

BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

NOTICE OF PUBLIC RULEMAKING HEARING

IN THE MATTER of Amendments to the Rules and Regulations of the Colorado Mined Land Reclamation Board for Coal Mining, 2 C.C.R. 407-2

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 Rules and Regulations of the Colorado Mined Land Reclamation Board for Coal Mining, 2 C.C.R. 407-2. The proposed amended rules are attached hereto as **Appendix A**. Please see **Appendix B**, the draft Statement of Basis and Purpose and Specific Statutory Authority for the proposed rule amendments the Division is seeking.

The Board will promulgate the new rules to make certain Board rules are more consistent, effective, and in compliance with the Surface Mining Control and Reclamation Act. Several of the rule changes are in response to 732 letters received from OSMRE under 30 CFR 732.17(c) where they have determined State rule amendments are needed to remain consistent with the Federal counterparts. Some amendments are requested to satisfy outstanding Colorado program conditions. Revegetation, topsoil and land use revisions are requested in response to Federal rule changes in 2006. Lastly, a number of editorial and administrative corrections are being requested. Topics subject to these rule changes include; Lands Unsuitable, Subsidence, Valid Existing Rights, Thick and/or Thin Overburden, Ownership and Control, Roads, Revegetation, Topsoil, and Land Use, Blasting, and Coal Exploration. The rules are being proposed to be no less effective than the Federal counterparts at 30 CFR Part 700 to end. Revisions are also being proposed to clarify existing rules and correct typographical errors.

The Board’s authority to promulgate rules is derived from: Section 34-33-104, C.R.S. (In addition to the duties and powers prescribed by the provisions of article 4 of title 24, C.R.S., the office and board have the full power and authority to carry out and administer the provisions of this article), Section 34-33-105, C.R.S. (The office and board shall have jurisdiction and authority over all persons and property, public and private, necessary to enforce the provisions of this article), and Section 34-33-108, C.R.S.(the Board shall promulgate reasonable rules and regulations respecting the administration and enforcement of this article and, in conformance therewith, shall promulgate such reasonable rules and regulations pursuant to the provisions of

Section 24-4-103).

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

Date: Wednesday, April 22, 2020.

Time: Wednesday 9:00 a.m. or as soon thereafter as practical

Place: Department of Natural Resources
1313 Sherman Street, Room 318
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 camille.mojar@state.co.us by March 20, 2020. An estimate of the time needed for comments must be included in the e-mail notice.

Written Comments and 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. Written comments 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.

Request for Party status and written comments must be received by March 20, 2020.

Filings by parties and interested persons must be submitted to the Board in

hard copy and electronic copy as follows:

- (1) the original hard copy delivered via first-class mail to Camille Mojar, Board Secretary, 1313 Sherman Street, Room 215, Denver, Colorado, 80203; and
- (2) an electronic copy emailed, in portable document format (.pdf), to camille.mojar@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 Camille Mojar 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

Camille Mojar, Board Secretary