



March 17, 2023

**Re: Final Notice of Pre-Hearing Conference, Recommendation Date and Formal Board Hearing for a 112c Reclamation Permit Application with an Objection; Raptor Materials LLC; Two Rivers Sand, Gravel and Reservoir Project, File No. M-2022-013**

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 Two Rivers Sand, Gravel and Reservoir Project was submitted by Varra Companies, Inc. on April 4, 2022. (The applicant was subsequently changed to Raptor Materials LLC.) The application was considered filed for review on April 18, 2022. The public comment period for the application closed on June 2, 2022. The review period for the application will close on March 31, 2023.

The Division received 11 timely objections to the application. One objection was withdrawn leaving 10 objecting parties. 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 Erica Crosby 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\\_mlrbsubmittals@state.co.us](mailto:dnr_drms_mlrbsubmittals@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/1oaUOJvDsgWeHNryJZi6BXfzyYjTdvw9/view>

The Pre-Hearing Conference will be held in person at 1313 Sherman Street, Room 318, Denver, Colorado. If you have good cause not to appear in person you must submit a request to the Division to appear virtually (via ZOOM). To do so, please submit an email to the Division, no later than 5:00 PM on March 24, 2023 for Division consideration. If approved you will receive an authorization code to attend the meeting for this matter. Otherwise, the Pre-Hearing Conference will be held in-person:

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|------------------|---|
| <b>Event:</b>    | Pre-Hearing Conference                          |
| <b>Date:</b>     | Wednesday April 5, 2023                         |
| <b>Time:</b>     | 1:00 pm to 2:00 pm                              |
| <b>Location:</b> | 1313 Sherman Street, Room 318, Denver, Colorado |

**Formal Board Hearing:**

Pursuant to Rule 1.4.9(2)(c), on or before March 31, 2023, 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 **April 19-20, 2023** 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 Board hearing will be held in person at 1313 Sherman Street, Room 318, Denver, Colorado. If you have good cause not to appear in person you must submit a request to the MLRB to appear virtually (via ZOOM). To do so, please submit an email to the MLRB Administrator, no later than 5:00 PM on April 7, 2023 for Board consideration. If approved you will receive an authorization code to attend the meeting for this matter. Otherwise, the Formal Board Hearing will be held in-person:

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|------------------|---|
| <b>Event:</b>    | Formal Board Hearing                            |
| <b>Date:</b>     | April 19-20, 2023                               |
| <b>Time:</b>     | 9:00 am (start)                                 |
| <b>Location:</b> | 1313 Sherman Street, Room 318, Denver, Colorado |

Please note only Parties and those who will be testifying may attend the Board Hearing. 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 8113; or by email at [rob.zuber@state.co.us](mailto:rob.zuber@state.co.us).

Sincerely,



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

Ec: Michael Cunningham; Division of Reclamation, Mining and Safety  
Russ Means; Division of Reclamation, Mining and Safety  
Jeff Fugate; Attorney General's Office