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**PUEBLO COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

August 2, 2013

Tim Cazier, Environmental Protection Specialist
State of Colorado
Department of Natural Resources
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Temporary Cessation – Special Use Permit No. 570 (2nd Amended) (Also Known As Special Use Permit No. 1985-036), Rich Pit-Extraction and Processing of Natural Deposits and Operation of a Concrete Batch Plant in an A-1 Zone District.

Mr. Cazier:

It was noticed on the Tentative Agenda for August 14-15, 2013 that the operator for the Rich Pit under Special Use Permit No. 570 (SUP 570) has applied for Temporary Cessation.

The Pueblo County Planning Commission (PCPC) originally approved SUP 570 in December, 1985. On January 28, 1986, the PCPC approved an amendment to this permit regarding access, configuration of the extraction area, and location of the batch plant. The PCPC approved one-year reviews of SUP 570 in January 1987, March 1988, and March 1989.

The PCPC approved the second amendment of SUP 570 on December 20, 1994 and the one-year review of the second amendment on December 9, 1995 with four (4) conditions of approval regarding the submittal of copies of any and all local, state, and federal applications, permits or amendments within 30 days of their submittal or approval, incorporate the recommendations of the Division of Wildlife, abide by all permits and plans submitted to local, state, and federal agencies and SUP 570 placed on one-year review.

Special Use Permit No. 96-07 (SUP 96-07) allowing a Hot Mix Asphalt Plant is associated with SUP 570. Special Use Permit No. 96-07 was approved March 26, 1996, with three (3) conditions regarding the submittal of copies of any and all local, state, and federal applications, permits or amendments within 30 days of their submittal or approval, abide by all permits and plans submitted to local, state, and federal agencies and SUP 96-07 placed on one-year review.

The one-year review of SUP 570 for Extraction and Processing of Natural Deposits and Operation of a Concrete Batch Plant in a A-1 Zone District was approved by the PCPC on December 17, 1996 with five (5) conditions of approval and note as follows:

1. The applicant shall provide the Department of Planning and Development with a copy of any Federal, State, or local permit applications, approvals, amendments, or releases (e.g., air quality, MLRB, augmentation, etc.) pertaining to Special Use Permit No. 570 within 30 days of their submittal to the respective agency and/or approval by the respective agency.
2. The applicant shall file a copy of their Annual Mined Land Reclamation Report with the Department of Planning and Development at the time it is submitted to the State of Colorado, Department of Natural Resources, Mined Land Reclamation Division.
3. Special Use Permit No. 570 (2nd Amended) shall be approved for a total mining area to include the described 364± acres of mining area and 76± acres of batch plant area. The Special Use Permit Mining Area shall be that area where actual mining takes place and shall coincide with the bonded area as described within the Mined Land Reclamation Board (MLRB) authorization 112 Permit currently numbered M-85-218, and as it may be amended by the MLRB. The mineral extraction and processing activities authorized under Special Use Permit No. 570 (2nd Amended) shall only be permitted within the acreage which is described and regulated under the Reclamation Bond as identified by the MLRB Permit No. M-85-218 and regulated through the State of Colorado, Department of Natural Resources, Mined Land Reclamation Division. Additional mining activities upon lands within the described 364± acres, but not covered by the financial assurance bond associated with MLRB Permit No. M-85-218 would require an amendment to this special use permit.
4. The applicant shall develop, operate, and manage the mining-related activity and batch plant activity according to the rules, regulations, plans, and permits administered by the applicable Federal, State, and local agencies. Any violation of a rule, regulation, permit, or plan may result in the scheduling of a Show Cause hearing to consider the revocation of Special Use Permit No. 570.
5. Special Use Permit No. 570 (2nd Amended) shall be on a complaint basis.

NOTE: Section 36(i) of the Pueblo County Zoning Resolution provides that the action or activity authorized by a special use permit must be exercised in full or construction started within one year of the date of the Planning Commission's approval or the special use permit becomes null and void unless the permit is extended by the Commission. Further, the action or activity must be in full compliance with all conditions of the special use permit. Please note that merely obtaining necessary building permits, other local, State, or Federal operating permits, and entering into agreements do not constitute an exercise in full or starting construction.

Based upon this last administrative approval of December, 1996 there does not appear to be any outstanding issues at this time. This is only a brief review of this file regarding SUP 570 to provide the Division of Reclamation, Mining and Safety with comments for the Temporary Cessation.

Should there be any specific questions regarding any parts of SUP 570 (i.e. mining area, approved land use) applicant should contact the Department of Planning Development. The applicant should also keep the Department of Planning and Development informed of any changes, amendments or temporary cessations due to these items could require an amendment to the special use permit or require a new special use permit.

To: Division of Reclamation, Mining and Safety
Re: SUP 570 (2nd amended)
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Sincerely,

A handwritten signature in cursive script that reads "Dominga Jimenez-Garcia". The signature is written in black ink and is positioned above the printed name.

Dominga Jimenez-Garcia
Planner II

C: Martin Marietta Materials, Inc., c/o Julie Mikulas