



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

September 7, 2016

Re: Notice of Rescheduled 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 44th 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 Applicant has requested an extension of the review period which has resulted in 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 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 originally scheduled for June 22-23, 2016, which was continued to July 27-28, 2016, and again to the September 28-29, 2016, Board meetings; these hearings have been vacated. The issue has been rescheduled for the **October 26-27, 2016 Board meeting**. The Board Meeting will occur in Colorado Springs. During the hearing the Board will consider the application with objections and may decide to approve, approve with conditions, or deny the application. The date, time, and location of the October Board meeting in Colorado Springs will be provided under separate cover at a later time.

The September 13, 2016, Pre-hearing Conference has been vacated. Pursuant to Rule 2.7.1, the Division has rescheduled the Pre-hearing Conference to occur on **October 13, 2016**, in the Lucero Large Community Room at the Patrick A. Lucero Library at 1315 E 7th St, Pueblo, Colorado 81001, beginning at 1:30 p.m. and terminating at or before 3:30 p.m. Mr. James Stark will preside as the Pre-hearing Conference Officer. ****As previously noticed, the Informal Public Meeting will still occur on September 13, 2016 from 10:30 a.m. to 12:30 p.m. at the Patrick A. Lucero Library. Please note, the notice listed the time as 10:30 p.m., which is in error; see enclosed Corrected Notice of Informal Public Meeting.****

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 must supply at least thirty two (32) copies of lists of any exhibits and witnesses the parties intend to present at the Formal Board Hearing. List and exhibits must be exchanged between the parties at the Pre-hearing Conference in accordance with the requirements of Rule 2.6(2). Failure to participate in the Pre-hearing Conference will result in the loss of your party status.



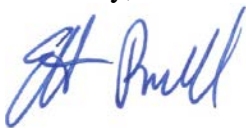
After the conference, the Pre-hearing Officer shall prepare a proposed Pre-hearing Order. The proposed Pre-hearing Order will be made available to all parties prior to the Formal Board Hearing. The proposed Pre-hearing Order will contain a list of the parties, provide a recommended list of issues to be considered by the Board, and outline a schedule for the hearing with time allotments set for presentations by each party and the Office. The conditions of the Pre-hearing Order are not final until adopted or approved by the Board at the Formal Board Hearing. Any party has the right to file a motion to the Board to review any decision(s) of the Pre-hearing Officer according to the provisions of Rule 2.6(1).

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>.

Pursuant to Rule 1.4.9, on or before **October 6, 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 September 7, 2016, please note that this has been re-set by the Office for October 6, 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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Attachment: Certificate of Service

Enclosure: Corrected Notice of Informal Meeting

EC: Tony Waldron, DRMS
Wally Erickson, DRMS
James Stark, 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 7th day of September, 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 September 7, 2016, **Re: Notice of Rescheduled 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 th Lane Pueblo, CO 81001



Signature and date

9/7/2016



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

September 7, 2016

**Re: Corrected Notice of *Informal* Public Meeting – Tuesday, September 13th in Pueblo;
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 44th 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 Applicant has requested an extension of the review period which has resulted in new dates for the Division's Recommendation, Pre-hearing Conference, and Formal Board Hearing, which will officially be noticed in a follow-up correspondence.

Due to the number of parties and interested persons involved with this application, the Division has scheduled an informal public meeting to provide additional information.

Date: Tuesday, September 13, 2016

Time: 10:30 **am – 12:30 pm**

Location: Lucero Large Community Room

Patrick A. Lucero Library

1315 E 7th Street

Pueblo, Colorado 81001

A free public parking lot is located just north of the Library.

You are considered a Party by the Division under the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules) as a result of your timely submission of a written objection and/or comment to the application. Please be advised that as a Party you are NOT required to attend the informal public meeting in order to maintain your party status in this matter.

The purpose of the informal public meeting is to:

- Explain the reclamation permit application review process;



- Identify the issues that the Mined Land Reclamation Board (MLRB) has statutory jurisdiction to address under the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. § 34-32.5-101, *et seq.*;
- Describe party status;
- Explain the Pre-Hearing Conference process; and
- Explain the formal MLRB Hearing process

Parties in attendance will have the opportunity to ask questions of Division staff during the meeting. However, please note that individual speaking times may be limited due to time constraints.

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.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist