

DAVIS  
GRAHAM &  
STUBBS

Thomas C. Bell  
303.892.7472  
tom.bell@dgsllaw.com

October 21, 2021

Via E-Mail

Peter Hays, Environmental Protection  
Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

Re: Comment on Application for Amendment, Walstrum Quarry, M1983033

Dear Mr. Hays:

I write to follow up on comments by Young Ranch East, LLC ("Young Ranch") regarding Albert Frei & Sons, Inc. ("AFSI"); Walstrum Quarry; File No. M-1983-033; 112c Permit Amendment Application. Young Ranch's Robert L. Young, Jr., received an email from AFSI's Al Frei, last week in which Mr. Frei refers to several (not all) of the issues I identified in the letter I sent to you on October 7, 2021. (See attached portion of Frei email.) Mr. Frei asks for Young Ranch's thoughts about specifications for modification of Young Ranch easements to accommodate AFSI's proposed mine expansion. As stated in my October 7, 2021 letter, Young Ranch would consider modifications to its access easements so long as the grade, length, starting and ending points, materials and structural stability of the access road is as good or better than the existing conditions. AFSI's invitation for Young Ranch to propose specifics regarding these details is insincere as only AFSI can propose details consistent with its proposed future operations. AFSI's invitation to collaborate cannot begin unless and until AFSI makes a proposal for Young Ranch to analyze.

While Young Ranch remains open to good faith discussions, it takes AFSI's invitation to collaborate with a grain of salt. Mr. Young contacted Mr. Frei in May 2017 about AFSI's unilateral modifications to Young Ranch easements. Mr. Frei, in July 2017, assured Mr. Young that AFSI was "working on a response" to Young Ranch's concerns. Four months passed with no response, so Mr. Young prompted Mr. Frei by email for AFSI's proposal to address Young Ranch's concerns about the major realignment and reconstruction of the Young Ranch easements. Mr. Frei admitted AFSI had none. AFSI's historic dilatory tactics and refusal to collaborate in good faith yielded the Young v. Frei lawsuit that consumed an enormous amount of time and money. Thus, we remain apprehensive about AFSI's tactics and intentions.

Please feel free to contact me if you have any questions or would like to discuss this matter.

Sincerely,



Partner  
for  
DAVIS GRAHAM & STUBBS LLP

Enc.

cc: Robert L. Young, Jr.

Jared Ebert via E-Mail; w/enc. (jared.ebert@state.co.us)

Russ Means via E-Mail; w/enc. (russ.means@state.co.us)

Becky Jo Rigo, Esq. via E-Mail; w/enc. (Brigo@Albertfreiansons.com)

To: Robert Young <rlyoung70@gmail.com>

Bob,

Sorry it has taken me some time to get back to you. We are in receipt of Tom Bell's letter to Peter Hays, Jared Ebert and Russ Means. We sent a response to Mr. Bell on 10/8/21. Mr. Bell's letter states that you would consider modifying the access road if the below conditions are met (See letter snip below). Do you have any thoughts on a route that would in your mind satisfy these factors as we would be amenable to furthering this discussion with a tone of collaboration that benefits both parties?

With regard to waste materials, future fines storage is planned for the floor of the Existing Quarry. Moreover, the following significant changes made at the Quarry and changes occurring in the aggregate market leads AFS to believe that the need for fine aggregate storage will be much less in the future based on the following facts:

- Recycled concrete has become a finite resource and consumers are now relying on quarries to supply their sub-base need;
- In the last five years, AFS has pioneered significant research and development relating to the washing of these fine aggregates. The asphalt industry has responded by now incorporating these products into their mixes due to their performance and specification requirements;
- Due to the depletion of alluvial aggregates along the Front Range, fine aggregates from quarries are now cost-effective replacement for alluvial aggregates due to supply, demand, and transportation costs. Concrete producers are now beginning to incorporate this manufactured sand into their ready-mix designs;
- As the Walstrum Quarry has matured, real estate in the quarry floor is now available to store these fine aggregates, and AFS will be able to meet the market needs by stockpiling and selling these aggregates;
- Now that the Quarry has reached its permit boundaries, AFS is able mix these fine aggregate into our growth medium and place on completed benches as seedbeds for reclamation; and
- The geology of the Spur area has been identified as highly competent resource and AFS anticipates that our fine aggregate generation will be cut in half if the Spur is permitted.

To finish, as a result of your lawsuit, we are acutely aware of the specific provisions contained in the Young access and utility easements, and we will continue to comply with same.

Regards,

*Al Frei Jr*

*President*

*Albert Frei & Sons, Inc.*

*C: 303-913-6502*