

October 22, 2021

[Email to peter.hays@state.co.us](mailto:peter.hays@state.co.us)

Division of Reclamation, Mining and Safety  
c/o Peter Hays  
1313 Sherman Street, Room 215  
Denver, CO 80203

Cc: Russ Means (DRMS), Jared Ebert (DRMS)

**Re: AFS Response to Tom Bell 10/21/2021 letter, Walstrum Quarry File No. M-1983-033**

Dear Peter:

As you are aware, Mr. Bob Young is the sole objector with Party status to the Walstrum Spur Amendment. The email Mr. Al Frei, Jr sent to Mr. Young on October 19, 2021, was one of multiple attempts made by Mr. Frei to understand and address the objector's concerns (See attached email thread between Mr. Young and Mr. Frei in its entirety from June 29, 2021 through today, October 22, 2021). Mr. Tom Bell's letter, on behalf of Mr. Young dated October 21, 2021, contains many incorrect and derogatory statements. In this letter, I will only address the issues pertinent to the permitting process.

Regarding the access road Mr. Young uses to access his property through the quarry, two aspects of the permit application address Mr. Young's concerns.

First, Mr. Young does not own the structure (the access road), and, thus, no structure agreement with Mr. Young was necessary or attempted from Mr. Young. Albert Frei & Sons did obtain structure agreements from the two owners of the access road and the structure agreements were provided in Exhibit S.

Second, AFS has and will continue to provide access and utilities, as applicable, to all easement holders in accordance with the terms of each respective easement as noted on the Mining Map Exhibit C-5, Note 10, which provides: "...utilities and access to utilities, structures, and property as granted in each respective easement will be maintained at all times." If or when a relocation of the access road is needed as a result of ongoing quarry operations, AFS will follow the proper legal process at such time to relocate the road. No relocation is needed nor contemplated at this time.

Sincerely,



Joel Bolduc  
Land and Environment Manager

Enclosure: Email Thread between Al Frei, Jr and Bob Young, Jr

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**From:** Al Frei Jr  
**Sent:** Friday, October 22, 2021 4:43 PM  
**To:** Robert Young  
**Subject:** RE: Walstrum Spur

Bob,

Sincerely, I am sorry that you feel AFS, our family, and I operate with historic dilatory tactics and refuse to collaborate in good faith. Anyone who knows me, they know that I don't operate that way. We are frustrated with past interactions as well. Regardless, we are moving forward, looking forward, learning from past experience, and being lawful professionals in all that we do. Nothing in the Walstrum Spur amendment changes the current access to your property.

We have no intention, to relocate the Frei access road currently. However, there may be a need to do so as a result of ongoing quarry operations. If or when that time comes, you can be rest assured we will be talking to you. I would be foolish to not engage the easement holders prior to relocation. The DRMS is no place to litigate these matters.

AFS has and will continue to provide access and utilities, as applicable, to all easement holders in accordance with the terms of each respective easement as noted on the Mining Map Exhibit C-5, Note 10, which provides: "...utilities and access to utilities, structures, and property as granted in each respective easement will be maintained at all times." If or when a relocation of the access road is needed as a result of ongoing quarry operations, AFS will follow the proper legal process at such time to relocate the road. Again, no relocation is needed nor contemplated at this time.

Sincerely,  
Al Jr.

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**From:** Robert Young <rlyoung70@gmail.com>  
**Sent:** Friday, October 22, 2021 9:44 AM  
**To:** Al Frei Jr <AFreiJr@albertfreiandsons.com>  
**Cc:** Ebert, Jared <Jared.Ebert@state.co.us>  
**Subject:** Re: Walstrum Spur

Hi Al,

I wanted to reach out regarding our recent communication to the DRMS. As you can see from the tone of Tom's note, we are frustrated with the past interaction with your group. That said, I want to assure you that we do want to find a solution to this access issue. It is important to both of us. To date, we have not seen any meaningful proposals from AFS. It has been many months since we raised the issue with the Division in July and we honestly felt AFS would be working on some type of plan to assure us of our access rights. If AFS has an interest in finding a solution to this issue, we can assure you that we will be thoughtful in our review of any proposal and want to work through this. If the AFS decision is to move the permit amendment forward without resolution, we will have to continue our protest.

Regards,

Bob Young (303)579-8055

On Tue, Oct 19, 2021 at 5:21 PM Al Frei Jr <[AFreiJr@albertfreiansons.com](mailto:AFreiJr@albertfreiansons.com)> wrote:

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?

Young would consider modification to the existing access road location provided the grade, length, starting and ending points, materials and structural stability of the road is as good or better than the existing conditions.

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*

*Email: [afreijr@albertfreiansons.com](mailto:afreijr@albertfreiansons.com)*



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**From:** Robert Young <[rlyoung70@gmail.com](mailto:rlyoung70@gmail.com)>  
**Sent:** Thursday, October 7, 2021 3:46 PM  
**To:** Al Frei Jr <[AFreiJr@albertfreiansons.com](mailto:AFreiJr@albertfreiansons.com)>  
**Subject:** Re: Walstrum Spur

Hi Al,

Sorry it has taken me some time to get back to you. To help answer your questions, I asked Tom Bell with DGS to send a letter to Peter Hays. Hopefully Tom's letter will fully explain our concerns regarding our limited knowledge of your mine plan as it relates to our easements. It looks like you are still working on the slope stability analysis and once Peter has reviewed your latest Adequacy Review Response #3 and

commented on that, we will review his comments and get back to you. We are also concerned about how you plan to handle waste material. As you know, 60 plus feet of waste material was placed on our access road several years ago and that has been a problem for us since then. We fear that you may be relying on unproven assumptions for waste material handling that may not pan out over time and which could have negative impacts on our access and utility easement rights.

Regards,

Bob

On Wed, Sep 29, 2021 at 11:11 AM Al Frei Jr <[AFreiJr@albertfreiansons.com](mailto:AFreiJr@albertfreiansons.com)> wrote:

Bob,

I am following up with you regarding your general concerns relating to access, stability of structures, slope stability, wells, and waste material. Do you have time for a call this week or next so we can discuss, and you can further elaborate in detail your issues, to see if I can alleviate any of your concerns?

Al Jr.

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**From:** Robert Young <[rlyoung70@gmail.com](mailto:rlyoung70@gmail.com)>  
**Sent:** Wednesday, June 30, 2021 9:56 PM  
**To:** Al Frei Jr <[AFreiJr@albertfreiansons.com](mailto:AFreiJr@albertfreiansons.com)>  
**Subject:** Re: Walstrum Spur/Young Ranch Resource

Al,

Thanks for reaching out. I am not able to meet on short notice, but I believe I could catch up with your group in a few weeks. Ben Miller is not involved with my interaction with your group, and hence I did not cc him on this email. Being new to this process, I appreciate your letting me know how these issues could be resolved between us. I also appreciate that we should support the industry and support each other. Your

survey crew has been quite busy preparing the survey on the Goltra land. They were both parked at my gate when I was leaving two days ago and, after a short conversation, they politely moved their trucks allowing me to pass. Enjoy the long weekend and I will reach out later this month.

Bob

On Tue, Jun 29, 2021 at 7:20 PM Al Frei Jr <[AFreiJr@albertfreiansons.com](mailto:AFreiJr@albertfreiansons.com)> wrote:

Bob,

Good day. You have obviously been very busy with the Young Ranch Resource. Frankly, I didn't see that one coming... Regardless, I wish your process all the best, as we are supporters of the industry and producers. It's not very often the industry see's producers objecting to their individual permit process. As an industry, we all have too much at stake. We have been quietly minding our own business. As an adjacent land owner of the YRR, we have been respectfully watching the permit process and the proposed quarry.

RE: AFS Walstrum Spur,

I am writing you today because we received your formal letter sent to the DRMS requesting to petition to participate as a party, relating to the Walstrum Spur Amendment. The DRMS has informed us that they will be classifying this as a formal objection letter. As you are aware, objection letters trigger many different aspects and protocols of the permit process. You, more than any Neighbor, know the Walstrum Quarry, it's active permits, and current condition.

You have noted three areas of major concern. Access, Slope stability, and Water. We would like to have a meeting or phone conversation with you and your mining representatives, to help us understand your concern, in detail. We can also discuss the home work and planning we have done for the Spur Amendment. We would also hope this discussion would ease any of your concern. And then ask you to withdraw this objection letter. We have went to great lengths, leaving no stone unturned, based on sound engineering practices and a tenure of field experience at the Walstrum Quarry.

Is there a time we can arrange for a call or Teams meeting on Thursday, 7/1/2021?

Regards,

*Al Frei Jr*

*President*

*Albert Frei & Sons, Inc.*

*C: 303-913-6502*

*Email: [afreijr@albertfreiandsons.com](mailto:afreijr@albertfreiandsons.com)*



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