

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



June 21, 2013

Notice to Parties and Interested Persons to the Uncompahgre Pit Application

**RE: Rescheduled Pre-hearing Conference and
Office Recommendation Date for an Amended 112c Application,
Rocky Mountain Aggregate and Construction, LLC,
Uncompahgre Pit, File No. M-2013-007**

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

Dear Party and/or Interested Person:

In a previous notice from the Division of Reclamation, Mining and Safety (Division), dated April 30, 2013, you were informed of an amendment being filed to the above referenced application and the resulting extension of the Division's review process for the application. In that correspondence you were informed of the dates for the Formal Board Hearing, the Pre-hearing Conference, and the close of the review period whereby the Office will render its recommendation on the application. The date of the Formal Board Hearing has not changed and will occur on August 14-15, 2013, as previously noticed. However, the dates of the Pre-hearing Conference and Office recommendation deadline have changed, as clarified below.

Herein, references to the Act and Rules refer to the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 et seq. C.R.S. (the Act), and the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (the Rules). The Construction Materials Act and Rules may be accessed through the Division's web site at <http://mining.state.co.us>.

The Division has received written objections to the application. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Division has scheduled the application for a Formal Board Hearing for consideration. The hearing has been rescheduled for the August 14-15, 2013 Board meeting, which will occur at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. or as soon thereafter as the matter can be considered. During the hearing the Board will consider the application with objections and may decide to approve, approve with conditions, or deny the application for the Uncompahgre Pit.

Pursuant to Rule 2.7.1, the Division has scheduled a Pre-hearing Conference to occur on **July 25, 2013**, in the Centennial Room at 433 South First Street, Montrose, Colorado, beginning at 1:00 p.m. and terminating at or before 3:00 p.m. For those commenting parties who received the notice from the Division, dated April 30, 2013, please note the previous date of the Pre-hearing Conference, August 1, 2013, has been vacated and the Pre-hearing Conference has been

rescheduled for July 25, 2013. The Pre-hearing Conference will be held to describe the Division's review process, to explain the rights and responsibilities of parties, to discuss and resolve issues to the extent possible, to describe the Board Hearing processes, to propose a list of issues under the Board's jurisdiction, to simplify that list, and to identify parties.

Pursuant to Rule 2.7.3(4), any party who does not attend the Pre-hearing Conference forfeits its party status and all associated rights and privileges, unless such party provides a fully executed proxy authorization form to the Pre-hearing Conference Officer and the party's authorized representative is present. An official proxy authorization form was provided with the materials accompanying the April 30, 2013, notice from the Division. Additional copies of the official proxy authorization form may be procured through the Division's web site at <http://mining.state.co.us>. The Board has appointed Steven G. Renner to preside as the Pre-hearing Conference Officer.

Pursuant to Rule 1.4.9, on or before July 19, 2013, the Office shall issue its recommendation to the Board for approval, approval with conditions, or denial of the application. Copy of the Office's recommendation will be forwarded to all parties and interested persons.

Please contact me at the Division's office in Durango at 691 County Road 233, Suite A-2, Durango, Colorado 81301, phone (970) 247-5469, if you have any questions.

Sincerely,



Wallace H. Erickson
Environmental Protection Specialist

Attachment: Certificate of Service

cc: Greg Lewicki, Greg Lewicki and Associates
Carolyn Bellavance, City of Montrose
Russ Means, DRMS Senior Environmental Protection Specialist
Steven G. Renner, Pre-hearing Conference Officer

Certificate of Service

I, Wallace H. Erickson, hereby certify that on this 21st day of June, 2013, I deposited a true copy of the foregoing Notice to Parties and Interested Persons to the Uncompahgre Pit, dated June 21, 2013, RE: Rescheduled Pre-hearing Conference and Office Recommendation Date for an Amended 112c Application, Rocky Mountain Aggregate and Construction, LLC, Uncompahgre Pit, File No. M-2013-007, in the US Mail, postage paid, addressed to the following:

Zane Luttrell
Rocky Mountain Aggregate & Construction
23625 Uncompahgre Road
Montrose, CO 81401

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Greg Lewicki and Associates
11541 Warrington Court
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Board of County Commissioners
Montrose County
161 South Townsend Avenue
Montrose, CO 81401

Colorado History
Edward C. Nichols
State Historic Preservation Officer
1200 Broadway
Denver, CO 80203

 6/21/13
Signature and date