

35 Arado Way
Greeley, CO 80634

April 4, 2023

Colorado Mined Land Reclamation Board
Colorado Division of Reclamation Mining & Safety (DRMS)
1313 Sherman Street, Room 215
Denver, CO 80203

Colorado DRMS and Members the Board:

Re: Application for Two Rivers Sand, Gravel and Reservoir Project File No. M-2022-013

We each submitted timely objections to the proposed Two Rivers Sand, Gravel and Reservoir Project File No. M-2022-013 with our concerns primarily focusing on the notification process for the project as well as the impact to natural areas and endangered and protected species on, adjacent to, or nearby land that will be reclaimed and extracted for construction materials and mining. This gave us each standing as a Public Participant "Party" in the process.

As Parties, we have learned a great deal in the intervening months of the Board's review process and have come to the following conclusions:

- 1. The laws and rules--i.e., 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)--that govern projects such as Two Rivers Sand, Gravel and Reservoir Project File No. M-2022-013 in the State of Colorado support the business interests in extractive industries.**
- 2. The public notification processes governing projects such as Two Rivers Sand, Gravel and Reservoir Project File No. M-2022-013 in the State of Colorado are antiquated and outdated, in alignment with 19th Century and mid-20th Century common means of communication.** In that DRMS chooses not to require updated processes seemingly demonstrates a complete lack of will to seek meaningful engagement with the citizens of Colorado. It may also demonstrate a kind of purposeful inaction to advocate for 21st Century means of communication. **The current requirements and processes for public notification inherently strengthen the functional bias toward supporting business interests in extractive industries.**
- 3. The letters to Parties with Objections, as sent by Rob Zuber from DRMS with references to various Colorado Division of Reclamation Mining & Safety guidelines and rules, have included litigious language which, as perceived by us, has been**

threatening--emphasizing the power of DRMS, the Board, and the Applicant over Public Participants who are parties objecting to the project.

In brief, we have come to understand that our objections hold little to no merit before the Colorado Division of Reclamation Mining & Safety and only serve to hinder what the letter of the law designates as your duties and responsibilities in reviewing the application for the Two Rivers Sand, Gravel and Reservoir Project File No. M-2022-013. **As citizens of the State of Colorado and Public Participants in this process, we have been deeply disheartened by both the law and rules that bias human use and development of natural resources rather than conservation and preservation of those resources for use that extends beyond human business interests.**

Our deep disappointment over the application of the law and the communication processes regulated by DRMS as described above, lead us to notify you that we withdraw as parties to this matter. Find attached the Party Status Withdrawal forms in the matter of the Two Rivers Sand, Gravel and Reservoir Project File No. M-2022-013. We believe our energies over concerns with this project will be better spent elsewhere.

Sincerely,



Dr. Debra Kaye Holman



Dr. Stephen P Mackessy

**STATE OF COLORADO
MINED LAND RECLAMATION BOARD**

PARTY STATUS WITHDRAWAL FORM

In the matter of File No. M- 2022 - 013, Permit or Amendment Application.

Name of Operator/Applicant: Raptor Materials LLC

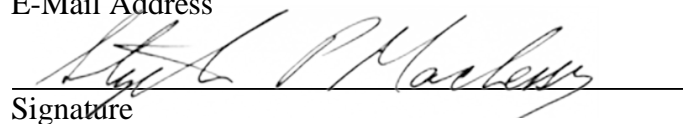
Site Name: Two Rivers Sand, Gravel and Reservoir Project

X I hereby withdraw as a party to this matter.

 I hereby withdraw as a party to this matter and, if the Board holds a hearing, I wish to address the Board at the formal hearing, if held, as a non-party.

(Please note that if all objecting parties withdraw prior to the date set for the Board's consideration of the application, the application may be approved by the Office without the Board holding a hearing. In that event, there will be no opportunity to address the Board on any issues related to the application. Also, the Board is not obligated to consider any issues raised by a person or an entity that has withdrawn as a party.)

Regardless of a party status, the Division thoughtfully considers each issue submitted in writing to the Division and provides a response to those issues within its jurisdiction in the Division's "Rationale for Recommendation." The Rationale is available to any person by contacting the Division. For persons who do not wish to become a party or who withdraw as a party in this matter, please contact the Division for information on application status.

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April 4, 2023
Date