



October 14, 2022

Drew Damiano  
Red Tierra Equities, L.L.C.  
8301 East Prentice Ave., Suite 120  
Greenwood Village, CO 80111

**Re: Second Notice of Pre-Hearing Conference, Recommendation Date and Formal Board Hearing for an 112c Reclamation Permit Application with an Objection; Red Tierra Equities, L.L.C.; Section 20 Gravel Mine; File No. M-2022-001**

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division/DRMS) appreciates you taking the time to participate in the review process of the above referenced permit application. The application for the Section 20 Gravel Mine was submitted by Red Tierra Equities, L.L.C. on January 3, 2022. The application was considered filed for review on February 9, 2022. The public comment period for the application closed on April 6, 2022. The review period for the application will close on August 18, 2022.

The Division received one (1) timely objection to the application. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Division scheduled the application for consideration by the Colorado Mined Land Reclamation Board (Board).

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). Copies of the Act and Rules are available through the Division's website 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 the list and to identify parties. The Board appointed Michael Cunningham 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.



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 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 [dnr\\_drms\\_mlr-submittals@state.co.us](mailto:dnr_drms_mlr-submittals@state.co.us). Please ensure all materials submitted to the Board Administrator are in a PDF format. Materials provided through file sharing services will not be accepted.

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 available on the Division's website at: <https://drive.google.com/file/d/1oaUOJvDsgWeHNryJjZi6BXfzyYjTdvw9/view>

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

<b>Event:</b>	Pre-Hearing Conference
<b>Date:</b>	Wednesday November 2, 2022
<b>Time:</b>	1:00pm to 2:00pm
<b>Weblink:</b>	<a href="https://us02web.zoom.us/j/86745583991?pwd=SS84eVAydTNweWRDM0RZR2d4OE1CUT09">https://us02web.zoom.us/j/86745583991?pwd=SS84eVAydTNweWRDM0RZR2d4OE1CUT09</a>

#### **Formal Board Hearing:**

Pursuant to Rule 1.4.9(2)(c), on or before October 20, 2022, 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.

The application will be considered by the Board during a formal hearing, scheduled for the **November 16-17, 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 an objection 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 weblink:

<b>Event:</b>	Formal Board Hearing
<b>Date:</b>	November 16-17, 2022
<b>Time:</b>	9:00 am (start)
<b>Weblinks:</b>	<a href="https://us02web.zoom.us/j/86509841109?pwd=aERHd3h3cmdDMkRNYm1uUnBXaWhpQT09">https://us02web.zoom.us/j/86509841109?pwd=aERHd3h3cmdDMkRNYm1uUnBXaWhpQT09</a> - Wednesday November 16, 2022 <a href="https://us02web.zoom.us/j/89590840535?pwd=VVE1RDYzQnFhSXBGckdnajJm0ZPUT09">https://us02web.zoom.us/j/89590840535?pwd=VVE1RDYzQnFhSXBGckdnajJm0ZPUT09</a> - Thursday November 17, 2022

Please note 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/UCDrrAO8bIPFIOWce-yH1fWA>.

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

Enclosure: Pre-Hearing Conference Guidance Memo

Ec: Jared Ebert; Division of Reclamation, Mining and Safety  
Russ Means; Division of Reclamation, Mining and Safety  
Jeff Fugate; Attorney General Office