



**COLORADO**  
**Division of Reclamation,  
Mining and Safety**  
Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, CO 80203

October 9, 2019

Kent Pflager  
Morgan County Quality Water District  
P.O. Box 1218  
Fort Morgan, CO 80701

**Re: Notice of Formal Board Hearing, Pre-hearing Conference and Recommendation Date for an 112c Application Amendment (AM01) with Objections, Black Mountain Sand Weld LLC, Lost Creek Mine, File No. M-2018-051**

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division/DRMS) appreciates you taking time to participate in the review process of the above referenced application and application amendment. The application and application amendment for the Lost Creek Mine were submitted by Black Mountain Sand Weld LLC (Applicant/Black Mountain) to the Division on October 3, 2018 and June 6, 2019, respectively. The application and application amendment were considered filed for review on March 25, 2019 and July 11, 2019, respectively. The public comment periods for the application and application amendment closed on May 9, 2019 and August 23, 2019, respectively. The review period for the application amendment will close on November 14, 2019.

An explanation of the Division's review process, your rights and responsibilities as either a party or a non-party, and the jurisdiction of the Mined Land Reclamation Board (Board), is provided in a 12-page memorandum, "Guide to Citizen Participation in the 112 Reclamation Permit Application Process for Construction Materials and Hard Rock/Metal Mining Operation", dated October 2, 2001, revised January 12, 2006. The memo is available through the Division's website at <https://mining.state.co.us/SiteCollectionDocuments/112processmemoFinal.pdf>. You are strongly encouraged to read this guide to understand your responsibilities to participate in the application amendment process. As noted in the citizen's guide memo, in these proceedings the Division's authority is limited to enforcement of the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 et seq., C.R.S. (Act) and the Mineral Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). The application amendment and the Act and the Rules can be accessed through the Division's website at <https://mining.state.co.us/Pages/Home.aspx>.

The Division received written objections to the application and application amendment. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Division scheduled the application amendment for a Formal Board Hearing for consideration. The hearing is scheduled for the November 13-14, 2019 Board meeting, which will occur at 1313 Sherman Street, Room 318, Denver, Colorado, 80203 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 amendment with objections and may decide to approve, approve with conditions, or deny the application amendment.

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Pursuant to Rule 1.4.9(2)(c), on or before October 28, 2019, the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the application. A copy of the Division's recommendation will be forwarded to all parties and interested persons.

If you have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303.866.3567 x 8124, or by email at [peter.hays@state.co.us](mailto:peter.hays@state.co.us).

Sincerely,



Peter S. Hays  
Environmental Protection Specialist

Ec: Jared Ebert, Division of Reclamation, Mining and Safety



**COLORADO**  
**Division of Reclamation,  
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Department of Natural Resources  
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October 9, 2019

Matthew Machado, Esq.  
Lyons Gaddis, PC  
363 Centennial Pkwy, Suite 110  
Louisville, CO 80027

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Sincerely,



Peter S. Hays  
Environmental Protection Specialist

Ec: Jared Ebert, Division of Reclamation, Mining and Safety



**COLORADO**  
**Division of Reclamation,  
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Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, CO 80203

October 9, 2019

Thomas W. Korver  
Petros & White, LLC for Equus Farms, Inc.  
1999 Broadway, Suite 3200  
Denver, CO 80202

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Sincerely



Peter S. Hays  
Environmental Protection Specialist

Ec: Jared Ebert, Division of Reclamation, Mining and Safety



**COLORADO**  
**Division of Reclamation,  
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Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, CO 80203

October 9, 2019

Denice Wagner  
Bijou Irrigation District and Bijou Irrigation Company  
15551 Highway 34  
P. O. Box 972  
Fort Morgan, CO 80701-0972

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Stuart B. Corbridge  
Vranesh and Raisch, LLP  
5303 Spine Road, Suite 202  
Boulder, CO 80301

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October 9, 2019

Kira Coff  
Millcreek Engineering  
1011 E, Murry Holladay Road, Suite 100  
Salt Lake City, UT 84117

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October 9, 2019

Rhett Bennett  
Black Mountain Sand Weld LLC  
500 Main Street, Ste. 1200  
Fort Worth, TX 76102

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Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division/DRMS) appreciates you taking time to participate in the review process of the above referenced application and application amendment. The application and application amendment for the Lost Creek Mine were submitted by Black Mountain Sand Weld LLC (Applicant/Black Mountain) to the Division on October 3, 2018 and June 6, 2019, respectively. The application and application amendment were considered filed for review on March 25, 2019 and July 11, 2019, respectively. The public comment periods for the application and application amendment closed on May 9, 2019 and August 23, 2019, respectively. The review period for the application amendment will close on November 14, 2019.

An explanation of the Division's review process, your rights and responsibilities as either a party or a non-party, and the jurisdiction of the Mined Land Reclamation Board (Board), is provided in a 12-page memorandum, "Guide to Citizen Participation in the 112 Reclamation Permit Application Process for Construction Materials and Hard Rock/Metal Mining Operation", dated October 2, 2001, revised January 12, 2006. The memo is available through the Division's website at <https://mining.state.co.us/SiteCollectionDocuments/112processmemoFinal.pdf>. You are strongly encouraged to read this guide to understand your responsibilities to participate in the application amendment process. As noted in the citizen's guide memo, in these proceedings the Division's authority is limited to enforcement of the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 et seq., C.R.S. (Act) and the Mineral Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). The application amendment and the Act and the Rules can be accessed through the Division's website at <https://mining.state.co.us/Pages/Home.aspx>.

The Division received written objections to the application and application amendment. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Division scheduled the application amendment for a Formal Board Hearing for consideration. The hearing is scheduled for the November 13-14, 2019 Board meeting, which will occur at 1313 Sherman Street, Room 318, Denver, Colorado, 80203 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 amendment with objections and may decide to approve, approve with conditions, or deny the application amendment.

Pursuant to Rule 2.7, the Division has scheduled a Pre-hearing Conference for Thursday October 31, 2019 beginning at 10:00 a.m. and will end no later than 12:00 p.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 Pre-hearing Conference will occur at 1313 Sherman Street, Room 318, Denver, Colorado, 80203. In accordance with Rule 2.7.3(4), any party who does not attend the Pre-hearing Conference forfeits their 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 at the Pre-hearing Conference. The proxy authorization form is included in the citizen's guide.

In preparation for the Pre-hearing Conference, all parties are strongly recommended to review Rules 2.6 and 2.7. At the Pre-hearing Conference all parties must provide the Division with a copy of a written list of potential witnesses and exhibits for the Board hearing. Pursuant to Rule 2.6(2)(a), the list must include each witness name, current address, and phone number, area of expertise (if expert witness) and the subject matter of the testimony. Pursuant to Rule 2.6(2)(b)(i), for any materials not already in the Division's public files, all parties must provide complete copies of any exhibits for the Board hearing. Pursuant to Rule 2.6(2)(b)(ii), for any materials that are already in the Division's public files, all parties must provide copies of the list of materials to be used with sufficient specificity to describe the exhibit, including but not limited to the specific title or description of each exhibit. The list must also specify where other parties may review and obtain a copy of each exhibit.

Pursuant to Rule 1.4.9(2)(c), on or before October 28, 2019, the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the application. A copy of the Division's recommendation will be forwarded to all parties and interested persons.

If you have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303.866.3567 x 8124, or by email at [peter.hays@state.co.us](mailto:peter.hays@state.co.us).

Sincerely



Peter S. Hays  
Environmental Protection Specialist

Ec: Jared Ebert, Division of Reclamation, Mining and Safety