

BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

**ORDER REGARDING DEADLINES FOR AND SERVICE OF MOTIONS,
WITNESS AND EXHIBIT LISTS, AND EXHIBITS**

IN THE MATTER OF THE APPLICATION OF TRANSIT MIX CONCRETE
COMPANY FOR A 112 CONSTRUCTION MATERIALS RECLAMATION PERMIT,
File No. M-2017-049

BACKGROUND

The application for a 112 Construction Materials Permit for the Hitch Rack Ranch Quarry was filed with the Division on November 9, 2017 by Transit Mix Concrete Co. (Applicant). The public comment period closed on December 21, 2017. The review period for the application is currently scheduled to close on March 30, 2018. Following filing, the Division received 568 letters of objection, 155 letters in support, and 4 comment letters from agencies.

ORDER

Rule 2.6 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials ("Rules") governs pre-hearing procedures, including the submission of motions, witness and exhibit lists, and exhibits. Rule 2.6(1) requires that motions must be received by the Board no later than two (2) days following the Pre-hearing Conference and any written responses must be received by the Board no later than three (3) days prior to the Board hearing. Rule 2.6(3) requires parties to provide to the Board thirteen (13) copies of all motions, witness and exhibit lists, and exhibits. Rule 2.6(3) also requires service of all filings on the parties as well as the Board.

Pursuant to Board Policy 70.2.1, the Board's hearing officer has the authority set forth in section 24-4-105(4), C.R.S. Pursuant thereto, the Board Chair is authorized to dispose of pleadings, issue orders controlling the subsequent course of the proceedings, and issue orders on procedural matters.

Board Chair Forrest Luke, having reviewed this Order, and being fully apprised of the issues, makes the following order to clarify and streamline the filing process and deadlines in this matter:

Filing Process: Any party to the Pre-Hearing Conference and the Formal Hearing to be held in this matter shall file with the Board five (5) copies of any motions,

witness or exhibit lists, and exhibits rather than the thirteen copies required by Rule 2.6(3).

Filing of documents with the Board and Division shall also be made electronically, by emailing electronic copies of all submissions to the Division at drms.temp@state.co.us no later than two (2) days after the Pre-hearing Conference. Responses to motions, if any, must be filed with the Board and Division within three (3) days of the hearing. All filings must be made by the close of business on the day they are due.

The Division shall post all filings for review by any party or the public at www.mining.state.co.us. The filings to be posted shall include: witness and exhibit lists; exhibits; motions; and responses to motions.

Service Process: Any party making any filing as described above shall provide written notice, to all parties, that a document has been filed with the Division. This notice shall be served on all other parties and describe the item filed and its location by referencing the Division's website for filings in this matter. Service shall be made by email for all parties for whom an email address is available, and by mail for all parties for whom no email address is available.

The Division shall make a list of all parties and their contact information available at www.mining.state.co.us and through the Laserfiche system (under Permit No. M-2017-049), which can be accessed through the Division's website via the "Imaged Document Data" link under the "Reports and Data" menu.

DONE and ORDERED this 19th day of March 2018.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD



Forrest Luke, Chair

CERTIFICATE OF SERVICE

I hereby certify that on the ____th day of March 2018, a true and correct copy of the foregoing was emailed or placed in the U.S. Mail, first-class postage prepaid and properly addressed, to the parties listed on DRMS File No. M-2017-049; Hitch Rack Ranch Quarry Contact Information for All Parties (Rev: 3/9/2018).

/s/ Charles J. Kooyman

Charles J. Kooyman

Assistant Attorney General

Attorney for the Mined Land Reclamation Board