

September 12, 2022

Dear Mr. Case and County Commissioners,

As you know, the Town of Lyons recommends denial of SU-22-0003, CEMEX's application to mine Dowe Flats for an additional 15 years. We are extremely concerned with the county planning staff's recommendation for approval of this extension for several reasons, not the least of which is that the Town of Lyons was not included in the ongoing negotiations and modifications to Conditions of Approval. Our Primary Planning Area property will absolutely be impacted by any decision made regarding SU-22-003. In addition, staff significantly understated the environmental, sustainability, and health impacts of this extension, focusing solely on the benefits to Parks and Open Space.

The DRMS Reclamation Plan is *not* a Remediation Plan. It does not address how remediating – or not – would affect our Primary Planning Area and any renewable energy or low-impact development that will eventually take place there. For example, according to the DRMS Permit M1977208 Reclamation Plan, TR-2, CEMEX plans to bury the plant's concrete rubble onsite. The burial of about 80,000 cubic yards of concrete rubble will be ten acres in area. This 6-block, 4-story-deep concrete rubble will be buried on a parcel where the water table is extremely shallow. And the post-flood impacts on our PPA have yet to be fully analyzed.

The Planning Staff's Conditions of Approval do not include the consent of the Town of Lyons, but they should. The spirit of cooperation and comprehensive planning is not being met as agreed upon throughout the attached IGA.

The Town of Lyons considers it necessary to propose amendments to the 2012 CEMEX IGA with Boulder County. Proposed amendments could include, but not be limited to, redrawing the Lyons Planning Area, including Dowe Flats in a holistic view of our 3-mile Planning Area, including revised floodplain maps, and addressing crucial issues such as public health, safety, water/ mineral rights, remediation strategies, as well as the future zoning and use of this land.

We believe that prior to moving forward with any decision about SU-22-0003, the County and the Town should negotiate and finalize such amendments. This would help all parties avoid needless ambiguity, protect the health and welfare of our residents, and restore the spirit of collaboration the Town and County have long enjoyed. We appreciate the collaborative nature of our relationship over the years and wish to continue in this way. If it would be beneficial to engage a mediator, we would be open to that option. Please contact us at your earliest convenience.

Very truly yours,



Hollie Rogin, Mayor



Victoria Simonsen, Town Administrator



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