) on this project. As you were notified on 22 February 2022, Silesia Properties LP, the landowner of the site sold the property on 21 February 2022 to Mr. Bryant Lemon. C&J Gravel Products, our Client, was instructed to cease all operations related to the applications with both the Division and Archuleta County, and all physical operations (excavating, processing, and stockpiling construction materials for ranch use, on the Dutton Ranch.

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 Dutton Ranch. The County and private firms WILL continue to seek sources to mine construction materials.

For the record, we do wish to note that approximately 20,000 tons of construction materials remain in a stockpile on the site, together with approximately 6 acres of disturbance. This material was being produced by C&J at the specific request of Silesia Properties LP to use on the Dutton Ranch's 2400-acre parcel and immediately adjacent parcels. As only the immediate 240-acre area on which the 167.2 acres of M2020064 was sold to Mr. Lemon, whose family also owns 100-acres immediately adjacent, we are unsure what is proposed for the materials now abandoned on-site. C&J Gravel Products is not allowed to (and does NOT intend to) remove any of the raw (pitrun) or processed construction materials, and has no authorization to do anything other than remove the equipment (crushing and screening train and associated equipment) from the site. We do not know if Mr. Lemon or his company are aware that such export of material without a DRMS permit and a County Land Use permit is illegal.

The decision of Silesia Properties to sell the property was prompted by the incredible hatred and vicious attacks by many people in the community. WASTELINE, as well as our client, C&J Gravel Products, as companies are very disappointed in the way that Urbanczyks were treated personally. This is a large part as to why they agreed to this deal. This gravel source would have been a significant economic benefit to the community and we are sad, to say the least, that we could not be a part of it at this location. The attacks against the Urbanczyks were done both privately and publicly in the newspapers, on-line, and in mail, as well as in the complaints and objections filed with the Division and the County.

Please let me know any further questions. For the record, we will submitted the draft response to your technical adequacy review of the application. We wish to demonstrate that the application would have fully met all statutory and regulatory requirements and was an environmentally sound proposal.

Respectfully,

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