

BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

**ORDER GRANTING CERTAIN OBJECTORS' MOTION TO VACATE AND
RESCHEDULE HEARING**

IN THE MATTER OF THE APPLICATION OF FREMONT PAVING & REDI-
MIX, INC. FOR A 112 CONSTRUCTION MATERIALS RECLAMATION PERMIT,
File No. M-2016-009

On November 4, 2016, the Board received a motion entitled "Certain Objectors' Motion to Vacate and Reschedule Hearing," filed by attorney David M. Shohet on behalf of objectors Hobbs Family Farm, Russler Produce, Inc., Kelly G. Bond, Jason and Tine Potestio, and Michael and Velma Rinks. ("Objectors' Motion").

On November 9, 2016, the Board received a response to Objectors' Motion from Fremont Paving & Redi-Mix, Inc. ("Applicant"). No other responses to Objectors' Motion were received.

Pursuant to Board Policy 70.2.2, the Board Chair is authorized to rule on prehearing motions. Board Chair Tom Brubaker, having reviewed Objectors' Motion and Applicant's response and being fully apprised of the issues, makes the following ruling:

Objectors' Motion alleges that attending the November 16-17, 2016 Board meeting would create a hardship as many objectors are farmers and are currently occupied with finishing harvests and preparing fields for winter. Objectors' Motion also requests a continuance of the November 16-17, 2016 hearing in order to coordinate the objectors' collective evidence for efficient presentation to the Board.

Certain Objectors' Motion to Vacate and Reschedule Hearing is GRANTED. The hearing scheduled for November 16-17, 2016 is hereby ordered to be continued to the Board's regular meeting scheduled for December 15, 2016 or, if that meeting does not occur or the time allowed on the agenda for that meeting does not permit a full hearing on this matter, then to the next regularly-scheduled Board meeting. The Division is directed to place this matter on the Board's meeting agenda consistent with this order.

DONE AND ORDERED this 14th day of November 2016.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD

/ s / Tom Brubaker
Chair

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November 2016, a true and correct copy of the foregoing was emailed or placed in the U.S. Mail, first-class postage prepaid and properly addressed, to the following parties:

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