

January 31, 2022

Notice to Interested Persons for Sanders Gravel Pit

**Re: Sanders Gravel Pit; File No. M-2021-066, Limited Impact (110c) Reclamation Permit Application,  
Notice of Decision to Approve Application over Objections**

Dear Party and/or Interest Person:

On January 31, 2022, The Division of Reclamation, Mining, and Safety (Division) issued its decision to approve the application for the Sanders Gravel Pit, File No. M-2021-066, submitted by Tara Sanders, over public objections.

This decision is based on the Division's determination that the application satisfies the requirements of the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials, §34-32.5-101 et seq., C.R.S. (the Act) and the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rule). The office is mandated to approve an application that meets the minimum requirements under C.R.S. 34-32.5-115(4). Copy of the Act and Rules are available through the Divisions website at [www.drms.colorado.gov](http://www.drms.colorado.gov)

The objection/comment letters are not considered jurisdictional to this application. Under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property value and other social or economic concerns are issues not subject to this Offices jurisdiction. These are typically addressed by local governments.

Pursuant to Rule 1.4.6(2), the Division will not schedule the matter for consideration by the Mined Land Reclamation Board (MLRB). Pursuant to Rule 1.4.11(1), any person who can demonstrate that they are directly and adversely affected or aggrieved by the Division's decision, and whose interest are entitled to legal protection under the Act, may petition for a hearing before the MLRB. Such written petitions must provide the information specified under Rule 1.4.11(1)(d). Pursuant to Rule 1.4.11(1)(b), such petitions must be received by the Division within 30 days of the date of this notice, due March 2, 2022.

If you require additional information, or have questions or concerns, please feel free to contact me at (720)618-0860 or by email at [tabetha.lynn@state.co.us](mailto:tabetha.lynn@state.co.us).

Sincerely,



Tabetha N. Lynch  
Environmental Protection Specialist  
Cc: Jason Musick, Senior Environmental Specialist





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

1313 Sherman St. Room 215  
Denver, CO 80203

January 31, 2022

Tara Sanders  
Tara Sanders  
P.O. Box 771932  
Steamboat Springs, CO 80477

**Re: File No. M-2021-066, Sanders Gravel Pit, 110c Decision Letter - Financial and Performance Warranty Request - Construction Material Operation**

Tara Sanders:

On January 31, 2022, the Division of Reclamation, Mining and Safety approved your 110c mining permit application.

The amount of financial warranty set by the Division for this operation is \$39,125.00. You must submit a financial warranty in this amount and a performance warranty in order for us to issue a permit. In the event you have requested a financial warranty form, we have enclosed it in this letter. If you have not, please select a type of financial warranty from Rule 4.3. Then contact us so that we can provide you with the appropriate warranty form. We have enclosed a performance warranty form with this letter for your use.

**PLEASE NOTE THAT MINING OPERATIONS MAY NOT COMMENCE UNTIL A PERMIT HAS BEEN ISSUED BY THE DIVISION AFTER RECEIPT OF YOUR FINANCIAL WARRANTY AND PERFORMANCE WARRANTY. A PERMIT WILL NOT BE ISSUED UNTIL WE VERIFY THE ADEQUACY OF BOTH YOUR FINANCIAL WARRANTY AND PERFORMANCE WARRANTY.**

If you have any questions, please contact me.

Sincerely,

Tabetha N. Lynch  
Environmental Protection Specialist

Enclosure

cc: Kent Holsinger, Holsinger Law, LLC



M-AP-18

Kent Holsinger  
Holsinger Law, LLC  
1800 Glenarm Place, Ste 500  
Denver, CO 80202



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

1313 Sherman St. Room 215  
Denver, CO 80203

## **PERFORMANCE WARRANTY**

Permittee/Operator: Tara Sanders

Operation known as: Sanders Gravel Pit

Permit No: M-2021-066

***This form is approved by the Colorado Mined Land Reclamation Board ("Board") pursuant to C.R.S. 34-32-117 of the Colorado Mined Land Reclamation Act and C.R.S. 34-32.5-117 of the Colorado Land Reclamation Act for the Extraction of Construction Materials.***

All parties are on Notice from this Document that:

The above listed Operator provides this warranty to the Board in conjunction with a reclamation Permit to conduct the above described mining operation on certain lands in Colorado. The "Affected Lands" are described in the above listed reclamation Permit, and include any Permit Amendment(s) approved by the Division of Reclamation Mining and Safety ("Division").

The Colorado Mined Land Reclamation Act, C.R.S. 34-32-101 *et seq.* ("Hard Rock Act"), and the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 *et seq.* ("Construction Materials Act"), both require a permit issued by the Board to include a written promise by the Operator to comply with all requirements of the Hard Rock and Construction Materials Acts (referred to herein together as "Acts").

Through the terms and conditions of this performance warranty and Permit, the Operator agrees to be bound by all requirements of the Acts and all Mineral Rules and Regulations of the Board for Hard Rock, Metal, and Designated Mining Operations (2 C.C.R. 407-1) and all Mineral Rules and Regulations of the Board for the Extraction of Construction Materials (2 C.C.R. 407-4) (referred to herein together as "Rules").

The Operator hereby provides the Board warranties of performance pursuant to C.R.S. 34-32-117(2), (3), and (4)/C.R.S. 34-32.5-117(2), (3), and (4), and promises the Board it will comply with all applicable requirements of the Acts and Rules.

The Operator hereby promises the Board it will comply with all of the terms of the reclamation Permit, including any Permit Amendment(s) approved by the Division. This performance warranty obligation of the Operator shall continue until the Operator's liability is released by the Board.



The Operator promises to be responsible for reclamation costs up to the amount established by the Board and incorporates its financial warranty to this performance warranty. The Operator agrees to maintain a financial warranty (or warranties) in good standing for the reclamation costs for the entire life of the Permit. The amount of the financial warranty shall be sufficient to assure the completion of reclamation of affected lands if the Division has to complete such reclamation due to forfeiture. If the Board determines the Operator is in default under this performance warranty and the Operator fails to cure such default, the Operator's financial warranty shall be subject to forfeiture pursuant to C.R.S. 34-32-118/34-32.5-118.

This performance warranty by the Operator is perpetual and shall remain in full force and effect until all obligations have been met and all associated financial warranty is released by the Board. Any release of liability in a succession of Operators shall comply with C.R.S. 34-32-119/34-32.5-119.

The provisions hereof shall bind and inure to the benefit of the parties hereto and their successors and assigns.

SIGNED, SEALED AND DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Operator: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

#### NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
(Day) (Month) (Year)  
by \_\_\_\_\_ as \_\_\_\_\_  
(Name) (Title)  
of \_\_\_\_\_.  
(Operator)

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

APPROVED:  
State of Colorado  
Mined Land Reclamation Board  
Division of Reclamation, Mining and Safety

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Division Director