

TERRY A. HART
CHAIRMAN
DISTRICT 1

LIANE "BUFFIE"
MCFADYEN
CHAIR PRO TEM
DISTRICT 2



SAL PACE
COMMISSIONER
DISTRICT 3

JOAN ARMSTRONG
DIRECTOR
planning@co.pueblo.co.us

**PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

September 18, 2013

Tim Cazier, Environmental Protection Specialist
State of Colorado
Department of Natural Resources
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Notice of 112 Construction Materials Reclamation Permit Amendment Application
Consideration, Fremont Paving & Redi-Mix, Inc., Evans #2 Pit, Permit No. M-2000-041

Mr. Cazier:

The notice of the above permit amendment was received on August 5, 2013 by the Department of Planning and Development.

The mine known as Evans #2 under Special Use Permit No. 1999-007 was originally approved by the Pueblo County Planning Commission on May 25, 1999 with twelve (12) conditions of approval. The special use permit was reviewed and approved in 2000 with a one-year review to be done in 2001. In 2001 the special use permit was reviewed and approved with ten (10) modified conditions of approval and future review placed on a complaint basis only. A copy of said approval is attached.

On August 30, 2013, staff met with the representative, Angela M. Bellantoni, Environmental Alternatives, Inc. and the property owner to review the amendment and Special Use Permit No. 1999-007. It was found that unlined Evans Lake is being changed to a lined water storage reservoir with wetlands and open space. Based upon these changes it was determined the applicant will need to submit an amendment to the special use permit, more specifically the reclamation plan.

The representative submitted on September 11, 2013 an amendment to the special use permit and it will be scheduled to be heard by the Pueblo County Planning Commission on October 22, 2013. Upon a decision being made by the Pueblo Planning Commission a copy of the action letter will be forwarded to your office.

If you have any questions, please feel free to contact me.

To: Division of Reclamation, Mining and Safety
Re: Special Use Permit No. 1999-007
September 18, 2013
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Dominga Jimenez-Garcia". The signature is written in black ink and is positioned above the printed name.

Dominga Jimenez-Garcia
Planner II

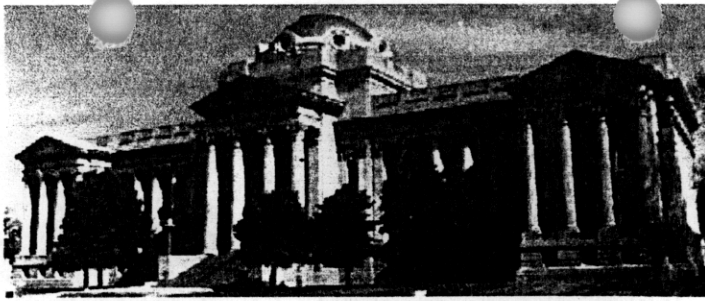
Attachment

C: Environmental Alternatives, Inc. c/o Angela M. Bellantoni

Matt J. Peulen
District 3
Chairman 2001

John L. Klomp
District 1

Loretta Kennedy
District 2



Kim B. Headley
Planning and Development
Director
planning@co.pueblo.co.us

**BOARD OF COUNTY COMMISSIONERS
DEPARTMENT OF PLANNING AND DEVELOPMENT**

May 23, 2001

Mr. Eric Reckentine
Lafarge, Inc.
1590 West 12th Avenue
Denver, Colorado 80204-3410

Re: PUEBLO COUNTY PLANNING COMMISSION
Compliance Report for Special Use Permit No. 1999-007 Allowing a Sand and
Gravel Extraction and Processing Operation in an A-1 Zone District.

Dear Mr. Reckentine:

Please be advised the Pueblo County Planning Commission, at its public hearing held on May 22, 2001, voted to accept and approve the compliance report thereby authorizing the permit to continue with the following conditions as recommended by staff:


1. Special Use Permit No. 1999-007 shall be for sand and gravel extraction, crushing, screening, washing and stockpiling only within the proposed 448± acres. There shall be no blasting permitted in association with the mineral extraction activities.
2. Approval of this special use permit does not guarantee a right to reclaim and/or use the site as a permanent lake, or to 'grandfather' activities or uses of the lake itself. Should the Mined Land Reclamation Board and the State Engineer's Office approve the proposed reclamation to a permanent lake, the applicant and all future operators and land owners are hereby advised the use of the lake must comply with all Federal, State, and local regulations in application at the time of, and following, complete reclamation of the site. Such regulations may include, but not be limited to land use activities, water rights, wetlands, special use permits, access permits, and flood plain permits.
3. Should the Mined Land Reclamation Board and/or the State Engineer's Office deny the proposed reclamation of the site to a permanent lake, the applicant shall apply for an amendment to this Special Use Permit pursuant to the *Pueblo County Zoning Resolution*. Said amendment application shall include submittal of a revised Mining Plan and Reclamation Plan.

4. Access for on-site mining activities shall be restricted to existing haul roads on adjacent property owned by the applicant. Use of Nyberg Road for access to or from the leased property area for mining activities shall be prohibited.
5. Hours of operation for the permitted use shall be limited to Monday through Saturday, and sunrise to sunset. Should the applicant wish to extend the hours or days of operation, the applicant must apply for and obtain an amendment to this special use permit, through the public hearing process.
6. The mining operation shall not encroach within 200 feet of the road right-of-way of Nyberg Road, and 200 feet of the dynamic north bank of the Arkansas River, **at any given time**. A fifty (50) foot safety buffer shall be maintained along the existing west fence line depicted on the applicant's Pre-Mining Map and Mining Plan Map (Exhibits 3-4).
7. The applicant shall provide the Department of Planning and Development with a copy of all other required Federal, State, and local permit applications, approvals, amendments, or releases (e.g., air quality, MLRB, augmentation, etc.) pertaining to Special Use Permit No. 1999-007 within 30 days of their submittal to the respective agency, and approval by the respective agency.
8. The applicant shall file a copy of their Annual Mined Land Reclamation Report with the Department of Planning and Development at the time it is submitted to the State of Colorado, Department of Natural Resources, Mined Land Reclamation Division. Said report shall contain an addendum that addresses compliance with the conditions of this Special Use Permit.
9. The applicant shall develop, operate, and manage the mining-related activity according to the rules, regulations, plans and permits administered by the applicable federal, state, and local agencies. Any violation of a rule, regulation, permit, or plan may result in the scheduling of a Show/Cause Hearing to consider the revocation of Special Use Permit No. 1999-007.
10. As long as the property is found to be in compliance with all of the Conditions of Approval, future review of Special Use Permit No. 1999-007 will be on a complaint-basis only.

Lafarge, Inc.
Re: PCPC/Special Use Permit No. 1999-007
May 23, 2001
Page 3

If you should have any questions, please do not hesitate to contact this Department at (719) 583-6100.

Sincerely,


Ann Cotton
Planner I

sjb

c: Rusty Cochran, Operations Manager, LaFarge, Inc.
Steve Burnside, Aggregate/Asphalt Manager, LaFarge, Inc.
C. R. Evans
Jim Stevens, Mined Land Reclamation Board
John Sliman