

November 2, 2021

RE: Receipt of Timely Objections to a 112 Construction Materials Reclamation Permit Amendment Application, Penrose Pit, File No. M-1987-131, Amendment 3

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) appreciates you taking time to participate in the review process of the Penrose Pit reclamation permit amendment application filed with our office on January 29, 2021 by Fremont Paving & Redi-Mix, Inc. (Applicant). The public comment period for the application closed on March 18, 2021. The decision date for the application is currently scheduled for November 25, 2021.

Because timely objections have been filed, the application will be scheduled for consideration by the Colorado Mined Land Reclamation Board (Board), in accordance with Rule 1.4.9. The Division will issue a recommendation to the Board for approval, approval with conditions, or denial of the application on or before the application decision date. A pre-hearing conference will be held after the Division has issued its written recommendation on the application and at least ten (10) calendar days prior to the formal Board hearing, in accordance with Rule 2.7.1. The Division's recommendation and rationale for approval or denial of the application shall be sent to the Applicant and to all timely objectors at least three (3) working days prior to the pre-hearing conference.

Official notice of the date, time, and location for the pre-hearing conference and formal Board hearing will be provided to the Applicant and all timely objectors. Unless notice is waived in writing by all parties, the Division shall provide all parties at least thirty (30) days written notice of the formal Board hearing date. Any person who submits a written comment during the public comment period for the application has standing for party status. Party status is subsequently maintained by participating in the pre-hearing conference and formal Board hearing.

An explanation of the Division's review process, your rights as either a party or non-party, and the jurisdiction of the Board is provided in a 8-page memorandum, Guide to Public Participation in the 112 Reclamation Permit Application Process for Construction Materials and Hard Rock/Metal Mining Operations, last revised on October 7, 2021, which is available on the Division's website at <https://drms.colorado.gov/>, specifically at this link: <https://drive.google.com/file/d/1bZmZjkSOM49SMgm-YD495cEcn46RfbAh/view>.

The following comments and objections were received for the application (please note, any comments or objections submitted after the public comment period are considered "untimely" and therefore, the person submitting the comment or objection is not considered a party to the application):

Agency comments received:

- 1) February 10, 2021 – Comment received from Colorado Division of Water Resources
- 2) March 1, 2021 – Comment received from History Colorado, State Historic Preservation Office



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Timely objections received:

- 1) March 10, 2021 – Objection received from Becky & Steve Andrews

Copies of all letters received have been forwarded to the Applicant for their response. The Division is currently reviewing the application for adequacy with respect to the applicable portions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the Mineral Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). The Act and Rules are available on our website at <https://drms.colorado.gov/rules-and-regulations>. All permit files, including any correspondence regarding the application, can be viewed through our online imaged document system (Laserfiche) available on our website at <https://dnrweblink.state.co.us/drms/search.aspx?cr=1>. In Laserfiche, type the permit/file number into the “Permit No” field with no spaces or dashes like this “M1987131” and hit Enter or click Search. Tip: after all documents have loaded, you can organize them by date by clicking on the “Doc Date” column header.

If you have any questions, you may contact me by telephone at 303-328-5229 or by email at tim.cazier@state.co.us

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Cazier".

Timothy A. Cazier, P.E.
Environmental Protection Specialist

STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

M-1987-131 / Penrose Pit Amendment 3 Guide to Objection Process

1 message

Cazier - DNR, Tim <tim.cazier@state.co.us>

Tue, Nov 2, 2021 at 2:56 PM

To: Tim Cazier - DNR <tim.cazier@state.co.us>

Cc: Michael Cunningham <michaela.cunningham@state.co.us>

Bcc: Jodi Schreiber <[REDACTED]>, John Paul Ary <[REDACTED]>, Becky Andrews <[REDACTED]>

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Attached is a copy of a letter to all parties (blind copied on this email) describing the process going forward. Also attached is a copy of the public participation guide that should answer most, if not all your questions.

If you still have questions after reviewing the attached information, please contact me at 303-328-5229 or email: tim.cazier@state.co.us

Tim Cazier, P.E.

Environmental Protection Specialist III - Engineering

[I am working remotely - please call me at 303-328-5229]**COLORADO**
Division of Reclamation,
Mining and Safety
Department of Natural Resources

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2 attachments**M1987-131_Receipt-of-Timely-Objections_2021-11-02.pdf**

134K

**GuideToPublicParticipation (1).pdf**

895K