

January 25, 2024

Mr. Michael Cunningham
Acting Director
Colorado Division of Reclamation Mining & Safety
1313 Sherman St., Rm. 215
Denver, CO 80203

Via E-Mail: michaela.cunningham@state.co.us

Re: Sanders Gravel Pit (2021-1115) Questions

Dear Mr. Cunningham:

We represent Tara Sanders whom bought property located at 26650 Wheeler Creek Lane in Steamboat Springs (the "Property") in June of 2020. The Property consists of approx. 35 acres and includes an historic gravel pit that has been in use since at least 2005. Previous extraction created a 50-foot highwall on the Property, which is a significant safety and erosion concern. Ms. Sanders and her brother intended to level the highwall by means of extraction and grading but were unaware permits were required. We are the permitting contact for Ms. Sanders.

The Colorado Division of Reclamation, Mining & Safety ("DRMS") issued a Notice of Violation to Ms. Sanders requiring that the site be permitted and reclaimed. Ms. Sanders then applied for, and obtained, a 110(c) mining and reclamation permit from DRMS. The DRMS application was approved January 31, 2022, and a final permit was issued April 21, 2022 (2021-1115). Ms. Sanders also applied for, but failed to receive, a special use permit ("SUP") from Routt County. This has resulted in significant confusion relative to Ms. Sanders ability to use the Property and reclaim the pit. Accordingly, we would appreciate if DRMS can clarify for us in writing that:

- 1) DRMS regards itself as the exclusive governing body for mining and reclamation matters;
- 2) While local jurisdictions may condition some reclamation related activities (like noise, traffic, etc.) they cannot completely prohibit DRMS permitted reclamation work;
- 3) Where, as with Sanders, a DRMS permit has been issued, local jurisdictions cannot question the method of reclamation set forth in a permit or direct different reclamation

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from that set forth in a permit, as reclamation methods are the exclusive jurisdiction of DRMS; and

4) DRMS will not withdraw the Sanders reclamation permit and forego reclamation requirements and the financial guarantee therein because Routt County denied the SUP.

We understand DRMS has primary responsibility for reclamation per Colorado law (C.R.S. § 34-32.5-109(3)) and the site must be mined and reclaimed pursuant to C.R.S. § 34-32.5-101. We would appreciate a written response confirming if our understanding is correct. If helpful, we would be happy to provide you with a draft to review. Thank you.

Sincerely,

HOLSINGER LAW, LLC

A handwritten signature in black ink, appearing to read 'K. Holsinger', with a stylized flourish at the end.

Kent Holsinger

cc: Tara Sanders
Tony Waldron