



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

December 27, 2023

Ben Frei
Albert Frei & Sons Inc.
P.O. Box 700
Henderson, CO 80640-0700

RE: Worthing Pit, Permit M-1977-526, Incomplete Application for Transfer of Mineral Permit and Succession of Operators, Revision SO-1

Dear Mr. Frei:

On December 18, 2023 the Division of Reclamation, Mining and Safety received the Application Form for Transfer of Mineral Permit and Succession of Operators from Albert Frei & Sons Inc., to Henderson Aggregate, Ltd. for the Worthing Pit, Permit M-1977-526. The following items are incomplete for the application to be processed:

Application Signatures

1. The name of the Successor Operator is inconsistent on the application. Please revise the application form (pages 5, 8, 9) and the Performance Warranty (page 11) to show Henderson Aggregate, Ltd. (no "s" at the end of Aggregate), to be consistent with the name registered with the Colorado Secretary of State.
2. Albert Frei Jr. signed and initialed the application for the permittee and the Successor Operator. Division records list Ben Frei as the authorized party for the current permittee, Albert Frei & Sons, Inc. Please resubmit the application with the appropriate notarized signatures or submit the attached Affidavit of Authority for Albert Frei & Sons.
3. Please also submit the attached Affidavit of Authority for Henderson Aggregate Ltd.

Structure Agreements

4. Pursuant to Rule 6.4.19 and noted in Item 6 of the filing requirements, please submit Structure Agreements for all permanent man-made structures located within 200 ft. of the affected lands. Where such an agreement cannot be reached, please provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation.



Please return the required documentation to the Division **before February 26, 2024**. All completed permit documents are required to be submitted for consideration of your Request for Transfer of Mineral Permit and Succession of Operators Application.

An incomplete application may be denied after the 60-day submittal request, if requested documents or information are not received. In the event of any delay in your submittal or if you have any questions, please contact the Division.

Sincerely,

A handwritten signature in black ink that reads "Nikie Gagnon". The script is cursive and fluid.

Nikie Gagnon
Environmental Protection Specialist

Cc: Sara Stevenson-Benn, Financial Assurance Specialist, DRMS
Joel Bolduc, Albert Frei & Sons Inc.