



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

October 19, 2015

Notice to Parties and Interested Persons for AM-02

**Re: Pit 29, DRMS Permit No. M-1980-183,  
Approval of Reclamation Permit Amendment Application No. 2 (AM-02)**

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) appreciates you taking time to participate in the review process of Permit Amendment No. 2 Application (AM-02) at Pit 29, DRMS File No. M-1980-183. On October 14, 2015, the Division received a Party Status Withdrawal Form from the Objector (Enclosed). Pursuant to Rule 2.7.3(5) when all objections are withdrawn the Mined Land Reclamation Board (Board) directs the Division to act on behalf of the Board and to timely approve AM-02. Therefore, on October 14, 2015, the Division approved AM-02. The Formal Board Hearing scheduled for October 28, 2015, has been canceled. Official notice of the approval will be sent under separate cover to the Applicant/Operator.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at [Tyler.ODonnell@state.co.us](mailto:Tyler.ODonnell@state.co.us).

Sincerely,

Tyler O'Donnell  
Environmental Protection Specialist

Enclosure: Party Status Withdrawal Form

Attachment: Certificate of Service



10/19/2015

**CERTIFICATE OF SERVICE**

**I, Tyler O'Donnell, hereby certify that on this 19th day of October, 2015, I deposited a true copy of the foregoing document, Re: Pit 29, DRMS Permit No. M-1980-183, Approval of Reclamation Permit Amendment Application No. 2 (AM-02), in the United States Mail, postage paid, addressed to the following:**

Fred Marvel  
Brannan Sand & Gravel Company  
2500 East Brannan way  
Denver, CO 80229

Tom Hatton  
Applegate Group, Inc.  
1490 West 121st Avenue, Suite 100  
Denver, CO 80234

Eugene J. Riordan, Esq.  
Vranesh and Raisch, LLP  
1720 14th St., Suite 200  
Boulder, CO 80302

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

Steve O'Brian  
Environment, Inc.  
7985 Vance Dr., #205A  
Arvada, CO 80003

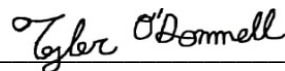
West Adams Conservation District  
57 West Bromley Lane  
Brighton, CO 80601

Adams County Commissioners' Office  
4430 S. Adams County Park way  
5<sup>th</sup> floor, Suite C5000A  
Brighton, CO 80601

And by electronic transmission to the following:

Tony Waldron, DRMS  
Wally Erickson, DRMS  
Bruce Stover, Pre-hearing Officer  
John Roberts, Esq., AGO for the MLRB  
Jeff Fugate, Esq., AGO for DRMS  
Scott Schultz, Esq., AGO for DRMS

Tom Hatton, Applegate Group, Inc.  
Ben Frei, Albert Frei & Sons Inc.  
Fred Marvel, Brannan Sand & Gravel Company  
Eugene J. Riordan, Esq., Vranesh and Raisch, LLP  
Steve O'Brian, Environment, Inc.



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Tyler O'Donnell

RECEIVED

OCT 14 2015

STATE OF COLORADO  
MINED LAND RECLAMATION BOARD

DIVISION OF RECLAMATION  
MINING AND SAFETY

PARTY STATUS WITHDRAWAL FORM

In the matter of File No. M- 1980 - 183, Permit/Permit Amendment Application.

Name of Operator/Applicant and Site: Brannan P. + 29

☒

I hereby withdraw as a party to this matter.

☐

I hereby withdraw as a party to this matter and, if the Board holds a hearing, I wish to address the Board at the formal hearing, if held, as a non-party.

(Please note that if all objecting parties withdraw prior to the date set for the Board's consideration of the application, the application may be approved by the Office without the Board holding a hearing. In that event, there will be no opportunity to address the Board on any issues related to the application. Also, the Board is not obligated to consider any issues raised by a person or an entity that has withdrawn as a party.)

Regardless of a party status, the Division thoughtfully considers each issue submitted in writing to the Division and provides a response to those issues within its jurisdiction in the Division's "Rationale for Recommendation." The Rationale is available to any person by contacting the Division. For persons who do not wish to become a party or withdraw as a party in this matter, please contact the Division for information on application status.

Bernard S. Frei  
Printed Name  
P.O. Box 100  
Address  
Henderson, CO 80642  
City, State Zip Code  
bfrei@albertfreidandsons.com  
E-Mail Address  
B - 2 -  
Signature

( )  
Home Phone #  
(303) 289-1831  
Work Phone #  
( )  
FAX #  
10/14/2015  
Date



STATE OF  
COLORADO

O'Donnell - DNR, Tyler <tyler.odonnell@state.co.us>

## Notice of Formal Board Hearing, Pre-hearing Conference, and Recommendation Date for a 112c Application

4 messages

O'Donnell - DNR, Tyler <tyler.odonnell@state.co.us>

Fri, Aug 14, 2015 at 3:46 PM

To: Tom Hatton <TomHatton@applegategroup.com>, Fred Marvel <fjmarvel@brannan1.com>

Cc: Gene Riordan <ejr@vrlaw.com>, Wally Erickson - DNR <wally.erickson@state.co.us>

Fred and Tom:

Please see the attached notice. A hard copy has been placed in the mail.

Please let me know if you have any questions.

Thank you

Tyler

Tyler O'Donnell

Environmental Protection Specialist



**COLORADO**

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

P 303.866.3567 x 8131 | F 303.832.8106 | C 303.319.5842

1313 Sherman Street, Room 215, Denver, CO 80203

Tyler.ODonnell@state.co.us | <http://mining.state.co.us>



**M1980183 notice of Board Hearing to Brannan.pdf**

107K

O'Donnell - DNR, Tyler <tyler.odonnell@state.co.us>

Fri, Aug 14, 2015 at 4:07 PM

To: Benny Frei <BFrei@albertfreiandsons.com>, Environment-Inc <Environment-inc@outdrs.net>

Cc: Wally Erickson - DNR <wally.erickson@state.co.us>

Ben and Steve:

Please see the attached notice. A hard copy has been placed in the mail.

Please let me know if you have any questions.

Thank you

Tyler

Tyler O'Donnell

Environmental Protection Specialist



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 **M1980183 notice of Board Hearing to Frie.pdf**  
187K

**Ben Frei** <BFrei@albertfreiansons.com>

Wed, Oct 14, 2015 at 2:42 PM

To: "O'Donnell - DNR, Tyler" <tyler.odonnell@state.co.us>, Environment-Inc <Environment-inc@outdrs.net>

Cc: Wally Erickson - DNR <wally.erickson@state.co.us>

Tyler,

Here is a copy of our withdrawal.

Let me know if you have any questions.

Thanks

Ben Frei

**From:** O'Donnell - DNR, Tyler [mailto:tyler.odonnell@state.co.us]

**Sent:** Friday, August 14, 2015 4:07 PM

**To:** Ben Frei; Environment-Inc

**Cc:** Wally Erickson - DNR

**Subject:** Notice of Formal Board Hearing, Pre-hearing Conference, and Recommendation Date for a 112c Application

[Quoted text hidden]

 **1980-183.pdf**  
98K

**O'Donnell - DNR, Tyler** <tyler.odonnell@state.co.us>

Wed, Oct 14, 2015 at 2:55 PM

To: Ben Frei <BFrei@albertfreiansons.com>

Cc: Environment-Inc <Environment-inc@outdrs.net>, Wally Erickson - DNR <wally.erickson@state.co.us>

Ben,  
Thank you  
Tyler

**Tyler O'Donnell**

Environmental Protection Specialist



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