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State Capitol · Room 404 B
Jefferson City, MO 65101-6806
Tele: 573-751-6662
Fax: 573-522-6191

DISTRICT ADDRESS:
P.O. Box 736
Jackson, MO 63755
Tele: 573-335-0706

PLEASE RESPOND TO CAPITOL
ADDRESS.



Scott A. Lipke
MISSOURI HOUSE OF REPRESENTATIVES
DISTRICT 157

COMMITTEES:
Chairman, Crime Prevention
Appropriations – General Administration
Judiciary
Special Committee on Transportation &
Infrastructure
Special Committee on Governmental
Accountability & Ethics
SCOTT.LIPKE@HOUSE.MO.GOV

November 8, 2010

Mr. Kip A. Stetzler
Acting Director
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Dear Mr. Stetzler,

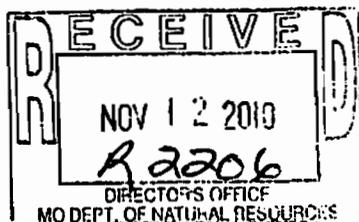
I have recently been contacted by several constituents who are concerned about two (2) possible quarries locating in the Fruitland/Jackson area. It is my understanding that Heartland Materials has applied for a mining permit and that Strack Excavating is in the process of applying.

As Representative of the 157th District, I share the concerns of my constituents. The health, safety, and livelihood of the residents and students in this area are of utmost importance. With regards to the Heartland Materials application, I am requesting that an informal public meeting be held so that both sides can state their positions and possibly produce an outcome which is satisfactory to both sides. If the operators refuse the informal public meeting, I request a formal hearing be held.

I appreciate your time in this matter. If you have any questions or comments, please feel free to call me at 573-243-8463. Thank you in advance for your prompt attention to this matter, and your continued cooperation.

Sincerely,

Handwritten signature of Scott A. Lipke in black ink.
Scott A. Lipke
State Representative
District 157





STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director

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DEC - 6 2010

The Honorable Scott A. Lipke
Missouri House of Representatives
State Capitol
Jefferson City, MO 65101

Dear Representative Lipke:

I received your letter dated November 8, 2010, regarding the two proposed limestone quarry operations located in the Fruitland/Jackson area. I would like to explain the process the department follows for all mining permit applications it receives. This process is outlined in the Land Reclamation Act, Chapter 444, RSMo. The provisions of this law are implemented by the department's Land Reclamation Program and the Land Reclamation Commission.

Both Heartland Materials, LLC and Strack Excavating have applied for mining permits through the Land Reclamation Program to quarry limestone in this area. The Heartland Materials application was on public notice through December 2, 2010. The Strack Excavating application is now on public notice with a closing date of January 1, 2011.

The Land Reclamation Act, 444.760 to 444.790 RSMo, is very prescriptive about how a quarry permit application is received, reviewed and processed. Heartland Materials fulfilled the statutory requirements by submitting a complete application. Strack Excavating's application has also fulfilled all statutory requirements for a complete application.

The statute requires the Land Reclamation Program director to make a recommendation to the Land Reclamation Commission as to whether or not the application should be issued based on the technical merits and completeness of the application. This recommendation for both applications will be developed after all comments received during the public notice period are considered. We expect to have recommendations formulated for both applications by late December or early January.

There are provisions in the law for both informal public meetings and formal public hearings. A concerned party can request a public meeting; however, the permit applicant can decline such a meeting. At this time, neither company has agreed to hold a public meeting. Concerned parties will have the opportunity to request a formal hearing at the time the staff recommendation is

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provided to the Commission. A copy of your letter will be provided to the Land Reclamation Commission at the time these matters are brought before them.

We anticipate both of these permit recommendations will be presented to the Land Reclamation Commission at the January 27, 2011, regular meeting. After hearing the staff recommendation on the permit, the Land Reclamation Commission will listen to input from the citizens opposed to issuance of the permit and the company. The Land Reclamation Commission will decide whether or not to grant the request for a formal hearing. No permit will be issued until the Commission has made their decision. If the Commission grants the request for a hearing, the permit(s) will remain in abeyance pending the outcome of the hearing. Should the Commission decide not to grant the hearing, the permit(s) will then be ordered to be issued by the Commission.

Every person who has written or emailed the program during the public notice period will receive a response from the Land Reclamation Program about the meeting in which the Commission will consider a hearing. The response will include the location, time, date and will provide information on how to prepare for the meeting.

I hope you find this information helpful. If you have additional questions, or if we can be of further assistance, please do not hesitate to call me at (573) 522-6221 or Mike Larsen, Program Director for the Land Reclamation Program, at (573) 751-4041.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES


Kip A. Stetzler
Acting Director

KAS:mlt

c: Leanne Tippett Mosby, DEQ Division Director
Steve Feeler, Acting Deputy Division Director
Mike Larsen, Staff Director; Land Reclamation Commission