



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215

Denver, Colorado 80203

August 29, 2016

**Re: Notice of Formal Board Hearing, Pre-hearing Conference and Recommendation Date;  
112c Construction Materials Reclamation Permit Application;  
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 known as the 44<sup>th</sup> Lane Project), File No. M-2016-009, 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 to the application 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.

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 2, 2001, revised January 12, 2006. As noted in the citizen's guide 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 Regulation 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>.

Prior to the close of the public comment period, the Division received objections to the 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; these hearings have been vacated. 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 application.

Pursuant to Rule 2.7.1, the Division has scheduled a Pre-hearing Conference to occur on **September 13, 2016**, in the Lucero Large Community Room at the Patrick A. Lucero Library at 1315 E 7th St, Pueblo, Colorado 81001, beginning at 10:30 a.m. and terminating at or before 12:30 p.m. 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.



All parties and interested persons who intend to participate in the Board hearing are strongly encouraged to attend the Pre-hearing Conference. 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 provided with the materials accompanying this letter. Additional copies of the official proxy authorization form may be obtained through the Division's web site at <http://mining.state.co.us>. The Board has appointed James Stark to preside as the Pre-hearing Conference Officer.

Pursuant to Rule 1.4.9, on or before **September 7, 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. For those parties who have received previous notice that the recommendation date was August 31, 2016, please note that this has been re-set by the Office for September 7, 2016.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

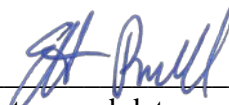
Attachment:	Certificate of Service
Enclosure:	Guide to Citizen Participation
EC w/o enclosure:	Tony Waldron, DRMS Wally Erickson, DRMS John Roberts, Esq., AGO for the MLRB Scott Schultz, Esq., AGO for DRMS Jeff Fugate, Esq., AGO for DRMS

**Certificate of Service**

I, Elliott Russell, hereby certify that on this 29<sup>th</sup> day of August, 2016, I deposited a true copy of the foregoing Notice to Parties and Interested Persons to the Pueblo County Aggregate Project formerly the 44<sup>th</sup> Lane Project, dated August 29, 2016, **Re: Notice of Formal Board Hearing, Pre-hearing Conference and Recommendation Date; 112c Construction Materials Reclamation Permit Application; Pueblo County Aggregate Project; DRMS File No. M-2016-009**, in the US Mail, addressed to the following:

John P. 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	Hobbs Family Farm Attn: Daniel G. Hobbs P.O. Box 411 Avondale, CO 81022
Rusler Produce, Inc. Attn: Thomas S. Rusler, M. Lynn Rusler, Thomas W. Rusler, Nicholas S. Rusler P.O. Box 69 Avondale, CO 81022	Ryan Froman 1711 Martin Lane Boone, CO 81025
David Cockrell 225 Midnight Ave. Pueblo, CO 81005	Charlotte Tournay Sierra Club Sangre De Cristo Group P.O. Box 8821 Pueblo, CO 81008
Dan Henrichs 49707 East Hwy 50 Avondale, CO 81022	Kelly G. Bond 1820 Avondale Blvd. Avondale, CO 81022
Pisciotta Farms & Produce Marketing Attn: Joe P. Pisciotta 45388 Highway 50 East Avondale, CO 81022	Senator Larry W. Crowder State Capitol Denver, CO 80203

Dionisio Produce Attn: Russ Dionisio 38546 Old Hwy 50 East Pueblo, CO 81006	Rocky Mountain Farmers Union Attn: Ben Rainbolt 7900 E Union Ave, Suite 200 Denver, CO 80237
Pueblo Rural Fire Protection District Attn: Bret Marascola 29912 US Hwy 50 East Pueblo, CO 81006	Innovative Conservation Solutions, Inc. Attn: Scott A. Campbell 1518 Winfield Ave Colorado Springs, CO 80906
XCEL Energy Attn: James Craig 1800 Larimer Street Denver, CO 80202	Jose Munoz 47300 Olsen Rd. Avondale, CO 81022
Altman, Keilbach, Lytle, Parlapiano & Ware, P.C. 229 Colorado Avenue P.O. Box 333 Pueblo, CO 81002	James and Tina Potestio 41305 Olsen Rd Avondale, CO 81022
Fred Bregar 1530 Lime Road Pueblo, CO 81006	Michael and Velma Rinks 41901 Bush Rd. Avondale, CO 81022
Provost Family Attn: Vest and Melvin Provost, Marry and Tim Provost, Tom Provost 2227 41 ½ Lane Avondale, CO 81022	Larga Vista Ranch Attn: Doug and Kim Wiley 53505 Olsen Road Boone, CO 81025
Pueblo County Commissioners 215 W. 10th Street Pueblo, CO 81003	Pueblo County School District 70 Attn: Greg Keasling 301 28 <sup>th</sup> Lane Pueblo, CO 81001

  
Signature and date

8/29/2016