

January 10, 2024

Via Email to nikie.gagnon@state.co.us

Nikie Gagnon
Division of Reclamation, Mining and Safety
1313 Sherman Street, Suite 215
Denver, CO 80203

Re: Worthing Permit M-1977-526 Structure Agreements

Dear Nikie:

The following list represents the permanent man-made structures within 200 feet of the remaining mine permit area.

- Thomas Frei GST Trust, 13305 Brighton Rd: house, outbuilding, well
- Joseph Frei GST Trust, 13185 Brighton Rd: house, well, fence
- Denis and Debra Deardorff, 13293 Brighton Rd: house, outbuildings (2), well, pond
- Stuart and Michelle Tashiro, 13393 Brighton Rd: house, outbuildings (2), well, pond, fence
- E-470: highway, fence, light pole
- Adams County: Brighton Road
- United Power: power lines and poles along Brighton Road

Structure agreements were mailed to the seven structure owners above and documentation below is included in this submittal:

- Structure agreements from the Thomas Frei and Joseph Frei Trusts
- Sent Mail Receipts for Deardorff, Tashiro, E470, Adams County, United Power
- Sent Mail Return Receipts from Deardorff, Tashiro and E-470

Since structure agreements were not received from all structure owners, an engineering assessment has been prepared by Environment, Inc. (Steve O'Brian) and is also attached.

Sincerely,



Joel Bolduc
Land and Environment Manager

PO Box 700
Henderson, CO 80640
(303) 289-1837

December 28, 2023

Delivery via Certified Mail, Return Receipt Requested

Thomas Jacob Frei GST Trust
13305 Brighton Rd
Brighton, CO 80601

**RE: Structure Agreement
Worthing Pit M-1977-526**

Dear Mr. Frei,

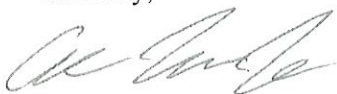
Albert Frei and Sons, Inc. has submitted a Successor of Operator application for mine permit M-1977-526 to transfer the mine permit to Henderson Aggregate, Ltd. The Worthing Pit is located at 13205 Brighton Rd, Brighton, Colorado 80601. The site is located in Section 26, Township 1 South, Range 67 West of the 6th P.M.

Mining at the site was completed in 2014, backfilling of the site was completed in 2022, and final grading and seeding of the site was completed in 2023. State MLR law requires the permit successor to agree to reimburse the owner of any permanent man-made structure(s) within 200 feet of the mining area for damage done to the structure(s) as a result of the operation. We believe Thomas Jacob Frei GST Trust owns the structure(s) listed below. Henderson Aggregate, Ltd. agrees to reimburse Thomas Jacob Frei GST Trust for any damage done to the structure(s) listed below as a result of the operation.

Please return this agreement, signed and notarized, within 30 days. Enclosed for convenience is a return paid envelope for you to return the executed agreement to us. Thank you for your timely attention to this matter.

If you have any questions or need more information, please email or call Joel Bolduc at jbolduc@albertfreiandsons.com or (303) 913-6583.

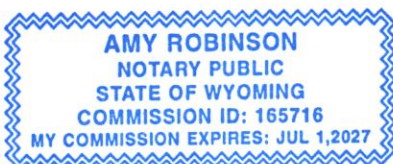
Sincerely,



Albert R. Frei, Jr.,
Henderson Aggregate, Ltd.

Structure List:

House
Outbuilding (1)
Well



ACKNOWLEDGED BY: Thomas Jacob Frei GST Trust

D. Scott Robinson, President

Opes Directed Fiduciary Services, LLC, Trustee

STATE OF Wyoming)
) ss.
COUNTY OF Park)

The foregoing was acknowledged before me this 4th day of January
2024, by Thomas Jacob Frei GST Trust.

Notary Public: Amy Robinson My Commission Expires: July 1, 2027

PO Box 700
Henderson, CO 80640
(303) 289-1837

December 28, 2023

Delivery via Certified Mail, Return Receipt Requested

Joseph Richard Frei GST Trust
13185 Brighton Rd
Brighton, CO 80601

**RE: Structure Agreement
Worthing Pit M-1977-526**

Dear Mr. Frei,

Albert Frei and Sons, Inc. has submitted a Successor of Operator application for mine permit M-1977-526 to transfer the mine permit to Henderson Aggregate, Ltd. The Worthing Pit is located at 13205 Brighton Rd, Brighton, Colorado 80601. The site is located in Section 26, Township 1 South, Range 67 West of the 6th P.M.


Mining at the site was completed in 2014, backfilling of the site was completed in 2022, and final grading and seeding of the site was completed in 2023. State MLR law requires the permit successor to agree to reimburse the owner of any permanent man-made structure(s) within 200 feet of the mining area for damage done to the structure(s) as a result of the operation. We believe Joseph Richard Frei GST Trust owns the structure(s) listed below. Henderson Aggregate, Ltd. agrees to reimburse Joseph Richard Frei GST Trust for any damage done to the structure(s) listed below as a result of the operation.

Please return this agreement, signed and notarized, within 30 days. Enclosed for convenience is a return paid envelope for you to return the executed agreement to us. Thank you for your timely attention to this matter.

If you have any questions or need more information, please email or call Joel Bolduc at jbolduc@albertfreiansons.com or (303) 913-6583.

Sincerely,

ACKNOWLEDGED BY: Joseph Richard Frei GST Trust


Albert R. Frei, Jr.,
Henderson Aggregate, Ltd.

D. Scott Robinson, President
Opes Directed Fiduciary Services LLC, Trustee

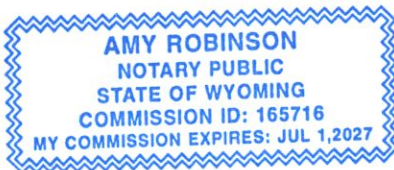
Structure List:

House
Fence
Well

STATE OF Wyoming)
) ss.
COUNTY OF Park)

The foregoing was acknowledged before me this 4th day of January
2024, by Joseph Richard Frei GST Trust.

Notary Public: Amy Robinson My Commission Expires: July 1, 2027



7022 3330 0000 0828 0336

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.66

DENNIS & DEBRA DEARDORFF
13293 BRIGHTON RD
BRIGHTON CO 80601

Postmark Here DEC 29 2023

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

5430 9200 0000 0828 0343

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.66

STUART & MICHELLE TASHIRO
13393 BRIGHTON RD
BRIGHTON CO 80601

Postmark Here DEC 29 2023

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Aurora, CO 80018

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.66

E-470 ADMIN HEADQUARTERS
22470 E STEPHEN D HOGAN PKWY
AURORA CO 80018

Postmark Here DEC 29 2023

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.66

ADAMS COUNTY
4430 S ADAMS COUNTY PKWY
BRIGHTON CO 80601

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Brighton, CO 80603

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.66

UNITED POWER
500 COOPERATIVE WAY
BRIGHTON CO 80603

Postmark Here DEC 29 2023


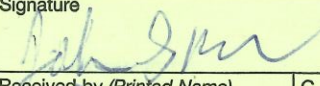
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: E-470 ADMIN HEADQUARTERS 22470 E STEPHEN D HOGAN PKWY AURORA CO 80018</p> <div style="text-align: center;">  9590 9402 7354 2028 7308 10 </div> <p>2. Article Number (Transfer from service label) 7022 3330 0000 0828 0329</p>	<p>A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery </div> <div> <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </div> </div>

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

Environment, Inc.

LARRY E. O'BRIAN
FOUNDER

STEVEN L. O'BRIAN
PRESIDENT

7985 VANCE DRIVE, SUITE 205A
ARVADA, COLORADO 80003
303-423-7297
FAX 303-423-7599

January 10, 2024

Mr. Joel Bolduc
Albert Frei & Sons, Inc.
P.O. Box 700
Henderson, CO 80640

Re: Worthing Permit M-1977-526 Engineering Assessment

Dear Mr. Bolduc:

Upon request of Albert Frei and Sons, Inc. (AFS), I have conducted an engineering assessment of the structures within 200 feet of the Worthing mine permit property (M-1977-526) shown in the attached map. The map-aerial from June 2021 shows structure locations, but not the reclamation completed since the aerial was taken.

The Worthing Pit is located at 13205 Brighton Rd, Brighton, Colorado 80601. The site is located in Section 26, Township 1 South, Range 67 West of the 6th P.M. containing 59.7 acres. The closest structures within 200 feet of the permit area are the fences that surround the east and north side of the permit area. The closest non-agreement structure is Brighton Road east of the old Plant Site and it lies approximately 20 feet from the permit line.

I have been involved with permitting at this mining operation since 1979 and have observed reclamation activities throughout this time. Mining at the site began in the 1960's and was completed in 2014. The final reclamation included completing backfilling of the site in 2022, and final grading and seeding of the site was completed in 2023.

SITE OBSERVATIONS

On January 9, 2024, I completed an inspection of the site. Based on that site inspection, mining and reclamation of the site is complete. All filling and grading are complete and there are visible indications that seeding and mulching have been completed over the entirety of the site.

In the old Plant Site area, from the south permit line north to the first driveway along Brighton Road (east side) the area was backfilled to the original grade from the property line west approximately 160 feet. A 5h:1v or flatter slope was graded along the west side, that varies from 5 to 8 feet high down to a level consistent with the original floodplain elevation. Clean fill was used and placed in layers and compacted with heavy equipment when placed.

On the Inert Fill area, north end adjacent to Brighton Road, from the permit line north of the first house to the E-470 ROW has been backfilled using Inert Material until it reached the historic elevation at the property line. A French drain was placed along Brighton Road to regulate the groundwater table to pre-mining levels. Backfilling created a flat area approximately 400 ft. wide and Brighton Road lies approximately 80' east of the property line. On the north side of this bench, the toe of the slope is approximately 170 feet from the road surface with a drainage area between the fill and roadway. The bench slope is graded 4h:1v in this area from the upper level to the lower level on west that was backfilled back to the original ground level. Underlying the slope along the E-470 ROW is ground that was never excavated.

In this north area, Brighton Road was placed on fill to facilitate construction of a bridge over E-470. It has been nearly 24 years since this was done and the bridge was installed after the area had been mined but not backfilled. The inert fill placed along Brighton Road and the extended bench width serves to remove any chance that the roadway embankment could fail and side into the permit area.

On the south side of the Inert Fill area is a small pond that was excavated sometime in the late 1960's. The toe of the slope to the water's edge in this area is approximately 45 feet. The bench slope in this area is graded 3h to 1v or flatter.

CONCLUSION

The present condition of the property matches the approved Reclamation Plan and at this time all reclamation is complete except grass growing and no mining will take place within 200 feet of any structures from this point on. Grades near the property line vary from flat to 3h:1v or less and in most cases the slopes left are 4h:1v or less. In all cases, the constructed slopes are flatter than the 2h:1v slopes as allowed in the Rules and Regulations.

Per my observations, backfill of the site was conducted with material that was at least partially compacted so there is no reason to expect any future settling that would affect the closest structures since they are constructed on areas that were not backfilled. There may be a few depressions on the ground surface in the filled area, but in any case, the settling would be minor and occur locally with no off-site impacts.

Based on my inspection of the site, many years of experience and engineering knowledge, there is no reason to believe that there will be any future impacts to off-site structures as a result of mining and reclamation activities that exist on the site today.

Sincerely,



Stevan L. O'Brian
President

Worthing Pit Map (M-1977-526)



Blue line is the mine permit boundary.

Yellow pins are the structure owners with 200 feet of mine permit boundary.



North area, looking east over inert fill area towards Brighton Rd.



North area (east side) looking north towards E-470, Brighton Rd to the east



North area, looking west-southwest towards lake and South Platte River



North area, looking south towards Tashiro house, Brighton Rd on right



North area, looking south towards Joe Frei house, Brighton Rd to the left



South area, former plant site area, looking north-northwest towards lake and South Platte River