

January 30, 2018

Notice to Parties and Interested Persons

**Re: Recommendation to Approve a 112c Permit Amendment Application with Objections
Fox #1 Clay Mine, Permit No. M-1977-219, AM-03**

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) hereby issues its recommendation for approval of the 112c permit amendment application (AM-03) for the Fox #1 Clay Mine, File No. M-1977-219, submitted by Summit Brick & Tile Co.

This recommendation is based on the Division's determination that the application satisfied the requirements of Section 34-32.5-115(4) of the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 *et seq.*, C.R.S. A copy of the Division's rationale for its recommendation will be provided under separate cover.

The Division's recommendation is to the Colorado Mined Land Reclamation Board (Board). The Division's recommendation and the application with objections will be considered by the Board during a formal hearing, scheduled to occur **February 21-22, 2018**, at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. or as soon thereafter as the matter can be considered. Pursuant to Rule 2.8.1(1) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (the Rules), any party who does not attend the Board hearing forfeits its party status and all associated rights and privileges.

A live audio broadcast of the formal Board hearing can be found on the Division's web site at <http://mining.state.co.us>. Audio stream service may be temporarily unavailable or limited due to technical difficulties and bandwidth limitation, and could result in loss of audio signals or in the impairment of the quality of the transmission.

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. The Pre-hearing Conference is scheduled to occur **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.



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

CC: Tony Waldron, DRMS
Wally Erickson, DRMS
James Stark, DRMS
John Roberts, Esq., AGO for the MLRB
Charles Kooyman, Esq., AGO for the MLRB
Scott Schultz, AGO for DRMS

Certificate of Service

I, Elliott Russell, hereby certify that on this 30th day of January, 2018, I deposited a true copy of the foregoing Notice to Parties and Interested Persons, dated January 29, 2018, **Recommendation to Approve a 112c Permit Amendment Application with Objections Fox #1 Clay Mine, Permit No. M-1977-219, AM-03**, 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

1/30/2018