



Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360
Website: www.gunnisoncounty.org
Email: planning@gunnisoncounty.org

STOP WORK ORDER / NOTICE OF VIOLATION

August 12, 2022

To: Marble Airfield LLC
PO Box 1860
Bentonville, AR 72712

RE: Notice of Violation and Stop Work Order

Marble Airfield, LLC:

I am writing regarding your property legally described as 38.92 Acres in Section 27, 11S88W in the Gunnison County Clerk and Recorder's office.

On August 9, 2022 the County received an emailed complaint from a citizen. The complaint alleged that there is approximately 250-300 yards of excavation and/or river manipulation on both sides of the Crystal River on your parcel and adjacent parcels.

On August 11, 2022, County staff observed the following violations of the Gunnison County Land Use Resolution:

- *Section 11-107: Protection of Water Quality.* Specifically, the following activities were conducted within the restrictive inner buffer in violation of Section 11-107: E. 2. *Restrictive Inner Buffer Setbacks*: placement of material, dredging, removal of live vegetation, disturbance of natural drainage, and use of equipment.
- *Section 11-103.L.: Floodplain Development Permit Required*
- *Section 11-106.G.: General Standards for Development in Sensitive Wildlife Habitat Areas*

Pursuant to the *Gunnison County Land Use Resolution, Section 11-107.E.2 Restrictive Inner Buffer Setbacks*, the following activities are not permitted within the Restrictive Inner Buffer Setbacks: dredging and removal of live vegetation. This section also explicitly prohibits the ditching, trenching or impounding of water except as allowed by the Colorado Division of Water Resources.

Section 16-105: Stop Order; *Immediate Compliance of the Gunnison County Land Use Resolution* outlines a process for enforcement for any project or condition that is contrary to or in violation of the Gunnison County Land Use Resolution.

Section 16-108: No Processing or Approval for Land or Permittee Subject to Enforcement of the LUR states:

"No permit application shall be processed or approved pursuant to this Resolution, and no other Gunnison County permit shall be issued by Gunnison County, for property or permittee that is the subject of an existing Stop Order, Suspension Order, or Order of Abatement."

The violation requires that a plan for remediation and rehabilitation of the site in compliance with County standards and a good faith effort to obtain any applicable state and federal permits. Once received, the County will review the Notice of Violation and Stop Order and determine if it is appropriate to lift said order.

YOU ARE ORDERED TO IMMEDIATELY STOP WORK AND ANY SITE DISTURBANCE ACTIVITIES IN THE SITE WITHIN THE RESTRICTIVE INNER BUFFER.

The two options available are:

1. Submit a completed application for a Minor Impact Project pursuant to Sections 11-107.3.b, *Exceptions to Prohibition of Land Use Changes in the Restrictive Inner Buffer, Showing of Unavoidability*.
2. Submit a completed application for a Floodplain Development Permit.
3. The applications can be found on our website at:
<http://www.gunnisoncounty.org/409/Application-Forms>

OR

1. Provide a plan for remediation and rehabilitation of the site in compliance with County standards; and that the operation has obtained applicable state and federal permits.

You have until 5pm on Friday, August 26th, 2022 to either submit complete applications and associated fees for a Minor Impact project review and Floodplain Development Permit; or submit a plan for remediation and rehabilitation of the site. The application package shall include a Public Works Reclamation Permit Application.

Please know that if you do not meet the deadline provided above, without prior agreement with the Gunnison County Community Development Department, Gunnison County reserves the right to initiate a civil action against you to enforce this Stop Work Order and Notice of Violation and Notice to Cease and Desist issued to you, including all claims available in law and in equity.

We appreciate the cooperation of your team and their desire to work toward a solution in compliance with County, state, and federal requirements. Please submit any and all

correspondence on this matter, including any questions or concerns, in writing either electronically to clambert@gunnisoncounty.org and spope@gunnisoncounty.org or through the mail to: 221 N. Wisconsin St. Ste. D, Gunnison, CO 81230.

Best regards,



Crystal Lambert
Building and Environmental Health Official

cc:

Matthew Hoyt, County Attorney, mhoyt@gunnisoncounty.org

Cathie Pagano, Assistant County Manager for Community + Economic Development,
cpagano@gunnisoncounty.org

Matthew Birnie, County Manager, mbirnie@gunnisoncounty.org

Sean Pope, Land Use Planner, spope@gunnisoncounty.org

Martin Schmidt, Assistant County Manager for Public Works, mschmidt@gunnisoncounty.org

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