

BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

NOTICE OF PUBLIC RULEMAKING HEARING

IN THE MATTER OF Amendments to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations, 2 CCR 407-1, regarding Limited Impact Mining Operations

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

The Colorado Mined Land Reclamation Board (“Board”) will consider promulgation of new rules and amendments proposed by the Division of Reclamation, Mining and Safety (“Division”) to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations, 2 CCR 407-1. Draft proposed new and amended rules are attached hereto as **Appendix A**. The Division seeks amendment to Rules 1.1, 1.4, 1.11, 2.5, 4.2, and 6.3, as outlined in the draft proposed rules and the draft Statement of Basis and Purpose attached hereto as **Appendix B**.

The Board will promulgate the new rules to implement amendments to Section 34-32-110, C.R.S., enacted by the passage of Senate Bill 14-076 creating a new category of Limited Impact Permits for mining operations that impact five (5) acres or less of surface area (“110(1) rules”). The 110(1) rules will also be promulgated to make certain Board rules are more consistent, effective, and efficient pursuant to Executive Order D 2012-002. The Board may also amend areas of the existing rules that need clarification, correction, or to reflect new information or current practice or procedure.

The Board’s authority to promulgate the 110(1) rules is derived from Section 34-32-106(1)(c), C.R.S. (Board has the duty to develop and promulgate standards for land reclamation plans), Section 34-32-108(1), C.R.S. (Board has the authority to adopt and promulgate reasonable rules and regulations regarding administration of the Mined Land Reclamation Act) and Section 34-32-110(1), C.R.S (Board has authority to issue limited-impact mining permits for mining operations conducted on five acres or less).

NOTICE IS HEREBY GIVEN that the Board has scheduled the above entitled matter for a rulemaking hearing as follows:

Date: Wednesday/Thursday, January 28-29, 2015.
Time: Wednesday 9:00 a.m. or as soon thereafter as practical
Place: Department of Natural Resources
1313 Sherman Street, Room 313
Denver, CO 80203

Public Participation. The Board encourages the public to participate in the rulemaking hearing by commenting on the proposed regulations. To participate in this rulemaking as a party, a person or organization must file a written request for party status with the Board that shall include the following information: (1) name of the applicant and their representative (if different); (2) the street address, electronic mail address, and telephone and facsimile numbers of the applicant or their representative; and (3) a brief summary of any policy, factual, or legal issues the applicant has with the proposed regulations.

Persons who do not desire party status, but would like to participate in the rulemaking process, will be able to make their views known to the Board either by submitting comments in writing in advance of the rulemaking hearing, or by speaking during the public comment period allotted during the hearing. Depending on the number of people seeking to make oral comments at the hearing, the Board may limit such comments. Organized groups of individuals are urged to identify one spokesperson. Speakers are asked to be as concise as possible, and to avoid repeating comments made by others. The Board will consider all submissions. Persons or groups who would like to address the Board during the Rulemaking Hearing should notify the Board Secretary via e-mail at johnie.a.abad@state.co.us by January 14, 2015. An estimate of the time needed for comments must be included in the e-mail notice.

Written Comments, Prehearing Statements, Alternate Proposed Rules, Party Status. Written submissions prior to the hearing are encouraged, so that they can be distributed to the Board for review prior to the hearing. Comments, prehearing statements, or alternate proposed rules shall be limited to five (5) pages, excluding exhibits, and shall succinctly summarize the factual and legal issues that arise from the rulemaking proposal and the submitting person's position on each issue.

Alternate proposed rules may only be considered by the Board if the subject matter of the alternate proposed rules is consistent with and fits within the subject matter and scope of the rulemaking hearing. Any alternate proposed rule must include the following information: (1) a clear statement of the alternate proposed rule; (2) a statement of the Board's authority to promulgate the alternate proposed rule; (3) a statement describing how the alternate proposed rule is consistent with and fits within the subject matter and scope of the proposed rulemaking and (4) a clear and concise statement of the basis and purpose for the alternate proposed rule.

Request for Party status and all comments, prehearing statements, or alternate proposed language must be received by January 14, 2015.

Filings by parties and interested persons must be submitted to the Board in hard copy and electronic copy as follows:

- (1) the original and fifteen (15) hard copies delivered via first-class mail to Johnie Abad, Board Secretary, 1313 Sherman Street, Room 215, Denver, Colorado, 80203; and
- (2) an electronic copy emailed, in portable document format (.pdf), to johnie.a.abad@state.co.us for posting to the Division website.

The Board may take actions, including without limitation, modifying or amending the existing rules described or proposed herein and making conforming modifications to other rules, which it determines are reasonably necessary.

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Johnie Abad at (303) 888-3567 ext. 8136, prior to the hearing and arrangements will be made. Copies of the current and proposed Rules are available on the Division internet homepage at <http://mining.state.co.us> or available upon request at the Division Office.

MINED LAND RECLAMATION BOARD
OF THE STATE OF COLORADO

Johnie Abad, Board Secretary