



July 12, 2024

RE: Notice of Pre-Hearing Conference and Formal Board Hearing for a 112c Reclamation Permit Application with Objections, W.W. Clyde & Co., Bernhardt Sand and Gravel Pit, File No. M-2023-025

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 application for the Bernhardt Sand and Gravel Pit (Application) was filed with the Division on September 14, 2023, by IHC Scott, Inc. (the name of the applicant was subsequently changed to W.W. Clyde & Co.). After conducting a comprehensive adequacy review of the Application, on July 11, 2024, the Division issued its recommendation to approve the Application. On this same date, the Division provided a copy of its recommendation and rationale document to all parties and interested persons. This document is also available on the Division's website at <https://drms.colorado.gov>, by clicking on DRMS Electronic Documents (Laserfiche Weblink), typing the file number "M2023025" into the Permit No field, and hitting Enter.

The Division received timely written objections to the Application. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Division has 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). Copy of the Act and Rules are available through 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.



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 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 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. 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>, under the section titled Public Participation in the 112 Reclamation Permit Process. This form was also included with the recommendation and rationale documents provided to you on July 11, 2024.

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

Event:	Pre-Hearing Conference
Date:	Wednesday, July 31, 2024
Time:	1:00 p.m. – 3:00 p.m.
Weblink:	https://us02web.zoom.us/j/88402777759?pwd=tFrA4LbPgTl8cMdh3KAhbBsvdaF6S.1

Prior to the Pre-Hearing Conference, you will receive an authorization code to attend the meeting.

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 **August 21-22, 2024** Board meeting to be held at 1313 Sherman Street, Room 318, Denver, Colorado, 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.

If you have good cause not to appear in person at the Board hearing, you must submit a request to the Board to appear virtually (via Zoom). To do so, please submit an email to the Board Administrator, Camie Mojar at dnr_drms_mlrbsubmittals@state.co.us no later than 5:00 p.m. on August 16, 2024 for Board consideration. If approved, you will receive an authorization code to attend the meeting for this matter. Please note that only Parties and those who will be testifying may attend the Board Hearing (in person or 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, you may contact me by telephone at 720-601-2276 or by email at rob.zuber@state.co.us.

Sincerely,



Rob Zuber
Environmental Protection Specialist

Ec: Holly McKee-Huth, History Colorado at: holly.mckee@state.co.us
Wenli Dickinson, Division of Water Resources at: wenli.dickinson@state.co.us
Lexi Hamous-Miller, Colorado Parks and Wildlife at: lexi.hamous-miller@state.co.us

Jim Gochis at: hiddenplatteranch@gmail.com
Cheryl Kasten, Carlene Stroh, and Karen Currier at: kastencheryl@msn.com
Michael Janeczko at: majaneczko@gmail.com
Jerry Ladd at: jdl@doorwaysinc.com

Andy Carpenter, W.W. Clyde & Co. at: acarpenter@wwclyde.net
J.C. York, J&T Consulting, Inc. at: jcyork@j-tconsulting.com

Amy Eschberger, DRMS at: amy.eschberger@state.co.us
Patrick Lennberg, DRMS at: patrick.lennberg@state.co.us
Zach Trujillo, DRMS at: zach.trujillo@state.co.us
Jason Musick, DRMS at: jason.musick@state.co.us
Russ Means, DRMS at: russ.means@state.co.us
Jeff Fugate, AGO at: jeff.fugate@coag.gov
Scott Schultz, AGO at: scott.schultz@coag.gov
Charles Kooyman, AGO at: charles.kooyman@coag.gov