

# M-2017-049 / Transit Mix Concrete Co. Motion to Amend Witness List

O'Connell, Aaron J. <aaron.oconnell@hoganlovells.com>

Wed, Apr 11, 2018 at 1:45 PM

To: "drms.temp@state.co.us" <drms.temp@state.co.us>

Cc: "Anderson, Scot W." <scot.anderson@hoganlovells.com>, "Titus, Elizabeth H. \"Liz\"" liz.titus@hoganlovells.com>

Attached please find Transit Mix Concrete Co.'s Motion to Amend Witness List for filing, pursuant to the Mined Land Reclamation Board Order dated March 19, 2018.

Thank you.

## **Aaron O'Connell**

Associate

**Hogan Lovells US LLP** 1601 Wewatta Street, Suite 900

Denver, CO 80202

Tel: +1 303 899 7300

Direct: +1 (303) 454 2517

Fax: +1 303 899 7333

Email: <u>aaron.oconnell@hoganlovells.com</u>

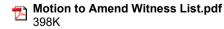
www.hoganlovells.com

Please consider the environment before printing this e-mail.

### **About Hogan Lovells**

Hogan Lovells is an international legal practice that includes Hogan Lovells US LLP and Hogan Lovells International LLP. For more information, see www.hoganlovells.com.

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be privileged. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email (and any attachments) from your system.



# BEFORE THE MINED LAND RECLAMATION BOARD STATE OF COLORADO

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

# MOTION TO AMEND WITNESS LIST

Transit Mix Concrete Co. ("Transit Mix"), by and though the undersigned counsel, hereby requests that the Colorado Mined Land Reclamation Board allow Transit Mix leave to amend its Witness List to include Phillip Courtney, Solid Minerals Leasing Manager for the Colorado State Board of Land Commissioners (the "State Land Board").

Mr. Courtney will provide helpful background to the Mined Land Reclamation Board and other parties related to matters included in his letter to the Division of Reclamation Mining and Safety dated December 11, 2017, including the role of the State Land Board, the State's leasing of minerals, and the potential royalties generated by the proposed Hitch Rack Ranch Quarry.

No parties will be prejudiced by the addition of Mr. Courtney to the Amended Witness List of Transit Mix. This motion is timely filed and within the period during which parties may serve initial lists of witnesses for the pending hearing. The parties will thus have ample time to prepare for his testimony at the hearing on this matter.

Respectfully submitted,

/s/ Elizabeth H. Titus

John W. Cook (#9670)

Scot W. Anderson (#17395)

Elizabeth H. Titus (#38070)

Attorneys for Applicant Transit Mix Concrete Co.

# TRANSIT MIX CONCRETE CO. AMENDED WITNESS LIST

PERMIT NUMBER: M-2017-049

CAPTION: Transit Mix Concrete Co. Hitch Rack Ranch Quarry Application, Received October 5, 2017

**HEARING DATE:** April 25-26, 2018

SUBMITTED BY: Transit Mix Concrete Co., 444 E. Costilla St., Colorado Springs, CO, 80903, (719) 475-0700 REPRESENTED BY: Hogan Lovells US LLP, 1601 Wewatta St. #900, Denver, CO, 80202, (303) 899-7300

		1		· I			-
SUBJECT AREA WITNESS WILL ADDRESS	Hitch Rack Ranch Quarry project and company overview	Operations at the Hitch Rack Ranch Quarry	Permit application and any issues arising out of permit application or Norwest reports	Stockpile and quarry wall stability calculations, analysis, and results	Protection of hydrologic balance and groundwater and any issues arising out of reports provided by Hydro-Logic	Blasting operations and any issues arising out of the report provided by Larry Mirabelli	Wildlife and habitat near the Hitch Rack Ranch Quarry, including habitat fragmentation and any issues arising out of reports provided by Charles Johnson or Stantec
NATURE OF EXPERTISE	Mining	Operations	Mine design, reclamation development	Geotechnical analysis	Hydrology and geology	Explosives and blasting	Wildlife biology
PHONE	(719) 475-0700	(719) 475-0700	(303) 782-0164	(604) 602-8992	(303) 570-9527	(303) 790-7007	(970) 631-6792
ADDRESS	444 E. Costilla St., Colorado (719) 475-0700 Springs, CO, 80903	444 E. Costilla St., Colorado (719) 475-0700 Springs, CO, 80903	950 South Cherry Street, Suite 800, Denver, CO 80246	Suite 1830, 1066 W. Hastings St. Vancouver, BC Canada V6E 3X2	6100 Montview Blvd., Denver, CO 80207	42 Inverness Drive East, Englewood CO, 80112	3533 Sunflower Way Fort Collins, CO 80521
COMPANY/FIRM	Transit Mix Concrete Co.	Transit Mix Concrete Co.	Norwest Corporation	Norwest Corporation	Hydro-Logic Solutions, Inc.	Buckley Powder Co.	Ensight, LLC
TITLE	President	Aggregates Engineer / Production Manager	Senior Geological Engineer	Vice President, Mining	Senior Hydrogeologist	Senior Manager – Explosives and Blasting Technologies	Principal, Senior Project Manager
WITNESS	Jerald Schnabel	Brandon Heser	Paul Kos	Sean Ennis	Mike Day	Larry Mirabelli	Charles Johnson

Scot Anderson	Partner	Hogan Lovells	1601 Wewatta St. #900, Denver, CO, 80202	(303) 899-7300	Legal issues related to mining operations in Colorado	Legal right to enter, mining operations and reclamation
Cindi Almendinger	Property Owner	N/A	2485 Hitch Rack Ranch Rd., (719) 576-3890 Colorado Springs, CO 80926	(719) 576-3890	Understanding of Hitch Rack Ranch property	Development of the Hitch Rack Ranch Quarry
John Cook	Partner	Hogan Lovells	2 N Cascade Ave # 1300, (719) 448-5900 Colorado Springs, CO 80903	(719) 448-5900	Legal issues related to mining operations in Colorado	Hitch Rack Ranch Quarry project and regional impacts
Elizabeth Titus	Counsel	Hogan Lovells	1601 Wewatta St. #900, (303) 899-7300 Denver, CO, 80202	(303) 899-7300	Legal issues related to mining operations in Colorado	Legal standards related to permitting of Hitch Rack Ranch Quarry
Phillip Courtney	Representative of Colorado State Colorado State Land Board	Colorado State Land Board	1127 Sherman St. Suite 300, Denver, CO 80203	(303) 866-3454	Development of resources by State Land Board	Land use and regional importance of Hitch Rack Ranch Quarry