



COLORADO

Division of Reclamation,
Mining and Safety

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

January 2, 2018

Re: Notice of Rescheduled 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). 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 the November 15-16, 2017 Board meeting, which was continued to the December 13-14, 2017 Board meeting which was continued to January 24-25, 2018; these hearings has been vacated. The issue has been rescheduled for the **February 21-22, 2018 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 Pre-hearing Conference which was previously scheduled to occur on January 9, 2018, has been vacated. Pursuant to Rule 2.7.1, the Division has rescheduled the Pre-hearing Conference to occur on **February 8, 2018**, 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 sixteen (16) copies of exhibits and 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 **January 30, 2018**, 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

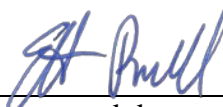
Attachment: Certificate of Service

EC w/o enclosure: Tony Waldron, DRMS
Wally Erickson, DRMS
James Stark, DRMS
John Roberts, Esq., AGO for the MLRB
Charles Kooyman, Esq., AGO for the MLRB
Jeff Fugate, Esq., AGO for DRMS

Certificate of Service

I, Elliott Russell, hereby certify that on this 2nd day of January, 2018, I deposited a true copy of the foregoing Notice to Parties and Interested Persons, dated January 2, 2018, **Re: Notice of Rescheduled 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

1/2/2018