



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman St. Room 215
Denver, CO 80203

NOTICE

Pre-Hearing Conference and Formal Board Hearing

DATE: March 12, 2021

TO: Darcee Biekert
Board of Supervisors - Soil Conservation District
Middle Park Conservation District
P.O. Box 265
Kremmling, CO 80459

RE: Peak Ranch Resource, File No. M-2020-041

As Required by Rule 1.6.1(3)(c) of the Construction Materials Rule, please find attached the notice of Pre-Hearing Conference and Formal Board Hearing for the above referenced permit application.

The application, as well as all other permit documents, can be found at <https://dnrweblink.state.co.us/drms/search.aspx?cr=1> by searching M2020041 in the “Permit No” field. A user guide is available to help first time users of the imaged document system and can be viewed under the Imaged Document Data section at <https://www.colorado.gov/drms/data-search>.

M-AP-05A





March 5, 2021

Notice of:

**Pre-hearing Conference; March 31, 2021 and
Formal Board Hearing; April 21-22, 2021 for 112 Construction Materials
Reclamation Permit Application with Public Objections; Peak Materials, Peak
Ranch Resource, File M2020-041**

Dear Party or Interested Person:

The Division of Reclamation, Mining and Safety (Division) appreciates you taking time to participate in the review process of the above referenced permit application. The application for the Peak Ranch Resource was filed with the Division on August 8, 2020 by Peak Materials. The review period for the application will close on March 16, 2021.

The Division has received timely written objections to the Application. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Division has scheduled this matter for consideration by the Colorado Mined Land Reclamation Board (Board) at the April 21-22, 2021 Board meeting.

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 Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). A copy of the Construction Materials Act and Rules are available through the Division's website.

Notice of Pre-hearing Conference and Formal Board Hearing

Pre-Hearing Conference:

Pursuant to Rule 2.7, the Division has scheduled a Pre-hearing Conference to occur on March 31, 2021.

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 that list, and to identify parties. The Board has appointed Mr. Jeff Graves to preside as the Pre-hearing Conference Officer.

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 an electronic copy 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.



Notice of Pre-hearing Conference and Formal Board Hearing

March 5, 2021

Page 2 of 3

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 Rules 2.6(2)(b)(i) and (ii), each party to the hearing shall provide copies of all materials mentioned above to all other parties to the hearing. All witness and exhibit lists, exhibits, motions, and responses to motions for this Application shall be submitted via email to the Board Administrator, Camie Mojar at Camille.Mojar@state.co.us. Please ensure that all materials submitted to the Board Administrator are in a PDF format. Due to the number of parties in this matter, document exchange between parties will be handled electronically through the Division's website. All materials submitted to the Board Administrator will be available for viewing at this link: <https://drms.stg.colorado.gov/information/permitting-actions-currently-under-review/peak-ranch-resource-file-no-m2020041>.

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 may be accessed through the Division's website at this link:

<https://drive.google.com/file/d/1oaUOJvDsgWeHNryJjZi6BXfzyYjTdvw9/view>.

Prior to the Pre-hearing Conference, the Division will issue its recommendation to the Board for approval, approval with conditions, or denial of the Application. A copy of the Division's recommendation and rationale document will be provided to all parties and interested persons.

Due to COVID prevention protocol, the Division will be holding the Pre-Hearing Conference via Zoom meeting using the following link:

Event:	Pre-Hearing Conference
Date:	Wednesday, March 31, 2021
Time:	2:00 pm – 4:00 pm
Link:	https://us02web.zoom.us/j/89501201011?pwd=a0hNT0RoQWM5OHZKSskNCUU45bFdGUT09

Formal Board Hearing:

The Division has received timely written objections to the Application. Therefore, pursuant to Rules 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 **April 21-22, 2021** Mined Land

Notice of Pre-hearing Conference and Formal Board Hearing

March 5, 2021

Page 3 of 3

Reclamation Board (MLRB) meeting, 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.

Due to COVID prevention protocol, the Formal Board Hearing will be held via Zoom meeting using the following links: (Please note the Board Hearing has been scheduled for two days and separate Zoom meeting links must be used to access the meeting for each day)

Event:	Formal Board Hearing
Date:	April 21, 2021
Time:	9:00 am
Link:	https://us02web.zoom.us/j/88336767315?pwd=bndoand0YzRBRG5ydHZsZUUyQ2JZZz09

Event:	Formal Board Hearing
Date:	April 22, 2021
Time:	9:00 am
Link:	https://us02web.zoom.us/j/89258232077?pwd=VVcyTFdqUHFITmVKOG9EQTVXUnhRUT09

If you have any questions, you may contact me by email at eric.scott@state.co.us

Sincerely,



Eric Scott
Environmental Protection Specialist