



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

August 6, 2018

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

Re: Findings of Fact, Conclusions of Law, and Order, Transit Mix Concrete
File No. M-2017-049

On August 1, 2018 the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. We strongly advise that you read this document carefully since it may contain deadlines for corrective actions, civil penalties, cease and desist orders or other actions that may require your immediate attention to avoid future board actions.

Sincerely,


Camille Mojar
Board Administrator

Enclosure(s)

Certified Mail

7017 2400 0000 9205 7462

cc:

Amy Eschberger
Michael Cunningham
Wally Erickson
Peter Hays
Eric Scott
Elliott Russell
Jeff Fugate
Scott Schultz
Charles Kooyman
Scot Anderson, Esq.
Elizabeth Titus, Esq.





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Denver, CO 80203

cc: (continued)

John Cook, Esq.
Steven Mulliken, Esq.
Carrie Bernstein
Amanda Bradley
Chief Hartmut Wright
Nancy Reed
Paul G. Anderson
Jerry Schnable
Jerry P. Moore



**BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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

THIS MATTER came before the Mined Land Reclamation Board ("Board") on April 25 and 26, 2018 in Colorado Springs for a hearing to consider the application for a 112 construction materials reclamation permit filed by Transit Mix Concrete Company ("Applicant"), file number M-2017-049.

Amy Eschberger, Wally Erickson, Peter Hays, Eric Scott, Elliott Russell and Assistant Attorney General Scott Schultz appeared on behalf of the Division of Reclamation, Mining and Safety ("Division"). Scot Anderson, Esq., Elizabeth Titus, Esq., John Cook, Esq., and Jerry Schnable appeared on behalf of Applicant. Steven Mulliken, Esq. appeared on behalf of Objector Ingersoll Trust. Carrie Bernstein, Esq. and Amanda Bradley, Esq. appeared on behalf of Objector Cheryl Kimble. Fire Chief Hartmut Wright appeared on behalf of Objector Southwestern Highway 115 Fire Protection District. Objector Nancy Reed appeared on behalf of The Eagle's Nest neighborhood. Objector Paul G. Anderson appeared on behalf of Red Rock Valley Estates Water District. Jerry P. Moore appeared on his own behalf.

The Board, having considered the presentations, testimony, and evidence of the Division;¹ Applicant; and the objectors, and being otherwise fully informed of the facts in the matter including through the testimony presented and exhibits submitted by the parties, enters the following:

FINDINGS OF FACT

1. On October 5, 2017, the Applicant submitted an application with the Division for a 112c reclamation permit under section 34-32.5-112, C.R.S. for a site known as the Hitch Rack Ranch Quarry in El Paso County, Colorado, file number M-2017-049 ("Application"). The Application proposed an operation to be located in section 16, Township 16 South, Range 67 West, 6th Principal Meridian on property known as Hitch Rack Ranch, owned by RMBC Group LLC and State of Colorado.

¹ The Division was advisory staff to the Board, not a party, in this proceeding.

2. On October 20, 2017, the Division deemed the application incomplete for purposes of filing. Applicant submitted the incomplete items on October 31, 2017.

3. On November 9, 2017, the Division called the Application complete for filing purposes, and deemed the Application "complex," extended the standard ninety-day decision deadline by sixty days, from February 7, 2018 to April 8, 2018, pursuant to Rules 1.1(10) and 1.4.1(7) of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials, 2 CCR 407-4 ("Rules").

4. During the public comment period, as mandated by Rule 1.7.1, the Division received 568 timely objection letters and 155 timely support letters from individuals and organizations and four comment letters from agencies. The public comment period closed on December 21, 2017.

5. On February 26, 2018, the Division hosted an informal public meeting in Colorado Springs for the purpose of explaining: the application review process, issues within the Board's jurisdiction, the prehearing conference, and formal Board hearing processes. Parties and interested persons were informed of the informal public meeting by written notice, provided on January 12, 2018.

6. During the review period, the Division generated ten adequacy letters between February 12, 2018 and March 22, 2018. Between March 9 and 26, 2018, Applicant submitted a total of five adequacy review responses.

7. On April 3, 2018, the Division issued and served on all parties pursuant to the process outlined in the Board's Order Regarding Service of Division of Recommendation and Rationale, both a written recommendation to approve the Application over objections and a written rationale for that recommendation.

8. On April 9, 2018, the Board, through a prehearing officer, conducted a prehearing conference in Colorado Springs. The prehearing officer issued a draft prehearing order. Among other things, the draft prehearing order identified six categories of issues for the parties to present to the Board for consideration at the hearing.

9. At the hearing, the Board considered the draft prehearing order and invited amendments or adjustments to be proposed by the parties and considered Applicant's Motion Requesting Modification of Draft Prehearing Order. Following consideration of Applicant's motion and without any objections from any party, the Board adopted the draft prehearing order as the final prehearing order with

Applicant's requested modifications. No party objected to, or proposed any further amendments or adjustments to the Draft Prehearing Order.

10. The Application described a proposed construction materials (granite) mining operation and on-site processing of mined materials, including crushing, screening, washing, and production of aggregate products.

11. The affected area described in the Application included one large excavation area with highwalls maintained in a benched configuration on 239.03 acres of affected lands. As described in the Application, the proposed operation would advance through six mining phases with reclamation occurring concurrently as the operation progresses. The Application proposed to reclaim the affected lands for wildlife habitat. The Division calculated the financial warranty for the operation to be \$3,549,294.00.

12. The proposed affected land boundary described in the Application did not include Little Turkey Creek Road. The Application proposed keeping mining operations a minimum of 100 feet from Little Turkey Creek, and at least 10 feet above creek elevation.

13. The Application's proposed Affected Land did not include Little Turkey Creek Road.

14. The mining plan in the Application proposed to construct an access road for the mining operation starting at Highway 114. The access road would not cross Little Turkey Creek Road. Evidence presented at the hearing demonstrated that any mining traffic on Little Turkey Creek Road would be limited in volume and consist of light trucks used to reach monitoring wells.

15. At the hearing, Larry Mirabelli and Brandon Heser testified on behalf of Applicant regarding Applicant's blasting plan and any affects it might have on Little Turkey Creek Road. All blasting would be done through Buckley Powder, a licensed blaster. Blasting will occur no more than three times per week, with blasts limited in size to keep cracks to no more than 100 feet. Applicant's blast schedule will be provided to the public and emergency services. The blast radius for any blasts under the Applicant's plan will not include Little Turkey Creek Road. Because the road will not be in the blast radius, the road will only be closed for approximately five minutes per blast. The Applicant's blasting plan also includes maximum air over pressure and peak particle velocity standards that are lower than industry standards.

16. At the hearing, Fire Chief Hartmut Wright ("Chief Wright") testified about the dangers of fly rock related to blasting and about the importance of

emergency vehicles having access through the quarry on Little Turkey Creek Road. Chief Wright also testified regarding the importance of a quick response time in the area in the event of a fire.

17. On March 28, 2018, Objector Cheryl Kimble submitted, through counsel, a Motion to Vacate Formal Hearing ("Prehearing Motion"), arguing that because Applicant had failed to demonstrate that it had the legal right to access Little Turkey Creek Road, the hearing should be vacated. On April 20, 2018, the Division submitted its response to the Prehearing Motion. In its response, the Division stated that because Little Turkey Creek Road is not "affected land" under the Act or Rules, Applicant was not required to show a legal right to access the road.

18. At the hearing, the Applicant presented testimony that its limited use of Little Turkey Creek Road and brief safety closures of the road for blasting do not convert the road into "affected land" under the Colorado Land Reclamation Act for the Extraction of Construction Materials (the "Act").

19. At the hearing, Mike Day of Hydro-Logic Solutions, Inc., testified on behalf of the Applicant. Mr. Day testified that the groundwater system feeding Little Turkey Creek and in the permitted area consist of two types of rock: fractured granite to the west of a fault zone on the east side of the permitted area and sandstone to the east of the fault zone. Little Turkey Creek is a perennial stream west of the fault zone and becomes intermittent as it crosses the fault zone. Mr. Day testified that this was due to groundwater discharge through the fractured granite, with the creek recharging basins through the sandstone substrate once it crosses the fault zone. Mr. Day testified that about 7% of rain and snow infiltrated into the groundwater recharge system through fractures in the granite section to be mined. According to Mr. Day, the system has a base flow of approximately 21 million cubic feet of water per year. Mr. Day also testified that the valley where the site is located serves as the main conduit for surface and ground water.

20. Mr. Day testified that mining the south ridge of the valley would increase the flows of water from the ridge to be mined from about 20 gallons per minute to about 35 gallons per minute. The Applicant would return the excess water to Little Turkey Creek under a discharge permit to be obtained from the Colorado Department of Public Health and Environment. Mr. Day also testified that the rock in the ridge to be mined does not transmit water well because the fractures in them are extremely tight, particularly when compared to the fractures in the rock in the floor valley, which are much more transmissive. Mr. Day also testified that the Applicant had drilled test holes in the ridge to be mined, and though many fractures were encountered, almost no water was encountered.

21. According to Mr. Day, there will be some drawdown of the water table due to the proposed quarry, which he estimated to be one to five foot drawdown in some wells outside the boundary of the proposed quarry.

22. Mr. Day also presented testimony regarding the NORAD excavation's effects on water rights. Though Mr. Day acknowledged that the NORAD excavation had adversely affected tributaries downslope of it, he testified that the NORAD project used water it intercepted or moved it to different tributaries. In contrast to NORAD, Mr. Day testified, the Applicant's proposed operations would not consume water and would return intercepted water to Little Turkey Creek.

23. Paul Kos testified on behalf of Applicant regarding Applicant's proposed mitigation measures should off-site wells be adversely affected by the proposed operation. The Application proposed installing temporary cisterns for well owners and trucking water in purchased by Applicant from municipal sources and then drilling the affected well deeper. Mr. Kos stated that if drilling deeper did not address the issue, Applicant would drill a new well for the owner closer to Little Turkey Creek.

24. At the hearing, Objectors presented expert testimony about disturbances to the groundwater system and likely impacts to groundwater from the proposed mining operation from Jerry Moore, Dennis McGrane, and Jerald Fifield.

25. Steve Mulliken summarized the testimony of Objectors expert witnesses by stating that water to individual wells in the area originates from water held in fractured granite, not a large aquifer and that monitoring wells would be ineffective. Mr. Mulliken summarized evidence submitted that the granite deposit that would be removed by the proposed mining operation is the water storage vessel and delivery system for small water deposits. Mr. Mulliken also summarized conclusions from several experts, including professor William Sanford of Colorado State University, had expressed doubts regarding the adequacy of Applicant's modeling of potential groundwater impacts and that it was highly likely that there would be negative impacts. The Objectors' expert witnesses testified that there was uncertainty on how far the negative effects of the proposed mining operation would travel because of the fractured groundwater system.

26. Jerry Moore, a retired exploration hydrologist, testified as an expert witness that the fractured granite aquifer system in the area has a relatively small volume of water in it and is very sensitive to being recharged. Mr. Moore also testified that it is very difficult to accurately model fractured aquifers. Mr. Moore stated that surface water and groundwater flows are directed to the proposed affected area, and that the mining operation's removal of the granite will destroy

the "pipeline" for the water and damage the current water recharge flow system. Mr. Moore testified that drilling another well in an attempt to mitigate the damage from the proposed mining operation was not likely to be effective because replacement wells would likely be drilled into the same fracture system that was damaged by mining and there may be no other productive fractures on a well owner's property. Drilling replacement wells closer to Little Turkey Creek is also not an option for homeowners whose land is not close to the creek. Mr. Moore stated that potential damage to the fractured groundwater system from the proposed mining operation would most likely be permanent and would leave homeowners without a water supply.

27. Mr. Moore also testified that the area to be mined had far too many fractures in the rock to be a closed water system. Mr. Moore testified regarding the difficulty of accurately predicting flows through the fault system in the area to be mined and that the Applicant did not appear to have accounted for the fault system in its modeling. Mr. Moore also stated that he had asked for the data inputs used in creating Applicant's water model but was not provided the necessary data from the Applicants and was not provided access to the proposed mine site. According to Mr. Moore, the Applicant's water model is not a probabilistic analysis of the water system at the site and failed to deal with numerous unknowns. Mr. Moore stated that a probabilistic analysis yields a 76% chance of permanent damage to water sources of residents near the proposed mining site.

28. Mr. Moore testified regarding the North American Aerospace Defense Command (NORAD) excavation and stated that both NORAD and the Applicant's proposed affected area are located in the same geological formation. Mr. Moore stated that the NORAD excavation damaged the flow to and dried up wells below it prior to the tunnel being finished and that water is not used at the NORAD site. He also testified that the proposed mining operation would remove 107 times more granite than the NORAD excavation did. Mr. Moore concluded that given these factors, the NORAD excavation provided an appropriate corollary to the potential damage the Applicant's mining operations would cause to residents' wells.

29. Mr. Moore also testified regarding his opinion that the Menzer Quarry, located near the proposed site, was not comparable to the proposed mining operation because it had already been in operation when most of the wells near it had been drilled. Mr. Moore also stated that the drainage related to the Menzer Quarry was much larger than the one at issue here with far fewer up-gradient wells it could impact.

30. Dennis McGrane, a professional engineer and geologist with McGrane Water Engineering, also testified as an expert witness for Objectors. Mr. McGrane testified that the Applicant's groundwater modeling was faulty. Mr. McGrane

stated that the monitoring wells the Applicant used for inputs to the groundwater model were not deep enough to accurately determine the nature and sources of recharge to the aquifer underlying the proposed mining operation. In particular, Mr. McGrane pointed to Applicant's monitoring wells being only 100 feet deep and located close to Little Turkey Creek. Mr. McGrane testified that the groundwater monitoring wells utilized for the model were insufficient in light of the fact that a resident's well south of the creek and east of the proposed mining operation is 500 feet deep. According to Mr. McGrane, the 500 foot deep well indicates that the system recharging aquifers in the area is more complex and fragile than accounted for in Applicant's model. Mr. McGrane also testified that Applicant's model had not been evaluated or scrutinized by the Colorado Department of Water Resources. Mr. McGrane stated that he had not been provided with the data inputs of the Applicant's groundwater model and as a result had not been able to review the inputs or other details used by the Applicant in their model.

31. Mr. McGrane testified that the Applicant's groundwater model also had several flaws that undermined its reliability. In particular, Mr. McGrane testified that the Applicant had incorrectly assumed that water from the ridge to be mined flowed north into Little Turkey Creek. According to Mr. McGrane, his analysis of the groundwater system which considered the location of several wells, particularly the Warren Dean well, indicated that groundwater flowed to these downgradient wells from above the proposed mining operation, not from Little Turkey Creek.

32. Mr. McGrane also testified regarding concerns with the amount of dewatering that would occur during the proposed mining operation. Mr. McGrane stated that the proposed mining operation would break the groundwater fracture flow systems through which water currently flows to recharge the aquifers below the proposed mining operation. He testified that removing the granite from the proposed mining area would destroy the pathways for water movement. According to Mr. McGrane, this would cause dewatering between 20 and 100 gallons per minute for the 40 years of planned mining operations. Mr. McGrane stated that this would disrupt the hydrologic balance of the system and that the impacts could not be mitigated or minimized.

33. Dr. Jerald Fitfield of HydroDynamics Inc. provided expert testimony regarding the Application's plans for drainage and runoff detention at the proposed mining operation. Dr. Fitfield stated that the Applicant's plans in their Application were based on erroneous assumptions regarding the type of vegetation on and above the affected lands. Dr. Fitfield stated that though the Applicant had used mountain brush when modeling runoff volumes for its detention ponds, the actual vegetation on the site was pinyon-juniper. Dr. Fitfield stated that this difference in vegetation

led him to conclude that the Applicant's plans were inadequate to handle the volume of runoff.

34. At the hearing, Charles Johnson of Ensign, LLC testified on behalf of the Applicant regarding wildlife issues. Mr. Johnson testified that he had conducted a review of the area regarding the fragmentation of wildlife habitat. Mr. Johnson opined that because of current development in the area, including residential areas, roads, and existing quarries, the area was 49% fragmented. Applicant's proposed mining operation would increase fragmentation of wildlife habitat by only 3.3%, assuming no additional residential development.

35. Applicant also presented testimony regarding the types of wildlife present on the proposed site. Elk, mule deer, bear, wild turkey, mountain lion, and other smaller animals are all present on the proposed site. According to Mr. Johnson, the Colorado Department of Parks and Wildlife indicated that there were a limited number of animals on the proposed site. Mr. Johnson also testified that the area was not critical habitat for elk, though there were some migration corridors to the east of the proposed permitted area and some directions of travel for elk around the area. Mr. Johnson stated that elk are likely to use areas other than the proposed permitted area for winter forage because Little Turkey Creek Canyon contains dense forests that are not favored by elk for forage. Similarly, the area is not critical habitat for wild turkey, and the mining operation will not impact significant turkey habitat or production areas.

36. Mr. Johnson testified that Applicant had adopted steps to protect animals in the area, including slow speeds for vehicles operating in the proposed mining area, dust suppression, and a reduced mine foot print compared to Applicant's previous application.

37. Mr. Johnson testified at the hearing regarding the Mexican Spotted Owl, which he has studied extensively in Colorado. The Applicant has conducted three surveys for Mexican Spotted Owls in 2015, 2016, and 2017, and the federal Bureau of Land Management conducted surveys along Little Turkey Creek in 1993, 1994, and 1995 and other surveys in nearby Aiken Canyon in 1994. No breeding or transient Mexican Spotted Owls were found during any of these surveys. According to Mr. Johnson, Mexican Spotted Owls live in deep-walled, steep, typically narrow canyons with large amounts of mixed conifers. Mexican Spotted Owls avoid open areas where their predators live and can hunt them. Mr. Johnson testified that Mexican Spotted Owls only nest on rock cliffs in Colorado. The Hitch Rack Ranch area is not their ideal habitat and no breeding areas exist in the proposed permitted area.

38. Mr. Johnson also testified regarding noise effects on Mexican Spotted Owls, and described a study he had done regarding the effect of noise generated by U.S. Air Force F-16 maneuvers on Mexican Spotted Owls. The noise generated was between 78 to 90 decibels and reactions from the birds varied from no reaction at all to a sudden head turn. None of the Mexican Spotted Owls flushed from their roosts in response to the sound of the jets. Mr. Johnson opined that it was very unlikely that the proposed mining operation would have an adverse effect on the Mexican Spotted Owl.

39. John Sanderson, Ph.D. of The Nature Conservancy testified on behalf of Objector Ingersoll Trust. Dr. Sanderson testified that the mining operation, as proposed in the Application, is in the middle of 400 miles of conservation landscape and abuts a large nature preserve and Colorado Department of Natural Resources natural area. Dr. Sanderson claimed that the proposed mining operation would destroy habitat for the Mexican Spotted Owl, which it needs to expand its territory as a threatened species.

40. Dr. Sanderson also testified that the proposed mining operation would interfere with migratory corridors for elk. Dr. Sanderson testified that elk use Little Turkey Creek because it provides food, cover, and connection from the mountains to areas on Ft. Carson used by the elk as habitat. Though the Application specifies that the quarry would be 100 feet from Little Turkey Creek, Dr. Sanderson testified regarding a study that indicates that elk avoid areas where all-terrain vehicles are operating on trails by 879 meters. According to Dr. Sanderson, that study indicates that the proposed mining operation would have the indirect impact of causing elk to avoid Little Turkey Creek altogether.

41. Dr. Sanderson also testified that the proposed mining operation would be adjacent to the Aiken Canyon Preserve. Dr. Sanderson testified that while 600 species of plants are located in the area, the reclamation plan of the proposed mining operation identifies only 34 plant species.

42. Renee Rondeau, an ecologist with the Colorado Natural Heritage Program, testified on behalf of Objectors. Ms. Rondeau testified regarding the nature of the landscape on the proposed permitted area, stating that it is a transition area between prairie and forest with a high biodiversity significance and that the Front Range corridor is threatened due to development. Ms. Rondeau opined that the proposed mining operation would result in the complete loss of a mixed pine forest and cause a loss of connectivity for wildlife. She also testified that the proposed Application would cause indirect impacts to Little Turkey Creek.

43. Richard Alward, Ph.D, also testified on behalf of Objectors. Dr. Alward testified that, in his opinion, the reclamation plan proposed by Applicant was

insufficient to restore the area following reclamation. Dr. Alward testified that the Applicant's proposed seed mix contained non-native species, including two that he claimed had not been previously introduced in Colorado.

CONCLUSIONS OF LAW

44. The Board has jurisdiction over this matter pursuant to the Colorado Land Reclamation Act for the Extraction of Construction Materials, Article 32.5 of Title 34, C.R.S. (2017).

45. Under section 34-32.5-115(4), C.R.S., "the applicant must comply with the requirements of this article and section 24-4-105(7), C.R.S."

46. Under Rule 1.4.1(10), the Applicant "has the burden of demonstrating that the application meets the minimum requirements of the Act, Rules, and Regulations."

47. Under Rule 2.8.1(1) and section 24-4-105(7), C.R.S., "the proponent of an order shall have the burden of proof." As the party initiating this matter by filing the Application, Applicant was the "proponent of an order" at the hearing and, therefore, has the burden to prove that the Application was consistent with applicable laws and rules, and should be approved by the Board.

48. In considering whether to grant a permit to an applicant, the Board "shall not deny a permit except on one or more of the following grounds," as relevant here, "(g) The proposed reclamation plan does not conform to the requirements of section 34-32.5-116 ..." C.R.S. § 34-32.5-115(4) (2017).

49. Section 34-32.5-116(4)(h), C.R.S. provides:

Reclamation plans and their implementation are required on all affected lands and shall conform to the following requirements:

(h) Disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quality and quantity of water in surface and groundwater systems, both during and after the mining operation and during reclamation, shall be minimized. Nothing in this paragraph (h) shall be construed to allow the operator to avoid compliance with other statutory provisions governing well permits and augmentation requirements and replacement plans when applicable.

50. The Application failed to demonstrate to the satisfaction of the Board that the impact of the proposed mining operation on the prevailing hydrologic

balance of the proposed affected land and the surrounding area and on the quantity of groundwater systems, both during and after the mining operation and during reclamation, will be minimized. The evidence presented indicates that any damage from the proposed mining operation to the quantity of water in the groundwater system in the surrounding area would likely be permanent and, accordingly, the effect from the proposed mining operation on the hydrologic balance of the system would not be minimized. Though mitigation of damage is not minimization under the Act, the evidence presented also indicated that the damage to the hydrologic system could also not be mitigated.

51. By failing to demonstrate that the impact of the proposed mining operation on the prevailing hydrologic balance of the proposed affected land and the surrounding area, and on the quantity of groundwater systems will be minimized, the reclamation plan in the Application does not meet the requirements of section 34-32.5-116(4)(h), C.R.S. and Rule 3.1.6.

52. The Applicant did not meet its burden of demonstrating that their application met the minimum requirements of the Act, Rules, and Regulations pursuant to Rule 1.4.1(10).

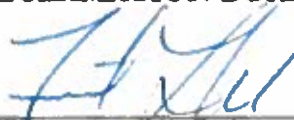
53. Because the reclamation plan in the Application failed to conform to the requirements of section 34-32.5-116(4)(h), C.R.S., the Board denies the Application in accordance with section 34-32.5-115(4)(c) and (g), C.R.S.

ORDER

Based on the foregoing findings of fact and conclusions of law, the Board hereby orders the Application DENIED.

DONE AND ORDERED this 1st day of August 2018.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD



Forrest Luke, Chair

NOTICE OF JUDICIAL REVIEW RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing

a complaint with the district court within thirty-five (35) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2017) and the Colorado Rules of Civil Procedure. In the event that a complaint for judicial review is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Camie Mojar.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 6th day of August 2018 addressed as follows:

By certified mail:

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Camille Mojar, Board Administrator