

STATE OF
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

Benson Brothers Pig Mesa

1 message

Hans Benson <sales@bensonbros.com>

Tue, Oct 14, 2025 at 9:46 AM

To: "Zuber - DNR, Rob" <rob.zuber@state.co.us>

To Whom It May Concern at the Division of Reclamation, Mining, and Safety,

I, Hans Benson, am writing this letter to explain the circumstances around the current mining and reclamation plan for permit M2004084 issued in May of 2005. At this time, I was not employed with Benson Brothers, LLC. Ed and Dwight Benson were the respective owners. Shortly after the permits were applied for and approved, Benson Brothers and Delta County came to an agreement on May 20, 2005, ratified in a written agreement on October 31, 2005. All of these documents can be provided to you upon your request, and some were given to an inspector in 2016, as mentioned later in this letter. A summary of pertinent information is as follows:

"The County will mine the property and reclaim the property in accordance with the mining plan and reclamation plan filed with the Division of Minerals and Geology. The area to be mined, however, will be subject to setbacks as shown on the diagram, including a 30-foot setback on the east side of the property, 200 foot setback surrounding the cistern which has been constructed in the upper northeast corner of the property and a setback along the north side of the property and that the centerline of the road would be approximately ten feet below that line. The agreement is that the County will have the right to mine the centerline of that road from the north with a 3 : 1 slope to the south...At that time (signing of document), it becomes a written agreement binding upon the parties hereto, their assigns, and their successors in interest." Board of County Commissioners of Delta County, Wayne E. Wolf, Chair. This document was signed by T. Edward Benson and Dwight D. Benson on November 9, 2005.

With the information I have gathered, and because I was not an owner or working on the permits at this time, it is my assumption and was Benson Brothers' understanding that the permit had been amended via the county. We were issued the permit by the state in early May of 2005. The county came to our business requesting a trade; they would receive the topsoil, and Benson Brothers would mine the material. Maps were created at this time by both Benson Brothers and Delta County. Delta County's annual report, written on October 17, 2006, indicates a Technical Revision Approval including Benson Brothers and an updated map, although their map does not clearly show the 30-foot setback as was agreed upon in the earlier signed document on October 31, 2005.

Benson Brothers fully accepts any missteps or technical paperwork that may have been missed at this time. As you know, when this was occurring, all filing and paperwork was done through mail instead of the current online systems. Benson Brothers has also had multiple inspections, inspectors, and at least annual correspondence with the state for filings and other due diligence tasks. It has been nearly 20 years since this agreement was signed, and this is the first time we have been made aware of a discrepancy.

In 2016, Stephanie Mitchell completed a site inspection at all three of our permitted locations. At this time, I was increasing in my responsibilities and potential ownership with Benson Brothers, and I do recall mentioning the boundary agreement from 2005 as we were mining that direction. She was given a copy of the ratified agreement as well as the updated map indicating the 30-foot setback. As you can see from your files and recorded documents online, we were never given our site inspection paperwork for the Pig Mesa Pit for the 2016 inspection, and it appears nothing was filed on her end. This is simply to say, it was our understanding that this had been taken care of previously, and I, being new to permits and inspections at this time, wanted to clarify that everything was in compliance. Her lack of response or any

further mention of this boundary by subsequent inspections solidified the understanding that everything was up to date and in compliance.

Benson Brothers is willing to file any future paperwork for amendments as needed and will provide you with any other documentation you may require. Please consider these circumstances when making your decision on any potential impacts of violations via the state. We also will be making a new amended agreement with Delta County on the trade of the 3 to 1 slope material that we have been working on for 3 years.

Thank you for your consideration,

Hans Benson

Benson Brothers LLC

[21240 Austin RD](#)

[Austin, CO 81410](#)

970-835-3128

www.bensonbros.com