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**MCFADYEN**  
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DISTRICT 2



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DISTRICT 3

**JOAN ARMSTRONG**  
DIRECTOR  
planning@co.pueblo.co.us

**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. 2002-005 (Amending Special Use Permit No. 609), Cortner Pit #2 Pit-Allowing a sand and gravel extraction and processing operation on 120 acres 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 Cortner Pit under Special Use Permit No. 2002-005 (Amending Special Use Permit No. 609) has applied for Temporary Cessation.

The Pueblo County Planning Commission (PCPC) originally approved SUP 609 on December 16, 1986 with five (5) conditions of approval. The PCPC approved the one-year review of SUP 609 in December 1987 and placed it on a complaint basis only.

In 1991 the Department of Planning and Development was informed by the applicant that they had applied for a conversion of the MLRB 110 permit, to a 112 Regular Permit.

On June 25, 2002, the PCPC approved an amendment to this permit, under Special Use Permit No. 2002-005, regarding a land swap of 16.9 unmined acres within SUP 609, for 16.71 acres south of SUP 609, and withdraw an additional 50 acres under separate ownership, from the permit area with thirteen (13) conditions of approval. The action letter outlining said conditions is attached as Exhibit 1.

There does not appear to be any outstanding issues at this time. This is only a brief review of the files of SUP 609 and SUP 2002-005 to provide the Division of Reclamation, Mining and Safety comments for the Temporary Cessation.

Should there be any specific questions regarding any parts of SUP 609 or SUP 2002-005 (i.e. mining area, approved land use) the applicant should contact the Department of Planning Development. The applicant should also keep the Department of Planning and Development

To: Division of Reclamation, Mining and Safety  
Re: SUP 2002-005 (Amending Special Use Permit No. 609)  
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informed of any changes, amendments or temporary cessations due to these items could require an amended to the special use permit or require a new special use permit.

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

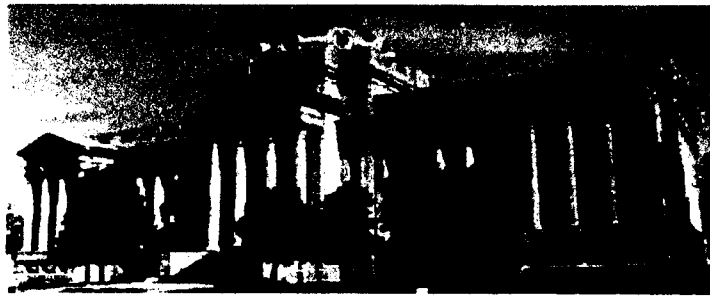
Attachment: Exhibit 1

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

**Matt J. Peulen**  
District 3  
Chairman 2002

**John L. Klomp**  
District 1

**Loretta Kennedy**  
District 2



**Kim B. Headley**  
Planning and Development  
Director  
planning@co.pueblo.co.us

**BOARD OF COUNTY COMMISSIONERS  
DEPARTMENT OF PLANNING AND DEVELOPMENT**

June 26, 2002

Mr. Eric Reckentine, Land Manager  
LaFarge West, Inc.  
1590 West 12th Avenue  
Denver, Colorado 80204-3410

Re: PUEBLO COUNTY PLANNING COMMISSION  
Special Use Permit No. 2002-005 (Amending SUP No. 609) Allowing a Sand and Gravel Extraction and Processing Operation on 120 Acres Permitted as Cortner Pit #2 in an A-1 Zone District

Dear Mr. Reckentine:

Please be advised the Pueblo County Planning Commission, at its public hearing held on June 25, 2002, voted to approve Special Use Permit No. 2002-005 with the following conditions:

1. The special use permit shall be approved for excavation, dry processing, and stockpiling only, on 120± acres. Processing shall be restricted to materials excavated from the site, from the Beeman Pit, and immediately adjacent sites, and shall not include materials from other non-adjacent sites. There shall be no blasting permitted in association with the mineral extraction activities.
2. Hours of operation for the permitted use shall be limited to Monday through Saturday, and sunrise to sunset. Should the applicant wish to extend the hours or days of operation, the applicant must apply for and obtain an amendment to this special use permit, through the public hearing process.
3. **Prior to commencement of mining activities on the south 16.71-acre tract**, the applicant shall provide to this Department documentation of approval by the Mined Land Reclamation Board for the revised MLRB 112 permit including said tract. The applicant shall provide to the Department of Planning and Development a copy of all other required Federal, State, and local permit applications, approvals, amendments, waivers, or releases (e.g., air quality, MLRB, etc.) pertaining to Special Use Permit No. 2002-005 within 30 days of their submittal to, and approval by the respective agency.

4. The applicant shall file with the Department of Planning and Development an annual mining operation and reclamation activities report that addresses compliance with the conditions of this Special Use Permit. Said report shall be submitted by the first day of the anniversary month of the approval date of this Special Use Permit.
5. The applicant shall develop, operate, and manage the mining-related 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 revocation of Special Use Permit No. 2002-005.
6. The applicant shall conduct the gravel operation in such a manner as to not damage the Bessemer Ditch or the natural gas transmission line. With respect to the gas transmission line, the extraction shall be done in accordance with the terms and conditions set forth in the letter from the Colorado Interstate Gas Company to Pueblo County, dated December 16, 1986 (Exhibit 5a of Staff's Review dated June 11, 2002).
7. The haul route for this operation shall be along Cortner Road east to South Road, east to Lane 36, then north to the State Highway.
8. The applicant shall continue to apply a dust palliative, as determined by the County Public Works Department, to Cortner Road, from the pit entrance east to South Road. This dust palliative will be applied only when the applicant is hauling on the above-described roadway section.
9. The applicant shall repair in good workmanlike manner any damage caused by their operation, to those sections of Cortner Road, South Road and 36th Lane used as a haul route, as determined by the County Public Works Department.
10. Repairs shall include, but not be limited to, patching potholes and restoring the road to a condition as good as, or better than existed prior to commencement of the applicant's operations under the Special Use Permit.
11. The applicant shall be responsible for all traffic control during roadway repairs required in Condition No. 10. Prior to commencing any roadway repairs, the applicant shall submit to Public Works a traffic control plan, which has been prepared by a traffic control supervisor certified by the American Traffic Safety Services Association, Inc. No roadway repairs will be started prior to approval of the traffic control plan by Public Works.
12. Prior to commencing any roadwork repairs, the applicant shall show evidence of a valid and in-force Bodily Injury and Property Damage Liability Insurance Policy, with minimum limits of six hundred thousand dollars (\$600,000.00) per occurrence and 1.2 million dollars (\$1,200,000.00) general aggregate. Such policy shall be for the protection of the County from all suits, actions, or claims of any type for injuries or damages allegedly sustained by any person or property on the premises or as a

Mr. Eric Reckentine  
Re: PCPC/Special use Permit No. 2002-005  
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result of the operations of the work. Such policy shall specifically cover the acts and operations of any subcontractors or independent contractors of the applicant in addition to the applicant's employees or agents.

13. Future reviews of Special Use Permit No. 2002-005 will be scheduled only if there is a violation of the Pueblo County Code or the conditions of approval, or if a review is specifically requested by the Pueblo County Planning Commission.

If you should have any questions, please do not hesitate to contact this Department at (719) 583-6100.

Sincerely,



Ann Cotton  
Planner I

LRS

c: Mineral Reserves, Inc.  
Joe and Joy Scalese  
Dave Benbow, Public Works Department  
Jim Stevens, Colorado Mined Land Reclamation Division  
Jim Stevens, Colorado Division of Minerals and Geology  
Emmet Hance, Pueblo City-County Health Department  
Rich Rhoades, South Pueblo Soil Conservation District