



September 17, 2021

Albert R. Frei, Jr.
Albert Frei & Sons, Inc.
35715 Hwy 40, Bldg B, Suite 120
Evergreen, CO 80439

Re: Notice of Formal Board Hearing, Pre-hearing Conference and Recommendation Date for an 112c Amendment Application (AM-09) with Objections; Albert Frei & Sons, Inc.; Walstrum Quarry; File No. M-1983-033

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division/DRMS) appreciates you taking time to participate in the review process of the above referenced amendment application. The amendment application for the Walstrum Quarry was submitted by Albert Frei & Sons, Inc. on April 20, 2021. The amendment application was considered filed for review on May 11, 2021. The public comment period for the amendment application closed on June 29, 2021. The review period for the amendment application will close on October 8, 2021.

An explanation of the Division's review process, your rights and responsibilities as either a party or a non-party, and the jurisdiction of the Mined Land Reclamation Board (Board), is provided in a 12-page memorandum, "Guide to Citizen Participation in the 112 Reclamation Permit Application Process for Construction Materials and Hard Rock/Metal Mining Operation", dated October 2, 2001, revised January 12, 2006. The memo is available through the Division's website at <https://drive.google.com/file/d/1MorJvrWlQD5Z9tJXU4gdHDFEL6AJljb/view>. You are strongly encouraged to read this guide to understand your responsibilities to participate in the amendment application process. As noted in the citizen's guide memo, in these proceedings the Division's authority is limited to enforcement of the Colorado Land Reclamation Act for the Extraction of Construction Materials, 34-32.5-101 et seq., C.R.S. (Act) and the Mineral Rules and Regulation of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). The amendment application and the Act and the Rules can be accessed through the Division's website at <https://drms.colorado.gov/>.

The Division received one (1) timely objection to the amendment application. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Division scheduled the amendment application for a Formal Board Hearing for consideration. The hearing is scheduled for the October 20-21, 2021 Board meeting, which will occur at 1313 Sherman Street, Room 318, Denver, Colorado, 80203 beginning at 9:00 a.m. or as soon thereafter as the matter can be considered. During the hearing, the Board will consider the amendment application with objections and may decide to approve, approve with conditions, or deny the amendment application.



Pursuant to Rule 2.7, the Division has scheduled a Pre-hearing Conference for Thursday October 7, 2021 beginning at 10:00 a.m. and will end no later than 12:00 p.m. The Pre-hearing Conference will be held to describe the Division's review process, to explain the rights and responsibilities of parties, to discuss and resolve issues to the extent possible, to describe the Board Hearing processes, to propose a list of issues under the Board's jurisdiction, to simplify the list and to identify parties. The Pre-hearing Conference will occur at 1313 Sherman Street, Room 318, Denver, Colorado, 80203. In accordance with Rule 2.7.3(4), any party who does not attend the Pre-hearing Conference forfeits their party status and all associated rights and privileges, unless such party provides a fully executed proxy authorization form to the Pre-hearing Conference Officer and the party's authorized representative is present at the Pre-hearing Conference. The proxy authorization form is included in the citizen's guide.

In preparation for the Pre-hearing Conference, all parties are strongly recommended to review Rules 2.6 and 2.7. At the Pre-hearing Conference all parties must provide the Division with a copy of a written list of potential witnesses and exhibits for the Board hearing. Pursuant to Rule 2.6(2)(a), the list must include each witness name, current address, and phone number, area of expertise (if expert witness) and the subject matter of the testimony. Pursuant to Rule 2.6(2)(b)(i), for any materials not already in the Division's public files, all parties must provide complete copies of any exhibits for the Board hearing. Pursuant to Rule 2.6(2)(b)(ii), for any materials that are already in the Division's public files, all parties must provide copies of the list of materials to be used with sufficient specificity to describe the exhibit, including but not limited to the specific title or description of each exhibit. The list must also specify where other parties may review and obtain a copy of each exhibit.

Pursuant to Rule 1.4.9(2)(c), on or before October 1, 2021, the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the application. A copy of the Division's recommendation will be forwarded to all parties and interested persons.

If you have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303.866.3567 x 8124, or by email at peter.hays@state.co.us.

Sincerely



Peter S. Hays

Environmental Protection Specialist

Ec: Jared Ebert; Division of Reclamation, Mining and Safety
Russ Means; Division of Reclamation, Mining and Safety
Jeff Fugate; Attorney General Office



September 17, 2021

Robert Young
Young Ranch East, LLC
2804 Champa Street
Denver, CO 80205

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