



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

June 22, 2016

Notice to Parties and Interested Persons to the Pueblo County Aggregate Project formerly the 44th Lane Project

Re: Notice of Rescheduled Formal Board Hearing, tentative dates for the Pre-hearing, Conference and Recommendation Date for a 112c Application, Fremont Paving & Redi-Mix Inc., Pueblo County Aggregate Project, DRMS File No. M-2016-009

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 Pueblo County Aggregate Project, formerly the 44th Lane Project was filed with the Division on February 26, 2016, by Fremont Paving & Redi-Mix Inc. (Applicant). On June 14, 2016, the Applicant filed an amendment to the application in review, the amendment addresses a new northern access road. The amendment to the application has resulted in an extension of the review period, an extension of the public comment period, and new dates for the Pre-hearing Conference and Formal Board Hearing, as clarified below.

Prior to the close of the public comment period, the Division received objections to the Pueblo County Aggregate Project 112c Permit Application. Therefore, pursuant to Rule 1.4.9(2)(a) and 1.7.4(2), the Division scheduled the application for a Mined Land Reclamation Board (Board) Hearing for consideration. The hearing was scheduled for the June 22-23, 2016 and later the July 27-28, 2016, Board meetings. For those parties who have received previous notice of the Formal Board Hearings please note the June 22-23, 2016, and the July 27-28, 2016, hearings have been vacated and the issue has been rescheduled for the September 28-29, 2016 Board meeting. The Board Meeting will occur at 1313 Sherman Street, Room 318, Denver, Colorado, 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 Pueblo County Aggregate Project 112c Permit Application.

Pursuant to Rule 2.7.1, the Division has rescheduled a Pre-hearing Conference to occur one day between September 7 through September 13, 2016. When scheduled, a formal notice of the Pre-hearing Conference will be sent to all parties and interested persons. 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. The Pre-hearing Conference will occur in the Pueblo area. The specific time and location of the Pre-hearing Conference will be forwarded to all parties and interested persons as soon as such can be determined.



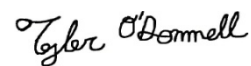
June 22, 2016

Pursuant to Rule 1.4.9, on or before August 31, 2016, the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the application. A copy of the Division's recommendation will be forwarded to all parties and interested persons.

The public comment period for the application has also been extended. Please be watching the local newspaper(s) for the public notice of the amended filing of the application. The newspaper notice will specify the date of closure of the extended public comment period. The Applicant must publish the newspaper notice once a week for four consecutive weeks. The public comment period will close on the 20th day after the fourth newspaper publication. The Applicant will publish the first newspaper notice on June 24, 2016, the public comment period will close on August 4, 2016. Please be watching for the newspaper notices, which will provide the specific date for closure of the public comment period. All previously received written comments or objections to the application remain valid. However, any/all individuals may submit new written comments to the amended filing of the application if they so choose.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at Tyler.ODonnell@state.co.us.

Sincerely,



Tyler O'Donnell
Environmental Protection Specialist

Attachment: Certificate of Service

ec: Tony Waldron, DRMS
Wally Erickson, DRMS
John Roberts, Esq., AGO for the MLRB
Scott Schultz, Esq., AGO for DRMS
Jeff Fugate, Esq., AGO for DRMS

June 22, 2016

Certificate of Service

I, Tyler V. O'Donnell, hereby certify that on this 22nd day of June, 2016, I deposited a true copy of the foregoing Notice to Parties and Interested Persons to the Pueblo County Aggregate Project formerly the 44th Lane Project, dated June 22, 2016, Re: Notice of Rescheduled Formal Board Hearing, tentative dates for the Pre-hearing, Conference and Recommendation Date for a 112c Application, Fremont Paving & Redi-Mix Inc., Pueblo County Aggregate Project, DRMS File No. M-2016-009, in the US Mail, addressed to the following:

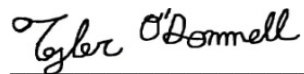
John Pual Ary Fremont Paving & Redi-Mix, Inc. 839 MacKenzie Avenue P.O. Box 841 Canon City, CO 81212	Angela Bellantoni Environmental Alternatives Inc. 1107 Main Street Cañon City, CO 81212
Karen R. Jones 4127 Calle Belleza Las Cruces, NM 88011	Daniel G. Hobbs Hobbs Family Farm P.O. Box 411 Avondale, CO 81022
David Cockrell 225 Midnight Ave. Pueblo, CO 81005	Ryan Froman South Pueblo Soil Conservation District 1711 Martin Lane Boone, CO 81025
Charlotte Tournay Sierra Club Sangre De Cristo Group P.O. Box 8821 Pueblo, CO 81008	Thomas S. Rusler Rusler Produce, Inc. P.O. Box 69 Avondale, CO 81022
M. Lynn Rusler Rusler Produce, Inc. P.O. Box 69 Avondale, CO 81022	Thomas W. Rusler Rusler Produce, Inc. P.O. Box 69 Avondale, CO 81022

Notice to Parties and Interested Persons

Page 4

June 22, 2016

South Pueblo County Conservation District 200 South Santa Fe Ave, 4th Floor Pueblo, CO 81003	Kelly G. Bond 1820 Avondale Blvd. Avondale, CO 81022
Nicholas S. Rusler Rusler Produce, Inc. P.O. Box 69 Avondale, CO 81022	Joe P. Pisciotta Pisciotta Farms & Produce Marketing 45388 Highway 50 East Avondale, CO 81022
Pueblo County Commissioners 215 W. 10th Street Pueblo, CO 81003	



6/22/2016

Signature and date