

September 26, 2022

**RE: Receipt of Timely Comments and Objections to a 112 Construction Materials Reclamation Permit Application, Two Rivers Sand, Gravel and Reservoir Project, File No. M-2022-013**

Dear Ms. Johnson:

The Division of Reclamation, Mining and Safety (Division) appreciates you taking time to participate in the review process for the reclamation permit application filed with our office on April 4, 2022 by Varra Companies, Inc. for the Two River Sand, Gravel and Reservoir Project. The name of the applicant was changed from Varra Companies, Inc. to Raptor Materials LLC (Applicant) on May 18, 2022. The public comment period for the application closed on June 2, 2022. The decision date for the application is currently scheduled for November 4, 2022.

Because timely objections have been filed, the application will be scheduled for consideration by the Colorado Mined Land Reclamation Board (Board), in accordance with Rule 1.4.9. The Division will issue a recommendation to the Board for approval, approval with conditions, or denial of the application on or before the application decision date. A pre-hearing conference will be held after the Division has issued its written recommendation on the application and at least ten (10) calendar days prior to the formal Board hearing, in accordance with Rule 2.7.1. The Division's recommendation and rationale for approval or denial of the application shall be sent to the Applicant and to all timely objectors at least three (3) working days prior to the pre-hearing conference.

Official notice of the date, time, and location for the pre-hearing conference and formal Board hearing will be provided to the Applicant and all timely objectors. Unless notice is waived in writing by all parties, the Division shall provide all parties at least thirty (30) days written notice of the formal Board hearing date. Any person who submits a written comment during the public comment period for the application has standing for party status. Party status is subsequently maintained by participating in the pre-hearing conference and formal Board hearing.

An explanation of the Division's review process, your rights as a party, and the jurisdiction of the Board is provided in an 8-page memorandum, Guide to Citizen Participation (last revised on October 7, 2021), which is available on the Division's website at <https://drms.colorado.gov>, under Minerals Program Forms. Also, you can access it at this web address: <https://drive.google.com/file/d/1bZmZjkSOM49SMgm-YD495cEcn46RfbAh/view?usp=sharing>.

The following entities submitted comments and objections related to the application. Please note that any comments or objections submitted after the public comment period are considered "untimely," and the person submitting the comment or objection is not considered a party to the application).

Agency comments received

1. April 26, 2022 – Comment received from History Colorado
2. April 27, 2022 – Comment received from Colorado Division of Water Resources

Timely comments/objections received from citizens

1. May 2, 2022 – Comment received from Karen Johnson
2. May 31, 2022 – Objection received from Kathryn Conner
3. June 1, 2022 – Comment received from Bridget Seader
4. June 2, 2022 - Objection received from Brad Ellins
5. June 2, 2022 - Objection received from Debra Holman
6. June 2, 2022 - Objection received from William Humphries
7. June 2, 2022 - Objection received from Stephen Mackessy
8. June 2, 2022 - Objection received from Paul Montville
9. June 2, 2022 - Objection received from Catherine Olmsted
10. June 2, 2022 - Objection received from Charles Olmsted (comment also)
11. June 2, 2022 - Objection received from Paul Speck.

Copies of all letters received have been forwarded to the Applicant for their response. The Division is currently reviewing the application for adequacy with respect to the applicable portions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the Mineral Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). The Act and Rules are available on our website at <https://drms.colorado.gov/rules-and-regulations>. All permit files, including any correspondence regarding the application, can be viewed through our online imaged document system (Laserfiche). Laserfiche can be accessed through our website under the Data Search tab. In Laserfiche, type the permit/file number into the “Permit No” field with no spaces or dashes (for example, “M2022013”) and click Search. Tip: after all documents have loaded, you can organize them by date or other category by clicking on the column header.

If you have any questions, you may contact me by telephone at 720-601-2276, or by email at [rob.zuber@state.co.us](mailto:rob.zuber@state.co.us).

Sincerely,



Robert D. Zuber, P.E.  
Environmental Protection Specialist

