

BEFORE THE MINED LAND RECLAMATION BOARD  
STATE OF COLORADO

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THE DIVISION OF RECLAMATION, MINING AND SAFETY'S REQUEST TO  
APPEAR TELEPHONICALLY AT THE OCTOBER 16, 2013 HEARING

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**In the Matter of the 112c Permit Application of Rocky Mountain Aggregate  
& Construction, LLC, File No. M-2013-007**

**Consideration of Petition for Reconsideration**

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The Division of Reclamation, Mining and Safety ("Division") hereby requests that Environmental Protection Specialist Wally Erickson be granted permission to appear by phone at the October 16, 2013 formal public hearing in the above captioned matter. In support of this request the Division states:

1. Objector's filed a petition for reconsideration seeking reconsideration of the Board's August 30, 2013 Order conditionally approving a 112c permit for Rocky Mountain Aggregate & Construction, LLC, File No. M-2013-007.

2. The Board's published agenda for the October hearing noticed interested parties that the Request for Reconsideration has been scheduled for a formal hearing at the October 16-17 hearing and that the Board will consider only whether to grant or deny Objectors' Request. If granted, the Reconsideration hearing will be set for argument on November 13-14, 2013. If denied, no further hearing will be set before the Board.

3. Due to the bifurcated hearing process, the October 16, 2013 hearing is procedural in nature.

4. This request for telephonic appearance is in the interest of conserving Division time and resources. Wally Erickson lives and works in Durango, Colorado.

5. Additionally, the Division does not object to any and all parties making similar requests to appear at the October 16, 2013 hearing by phone. Again, as all interested parties reside out-of-town, it is reasonable to allow them to appear at this procedural hearing by phone in order to conserve their time and resources, provided all parties abide by the ground rules set forth by the Board for the original August 14, 2013 hearing. See, Order dated August 6, 2013 granting request to appear by phone.

Therefore, the Division requests that the Board allow Wally Erickson, and any other party making a similar request, permission to attend the October 16, 2013 hearing by phone.

Respectfully submitted to the Colorado Mined Land Reclamation Board on October 4, 2013.

/s/ Jeff M. Fugate  
Jeff M. Fugate #37679  
First Assistant Attorney General  
Attorney for the Division of Reclamation,  
Mining and Safety

### Certificate of Service

I, Jeff M. Fugate, hereby certify that on this 4<sup>th</sup> day of October, 2013, I served **via electronic mail** a true copy of the foregoing THE DIVISION OF RECLAMATION, MINING AND SAFETY'S REQUEST TO APPEAR TELEPHONICALLY AT THE OCTOBER 16, 2013 HEARING addressed to the following:

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/s/ Jeff M. Fugate  
Signature and date

