

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



August 27, 2014

Bernard Frei
Albert Frei & Sons Inc.
P.O. Box 700
Henderson, CO 80640

John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

Re: Hatchery Pit, File No. M-2014-043, Receipt of 112 Construction Materials Reclamation Permit Application

Dear Mr. Frei,

On August 27, 2014, the Division of Reclamation, Mining and Safety received your 112 Construction Materials Reclamation Permit application for the Hatchery Pitt, which is located in Adams County. All comment and review periods began on August 27, 2014. The decision date for your application is scheduled for November 25, 2014.

Within ten (10) days after submittal, you must publish notice in a newspaper of general circulation in the locality of the proposed mining operation once a week for four (4) consecutive weeks. Immediately after the first publication, mail a copy of the notice to all owners of record of surface and mineral rights, holders of any recorded easements, and all owners of record of lands that are within 200 feet of the boundary of the affected land. Proof of notice and mailings, such as Certified Mail - Return Receipt Requested, must be submitted to the Division of Reclamation, Mining and Safety prior to the decision date. Additionally, any changes or additions to the application on file in our office must also be reflected in the public review copy, which has been placed with the Adams County Clerk and Recorder.

The Division is reviewing your application to determine whether it is adequate to meet the requirements of the Act. We will contact you if additional information is needed.

Please be reminded that all operators must contact the Colorado Department of Health, Water Quality Control Division regarding storm water permits.

If you have any questions, please contact me.

Sincerely,

Tyler V. O'Donnell
Environmental Protection Specialist

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

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Denver, Colorado 80203
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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Adams County Commissioners
County Commissioners
P.O. Box 5024
Brighton, CO 80601-5024

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Please be advised that on August 27, 2014, Albert Frei & Sons Inc., whose address and telephone number are P.O. Box 700, Henderson, CO 80640; (303) 289-1837, filed an application to conduct Surface extraction of construction materials and reclamation, at or near Section 20, Township 2S, Range 67W, 06th Principal Meridian, in Adams County. Please be advised that the permit area may be located in more than one Section, Township, and Range. The application decision is scheduled for November 25, 2014.

A copy of the application is available for review at the Adams County Clerk & Recorder's office and at the office of the Division of Reclamation, Mining and Safety, Room 215, 1313 Sherman Street, Denver, Colorado 80203.

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Sincerely,

Tyler V. O'Donnell
Environmental Protection Specialist

STATE OF COLORADO

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Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Adams County Planning Department
County Planner
4430 South Adams County Parkway
Brighton, CO 80601

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

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Environmental Protection Specialist

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Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Board of Supervisors - Soil Conservation Dist
West Adams Conservation District
C/O NRCS
57 W. Bromley Lane
Brighton, CO 80601-3025

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

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Sincerely,



Tyler V. O'Donnell
Environmental Protection Specialist

STATE OF COLORADO

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Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

City Manager
City of Commerce City
Box 40
Commerce City, CO 80037

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Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

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Tyler V. O'Donnell
Environmental Protection Specialist

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Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

City Manager
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

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Sincerely,

Tyler V. O'Donnell
Environmental Protection Specialist

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Steve Yamashita
Colorado Parks and Wildlife
Northeast Region Manager
NE Region Administrative Office
6060 Broadway
Denver, CO 80216

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Dear Mr. Yamashita,

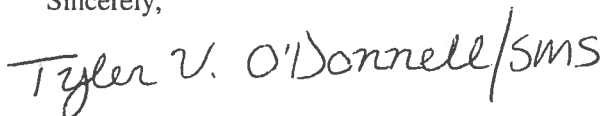
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Tyler V. O'Donnell
Environmental Protection Specialist

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Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Kiel Downing
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth
Littleton, CO 80128

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Dear Mr. Downing,

Please be advised that on August 27, 2014, Albert Frei & Sons Inc., whose address and telephone number are P.O. Box 700, Henderson, CO 80640; (303) 289-1837, filed an application to conduct Surface extraction of construction materials and reclamation, at or near Section 20, Township 2S, Range 67W, 06th Principal Meridian, in Adams County. Please be advised that the permit area may be located in more than one Section, Township, and Range. The application decision is scheduled for November 25, 2014.

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Tyler V. O'Donnell
Environmental Protection Specialist

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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

David Mallory
Urban Drainage and Flood Control
2480 W. 26th Avenue, Suite 156B
Denver, CO 80211

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Dear Mr. Mallory,

Please be advised that on August 27, 2014, Albert Frei & Sons Inc., whose address and telephone number are P.O. Box 700, Henderson, CO 80640; (303) 289-1837, filed an application to conduct Surface extraction of construction materials and reclamation, at or near Section 20, Township 2S, Range 67W, 06th Principal Meridian, in Adams County. Please be advised that the permit area may be located in more than one Section, Township, and Range. The application decision is scheduled for November 25, 2014.

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Sincerely,

Tyler V. O'Donnell
Environmental Protection Specialist

STATE OF COLORADO

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Department of Natural Resources

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Denver, Colorado 80203
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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Arch Crouse
Air Pollution Control Division
Colorado Dept of Public Health/ Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Dear Mr. Crouse,

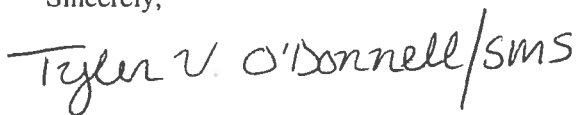
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Environmental Protection Specialist

STATE OF COLORADO

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Department of Natural Resources

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Denver, Colorado 80203
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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Mark Tobias
Office of Archaeology & Historic Preservation
History Colorado Center
1200 Broadway
Denver, CO 80203

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Dear Mr. Tobias,

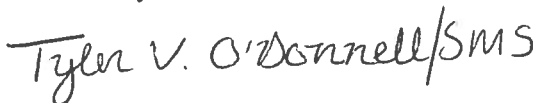
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Environmental Protection Specialist

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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Peter Milonas
State Board of Land Commissioners
Department of Natural Resources
1127 Sherman Street, Suite 300
Denver, CO 80203-2206

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Dear Mr. Milonas,

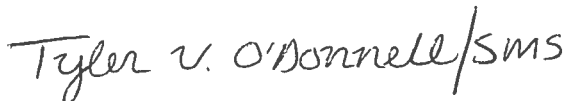
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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Shannon V. Johnson
Division of Water Resources
Department of Natural Resources
1313 Sherman Street, Room 818
Denver, CO 80203

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Dear Ms. Johnson,

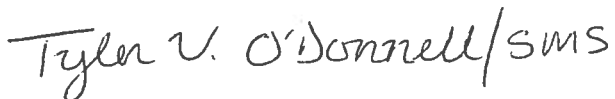
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John W. Hickenlooper
Governor

Mike King
Executive Director

Virginia Brannon
Director

August 27, 2014

Janet Kieler
Colo Dept of Public Health and Environment
Water Quality Control Division Permit Section
4300 Cherry Creek Drive South
Denver, CO 80246-1530

**RE: Notice of 112 Construction Materials Reclamation Permit Application Consideration
Albert Frei & Sons Inc., Hatchery Pitt, File No. M-2014-043**

Dear Ms. Kieler,

Please be advised that on August 27, 2014, Albert Frei & Sons Inc., whose address and telephone number are P.O. Box 700, Henderson, CO 80640; (303) 289-1837, filed an application to conduct Surface extraction of construction materials and reclamation, at or near Section 20, Township 2S, Range 67W, 06th Principal Meridian, in Adams County. Please be advised that the permit area may be located in more than one Section, Township, and Range. The application decision is scheduled for November 25, 2014.

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Sincerely,

Tyler V. O'Donnell
Environmental Protection Specialist

11. Correspondence Information:

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: Bernard Frei Title: Secretary
Company Name: Albert Frei and Sons, Inc.
Street/P.O. Box: _____ P.O. Box: 700
City: Henderson
State: CO Zip Code: 80640
Telephone Number: (303) - 289-1837
Fax Number: (303) - 289-3865

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Steve O'Brian Title: President
Company Name: Environment, Inc.
Street/P.O. Box: 7985 Vance Dr. #205A P.O. Box: _____
City: Arvada
State: CO Zip Code: 80003
Telephone Number: (303) - 423-7297
Fax Number: (303) - 423-7599

INSPECTION CONTACT

Contact's Name: Ben Frei Title: Secretary
Company Name: Albert Frei and Sons, Inc.
Street/P.O. Box: _____ P.O. Box: 700
City: Henderson
State: CO Zip Code: 80640
Telephone Number: (303) - 289-1837
Fax Number: (303) - 289-3865

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: (_____) - _____

12. **Primary future (Post-mining) land use (check one):**

- | | | |
|--|--|---|
| <input type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input checked="" type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | <input type="checkbox"/> Solid Waste Disposal(WD) |

13. **Primary present land use (check one):**

- | | | |
|--|---|--|
| <input type="checkbox"/> Cropland(CR) | <input checked="" type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): _____
Track Hoe's and front end loaders remove material and load into off road haul truck for deliver to plant.

15. **On Site Processing:** Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): Material is loaded in truck and delivered to Processing Plant where material is crushed and screened and stockpiled.

List any designated chemicals or acid-producing materials to be used or stored within permit area: _____
None

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

Maps and Exhibits:

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

Be

1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

PA

2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

PA

3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

PA

4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

PA

5. It is your responsibility to notify the Office of any changes in your address or phone number;

PA

6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

a. the name of the operator;

b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

c. the permit number.

PA

7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.

PA

8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

PA

9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

NA

10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.;
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 31 day of July, 2014.

Albert Frei and Sons, Inc.
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: [Signature]

Signed: [Signature]

Corporate Secretary or Equivalent

Title: Secretary

Town/City/County Clerk

State of Colorado)

) ss.

County of Adams)

The foregoing instrument was acknowledged before me this 31 day of July,
by Bernard Frei as Secretary of Albert Frei and Sons, Inc.

**MARIA ELENA DAVILA
NOTARY PUBLIC
STATE OF COLORADO**

MY COMMISSION EXPIRES 2/15/2016

[Signature]
Notary Public

My Commission expires: 02/15/2016

SIGNATURES MUST BE IN BLUE INK

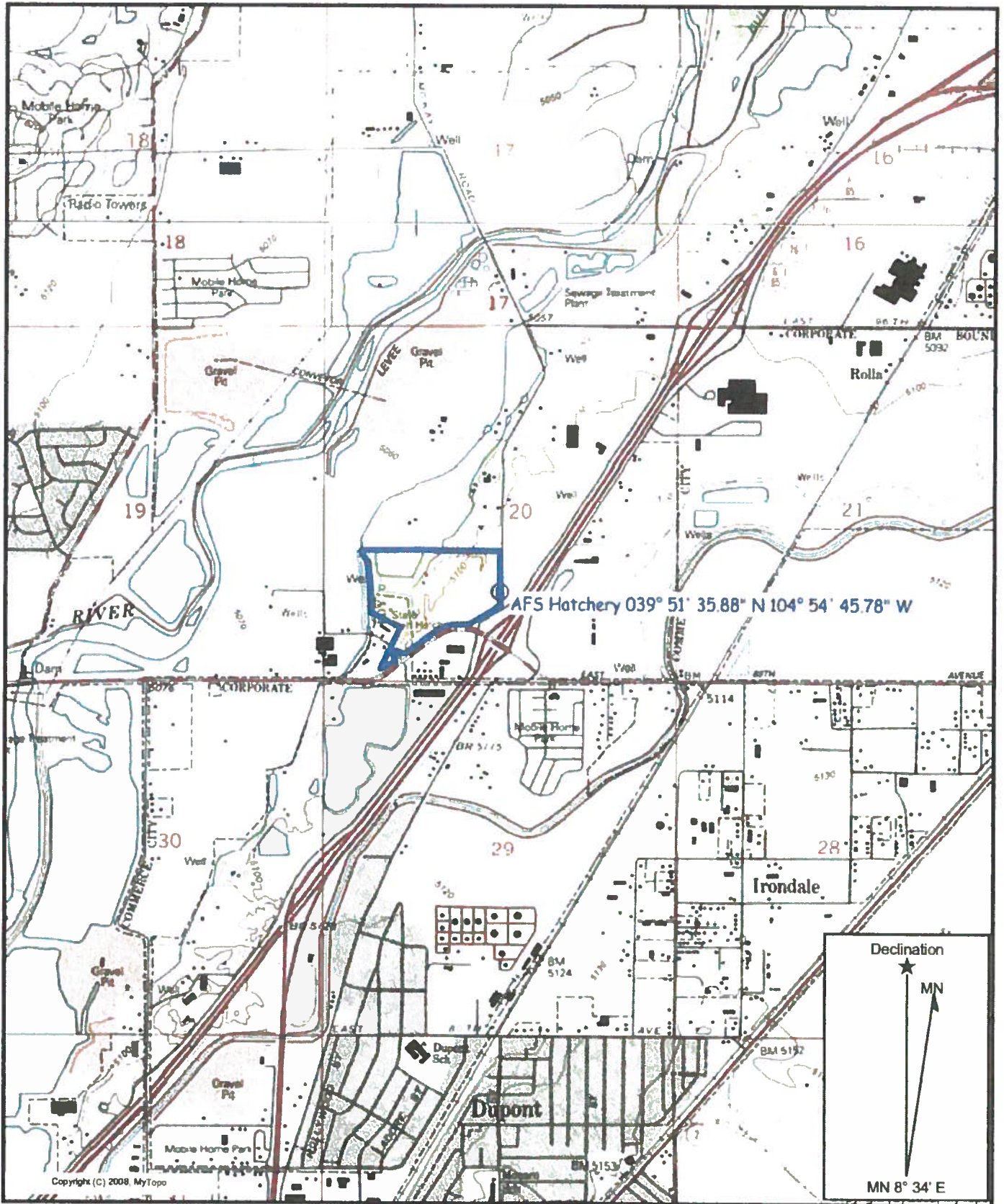
You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

LEGAL DESCRIPTION

Parts of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20,
T-2-S, R-67-W, 6th P.M., Adams County, Colorado.

Containing 53.17 ac. more or less.

ENTRANCE LOCATION 39°51'35.88" N 104°45'45.78" W (WSG 84)



Name: COMMERCE CITY
 (CO)
 Date: 07/21/14
 Scale: 1 inch = 2,000 ft.

PART OF the NE/4SE/4, SE/4SW/4,
 SW/4SW/4 & NW/4SW/4 , SEC. 20, T-2-S,
 R-67-W, 6TH P.M., ADAMS COUNTY,
 COLORADO
 Mine Location 39d55'35.5, 104d51'50.8"

Albert Frei and Sons, Inc.
Hatchery Pit - Map Exhibit - B
VICINITY MAP