



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

August 04, 2016

Notice to Parties and Interested Persons to the Hitch Rack Ranch Quarry Permit Application

Re: Notice of Extension of Decision Date, Pre-hearing Conference, and Formal Board Hearing for a 112 Construction Materials Reclamation Permit Application, Transit Mix Concrete Co., Hitch Rack Ranch Quarry, DRMS File No. M-2016-010

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) appreciates you taking time to participate in the review process of the above referenced permit application. The application for the Hitch Rack Ranch Quarry was filed with the Division on March 08, 2016 by Transit Mix Concrete Co. (Applicant). The first public comment period for the application closed on April 19, 2016. The second public comment period (exclusively for Eagles Nest and Bauer Ranch property owners) closed on July 08, 2016. This application has been classified as “complex” in accordance with Rule 1.4.1(7), thereby extending the application decision date by 60 days. Please be advised that the applicant has requested an additional 60-day extension, in accordance with Rule 1.4.1(9). This gives Division staff a new deadline of October 04, 2016 to make a recommendation on the application.

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 memorandum, Guide to Citizen Participation, dated October 02, 2001, revised January 12, 2006 (memo). As noted in the memo, in these proceedings, 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), which can be accessed through the Division’s website, <http://mining.state.co.us>.

The Division has received timely written objections to the application. Therefore, pursuant to Rule 1.4.9(2)(a) and 1.7.4(2), the Division has scheduled the application for a Formal Board Hearing for consideration. The hearing has been scheduled for the **October 26-27, 2016** Board meeting, which will occur at the Centennial Hall Auditorium at 200 South Cascade Ave., Colorado Springs, CO 80903, 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 for the Hitch Rack Ranch Quarry.

Pursuant to Rule 2.7.1, the Division will schedule a Pre-hearing Conference to occur prior to the Board hearing. The Pre-hearing Conference will be held 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, to identify parties, and to schedule individual time allotments for presentation to the Board. The Pre-hearing Conference



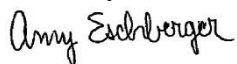
will occur in the area of the proposed mine site, and will likely be scheduled some time between October 03 - 14. The specific date, time, and location of the Pre-hearing Conference will be sent to all parties and interested persons as soon as such date can be determined. It is strongly recommended that you review the enclosed Rule 2.6 – *Pre-hearing Procedures – Motions, Witness and Exhibit Lists* and Rule 2.7 – *Pre-hearing Conferences* in preparation for the Pre-hearing Conference. Please note that, at the Pre-hearing Conference, you must provide the Division and all other parties to the Hearing with a written list of all potential witnesses and exhibits that you may use at the Formal Board Hearing. The Division estimates that each party must bring a minimum of 150 copies of their list of potential witnesses and exhibits to the Pre-hearing Conference for distribution to all other parties.

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. An official proxy authorization form is included in the enclosed memo. Additional copies of the official proxy authorization form may be procured through the Division's website at <http://mining.state.co.us>.

Pursuant to Rule 1.4.9(2)(c), on or before the recommendation deadline for the application, the Division must issue a recommendation to the Board for approval, approval with conditions, or denial of the application. The Division's recommendation and rationale for approval or denial shall be sent to the applicant and to all objectors of record at least three (3) working days prior to the Pre-hearing Conference.

If you have any questions, you may contact me at the Division of Reclamation, Mining and Safety at 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Attachment: CERTIFICATE OF SERVICE

Enclosure(s): Guide to Citizen Participation
Rule 2.6 - Pre-hearing Procedures – Motions, Witness and Exhibit Lists
Rule 2.7 – Pre-hearing Conferences

ec w/enclosures: Paul Kos, Norwest Corporation	Tim Cazier, DRMS
Tony Waldron, DRMS	Jeff Graves, DRMS
Wally Erickson, DRMS	Jeff Fugate, AGO
Peter Hays, DRMS	Scott Schultz, AGO



Certificate of Service

I, Amy Eschberger, hereby certify that on August 04, 2016, I deposited a true copy of the foregoing Notice to Parties and Interested Persons to the Hitch Rack Ranch Quarry Permit Application, dated August 04, 2016, Re: Notice of Extension of Decision Date, Pre-hearing Conference, and Formal Board Hearing for a 112 Construction Materials Reclamation Permit Application, Transit Mix Concrete Co., Hitch Rack Ranch Quarry, DRMS File No. M-2016-010, the Division's informational memo, Guide to Citizen Participation, revised January 12, 2006, Rule 2.6, and Rule 2.7, in the US Mail, postage paid, addressed to the following:

Andre LaRoche
Transit Mix Concrete Co.
444 E. Costilla St.
Colorado Springs, CO 80903

Michael Spoor
2838 Tenderfoot Hill
Colorado Springs, CO 80906

Barbara L. Hughes and Judy Kline
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El Paso County Board of Commissioners
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Colorado Springs, CO 80903

Turkey Creek Conservation District
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El Paso County Conservation District
5610 Industrial Place, Suite 100
Colorado Springs, CO 80916

Amy Eschberger 08/04/2016
Signature and date

