

Les Gruen



January 31, 2017

Ms. Camille Mojar,
Board Secretary on behalf of
Colorado Mined Land Reclamation Board
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Request that Board DENY Petition for Reconsideration of Findings of Fact,
Conclusions of Law and Order, Transit Mix Concrete Company File No. M-2016-010

Greetings:

The undersigned has standing in the above referenced matter and strongly urges the Mined Land Reclamation Board (MLRB) to deny the request by attorneys for Transit Mix Concrete Company to reconsider the Board's denial of its application. The Board's denial of this request followed two full days of extensive testimony by each side and was reached in a thoughtful manner.

The applicant believes it is "entitled" to reconsideration on account of, "procedural deficiencies and misapplication of the Board rules". If that is the case, the applicant should appeal the Board's denial. A court can make such a determination.

The petition for reconsideration suggests numerous deficiencies in the Board's decision presumably in the hope that something will stick. Some stretch credulity:

- The notion that the board is in place to rubber stamp staff's recommendation is both preposterous and insulting. As a former gubernatorial appointee (by two different Governors), it cannot be overstated the important role an independent board or commission plays in making wise decisions on behalf of the citizens of our State.
- Both sides had ample time to state their cases during the two-day hearing where the Board heard this matter. The record clearly shows the applicant did not object to any evidence that was presented during the hearing, irrespective of whether it was properly or improperly introduced.

The MLRB hearing process was lengthy and undertaken in accordance with regulations. This **application was denied because it did not meet approval criteria** and the applicant should not be allowed reconsideration of a plan accompanied by a different program than originally proposed.

The subject application was justifiably denied by the Board. Therefore, the applicant appropriately must *appeal* the Board's decision, not ask for its reconsideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Les Gruen', written in a cursive, flowing style.