

October 1, 2025

*Sent via email to: niki.gagnon@state.co.us*

Nikie Gagnon  
Colorado Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

**Re: Status Update on Transfer of Mitchell Pits, Permit Nos. M-1987-023 and M-1990-131**

Dear Ms. Gagnon:

This status update is provided on behalf of Rick Mitchell, owner of the Mitchell Pit (Permit No. M-1987-023) and Mitchell Pit #2 (Permit No. M-1990-131), with regard to the potential transfer of both permits to the Town of Bennett (Town). Since Mr. Mitchell's July 11, 2025 request for additional time to resolve the outstanding compliance issues, significant progress has been made toward reaching an agreement with the Town.

As you are aware, Mr. Mitchell has been in discussion with the Town regarding the potential transfer of the permits. The Town has expressed interest in operating the site to utilize fill material for a Town Center project and ongoing and future public infrastructure projects. As part of these discussions, the Town is considering conversion of the existing 110c permits into a consolidated 112c permit encompassing additional acreage on the Mitchell property.

An initial proposal was delivered to the Town on July 18, 2025. After allowing the Town time for internal review, counsel for Mr. Mitchell met with Dan Giroux, the Town Engineer, to get feedback from Town staff. The Mitchell team then decided to incorporate Town staff feedback into a revised proposal. The proposal is now scheduled to be presented to the Town Board on October 14, 2025.

In preparation for that meeting, the Mitchell team conducted a site visit with the Town's geotechnical engineer on September 9, 2025, met with a Town planner, and has been holding weekly meetings with Dan Giroux to address due diligence items and refine the proposal. A further meeting with Dan Giroux is scheduled for this Thursday, and the revised proposal and presentation

Kent Holsinger, *Manager*  
Jack Silver, *Of Counsel*

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Terry Jo Epstein, *Of Counsel*

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will be submitted on October 7, 2025, one week in advance of the Board meeting to allow sufficient time for review.

At the October 14 meeting, the Town Board will hold a short study session to ask questions, after which the Board may vote to approve the proposal, continue the matter for further discussion, or defer action if public concerns are raised. Based on the diligence and collaboration to date, we are confident the Board will give serious consideration to approving the transfer.

Following the October 14 meeting, we will have clearer direction as to whether the Town intends to move forward. Accordingly, we respectfully request an additional extension of time to resolve compliance issues in order to continue pursuing the transfer.

We acknowledge that compliance issues remain outstanding and have made the Town aware that these matters must be addressed as part of any permit transfer. While the exact timeline for a final decision is not yet known, we believe the likelihood of transfer is strong and that the Town is approaching the opportunity in good faith.

We respectfully request that DRMS grant additional time to allow this process to continue. We are committed to keeping DRMS informed and will provide another status update no later than December 1, 2025.

Please let us know if you have any questions or need additional information in the meantime.

Sincerely,

HOLSINGER LAW, LLC

A handwritten signature in black ink, appearing to read "Terry Jo Epstein", written in a cursive style.

Terry Jo Epstein