



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

1313 Sherman Street, Room 215
Denver, CO 80203

September 23, 2016

Notice to Parties to the Varra Companies, Inc. Parcel 122 Project Construction Materials 112 Application

Re: Notice of Formal Board Hearing, Pre-Hearing Conference and Recommendation Date for a Construction Materials 112 Application; Varra Companies, Inc.; Parcel 122 Project; DRMS File No. M-2015-033

Dear Party:

The Division of Reclamation, Mining and Safety (Division/DRMS) appreciates you taking time to participate in the review process of the above referenced permit application. The application for the Parcel 122 Project was filed with the Division on September 8, 2015. The public comment period closed on October 25, 2015.

An explanation of the Division's review process, your rights as either a party or a non-party, and the jurisdiction of the Mined Land Reclamation Board (Board), is provided in the enclosed 12-page memorandum, Guide to Citizen Participation, dated October 21, 2001, revised January 12, 2006. As noted in the citizen's guide memo, in these proceedings the Division's authority is limited to enforcement of the Colorado Mined Land Reclamation Act, 34-32-101 et seq., C.R.S.(Act) and the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules), which can be accessed through the Division's website, www.mining.state.co.us.

The Division has received written objections to the application. Therefore, pursuant to Rule 1.4.9(2)(a) and 1.7.4(2), the Division has scheduled the application for a Formal Board Hearing for consideration. The hearing has been scheduled for the November 16-17, 2016 Board meeting, which will occur at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. or as soon thereafter as the matter can be considered. During the hearing the Board will consider the application with objections and may decide to approve, approve with conditions, or deny the application for the Parcel 122 Project.

Pursuant to Rule 2.7.1, the Division has scheduled a Pre-Hearing Conference for November 3, 2016, in the Division's office at 1313 Sherman Street, Room 215, Denver, Colorado, beginning at 10:00 a.m. The Pre-Hearing Conference will be held to describe the Division's review process,



to explain the rights and responsibilities of parties, to discuss and resolve issues to the extent possible, to describe the Board Hearing processes, to propose a list of issues under the Board's jurisdiction, to simplify the list, and to identify parties. The Board has appointed Mrs. Erica Crosby to preside as the Pre-Hearing Conference Officer.

Pursuant to Rule 2.7.3(4), any party who does not attend the Pre-Hearing Conference forfeits its party status and all associated rights and privileges, unless such party provides a fully executed proxy authorization form to the Pre-Hearing Conference Officer and the party's authorized representative is present. An official proxy authorization form is provided with the enclosed citizen's guide memo. Additional copies of the official proxy authorization form may be procured through the Division's website.

Pursuant to Rule 1.4.9, on or before October 28, 2016 the Office of the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the application. Copy of the Office's recommendation will be forwarded to all parties and interested persons.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Attachment: Certificate of Service

Enclosure: Guide to Citizen Participation

Ec: Wally Erickson; Division of Reclamation, Mining and Safety
Tony Waldron; Division of Reclamation, Mining and Safety
Erica Crosby; Division of Reclamation, Mining and Safety
John Roberts; Esq., AGO for the MLRB
Scott Schultz; Esq., AGO for Division of Reclamation, Mining and Safety
Jeff Fugate; Esq., AGO for Division of Reclamation, Mining and Safety

Certificate of Service

I, Peter S. Hays, hereby certify that on this 23rd day of September, 2016, I deposited a true copy of the foregoing Notice to Parties to the Parcel 122 Project, dated September 23, 2016, Re: Notice of Formal Board Hearing, Pre-Hearing Conference and Recommendation Date for a Construction Materials 112 Application; Varra Companies, Inc.; Parcel 122 Project; DRMS File No. M-2015-033, in the US Mail, postage paid, addressed to the following:

Mr. Andrew Jones
Lawrence Jones Custer Grasmick LLP
5245 Ronald Reagan Blvd., Suite 1
Johnstown, CO 80534

Mrs. Linda Pyeatt
Mayer Family Farms, L.L.C.
13895 WCR 21
Platteville, CO 80651

Mr. John Kershner
Kerr-McGee Oil & Gas Onshore LP
1099 18th Street, Suite 1800
Denver, CO 80202

Mr. Garrett Varra
Varra Companies, Inc.
8120 Gage Street
Fredrick, Colorado 80516



September 23, 2016

Signature and Date