

STATE OF  
COLORADO

Zuber - DNR, Rob &lt;rob.zuber@state.co.us&gt;

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**Bernhardt S&G Pit, receipt of timely objections**

1 message

**Zuber - DNR, Rob** <rob.zuber@state.co.us>

Mon, Nov 13, 2023 at 12:40 PM

To: Jim Gochis &lt;hiddenplatteranch@gmail.com&gt;, Jerry Ladd &lt;jdl@doorwaysinc.com&gt;, Cheryl Kasten &lt;KastenCheryl@msn.com&gt;, Michael Janeczko &lt;majaneczko@gmail.com&gt;

Cc: Andy Carpenter &lt;acarpenter@ihcscott.com&gt;, JC York &lt;jcyork@j-tconsulting.com&gt;

Good afternoon. Please see the attached letter.

Rob Zuber, P.E.  
Environmental Protection Specialist  
Active Mines Regulatory Program

**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

*I am working remotely and can be reached by cell at 720.601.2276.*

**Physical Address:**

1313 Sherman Street, Room 215  
Denver, CO 80203

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Denver, CO 80216

[rob.zuber@state.co.us](mailto:rob.zuber@state.co.us) | <http://drms.colorado.gov>

**DRMS\_Letter\_to\_interested\_parties.pdf**

107K

November 13, 2023

**RE: Receipt of Timely Objections to a 112 Construction Materials Reclamation Permit Application, Bernhardt Sand and Gravel Pit, File No. M-2023-025**

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) appreciates you taking time to participate in the review process for the reclamation permit application filed with our office on September 14, 2023, by IHC Scott, Inc. for the Bernhardt Sand and Gravel Pit. The public comment period for the application closed on November 8, 2023. The decision date for the application is currently scheduled for December 13, 2023.

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 a party, and the jurisdiction of the Board is provided in an 8-page memorandum, Guide to Citizen Participation (last revised on October 7, 2021), which is available on the Division's website at <https://drms.colorado.gov>, under Minerals Program Forms. Also, you can access it at this web address:

<https://drive.google.com/file/d/1bZmZjkSOM49SMgm-YD495cEcn46RfbAh/view?usp=sharing>.

The following entities submitted comments and objections related to the application. Please note that any comments or objections submitted after the public comment period are considered "untimely," and the person submitting the comment or objection is not considered a party to the application).

Agency comments received

1. September 19, 2023 - Comment received from Colorado Division of Water Resources
2. September 21, 2023 - Comment received from Colorado Parks and Wildlife
3. September 26, 2023 - Comment received from History Colorado.

Timely comments/objections received from citizens

1. November 8, 2023 - Objection received from Jim Gochis, Hidden Platte Ranch
2. November 8, 2023 - Objection received from Mike Janeczko
3. November 8, 2023 - Objection received from Cheryl Kasten (representing C. Stroh and K. Currier)
4. November 8, 2023 - Objection received from Jerry Ladd, Little Platte Farm LLC.

Copies of all letters received will soon be 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). Laserfiche can be accessed through our website under the Data Search tab. In Laserfiche, type the permit/file number into the "Permit No" field with no spaces or dashes (for example, "M2023025") and click Search. Tip: after all documents have loaded, you can organize them by date or other category by clicking on the column header.

If you have any questions, you may contact me by telephone at 720-601-2276, or by email at [rob.zuber@state.co.us](mailto:rob.zuber@state.co.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert D. Zuber".

Robert D. Zuber, P.E.  
Environmental Protection Specialist