

October 16, 2017

**Re: Notice of Formal Board Hearing, Pre-hearing Conference and Recommendation Date
112c Construction Materials Amendment Application (AM-03)
Fox #1 Clay Mine, Permit No. M-1977-219**

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 application. The amendment application (AM-03) for the Fox #1 Clay Mine, File No. M-1977-219, was filed with the Division on August 1, 2017, by Summit Brick & Tile Co. (Applicant).

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 has scheduled the application for a Mined Land Reclamation Board (Board) Hearing for consideration. The hearing has been scheduled for the **November 15-16, 2017** Board meeting, which 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 amendment application.

Pursuant to Rule 2.7.1, the Division has tentatively scheduled a Pre-hearing Conference to occur between **October 30th and November 3rd** in the Pueblo, Colorado area. 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. The specific date, time, and location of the Pre-hearing Conference will be forwarded to all parties and interested persons as soon as such can be determined.

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 24, 2017**, the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the amendment 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 decision date was October 30, 2017, please note that this has been re-set by the Office for October 24, 2017.

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,



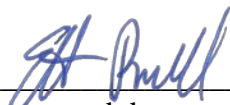
Elliott R. Russell
Environmental Protection Specialist

Attachment:	Certificate of Service
Enclosure:	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 16th day of October, 2017, I deposited a true copy of the foregoing Notice to Parties and Interested Persons, dated October 16, 2017, **Re: Notice of Formal Board Hearing, Pre-hearing Conference and Recommendation Date, 112c Construction Materials Amendment Application (AM-03), Fox #1 Clay Mine, Permit No. M-1977-219**, in the US Mail, addressed to the following:

Matthew Welte Summit Brick & Tile Co. P.O. Box 533 Pueblo, CO 81002	Steve O'Brian Environment, Inc. 7985 Vance Dr., #205A Arvada, CO 80003
Ron Miller 5184 Siloam Rd Beulah, CO 81023	Frascona, Joiner, Goodman and Greenstein, P.C. 4750 Table Mesa Drive Boulder, CO 80305
Steve Turner History Colorado 1200 Broadway Denver, CO 80203	Caleb Foy, P.E. Division of Water Resources 1313 Sherman St, Suite 821 Denver, CO 80203
Dominga Jimenez-Garcia Pueblo County 229 West 12 th Street Pueblo, CO 81003	Pueblo County Commissioners 215 W. 10th Street Pueblo, CO 81003
South Pueblo County Conservation District 200 S. Santa Fe Ave., 4 th Floor Pueblo, CO 820003	



Signature and date 10/16/2017