



COLORADO

Division of Reclamation,
Mining and Safety

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

September 30, 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, 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 Recommendation, 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 and again to the October 26-27, 2016, Board meetings; these hearings have been vacated. The issue has been rescheduled for the **November 16-17, 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.

The October 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 **November 2, 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. Mr. James Stark will preside as the Pre-hearing Conference Officer.

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 exhibits and a list of witnesses the parties intend to present at the Formal Board Hearing. The witness list and exhibits must be exchanged between the parties at the Pre-hearing Conference in accordance with the requirements of Rule 2.6(2).

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



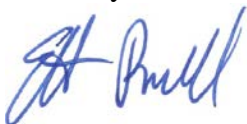
Pre-hearing Order will contain a list of the parties, provide a recommended list of issues to be considered by the Board, and outline a schedule for the hearing with time allotments set for presentations by each party and the Office. The conditions of the Pre-hearing Order are not final until adopted 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 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 21, 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.

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


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 30th day of September, 2016, I deposited a true copy of the foregoing Notice to Parties and Interested Persons to the Pueblo County Aggregate Project, dated September 30, 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

9/30/2016