

# *Informal* Public Meeting on Proposed Knox Pit (DRMS File No. M-2017-036)

January 18, 2018  
Fort Collins, CO

**Presentation By:  
Tony Waldron, DRMS**



**COLORADO**

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

# DRMS *Informal* Public Meeting

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- What is the Division of Reclamation, Mining and Safety (DRMS)?
- Explain the reclamation permit application process
- Identify issues that the Mined Land Reclamation Board (MLRB) has statutory jurisdiction to address
- Describe Party Status
- Explain the Pre-Hearing Conference Process
- Explain the Formal MLRB Hearing Process

# ORGANIZATION CHART

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**DEPARTMENT OF NATURAL RESOURCES**  
**Robert Randall, Executive Director**

**DIVISION OF RECLAMATION, MINING & SAFETY**  
**Ginny Brannon**

**MINED LAND  
RECLAMATION BOARD**

**Information  
Technology**

**OFFICE OF ACTIVE &  
INACTIVE MINES**

**Jeff Graves**

Inactive Mine  
Reclamation  
Program

Non-point Source  
Program

Mine Subsidence  
Protection Prog.

Mine Safety  
and Training  
Program

Coal Mine  
Board of  
Examiners

**OFFICE OF MINED LAND  
RECLAMATION**

**Jim Stark**

Coal  
Regulatory  
Program

**Tony Waldron**

Minerals  
Regulatory  
Program

**FISCAL MGMT.  
Administration**

**Kristin Epley**

Accounting  
Board Support

# DRMS Jurisdiction

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- **The Mined Land Reclamation Board** is the expert agency established by the General Assembly to promulgate mining operation permit regulations and reclamation standards, which includes identifying what is or is not a reclamation standard.
- **DRMS** - Administers the Colorado Land Reclamation Act for Extraction of Construction Materials C.R.S. 34-32.5-101 *et seq.*
- **DRMS** - Oversees technical aspects of reclamation and off-site damage.



# Statutory and Regulatory Authorities

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## **Construction Materials:**

- ***Colorado Land Reclamation Act for the Extraction of Construction Materials, 1995 as Amended, CRS 34-32.5-101 et seq.***
- Minerals Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials.

## **Hard Rock:**

- ***Colorado Mined Land Reclamation Act, as Amended, CRS 34-32-101 et seq.***
- Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations.

# Statutory and Regulatory Authorities

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- *Colorado Land Reclamation Act for the Extraction of Construction Materials, 1995 as Amended, CRS 34-32.5-101 et seq.*
- **Minerals Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials**

# Minerals Program

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- **34-32.5-102. Legislative declaration.** (1) The general assembly hereby declares that the extraction of construction materials for government and private enterprise and the reclamation of land affected by such extraction are necessary and proper activities that are compatible. It is the intent of the general assembly to foster and encourage the development of an economically sound and stable extraction materials industry and to encourage the orderly development of the state's natural resources while requiring those persons involved in extraction operations to reclaim land affected so that it may be put to a use beneficial to the people of this state. It is the further intent of the general assembly to conserve natural resources, aid in the protection of wildlife and aquatic resources, establish agricultural, recreational, residential, and industrial sites, and protect and promote the health, safety, and general welfare of the people of this state.

# Objectives of Minerals Regulatory Program

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- **Objective #1:** Promote the responsible development of the State's mineral and energy resources while protecting public health, safety, welfare, and the environment.
- **Objective #2:** Reclaim mineral mined acres to beneficial post-mining land use.
- **Objective #3:** Protect the environment by ensuring regulatory compliance at mineral mine sites.
- **Objective #4:** Coordinate permitting, regulatory, and public review processes with federal, state and local agencies, and implement interagency agreements for groundwater, storm water, point source and mine waste issues.



# DRMS Jurisdiction

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**Bonding** – DRMS is the only authorized agency to require bonding/financial warranty.

## **C.R.S. 34-32.5-109(3)**

No governmental office of the state, other than the Board, nor any political subdivision of the state shall have the authority to issue a reclamation permit pursuant to this article, to require reclamation standards different than those established in this article, or to require any performance or financial warranty of any kind for mining operations.

# DRMS Jurisdiction

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## **CRS 34-32.5-109(3) (cont'd)**

The operator shall be responsible for assuring that the mining operation and the postmining land use comply with city, town, county, or city and county land use regulations and any master plan for extraction adopted pursuant to section 34-1-304 unless a prior declaration of intent to change or waive the prohibition is obtained by the applicant from the affected political subdivisions. Any mining operator subject to this article shall also be subject to zoning and land use authority and regulation by political subdivisions as provided by law.

# County Authorities

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- **DRMS** - does not decide “Should a mine be at this location?”
- **DRMS** - no jurisdiction over matters controlled by other agencies or local government/municipalities (i.e., noise, dust, traffic, hours of operation, visual impacts, aesthetics).
- **Counties have the authority to permit all aspects of land use for mining, including the location of mining operations.**

# Processes

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- Permitting
- Bonding
- Inspections
- Enforcement
- Reclamation

# Minerals - New 112c Application Requirements (Rule 6)

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- Legal Description
- Index Map
- Pre-Mining & Mining Plan Maps
- Mining Plan
- Reclamation Plan
- Reclamation Plan Map
- Water Information
- Wildlife Information
- Soils/Vegetation/Climate
- Reclamation Costs
- Other Permits/Licenses
- Legal Right of Entry
- Owners of Record of Surface and Mineral Rights of Affected Land
- Municipalities within 2 Miles
- Proof of Notice to Board of County Comm. & SCD
- Proof of Filing w/County Clerk & Recorder
- Permanent Man-Made Structures
- Geotechnical Stability (on site-specific basis)

# Types of Notifications by Operator

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## **Prior to Application Submittal:**

- Send Notice to local Board of County Commissioners
- Send Notice to local Soil Conservation District
- Place copy of all permit documents with County Clerk and Recorder
- Post public notices (signs) at proposed mine site

## **After Application is Filed:**

- Send Notice to Owners of Record of surface and mineral rights of the affected land
- Send Notice to Owners of Record of all land surface within 200 feet of affected lands
- Send Notice to any other Owners of Record as designated by the Division
- Publish public notice in newspaper of general circulation in locality of proposed mine site



# Minerals - 112c Reclamation Permit Application

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- Application must meet the requirements of the Act and Rules to be considered filed.
- Applicant must publish newspaper notice 4 times, once a week, for 4 consecutive weeks.
- Division's decision due within 90 days / extend by 60 days if application considered complex per Rule 1.4.1(7).
- If objections are received, the matter will be scheduled before the MLRB before the 120th day /180<sup>th</sup> day (if complex).
- Required bond/financial warranty is actual current cost of fulfilling requirements of reclamation plan.

# Division Notifications

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## **After Application is Filed, the Division sends Notice to the following agencies:**

- The Colorado State Historical Preservation Office regarding properties of historical significance including the need for an archeological survey, procedures for requesting a file search, and inventory forms to identify structures.
- Colorado Division of Water Resources regarding the administration of water rights.
- Colorado Department of Public Health & Environment, Water Quality Control Division regarding the discharge of pollutants into State waters.
- Colorado Department of Public Health & Environment, Air Pollution Control Division, regarding the need for a fugitive dust permit.

# Division Notifications

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## **After Application is Filed, the Division sends Notice to the following agencies (cont'd):**

- U.S. Bureau of Land Management or the U.S. Forest Service for proposed operations on federal lands.
- U.S. Army Corps of Engineers regarding a dredge and fill (404) permit.
- The County Planning Department for the county or counties in which the proposed operation is located. Section 34-32.5-109(3), C.R.S., as amended, requires a mining operator to be responsible for assuring that the mining operation and the post-mining land use comply with local land use regulations and any master plan for extraction adopted pursuant to Section 34-1-304, C.R.S.
- Colorado State Land Board
- Local Soil Conservation District

# Types of Notifications by Operator

18

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# Public Participation

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- Comments and objections are allowed on all permit applications, amendments, surety releases, etc.
- Division consideration is limited to jurisdictional issues as dictated by the Act and Rules.
- Timeframes for Division consideration of comments and objections are defined by the Act and Rules.

# Permit Application/Reclamation Plan Review

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- Evaluates whether the plan will meet the stated post-mining land use
- Assures the plan has enough detail to calculate an adequate reclamation bond/financial warranty
- Ensures that environmental compliance continues even if the mine is not in operation
- Ensures site is geotechnically stable once reclamation is completed



# Bonding/Cost For Reclamation

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- Based on approved Reclamation Plan.
- What it would cost the State of Colorado to reclaim the site in the event the permittee could not fulfill obligations of the approved permit, and the permit is revoked and the bond forfeited (by the MLRB).
- Indirect Costs (profit, administration fees, project mgmt. fees, insurance) are included in the bond amount.

# MLRB Authority – Minerals

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- Division staff has authority to make decisions on 112c applications, unless the action receives an objection, in which case the MLRB hears and decides the permitting action.
- All other actions or decisions can be appealed to the MLRB.
- All Minerals enforcement actions are brought to the MLRB for consideration and decision by the MLRB.

# *Informal* Public Meeting on Proposed Knox Pit (DRMS File No. M-2017-036)

January 18, 2018  
Fort Collins, CO

**Presentation By:  
Jared Ebert, DRMS**



**COLORADO**

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

# Knox Pit

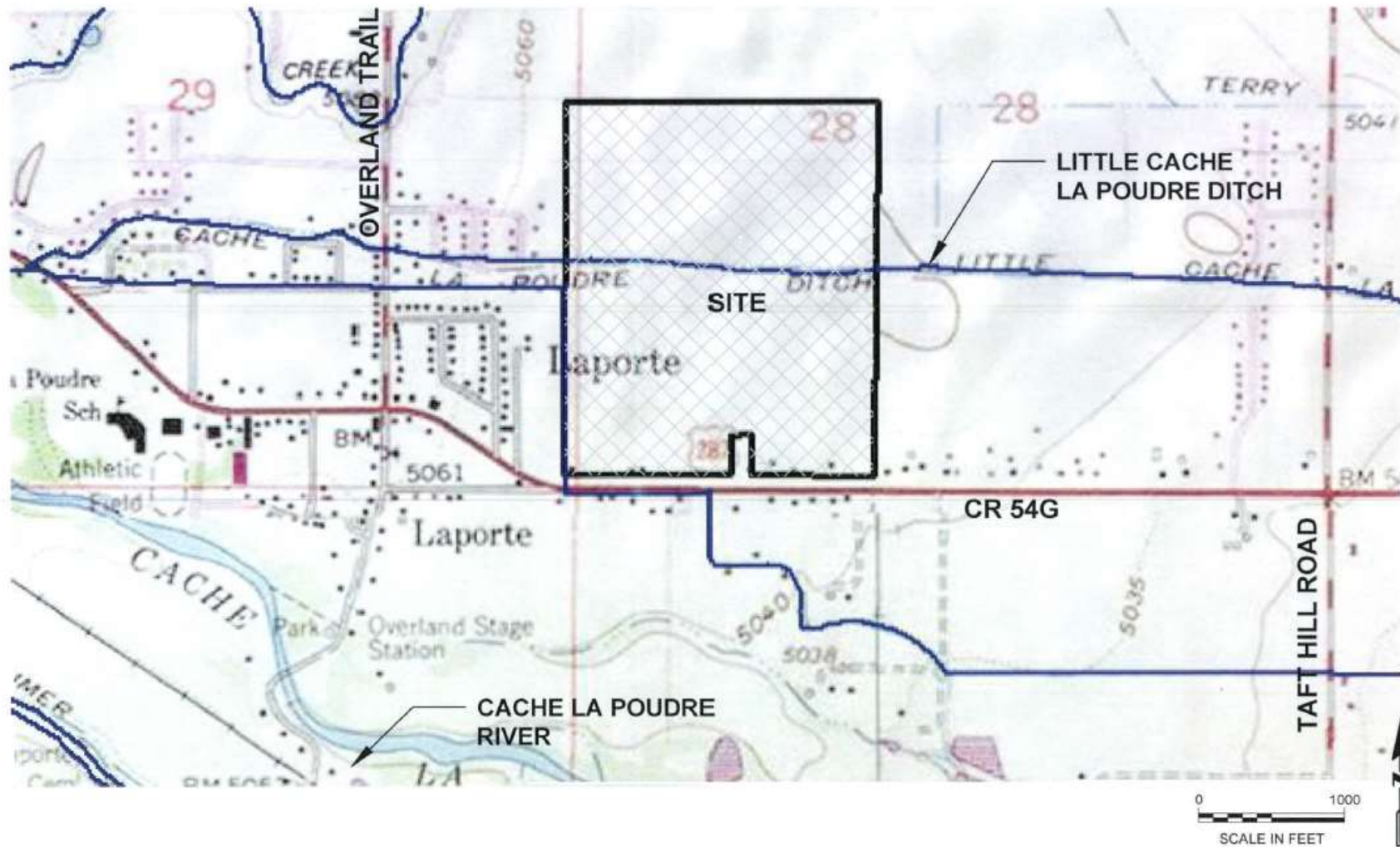
## 112c Reclamation Permit Application – General Information

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- Proposed Affected Land: 127 acres
- Primary Commodity: Aggregate
- Anticipated Commodity Use: Production of Concrete
- Surface Owner of Affected Land: Loveland Ready-Mix Concrete, Inc.
- Subsurface Owner of Affected Land: Loveland Ready-Mix Concrete, Inc.
- Type of Mining Proposed: Surface – Open Pit
- Method of Mining Proposed: Conventional, frontend loader and conveyor
- Post-Mining Land Use: Pastureland



Date: 8/23/2017 10:23:12 AM R:\LaramieCounty\COL\exhibits\ReadyMix\J.Pond\Calculations\AutoCad\Drawings\ EXHIBIT B.dwg Plotted By: Stacy Tyler



PROJECT:	TASK:	DATE:
360100	003	9/1/2017
PREPARED BY:		
<b>TELESTO</b> SOLUTIONS INCORPORATED		

## EXHIBIT B INDEX MAP





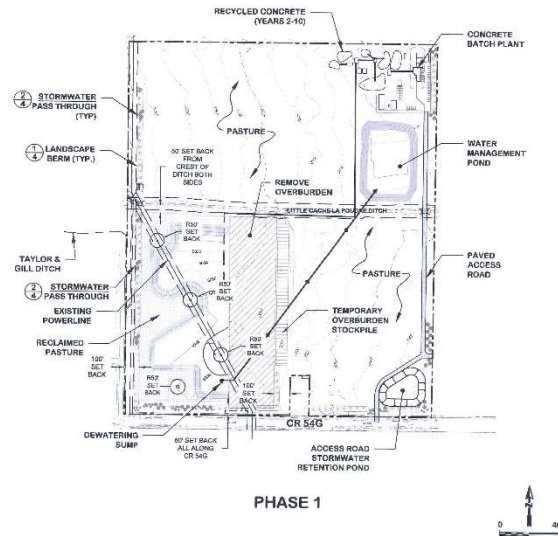
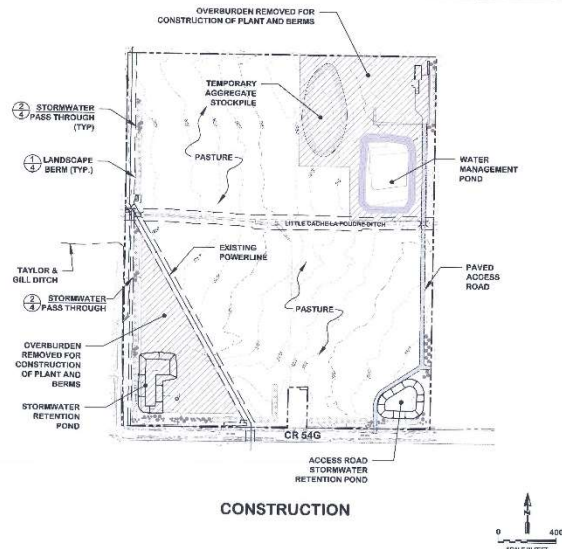
# Knox Pit, Proposed Permit Area

## 127 Acres





# Proposed Mining Plan – Through Phase 2



**LEGEND / NOTES**

- EXISTING CONTOURS
- 7.5' SPACING RECLAMATION CONTOURS
- MAIN CONVEYOR
- SUPPLEMENTAL CONVEYOR
- CRUSHER/CONVEYOR FEED
- DEWATERING LINE
- OVERWATERING TRENCH
- LANDSCAPING
- LANDSCAPE BERM
- SECONDARY ACCESS
- PAVED SURFACE
- PERSONNEL DOOR
- OVERBURDEN
- OVERBURDEN STOCKPILE
- RECLAIMED PASTURE
- RAIN LINE (FOR RECLAMATION)

**NOTES:**

APPROXIMATELY 25 ACRES OF MINING PER PHASE  
ROUGHLY 2 STAGES PER PHASE, 12.5 ACRES EACH

APPROXIMATELY 25 ACRES OF DISTURBANCE AT ANY ONE TIME:  
12.5 ACRES ACTIVE MINING AREA  
12.5 ACRES UNDER RECLAMATION

ALL POWER POLES WILL HAVE A 60 SETBACK

CONCRETE MIXER TRUCKS, RECYCLED CONCRETE HAULERS AND DELIVERY TRUCKS WILL TRAVEL ALONG THE PAVED ACCESS ROAD.

WHEEL LOADERS AND ARTICULATED HAULERS (WHEN CONVEYORS IN MAINTENANCE) WILL BE USED ON THE SITE AT THE KNOX PIT ACTIVE MINING AREAS AND IN THE BATCH PLANT YARD.

**REVISIONS**

#	DESCRIPTION	DATE	BY	CHK
1	SUBMITTAL 1	12/29/17	ST	AKH
2	DRMS SUBMITTAL 2	12/29/17	ST	AKH

**DATE** 12/29/17

**PROJECT** 364190

**TASK NUMBER** 1

**DRAWN BY** ST

**PROJECT ENGINEER** MCA

**CHECKED BY** JLB

**LOVELAND READY MIX**

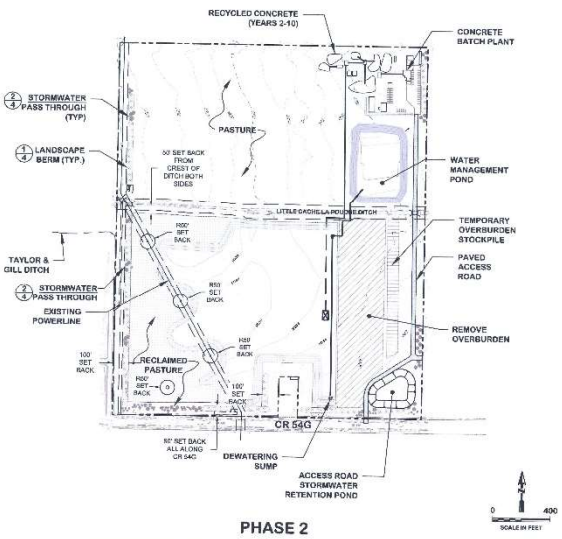
**EXHIBIT C**  
**PROPOSED MINE PLAN**  
JAN 03 2018  
DIVISION OF RECLAMATION  
MINING AND SAFETY

**SHEET NUMBER** 3

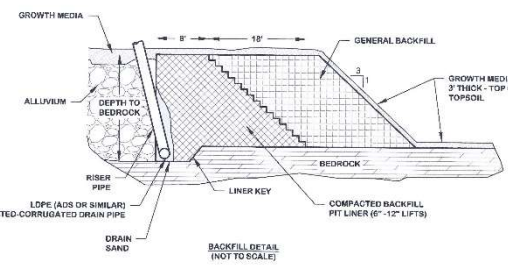
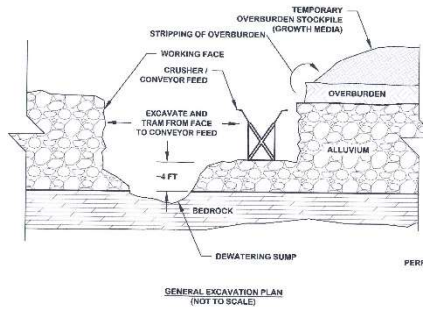
**REVISION NUMBER** 1

**PREPARED BY:**  
**TELESTO**

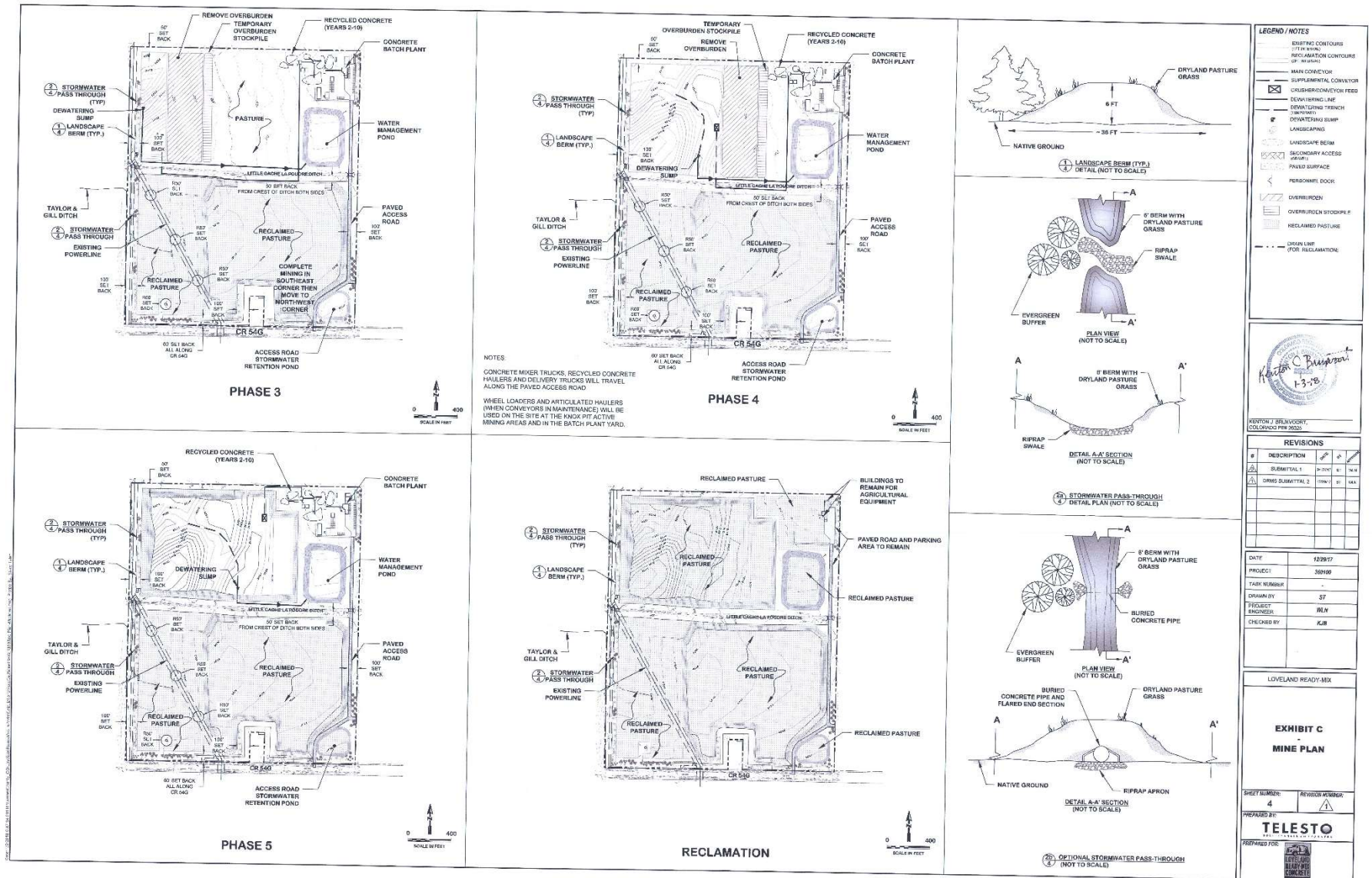
**PREPARED FOR:**  
LOVELAND READY MIX CONCRETE



	Phase 1	Phase 2	2nd-4th	Phase 3	2nd-4th	Phase 4	2nd-4th	Phase 5	2nd-4th
Alluvium (Cu. Yd.)	943,628	455,164	983,824	111,376	1,335,302	140,000	1,781,768	140,576	2,090,284.26
Mining (Cu. Yd.)	565,475	680,548	1,230,019	605,002	1,919,111	598,534	2,827,940	148,444	2,575,392.24
Overburden (Cu. Yd.)	177,470	328,590	328,590	187,514	486,000	48,128	164,298	58,840	623,255.64
Alluvium (Bn)	896,021	693,326	1,395,327	694,987	2,094,333	894,751	2,718,468	481,440	1,335,198.88
85% of Alluvium (Bn)	304,408	309,866	304,169	304,247	312,616	304,116	130,152	67,738	484,488.32
Fine (Cu. Yd.)	72,838	12,598	146,001	22,194	316,205	72,718	251,311	47,485	330,236.58
Total (Cu. Yd.)	206,538	275,187	1,123,845	240,708	734,894	140,841	651,664	236,784	963,451.62

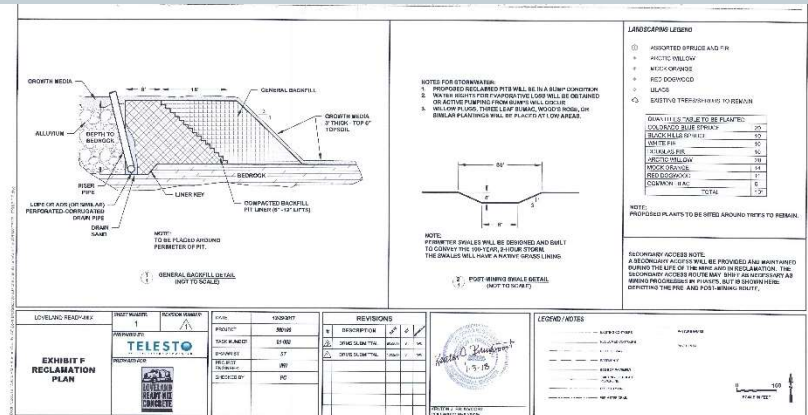
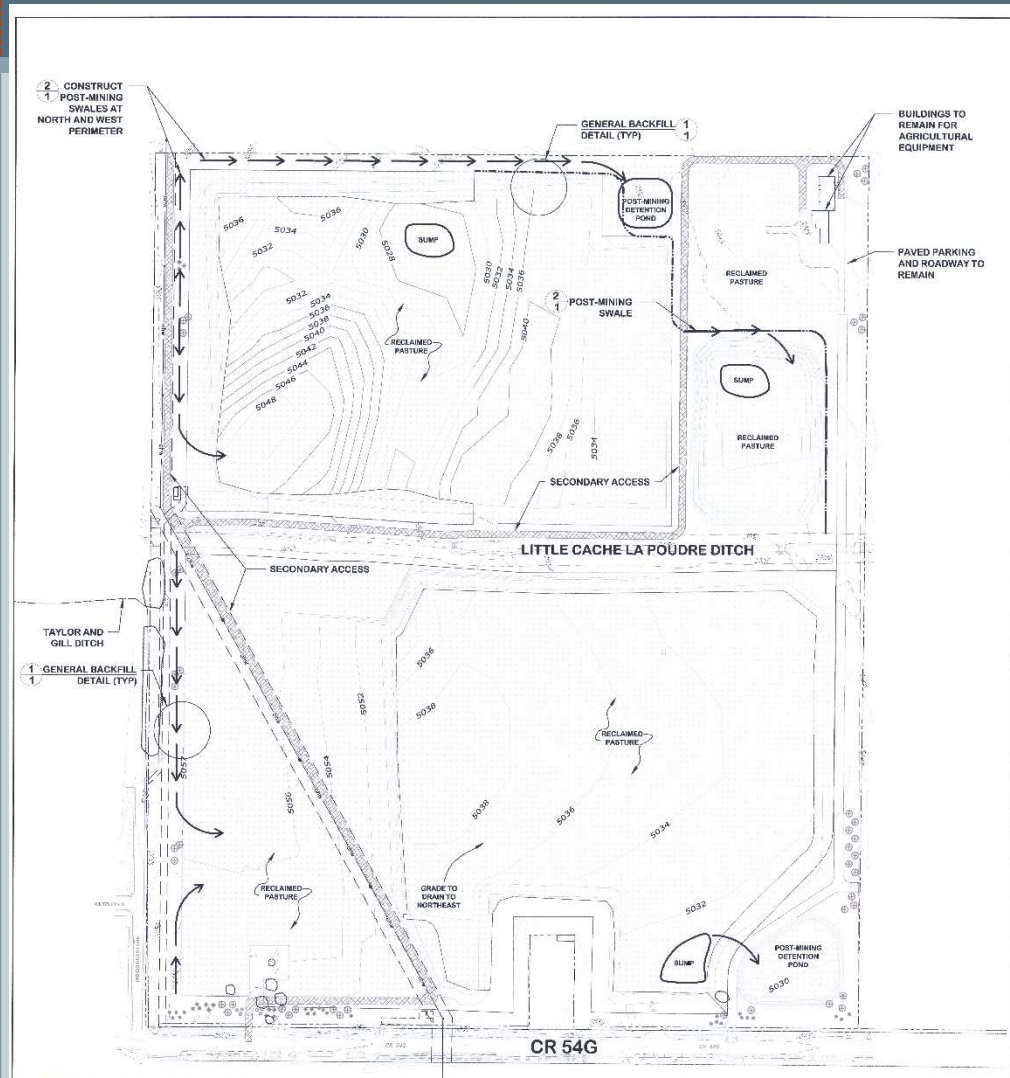


# Proposed Mining Plan – Through Phase 5

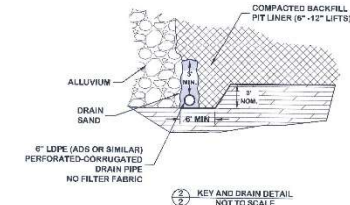
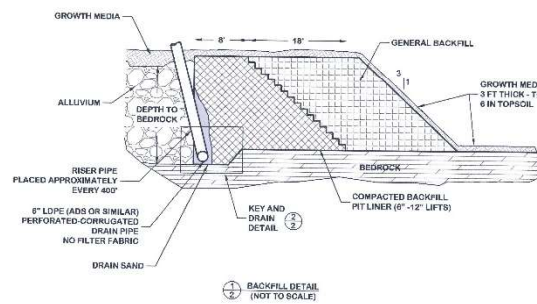
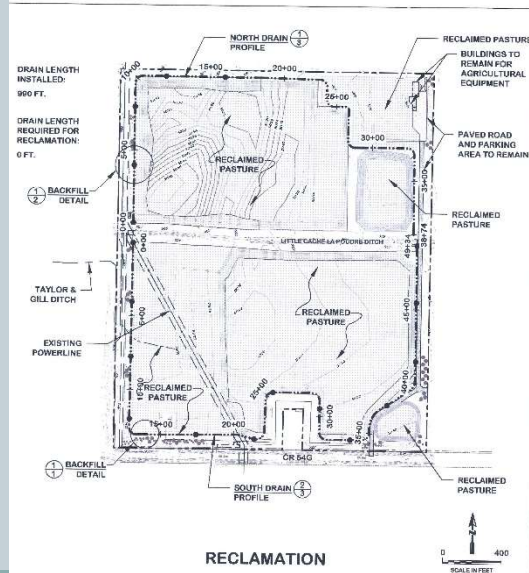
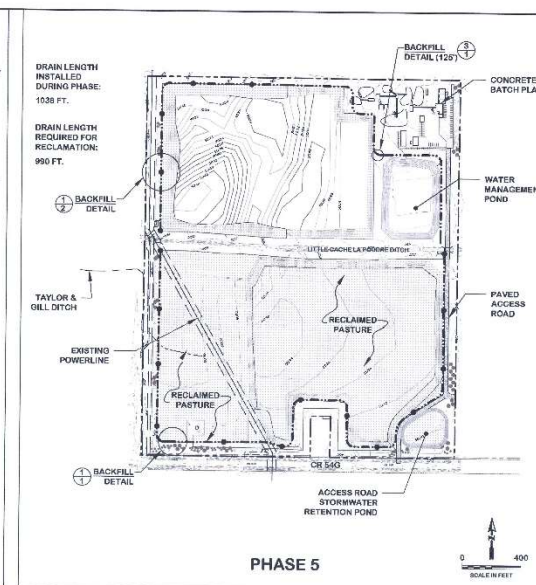
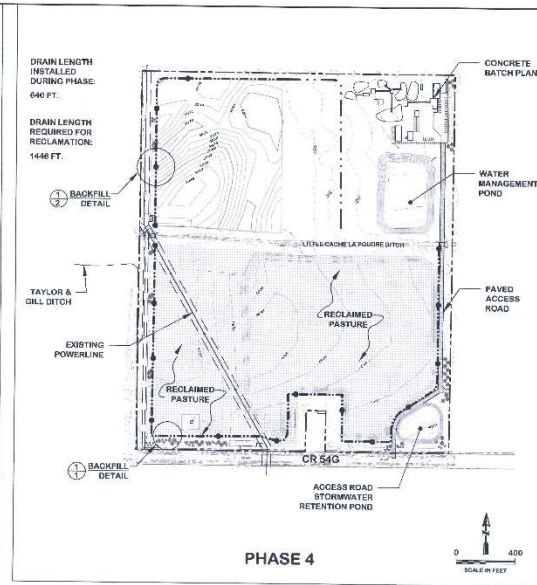
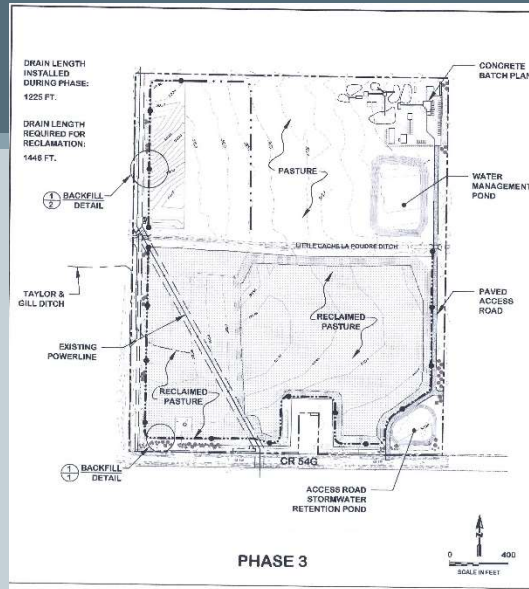




# Proposed Reclamation Plan



# Proposed Drain Line



LEGEND / NOTES

[Symbol]	EXISTING CONTOURS
[Symbol]	RECLAMATION CONTOURS
[Symbol]	OPTIMIZED
[Symbol]	MAIN CONVEYOR
[Symbol]	SUPPLEMENTAL CONVEYOR
[Symbol]	CRUSHER/CONVEYOR FEED
[Symbol]	DEWATERING LINE
[Symbol]	DEWATERING TRENCH
[Symbol]	DEWATERING SUMP
[Symbol]	LANDSCAPING
[Symbol]	LANDSCAPE BERM
[Symbol]	SECONDARY ACCESS
[Symbol]	PAVED SURFACE
[Symbol]	PERSONNEL DOOR
[Symbol]	OVERBURDEN
[Symbol]	OVERBURDEN STOCKPILE
[Symbol]	RECLAIMED PASTURE
[Symbol]	DRAIN LINE
[Symbol]	POW. RECLAMATION



WALTER T. TEDCOLI  
COLORADO REG. 3928

REVISIONS

#	DESCRIPTION	DATE	BY	CHK
1	SUBMITTAL 2	12/01/17	ST	WLT

DATE	12/29/17
PROJECT	390100
TASK NUMBER	
DRAWN BY	ST
PROJECT ENGINEER	WLT
CHECKED BY	KJB

LOVELAND READY-MIX

EXHIBIT G  
MINE PLAN  
DRAIN LINE

SHEET NUMBER	2	REVISION NUMBER	
PREPARED BY	TELESTO	TELESTO	
PREPARED FOR	LOVELAND		

# Knox Pit

## 112c Reclamation Permit Application – Important Dates

- September 7, 2017- Application received
- September 18, 2017- Application filed for review
- November 8, 2017- Close of public comment period
- November 14, 2017 - Preliminary adequacy review sent to operator
  - Application classified as “complex”, extending Decision/Recommendation Date to January 30, 2018
    - ✦ \*\*Decision date has been extended
- November 29, 2017- 2nd adequacy review sent to applicant
- January 18, 2017- *Informal public meeting*

# Knox Pit

## 112c Reclamation Permit Application – Important Dates

- January 16, 2018 – Applicant requested an extension of the decision date and requested the MLRB hearing for consideration be moved.
  - Pre-hearing Conference
    - ✦ Re-scheduled, between March 5 to 9, 2018.
  - DRMS Staff Recommendation for approval, denial or approval with conditions due to MLRB 3 working days prior to Pre-hearing conference.
- March 21-22, 2018 - MLRB Hearing



# Knox Pit

## 112c Reclamation Permit Application – Objections/Comments

- The Division received 25 timely objection letters from approximately 33 objecting parties.
- The Division received 1 letter of support.
- The Division received comments on the application from 3 agencies, including History Colorado, US Army Corp of Engineers, and Division of Water Resources.
- All objection/comment letters have been reviewed by the Division.
- Many of the concerns raised by objecting parties are concerns of the Division which will be addressed through the adequacy review process.
- Adequacy review process is underway – involves an exchange of review letters from Division and response letters from Applicant.
- All permit documents can be viewed at our website:  
<http://mining.state.co.us>

**DRMS Website:**  
<http://mining.state.co.us>

## To Access Permit Documents :

- 1) Go to DRMS Home Page
- 2) Hover over “Reports & Data”
- 3) Click on “Imaged Document Data”

Department of Natural Resources

Sign In | Contact Us | Calendar | Search

**CO** **DNR** **COLORADO**  
Division of Reclamation Mining & Safety  
Department of Natural Resources

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Reports  
Mining Data  
GIS Data  
Imaged Document Data

Welcome to the Colorado Division of Reclamation Mining and Safety

**DRMS -- Mission:**

To protect the public, miners and the environment during current mining operations, restore abandoned mines, and to ensure that all mined land is reclaimed to beneficial use.

**DRMS -- Vision:**

The division is committed to balance the need for mineral resource production with protection of the public, environment and Colorado's natural resources.

[ePermitting](#)

**Public Meetings**

Colorado Mined Land Reclamation Board (CMLRB) is a multi-interest citizen board which establishes the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety.

- Board Meeting Agenda
- Board Meeting Calendar

**News & Notices**

- Preliminary Map of Legacy Draining Mine Adits
- Draining Mines GIS Data
- Hitch Rack Ranch Quarry - Notice of Informal Public Meeting

**About DRMS**

- Learn More About DRMS
- Frequently Asked Questions
- DRMS History
- Staff Directory
- Organization Chart

## DRMS Website:


<http://mining.state.co.us>

### To Access Permit Documents (cont'd):

4) Click on “Click here to access Imaged Document Data”

Department of Natural Resources

Sign In | Contact Us | Calendar | Search



**COLORADO**  
Division of Reclamation Mining & Safety  
Department of Natural Resources

Home | Boards | Programs | Forms | Reports & Data | Rules & Regs | About Us

**Reports & Data**

Reports

- Coal Production
- AML Program
- Activity/Agenda
- General

Mining Data

- Search by County
- Search By Operator
- Search By Permit
- Search By Mine
- Imaged Document Data

GIS Data


**Imaged Document Data**

### Imaged Document Data

[Click here to access Imaged Document Data](#)

Documents available on-line include non-confidential documents for:

Coal, Minerals, Prospecting Permits as well as Historical Mining Books.



**How to use the DRMS document management system**

Enter the Permit number in the Permit No box to search for related documents. Any field or combination of fields can be used to search. Wild card \* and ? can be used.

**For Example:**

Enter M2010\* in the *Permit No* to return all Mineral Permits from the year 2010.

OR

Enter P2008042 (no dashes) in the *Permit No* box to return all documents for the specified permit

Click Search to return documents

For additional information see our [Document Management User Guide \(PDF\)](#)

**DRMS Website:**

<http://mining.state.co.us>

## To Access Permit Documents (cont'd):

- 5) Type Permit Number (no dashes or spaces) into “Permit No.” Field (Ex: M2017036)
- 5) Hit Enter OR Click on “Search” Button at Bottom Left

The screenshot displays the Laserfiche WebLink search interface. At the top, the logo and a search bar are visible. Below the logo, the 'Home' link is present. The main search area is titled 'Customize Search' and contains a 'Field' dropdown menu. The 'Template' is set to 'DRMS Permit Index'. The 'Permit No.' field is populated with 'm2016010'. Other fields include 'IBM Index Class Name', 'Doc Date', 'Doc Name', 'Annual Report Year', 'Report Quarter\_Month', 'From', 'To', 'Permit Index Doc Type', 'Section\_Exhibit Name', 'Inspection Date', 'Type & Sequence', 'Violation No.', 'Email Name', 'Permit Order', 'Media Type', and 'Archive'. A 'WebLink Search' section at the bottom left has an 'Enter search' field. At the bottom, there are 'Search' and 'Reset' buttons.


## DRMS Website:

<http://mining.state.co.us>

You'll get a screen like this listing all permit documents on file for the Permit No. you entered.

### Helpful Hint:

You can click on "Doc Date" column header to sort documents by date.



Search

Home

Customize Search

Field

Template: DRMS Permit Index

Permit No: m2016010

IBM Index Class Name

Doc Date

to

Doc Name

Annual Report Year

Report Quarter\_Month

From

To

Permit Index Doc Type

Section\_Exhibit Name

Inspection Date

to

Type & Sequence

Violation No.

Email Name

Permit Order

Media Type

Archive

WebLink Search

Enter search

Search

Reset

Search

Name	Hits	Page Count	Permit No	IBM Index Class Name	Doc Date
_PERMIT FILE - M2016010	0	3	M2016010	Permit File	
2016-02-19_APPLICATION CORRESPONDENCE - M2016010	0	10	M2016010	Application Correspondence	2/19/2016 12:00:00 AM
2016-02-19_PERMIT FILE - M2016010	0	167	M2016010	Permit File	2/19/2016 12:00:00 AM
2016-02-19_PERMIT FILE - M2016010 (2)	0	1	M2016010	Permit File	2/19/2016 12:00:00 AM
2016-02-19_PERMIT FILE - M2016010 (3)	0	155	M2016010	Permit File	2/19/2016 12:00:00 AM
2016-02-19_PERMIT FILE - M2016010 (4)	0	267	M2016010	Permit File	2/19/2016 12:00:00 AM
2016-02-19_PERMIT FILE - M2016010 (5)	0	222	M2016010	Permit File	2/19/2016 12:00:00 AM
2016-02-22_PERMIT FILE - M2016010	0	1	M2016010	PERMIT FILE	3/22/2016 12:00:00 AM
2016-03-03_APPLICATION CORRESPONDENCE - M2016010	0	2	M2016010	Application Correspondence	3/3/2016 12:00:00 AM
2016-03-07_PERMIT FILE - M2016010	0	9	M2016010	PERMIT FILE	3/7/2016 12:00:00 AM
2016-03-08_PERMIT FILE - M2016010	0	1	M2016010	Permit File	3/8/2016 12:00:00 AM
2016-03-09_GENERAL DOCUMENTS - M2016010	0	1	M2016010	General Documents	3/9/2016 12:00:00 AM
2016-03-09_PERMIT FILE - M2016010	0	1	M2016010	Permit File	3/9/2016 12:00:00 AM
2016-03-11_PERMIT FILE - M2016010	0	21	M2016010	PERMIT FILE	3/11/2016 12:00:00 AM
2016-03-15_PERMIT FILE - M2016010	0	2	M2016010	Permit File	3/15/2016 12:00:00 AM
2016-03-18_PERMIT FILE - M2016010	0	3	M2016010	Permit File	3/18/2016 12:00:00 AM
2016-03-21_GENERAL DOCUMENTS - M2016010	0	1	M2016010	General Documents	3/21/2016 12:00:00 AM
2016-03-21_GENERAL DOCUMENTS - M2016010 (2)	0	1	M2016010	General Documents	3/21/2016 12:00:00 AM
2016-03-22_GENERAL DOCUMENTS - M2016010	0	1	M2016010	GENERAL DOCUMENTS	3/22/2016 12:00:00 AM
2016-03-22_PERMIT FILE - M2016010	0	1	M2016010	Permit File	3/22/2016 12:00:00 AM

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**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

June 14, 2016

Andre LaRoche  
Transit Mix Concrete Co.  
444 E. Costilla St.  
Colorado Springs, CO 80903

**Re: Hitch Rack Ranch Quarry, DRMS File No.  
112 Construction Materials Reclamation P**

Mr. LaRoche:

Upon further review of the Hitch Rack Ranch Qu

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Archive: No

**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources  
1313 Sherman Street, Room 215  
Denver, Colorado

June 14, 2016

Andre LaRoche  
Transit Mix Concrete Co.  
444 E. Costilla St.  
Colorado Springs, CO 80903

**Re: Hitch Rack Ranch Quarry, DRMS File No. M-2016-010**  
**112 Construction Materials Reclamation Permit Application**

Mr. LaRoche:

Upon further review of the Hitch Rack Ranch Quarry application for Reclamation, Mining and Safety (Division) on March 8, 2016, the following additional adequacy item shall be addressed immediately:

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# *Informal* Public Meeting on Proposed Knox Pit (DRMS File No. M-2017-036)

January 18, 2018  
Fort Collins, CO

**Presentation By:**  
**Jeff Fugate**  
**Colorado Office of the Attorney General**



**COLORADO**

Division of Reclamation,  
Mining and Safety

Department of Natural Resources



# Party Status

41

- Any person may become involved in the Permit application process as either a Party or a Non-Party.
- Distinct legal classifications and different legal rights and responsibilities.
- All persons are afforded an opportunity to be heard at the Formal Public Hearing before the Mined Land Reclamation Board
- Party Status affords additional rights while also having the obligation to comply with additional administrative procedures.

# Party Status—Rights and Responsibilities

42

- **Acquiring Party Status**—To participate as a Party a person must 1) fall within the regulatory definition of a Party **and** 2) file a timely objection or comment to the permit application.
- “*Party*” is defined as: “a person who demonstrates that he/she/it is directly and adversely affected or aggrieved by the conduct of a...proposed mining operation...and whose interest is entitled to legal protection under the Act.” **Rule 1.1(34.1)**
- Must have submitted a timely letter of objection or comment in writing to the Division by the regulatory deadline. **Rule 1.7.1**

# Party Status—Rights and Responsibilities

43

## Rule 2.7.3

A Party may:

- Present evidence and call witnesses at the Formal Board Hearing.
- Cross-examine and provide rebuttal testimony to other parties' witnesses.
- File a motion for reconsideration, or the right to appeal the Mined Land Reclamation Board's decision in District Court.
- A Party must participate in the Pre-Hearing Conference and follow applicable procedural Rules.

# Non-Party Status

44

- **Non-Party Status**—anyone who does not meet the regulatory definition of a party, chooses to be a Non-Party, did not file a timely comment or objection to the permit, or fails to fulfill Party requirements.
- Subject to Board approval, Non-Parties may address the Board on matters of concern during the Initial Presentation portion of the Formal Board Hearing—Board historically provides 2 minutes to speak.

# Pre-Hearing Conference

45

## Rule 2.7

- There will be a Pre-Hearing Conference (PHC) in this matter—Notice was provided to all interested persons.
  - Monday, February 5, 2018 from 10:00am to 2:00pm.
    - ✦ Larimer County Commissioners office at 200 West Oak, Suite 2200, Fort Collins, CO 80521 in the “Carter Lake room”.
- The purpose of the PHC is: describe the Division's review process, discuss and resolve contested issues (if possible), describe the Board Hearing processes, propose a list of issues under the Board's jurisdiction, and identify parties.

# Pre-Hearing Order

46

## Rule 2.7.1(3) and (4) and Rule 2.7.2

The proposed Pre-hearing Order shall include:

- list of the Parties;
- a recommended list of issues to be considered by the Board at the Formal Board Hearing;
- a recommended schedule for the hearing with time allotments set for presentation by each party and the Division.

# Pre-Hearing Conference

47

- Parties must be present at the PHC—non-attending parties forfeit his/her Party Status and all associated rights and privileges.
- Parties may be represented by an attorney or designate a proxy as a representative to appear on their behalf at the PHC.
- Must present a list of witnesses and exhibits at the PHC. Rule 2.6(2)
- Those with Party Status who wish to withdraw as a Party must do so in writing prior to the Formal Board Hearing, or in person at the Hearing.

# Pre-Hearing Procedures

48

## Rule 2.6

- Motions must be made in writing and filed by Parties with the Board no later than 2 working days following the Pre-hearing Conference.
- The Board must receive written responses to all motions at least 3 working days prior to the Formal Board Hearing.



# Formal Hearing Process

49

## Rule 2.8

- Rules of evidence and requirements of proof shall conform, to the extent practicable, with those in civil non-injury cases in district courts.
- However, when necessary to do so in order to ascertain facts affecting the substantial rights of the parties to the proceeding, the Board may receive and consider evidence not admissible under such rules, if such evidence possesses sufficient probative value.

# Formal Hearing Process

50

- The Board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.
- Any party who does not attend the Board Hearing forfeits its party status and all associated rights and privileges—cannot appear at the formal hearing by proxy.
- The Board will deliberate and issue its decision. A written Order will be provided to all parties.

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Questions?