

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Fwd: REQUEST FOR EXTENSION OF TIME - Second Incomplete Application Notice, Ghost River Gravel Pit, No. M-2003-002

Ebert - DNR, Jared <jared.ebert@state.co.us>

Thu, Jun 8, 2023 at 1:52 PM

To: Kendra Oyen <kendra@oyen-law.com>

Cc: Lacie Davidson <lacie@oyen-law.com>, Amber Michels - DNR <amber.michels@state.co.us>

Ok, that is good to know. The Division will grant an extension to address the remaining incompleteness items outlined in the April 11, 2023 letter. Since July 8th falls on a Saturday, the Division will grant an extension to Monday July 10th, 2023 to address these issues.

Thank you,

Jared

On Thu, Jun 8, 2023 at 1:41 PM Kendra Oyen <kendra@oyen-law.com> wrote:

Jared,

In discussion with Todd Kettelkamp as counsel for Natasha Goldberg yesterday, he stated an assignment of the access right between the Dickeys and Ms. Goldberg would be given to HCR (or me as the current legal representative of HCR) to resolve the access issue. I do not have the assignment but he confirmed it would be provided.

I understand your agency's problem with this as well. My recent addition as the legal representative hasn't assisted anyone with this process.

Kendra M. Oyen
KENDRA M. OYEN, LLC

Pueblo Office:
503 N. Main Street, Suite 202
Pueblo, CO 81003

Colorado Springs Office:
111 E. Las Animas Street
Colorado Springs, CO 80903

(719) 545-4490
kendra@oyen-law.com

ATTENTION: The information contained in this message may be privileged and is intended for the recipient or their designated agent. If you have received this message in error, please destroy all printed copies, delete the message and notify the sender at (719) 545-4490. Please be advised that you are receiving this message by agreement with the firm and have accepted the risks associated with e-mail messaging.

Tax Advice Notice: IRS Circular 230 requires us to advise you that, if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. Please contact us if you have any questions about Circular 230.

On Thu, Jun 8, 2023 at 1:27 PM Ebert - DNR, Jared <jared.ebert@state.co.us> wrote:

Hello Kendra,

I understand and sympathize with the situation you are in. It will be two years in July since DRMS found the initial violation that initiated this whole process. One question I have that will help decide if an extension is appropriate is if HCR High Country Repair has obtained the Legal Right to Enter the affected land? Based on our last review there are two owners of record of the affected land, Natasha Goldberg and the Dickey family.

Please see the attached letter that outlines the remaining items that need to be addressed in order for DRMS to deem the application complete. Of the items in this letter, the Legal Right of Entry I see as being a potential issue here. In accordance with Rule 6.4.14 you would need to provide current documentation of HCR High Country Repair's legal right to enter to conduct mining and reclamation on the affected land, this could include a copy of a lease or a signed statement by the Landowner and acknowledged by a Notary Public stating that the Operator/Applicant (HCR High Country Repair) has legal right to enter to conduct mining and reclamation. If HCR High Country Repair had bought the affected land you could also submit copies of the deed, abstract of title, or a current tax receipt. I assume HCR High Country Repair has not bought the land. Given this, do you have such documentation of Legal Right of Entry from Mrs. Goldberg and the Dickey family?

Jared

On Thu, Jun 8, 2023 at 11:37 AM Kendra Oyen <kendra@oyen-law.com> wrote:

Jared -- I received the out-of-office notification for Amber. I'm forwarding my request for extension of time on the Ghost River application. Please let us know if you need anything further to allow the requested additional time.

----- Forwarded message -----

From: **Kendra Oyen** <kendra@oyen-law.com>

Date: Thu, Jun 8, 2023 at 11:33 AM

Subject: REQUEST FOR EXTENSION OF TIME - Second Incomplete Application Notice, Ghost River Gravel Pit, No. M-2003-002

To: Michels - DNR, Amber <amber.michels@state.co.us>

Cc: Lacie Davidson <lacie@oyen-law.com>

Amber,

I know that Lacie reached out to you in May requesting additional time to complete the application for the Ghost River Gravel Pit. It's my understanding that she explained the numerous matters we have had to address in this estate - unpaid payroll and income taxes, unpaid unemployment insurance premiums, claims for payment of unpaid services or goods, civil litigation for vehicle accidents -- literally we work on this file every day. The unpaid state and federal taxes have taken on greater urgency because there is a substantially greater amount of unpaid taxes than I initially was informed about.

Also, after initially being asked to transfer the permit and the bond to Natasha Branch, I have been told that request is no longer being made. My goal now is to resolve the reclamation issue and then discuss with you what should happen with the permit. We simply have not had time to address the necessary additional documents and work to complete the process given all of the other work that has been needed in this estate (not to mention all of the other cases we are trying to keep current on). With my recent involvement, I am requesting an extension of 30 days until July 8th to get this reclamation application completed and returned to you.

Thank you for your understanding and consideration of the request.

Kendra M. Oyen
KENDRA M. OYEN, LLC

Pueblo Office:
503 N. Main Street, Suite 202
Pueblo, CO 81003

Colorado Springs Office:
111 E. Las Animas Street
Colorado Springs, CO 80903

(719) 545-4490
kendra@oyen-law.com

ATTENTION: The information contained in this message may be privileged and is intended for the recipient or their designated agent. If you have received this message in error, please destroy all printed copies, delete the message and notify the sender at (719) 545-4490. Please be advised that you are receiving this message by agreement with the firm and have accepted the risks associated with e-mail messaging.

Tax Advice Notice: IRS Circular 230 requires us to advise you that, if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. Please contact us if you have any questions about Circular 230.

--

Jared Ebert

Senior Environmental Protection Specialist



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 ext. 8120 | F 303.832.8106 | Cell (720) 413-6466

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

jared.ebert@state.co.us | <https://drms.colorado.gov/>

--

Jared Ebert

Senior Environmental Protection Specialist



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 ext. 8120 | F 303.832.8106 | Cell (720) 413-6466

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

jared.ebert@state.co.us | <https://drms.colorado.gov/>

