

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

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June 26, 2012

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

Notice to Parties and Interested Persons for AM-03

RE: Notice of Formal Board Hearing, Pre-hearing Conference, and Recommendation Date for an Application to Amend a 112d-1 Operation (AM-01), to Include an Environmental Protection Plan, Cotter Corporation, JD-8 Mine, Permit No. M-1984-014.

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) appreciates all parties taking time to participate in the review process of the above referenced application. The submittal of an Environmental Protection Plan (EPP) amendment was filed with the Division on June 8, 2011, by Cotter Corporation (Applicant).

An explanation of the Division's review process, your rights as either a party or a non-party, and the jurisdiction of the Mined Land Reclamation Board (Board), is provided in the enclosed 12-page memo, Guide to Citizen Participation. As noted in the citizen's guide memo, in these proceedings the Division's authority is limited to enforcement of the Colorado Mined Land Reclamation Act, 34-32-101 et seq., C.R.S. (Act), and the Mineral Rules and regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations (Rules), which can be accessed on the Division's website, www.mining.state.co.us.

Upon publication of the public notices for this amendment, the Division received timely letters of objection. Copies of these letters were forwarded to the operator. Receipt of timely objections triggers the requirement for the Division to schedule a Pre-hearing Conference. **Pursuant to Rule 2.7.1, the Division has scheduled a Pre-hearing Conference to occur on July 25, 2012,** located at the Reams Construction Business Offices, 28490 Highway 141, Naturita, Colorado, beginning at 1:00 p.m. and concluding at or before 3:00 p.m. Mr. Steve Renner will preside as the Pre-hearing Conference Officer.

The EPP amendment application will be considered by the Board during a Formal Public Hearing scheduled for August 8~9, 2012. The Board meeting will be held at the Centennial Building, 1313 Sherman Street, Room 318, Denver, Colorado, 80203, commencing at 9:00 a.m. on August 8, 2012 or as soon thereafter as the matter can be considered.

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 processes, to propose a list of issues under the Board's jurisdiction, to simplify that list, and to identify parties. **All parties must supply fifteen (15) copies of lists of any exhibits and witnesses the parties intend to present at the Formal Board Hearing. List and exhibits must be exchanged between the parties at the Pre-hearing Conference in accordance with the requirements of Rule 2.6(2). Failure to participate in the Pre-hearing Conference will result in the loss of your party status.**

After the conference the Pre-hearing Officer shall prepare a proposed Pre-hearing Order. The proposed Pre-hearing Order will be made available to all parties prior to the Formal Board Hearing. The proposed Pre-hearing Order will contain a list of the parties, provide a recommended list of issues to be considered by the Board, and outline a schedule for the hearing with time allotments set for presentations by each party and the Office. The conditions of the Pre-hearing Order are not final until adopted or approved by the Board at the Formal Board Hearing. Any party has the right to file a motion to the Board to review any decision of the Pre-hearing Officer according to the provisions of Rule 2.6(1).

The Division's deadline for issuing a recommendation on the EPP is scheduled for July 16, 2012. On or before July 16, 2012, the Division will issue its recommendation to the Board for approval, approval with conditions, or denial of the application. Copy of the Division's recommendation will be forwarded to all parties and interested persons by no later than July 20th, 2012.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, by telephone at 970.241.1117, or by e-mail at russ.means@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Russell Means".

G. Russell Means
Senior Environmental Protection Specialist
West Slope Field Office Supervisor
Grand Junction / Durango

Attachment: Certificate of Service

Enclosure: Guide to Citizen Participation

Ec w/enclosure: Steven Renner, Pre-hearing Officer
John Roberts, Esq., AGO for the MLRB
Steve Nagy, Esq., AGO for DRMS

CERTIFICATE OF SERVICE

I, G. Russell Means, hereby certify that on this 26th day of June, 2012, I deposited a true copy of the foregoing document, RE: Notice of Formal Board Hearing, Pre-hearing Conference, and Recommendation Date for Submittal of an Environmental Protection Plan Application to amend a 112d-1 Operation (AM-01), Cotter Corporation, JD-8, Permit No. M-1984-14, with the enclosed Guide to Citizen Participation, in the United States Mail, postage paid, addressed to the following:

Ed Cotter
S.M. Stoller Corporation
Contractor to the U.S. Department of Energy Office of Legacy Management
2597 Legacy Way,
Grand Junction, CO 81503

Glen Williams
Cotter Corporation
P.O. Box 700
Nucla, Colorado 81424

Montrose County
Board of County Commissioners
161 S. Townsend Ave.
Montrose, CO 81401

Western Mining Action Project
On behalf of Sheep Mountain Alliance
P.O. Box 349
Lyons, Colorado 80540



G. Russell Means