

July 14, 2022

To: Victoria Simonsen, Town Administrator
From: Steve Simms, Chair, Lyons Ecology Advisory Board
Subject: CEMEX application to extend

Lyons Ecology Advisory Board met July 13. It was asked to provide input to the Lyons Board of Trustees regarding the CEMEX application to extend its mining permit from its present 25-year term to an additional 15 years. Six of our seven members and the Board liaison were in attendance.

This is our consensus input (all six in the meeting support these recommendations, concerns, and conditions):

- 1) EAB does not support approving the mining permit application in its present form.
- 2) EAB instead recommends that the Town of Lyons be provided more effective input into these major decisions that affect its Planning Area and properties covered by the Lyons/Boulder County Intergovernmental Agreement (IGA). The County must not negotiate with CEMEX and commit to an extension of the mining permit and the disposition of the properties in this area without a process for formal input from the Town per the IGA.
- 3) The economic, public health, and environmental issues around renewal of this permit are not restricted to Parks and Open Space. EAB urges Boulder County to involve all of its relevant agencies in the permit decision. An objective and balanced review of the pros and cons of the company's application for permit renewal is needed.
- 4) The dollar values provided in the application appear to be inflated given that the present tax assessments are very much smaller (Dowe Flat is assessed at ~\$400,000 actual value but is shown in the application as worth \$6 million; and so forth). The Assessor's Office, Community Planning and Permitting, Air Quality, Water Quality, Environmental Health Program, and Floodplain Information programs are examples of County staff resources whose input would be relevant and valuable for the benefit of decision-making by the County Commissioners.
- 5) EAB urges that the complete rehabilitation of the mining area and the anticipated transfer to Boulder County Open Space be accomplished as soon as possible pursuant to the present agreement, which stipulates they both be completed by 2024. There is potentially significant economic and environmental risk to the County of expanding the mining area and timeline and delaying any rehabilitation to 2037.

Respectfully submitted by Lyons Ecology Advisory Board, July 14, 2022