



September 13, 2022

RE: Notice of Pre-Hearing Conference and Formal Board Hearing for a 112d-2 Permit Amendment Application (AM-6) with Objections; Colorado Legacy Land, LLC; Schwartzwalder Mine; Permit No. M-1977-300

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) appreciates you taking the time to participate in the review process of the above referenced permit application. The Amendment application (AM-6) for the Schwartzwalder Mine (Application) was filed with the Division on July 29, 2021 by Colorado Legacy Land, LLC (Operator). The review period for the Application is set to close on September 27, 2022. At that time, the Division will determine whether the Application has satisfied all applicable requirements of the Act and Rules, and will issue a recommendation to approve, approve with conditions, or deny the Application. The Division's recommendation and rationale documents will be provided to all parties at the time of issuance.

The Division received timely written objections to the Application. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Application has been scheduled for consideration by the Colorado Mined Land Reclamation Board (Board).

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 Hard Rock, Metal, and Designated Mining Operations (Rules). The Act and Rules are available on the Division's website, specifically at: <https://drms.colorado.gov/rules-and-regulations>.

Pre-Hearing Conference:

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 process, to propose a list of issues under the Board's jurisdiction, to simplify that list, and to identify parties. The Board has appointed Jason Musick 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 an expert witness), and the subject matter of the testimony. Parties are not obligated to use any witnesses even if listed, but parties may not, without express permission from the Board at the Formal Board Hearing introduce testimony from a witness that was not listed in accordance with this Rule.



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 such materials to be used as exhibits at the Formal 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, or inspect, each exhibit.

Pursuant to Rule 2.6(2)(b)(i) and (ii), each party to the hearing shall provide copies of all materials mentioned above to the Division and to all other parties to the hearing. All witness and exhibit lists, exhibits, motions, and responses to motions for this Application shall be submitted to the Division via email to the Board Administrator, Camie Mojar at dnr_drms_permitadmin@state.co.us. Please ensure that all materials submitted to the Board Administrator are in a PDF format. Materials provided through file sharing services will not be accepted. Document exchange between parties can be done electronically using the email addresses provided at the end of this letter.

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 at the conference. An official proxy authorization form is available on the Division's website, specifically at: <https://drms.colorado.gov/forms/minerals-program-forms>.

The Pre-Hearing Conference will be held via Zoom Meeting using the following weblink:

Event:	Pre-Hearing Conference
Date:	Wednesday, October 5, 2022
Time:	9:30 a.m. – 11:00 a.m.
Weblink:	https://us02web.zoom.us/j/87619663058?pwd=U2V2aEZlVHZlbFZFYldtNjY3N3Fodz09

Formal Board Hearing:

The Division's recommendation to approve the Application is to the Board. The Application will be considered by the Board during a formal hearing, scheduled for the **October 19-20, 2022** Board 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. Pursuant to Rule 2.8.1(1), any party who does not attend the Board hearing forfeits its party status and all associated rights and privileges.

The Formal Board Hearing will be held via Zoom Meeting using the following weblinks:

(There are separate weblinks that must be used to access the meeting for each day. The hearing scheduled for this Application may occur on one or both days of the meeting.)

Event:	Formal Board Hearing
Date:	Wednesday, October 19, 2022
Time:	9:00 a.m. (start)
Weblink:	https://us02web.zoom.us/j/88521464377?pwd=b2ZmRU5rL3YvTENXS2lqaFdwYS9OQT09

Event:	Formal Board Hearing
Date:	Thursday, October 20, 2022
Time:	9:00 a.m. (start)
Weblink:	https://us02web.zoom.us/j/86243569560?pwd=ZUcvU0c5TGR0ajUxakRrQkFRdmNxdz09

Please note that only Parties and those who will be testifying may attend the Board Hearing via Zoom. All other interested persons may view the Hearing via the Board's YouTube Channel:
<https://www.youtube.com/channel/UCDrrAO8bIPFlOwce-yH1fWA>.

Prior to each event listed above, you will receive an emailed invitation with the Meeting ID and Passcode.

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129 or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Ec: Sharon Israel, City of Arvada at: sisrael@arvada.org
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