



COUNTY ATTORNEY'S OFFICE

108 8th Street, Suite 219
Glenwood Springs, CO 81601
(970) 945-9150

March 11, 2025

David McConaughy, Esq.
Garfield & Hecht, P.C.

RE: Courtesy Reminder - RMI Garfield County SUP Amendment

Sent via email to: dmcconaughey@garfieldhecht.com

Dear David,

The purpose of this letter is to follow up on our correspondence of November and December 2023 regarding the ongoing requirement for RMI to Amend its SUP. As you know, I reached out in mid-December 2024 to inquire whether RMI had received the BLM's yearly waiver of the seasonal permit restrictions and to find out if RMI planned to abide by the County's required seasonal restrictions. Mr. Wagner confirmed that they planned to comply with the County's seasonal restrictions and that they had not requested the waiver from the BLM this year.

Based on recent reports it appears RMI continues to work with the Colorado Division of Reclamation, Mining, and Safety ("DRMS") and the BLM. Specifically, RMI has requested a Permit Revision through DRMS that increases its proposed acreage from 38 acres to 56.10 acres in its Technical Revision 8. This request was denied by DRMS and RMI was directed to follow the required amendment process.

We understand RMI has temporarily stopped mining at the site pending the ongoing discussions with DRMS and the BLM. The County understands that you intend to follow up on amending the County SUP; however, it appears from the DRMS request that RMI will be expanding its operations. Therefore, this is a courtesy reminder that the 2019 litigation, 19CV30087, included a specific violation that RMI's operation exceeded its approved acreage, which was upheld by Judge Norrdin. Specifically, the approved acreage is 16.30 acres and RMI's current operation includes 20.8 disturbed acres (as noted in the Court's January 31, 2021 Order this fact was not disputed by RMI, see p. 5-20).

RMI is required to submit an application to amend its current County Special Use Permit to bring it into compliance with its current operating/disturbed area of 20.8 acres as RMI is still not compliant with its current permit as stated by the NOV issued on March 25, 2019. As we have discussed in the past this process can be time-consuming, and we want to ensure we are working together in conjunction with the other agencies. Prior to resuming operations, the first step is for you and your client to reach out to the Community Development Department for a pre-

application conference.

While we understand RMI is going through its state and federal processes, RMI also needs to comply with the local regulations governing its operation. We look forward to working with you through this process. Please let me know if you have any questions.

Sincerely,

Heather Beattie
Garfield County Attorney

CC: Lisa Dawson, Field Manager, Colorado River Valley Office, BLM
Amy Yeldell, Colorado Division of Reclamation, Mining and Safety
Glenn Hartman, Community Development Department Director